U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37244825

Date: AUG. 01, 2025

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner, a financial manager, seeks classification as an alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner had satisfied only one of the initial evidentiary criteria, of which he must meet at least three. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

To establish eligibility as an alien of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that their achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that the term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." A petitioner can demonstrate that they meet the initial evidence requirements for this immigrant visa

classification through evidence of a one-time achievement (that is, a major, internationally recognized award). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. §§ 204.5(h)(2),(3).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the individual possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner, in his initial statement submitted with his petition, stated that he had "a total of 8 years of experience in finance and a total of 4 years of experience working in various positions in management in Kazakhstan." Because he has not indicated or established that he has received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). In denying the petition, SCOPS determined that the Petitioner had met one of the evidentiary criterion: participation as a judge of the work of others at 8 C.F.R. § 204.5(h)(3)(iv). On appeal, he maintains that he fulfills seven additional criteria, discussed below. We have reviewed all of the evidence in the record and conclude that it does not support a finding that the Petitioner satisfies the requirements of at least three criteria.

Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i).

The Petitioner contends that he meets this evidentiary criterion based on his receipt of a 2015 [redacted] and an [redacted] diploma. In the decision, SCOPS noted that the 2015 Honorary Certificate was issued by the [redacted] of the Republic of Kazakhstan, but that the certificate given to the Petitioner was not supported by evidence establishing that the certificate was nationally or internationally recognized, or that it was given at the highest level in his field. On appeal, the Petitioner claims that the certificate was granted to him based on his "major contributions to the [redacted] state program – an essential national initiative focused on infrastructure and growth." The Petitioner further claims that the recognition "underscores [his] expertise in financial consulting and strategic economic planning," and that the evidence he provided includes "[g]overnment documents and media reports" that highlight the [redacted] program's role in Kazakhstan's economic policy.

In our review of the evidence, the Petitioner provided a copy of the certificate and a translation. The certificate states that the Minister expressed his "sincere gratitude" to the Petitioner "for [his] great contribution to the development and prosperity of [their] country and [his] excellent service." The Minister wished the Petitioner "great health, hard work and strength, a long and happy life, blessing, success, and patience." The certificate does not indicate that it was granted to the Petitioner based on

any specific work that he completed. Further, the evidence provided by the Petitioner included documents from the government of Kazakhstan which discussed the importance and significance of the program, but did not include any discussion of the Petitioner's work on the program, nor the certificate that was given to him. The Petitioner further submitted an article regarding awards granted by the Republic of Kazakhstan and the process for awarding them; however, the Petitioner did not provide sufficient supporting documentation to indicate that the certificate granted to him garnered national or international media coverage, that it was recognized beyond the institution that granted it, or that it was granted to the Petitioner for any specific work related to his field.

Regarding the diploma, the Petitioner provided a copy of the diploma and a translation and information regarding the The translation of the diploma indicated that it was granted to the Petitioner by the for his authorship of the research work On appeal, the Petitioner claims that the SCOPS decision "downplay[ed] the significance of this award due to an alleged lack of supporting evidence" and states that he provided "ample documentation, including the diploma with a certified English translation." The Petitioner claims that the articles regarding the Fund and article titled establish the diploma's recognition at both the national and international levels. However, the article provided does not include any source information for publication. There is no website address included or other information regarding where the article derived, and the information about the does not discuss the Petitioner or his receipt of the diploma. A letter from the Director of the discusses the Petitioner's project and his receipt of the diploma but does not provide substantiating information regarding whether the award was for excellence in the field or whether it received national or international media coverage.

Accordingly, the Petitioner does not show that he fulfills this criterion.

> *Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.* 8 C.F.R. § 204.5(h)(3)(ii).

The Petitioner contends that he satisfies this criterion based on being a member of the of the Republic of Kazakhstan the Association of and the SCOPS concluded that the evidence provided by the Petitioner was insufficient to establish that he was a member of an association in his field which requires outstanding achievements of their members, as judged by national or international experts in his field, as required. The evidence provided by the Petitioner included a letter confirming his membership in the and a copy of the Membership Regulations. The Membership Regulations indicate that members are "individuals and legal entities providing services in the field of accounting, finance, and tax accounting" and that they must recognize "the Charter of the , pay[] an entrance fee, actively participate[] in the activities of the ' and are adopted on the basis of an application by the council of the Membership requirements include obtaining professional certification issued by the Republic of Kazakhstan, submitting an application, paying membership fees, and providing other documentation

such as identification and educational documentation. Although the Petitioner claims on appeal that the [redacted] requires its members to meet "stricter benchmarks" including earning certificates or passing exams, he did not provide evidence that membership in the [redacted] requires outstanding achievements, nor that membership is judged by recognized national or international experts in his field.

Regarding his membership in the [redacted] he refers to this association as "one of the world's most prestigious professional organizations for finance and accounting" and states that the [redacted] is internationally recognized for its rigorous standards" which includes "passing challenging exams that assess advanced knowledge in financial management." In support of his claim, the Petitioner submitted a copy of a [redacted] issued by the [redacted] but did not provide any further documentation regarding his membership or the association itself.

He further provided documentation regarding the [redacted] which he contends is an "indicator of his exceptional standing within the professional community." He asserts that his membership "was based on his demonstrated leadership and contributions to advancing financial education and consulting." With the underlying petition, he provided a copy of his membership certificate and the [redacted] Bylaws. The Bylaws indicate that any "individual or group who subscribes to the mission of the Association shall be eligible for membership. An applicant for membership shall submit to the [redacted] a completed membership application and payment of the appropriate dues." The Bylaws do not indicate that membership in the [redacted] requires outstanding achievement of their members as judged by national or international experts in his field, and as such is insufficient to meet this criterion.

Accordingly, the Petitioner does not show that he fulfills this criterion.

> *Evidence of the individual's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.* 8 C.F.R. § 204.5(h)(3)(v)

The regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." A petitioner may show that their contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. *See Visinscaia*, 4 F. Supp. 3d at 134-35. Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

In support of his assertions on meeting this evidentiary criterion, the Petitioner states that his "work on the country's [Kazakhstan] [redacted] national infrastructure projects, and financial modeling for sustainable growth has significantly shaped economic strategy. His influence extends to

policy decisions, investment planning, and large-scale national initiatives." In the record below, the Petitioner provided articles discussing national initiatives in Kazakhstan, and letters of recommendation. The articles discussing national initiatives, such as [redacted] do not mention the Petitioner or how he was related to the project. Similarly, although the Petitioner provided a translation of an article titled [redacted] this article does not mention the Petitioner, nor does it mention the related presentation he submitted titled [redacted] In the letter submitted in response to a SCOPS request for evidence (RFE), the Petitioner claimed that he was a "main speaker" at the conference, which is unsupported by the record. Further, the copy of his presentation consists of a Russian language document an English translation that do not indicate that it was published or disseminated.

On appeal, the Petitioner further discusses the letters written on his behalf by those familiar with his work, which he contends "serve as compelling evidence that [he] has made original, business-related contributions of major significance in the field of financial management, economic strategy, and infrastructure development." Notably, the SCOPS decision noted that a number of the letters provided by the Petitioner did not contain sufficient contact information for the letters' authors as required in 8 C.F.R. § 204.5(g)(1), which the Petitioner disputes on appeal, claiming that the letters "contain identifiable signatories, professional titles, company affiliations, email addresses, and phone numbers." While some of the letters provided by the Petitioner contain some of the contact information noted, they do not all contain sufficient information. For example, a letter composed by C-A-[1], who claims to be a Financial Advisor at [redacted] contains no contact information at all, and only lists a name next to the signature. Further, a letter submitted by M-T-, General Director of the [redacted] notes, under the signature "[Name of giver of rec letter]" which leads us to question the veracity of the contents of the letter itself.

Although the Petitioner asserts that these letters, such as a letter from A-G- for example, include descriptions of his original contributions, we disagree. Although the letter from A-G- stated that the Petitioner "did a lot of work in the project to organize the transportation of grain from fields to elevators" and that he "developed a "Forwarding Request" in the accounting [redacted] which "created an act on the receipt of transportation services and finalized the printed form of the buyer's invoice indicating the shipping address," the letter does not sufficiently describe any original contribution to the Petitioner's field that has been widely implemented throughout the field, has remarkably impacted or influenced the field, or has otherwise risen to a level of major significance. The letters provide some discussion on the work of the Petitioner specific to their personal experiences; however, here, the Petitioner's letters do not contain specific, detailed information explaining the unusual influence or high impact his work has had on the overall field to establish that it has been of major significance. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *8 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's testimonial letter mostly consisted of conclusory statements about the significance of his work and his potential).

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown that he has made original contributions of major significance in the field.

[1] We use initials to protect the identity of individuals.

Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media. 8 C.F.R. § 204.5(h)(3)(vi).

The regulation at 8 C.F.R. § 204.5(h)(3)(vi) calls for "evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." In academia, a scholarly article reports on original research, experimentation, or philosophical discourse, is generally peer reviewed, and may be published in professional or scientific journals or conference presentations. In other fields, a scholarly article should be written for others having profound knowledge in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

To determine whether the publication qualifies as a professional or major trade publication or other major media, we consider such relevant factors as the circulation or readership relative to other media in the field and the intended audience (for professional journals). *Id.*

As noted in the SCOPS decision, the Petitioner provided evidence that indicated that he authored articles; however, the articles, provided in response to an RFE, indicated that they were published in 2024, which was after the filing of his petition in August 2023. A petitioner must establish eligibility at the time of filing; a petition cannot be approved at a future date after the petitioner becomes eligible under a new set of facts. *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971). Subsequent developments or events in the petitioner's career cannot retroactively establish that he was eligible for the classification sought as of the filing date. *See Id.* at 45, wherein the Immigration and Naturalization Service (legacy INS) held that aliens seeking employment-based immigrant classification must possess the necessary qualifications at the time the visa petition is filed.

The Petitioner does not contest SCOPS' conclusion on appeal and instead provides an additional description of the articles that were provided. As such, we need not analyze whether the articles were published in professional or major trade publications or other major media. The Petitioner has not shown that he authored scholarly articles prior to the filing of his petition, and as such, has not met this evidentiary criterion.

Evidence of the display of the alien's work in the field at artistic exhibitions or showcases. 8 C.F.R. § 204.5(h)(3)(vii)

The regulation at 8 C.F.R. § 204.5(h)(3)(vii) requires "[e]vidence of the display of the alien's work in the field at artistic exhibitions or showcases." In addition to demonstrating that the displayed work was the alien's work product, the venues (virtual or otherwise) where the work was displayed must be artistic exhibitions or showcases.[2] While *Merriam-Webster's* online dictionary definition of "exhibition" includes public showings other than those that are artistic in nature, the plain language of the criterion includes the modifier "artistic" and explicitly requires that the exhibitions or showcases be artistic in nature.[3]

The Petitioner, on appeal, contends that the SCOPS "interpretation of this criterion appears to be narrowly focused on traditional artistic exhibitions, failing to recognize that in the field of financial

[2] *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.
[3] *Id.*

management and economic strategy, industry conferences and high-profile professional forums serve as the functional equivalent of artistic showcases." He contends that he has been invited to present at prominent international and national economic forums, financial summits, and industry exhibitions, but fails to provide any relevant citation that counters SCOPS' conclusion that the nature of his work is not artistic, and as such, does not meet the plain language of the criterion as described above. We concur with SCOPS that the Petitioner has not shown that his work in the field of financial management has been displayed at artistic exhibitions or showcases, and he does not meet this criterion.

> *Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.* 8 C.F.R. § 204.5(h)(3)(ix).

The regulation at 8 C.F.R. § 204.5(h)(3)(ix) calls for "evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field." A credible employment contract or job offer may establish that an alien "has commanded" such salary or remuneration, as may evidence of past earnings such as tax returns and pay statements. Comparative wage or remuneration data that is appropriate for the alien's occupation and location should be submitted to establish that their compensation is high relative to others working in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

In support of his claim of meeting this criterion, the Petitioner provided a copy of an employment contract from 2019 for his employment with [redacted] comparative analysis conducted by [redacted] copies of employment verification with [redacted] a translation of his salary statement for the year 2021, printouts from SalaryExpert.com, [redacted], and information from the Bureau of National Statistics in the Republic of Kazakhstan for 2021, information about his pension account from 2013-2015, and bonuses he received in 2015.

The Petitioner's 2021 salary statement indicates that as the Director of Financial Planning and Financial Department at [redacted] he earned a total of approximately 51,106,249 Kazakhstani tenge, or approximately 4,000,000 tenge per month. The comparative analysis provided by [redacted] indicated that, according to their research, salaries for the positions of "Financial Manager and Financial Director in Kazakhstan for the year 2022" indicated a monthly salary of 1-2,000,000 per month for a Financial Director or 500-800,000 per month for a Financial Manager in the city of [redacted]. Their analysis concluded that the Petitioner's salary "exceeds market indicators in all regions of Kazakhstan." However, as was noted by SCOPS, the Petitioner did not supplement the record with information regarding [redacted] to indicate that they are a credible professional organization, and as such, the analysis is insufficient. On appeal, he claims that "the organization is an established leader in professional recruitment and salary benchmarking in Central Asia" but fails to supplement the record with evidence to substantiate his assertion.

The Petitioner also provided printouts from SalaryExpert.com and [redacted]. Although he provided an "explanatory note" about [redacted] it is unclear where this "explanatory note" is from, and the record does not include sufficient information to establish that this is a credible source of information. The Petitioner did not provide any substantiating information from SalaryExpert.com. These sources only represent an average of salaries and do not reflect those at the top of the field.

Further, as noted in the SCOPS decision, the employment contract with [redacted] indicated that the Petitioner was hired as the Director of the Finance and Planning Department which suggests a higher job classification than a Financial Manager, which is the field as claimed in his petition. The Petitioner's contention on appeal that "his responsibilities included financial management functions that align with the I-140 petition's scope" is unavailing. The Petitioner wishes to consider his salary as a Director of Finance and Planning to establish that his remuneration exceeds that of someone in a lower-level position as a Financial Manager.

Both precedent and case law support this application of 8 C.F.R. § 204.5(h)(3)(ix). *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering a professional golfer's earnings versus other PGA Tour golfers); *see also Skokos v. U.S. Dep't. of Homeland Sec.*, 420 F. App'x 712, 713-14 (9th Cir. 2011) (finding salary information for those performing lesser duties is not a comparison to others in the field); *Grimson v. INS*, 934 F. Supp. 965, 968 (N.D. Ill. 1996) (considering NHL enforcer's salary versus other NHL enforcers); *Muni v. INS*, 891 F. Supp. 440, 444-45 (N. D. Ill. 1995) (comparing salary of NHL defensive player to salary of other NHL defensemen). Thus, in order to meet this criterion, the Petitioner must show that he received a high salary in relation to others in the field rather than the salary he earned at a higher-level position. Because he did not provide sufficient evidence demonstrating the salaries of others in a Financial Manager position, the Petitioner did not establish he commands a high salary in relation to others in his field.

For the reasons discussed above, the Petitioner did not show he meets this criterion.

III. CONCLUSION

The Petitioner did not demonstrate that he satisfies the criteria relating to awards, memberships, original contributions, scholarly publications, artistic exhibitions, or remuneration. Although the Petitioner claims eligibility for an additional criterion on appeal, relating to performing in a leading or critical role for organizations or establishments that have a distinguished reputation at 8 C.F.R. § 204.5(h)(3)(viii), we need not reach this additional ground. As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3), we reserve this issue.[4] Accordingly, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section

[4] *See INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach); *see also Matter of L-A-C-*, 26 I&N Dec. 516, n.7 (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision. In visa petition proceedings, the petitioner bears the burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. 799, 806 (AAO 2012). Here, that burden has not been met.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.