U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 39727062

Date: AUGUST 13, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an estate surveyor and valuer, seeks immigrant classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner met at least three of the initial evidentiary criteria, as required. 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

Section 203(b)(1)(A) of the Act makes immigrant visas available to individuals with extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation, provided that the individual seeks to enter the United States to continue work in the area of extraordinary ability, and the individual's entry into the United States will substantially benefit prospectively the United States.

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." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, petitioners can demonstrate international recognition of their accomplishments in the field through a one-time achievement (that is, a major, internationally recognized award). If petitioners do not submit this evidence, then they must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x). The regulation at 8 C.F.R. § 204.5(h)(4) allows petitioners to submit comparable evidence if they are able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)–(x) do not readily apply to their occupation.

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *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 record shows the Petitioner earned a doctorate in estate management and has worked as an estate surveyor and valuer in Nigeria for over 20 years. The Petitioner claimed to meet six of the initial evidentiary criteria relating to lesser awards, membership, published material, judging, original contributions, and authorship at 8 C.F.R. § 204.5(h)(3)(i)-(vi). SCOPS determined the Petitioner met the criteria for published material and authorship, but did not meet the remaining criteria he claimed to satisfy. On appeal, the Petitioner asserts SCOPS erred in determining he did not meet additional criteria and claims he meets the criteria for lesser awards and judging. The Petitioner does not reassert that he meets the criteria for membership and original contributions on appeal.

### A. Evidentiary Criteria

Because the Petitioner has not claimed or shown that he 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). The record supports SCOPS' determination that the Petitioner meets the criteria for published material and authorship as the record contains evidence of seven articles about the Petitioner published in [redacted] a major news publication in Nigeria and that he has published numerous scholarly articles in professional journals and conference proceedings in his field. For the reasons discussed below, the record does not support SCOPS' determination that the Petitioner does not meet the criterion related to judging.

*Judging the Work of Others*

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) requires "[e]vidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought."

The Petitioner submitted a 2023 letter from Professor K-A-,[1] Rector of [redacted], Nigeria, requesting the Petitioner to assess a candidate for the position of Principal Lecturer in the [redacted] In response to FOD's request for evidence (RFE), the Petitioner submitted a letter from O-E-, Dean of the Faculty of Environmental Studies at [redacted] Nigeria, thanking the Petitioner for his assessment report of the candidate in the [redacted] for promotion from Senior Lecturer to Principal

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

Lecturer. These letters establish that the Petitioner has judged the work of another individual in his field and he meets this criterion.

*Remaining Criterion*

As the Petitioner has established on appeal that he meets three of the initial evidentiary criteria, he has satisfied the first part of the *Kazarian* analysis and we need not address and will reserve determination of the Petitioner's eligibility under the remaining criterion he claims to meet relating to lesser awards. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision). We have considered the evidence of the Petitioner's awards in the following final merits determination.

B. Final Merits Determination

The Petitioner has established that he meets the evidentiary criteria relating published material, judging, and authorship at 8 C.F.R. § 204.5(h)(3)(iii), (iv), and (vi). As the Petitioner submitted the requisite initial evidence, we will evaluate whether he has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim, that he is among the small percentage at the very top of his field of endeavor, and that his achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze petitioners' accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate that they have extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.

On appeal, the Petitioner asserts that given his position in his field and his numerous accomplishments, he is "among a small percentage of professionals who have risen to the top in Estate Surveying and Valuation." De novo review of the record does not support his claim.

The Petitioner submitted letters from colleagues who commend his skills and accomplishments but do not establish that he has garnered sustained national or international acclaim as an estate surveyor and valuer at the very top of his field. O-O-, Founder of [redacted] describes the Petitioner as "an excellent scholar and transformational leader in society" who teaches and leads his own firm, [redacted] but O-O- does not indicate that the Petitioner has garnered sustained national or international acclaim. A-O-, Rector of [redacted] in Nigeria, praises the Petitioner's work as Director of the School of Environmental Studies at his institution from 2022 to 2024, but does not discuss the Petitioner's standing in his field or otherwise indicate that the Petitioner has achieved sustained national or international acclaim as an estate surveyor and valuer at the very top of his field. B-A-, Professor of Estate Management at [redacted] in Nigeria, states he supervised the Petitioner when he was an undergraduate and graduate student at his university. B-A- praises the Petitioner's "distinguished research achievements" and publications which "have earned him global reputation among his peers." B-A- does not indicate, however, that the Petitioner's research and publications have garnered him sustained national or international acclaim as a scholar at the very top of his field.

K-A-, Associate Professor at the [redacted] in South Africa, states the Petitioner's publications "have significantly impacted built environment in a positive way, and will

continue to provide insights for policy makers and practitioners both at local and international levels." K-A- does not state how the Petitioner's publications have impacted his field, for example, through extensive citation by other scholars, or otherwise discuss the Petitioner's standing in his field. D-O-, Mayor of [redacted] in Nigeria, praises the Petitioner's work for the [redacted] Local Council Property and Investment Board and describes the Petitioner as "an astute administrator, educator and scholar." D-O- does not discuss in detail the Petitioner's standing in his field or otherwise indicate that the Petitioner has achieved sustained national or international acclaim. W-K-, retired Rector of [redacted] in Nigeria where the Petitioner was his student, praises the Petitioner's work in private practice and as a scholar, but does not discuss his career in a manner indicating that the Petitioner has achieved sustained national or international acclaim as an estate surveyor and valuer at the very top of his field.

While the letters submitted attest to the Petitioner's significant skills and accomplishments, they are insufficient to establish the Petitioner's sustained national or international acclaim and that he is among the small percentage at the very top of his field. *See Jafarov v. USCIS*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (S.D.N.Y. Jan. 5, 2024) (finding testimonial letters were insufficient to establish the plaintiff's relative status in the field and did not compare him to others).

Regarding the Petitioner's academic work, the record shows that he was appointed Acting Head of the [redacted] at [redacted] in 2014 and was promoted to Senior Lecturer at the same institution in 2014. Although the Petitioner evaluated a candidate for promotion in his field at another academic institution, the record indicates he did so only one time in 2023, which does not reflect sustained acclaim. In response to SCOPS's RFE, the Petitioner submitted his Google Scholar profile which shows he has co-authored 18 articles that have been published in professional journals and conference proceedings and that his publications have been cited a total of 91 times. However, the Petitioner did not submit evidence that his publication and citation record is commensurate with being among the small percentage of estate surveyors and valuers at the very top of his field.

The Petitioner submitted evidence of other positions he has held that reflect his successful career, but do not establish that he is among the small percentage at the very top of his field. The Petitioner submitted a December 2024 letter offering him a position as Asset Management Executive at [redacted] with a salary of $80,000 and an employment agreement for this position. However, the Petitioner did not submit evidence of [redacted] standing in his field or that a salary of $80,000 is comparable to the remuneration of those at the very top of his field. The record also indicates that the Petitioner is the founder of [redacted] a company registered in Nigeria in 2017, but the record lacks evidence of the company's stature in the Petitioner's field.

The Petitioner submitted evidence of other achievements such as his appointment as enumeration consultant for two government projects in [redacted] Nigeria in 2020 and 2024, his service as Director of the [redacted] at [redacted] in 2023, that he was a keynote speaker at [redacted] 2024 at the School of Engineering and Environmental Studies at [redacted] in Nigeria, an international conference, and that he received eight awards in recognition of his participation at conferences in his field. While this evidence shows the Petitioner's achievements have been recognized in his field, the record does not demonstrate that any

of these positions, appointments, and participation in conferences reflect a standing in his field comparable to that of the small percentage at the very top of his field.

The record documents numerous awards the Petitioner has won, but does not establish that these awards reflect sustained national or international acclaim as an estate surveyor and valuer at the very top of his field. The Petitioner was named for the period of 2021-2023 (Male) by the The Petitioner submitted a letter from the Chairman and a member of the explaining the award was granted to the Petitioner based on his "local and international recognition from government bodies and esteemed real estate associations," his professional accomplishments, and his dedication to the training and development of his peers. The letter does not state the selection criteria for the award or otherwise indicate that it is only granted to those at the very top of the Petitioner's field. The Petitioner submitted articles about the awards, but none of the articles mention him or his award or indicate that the award is nationally or internationally recognized as granted to those at the very top of his field.

The Petitioner also submitted evidence of his receipt of the following additional awards: 2022 for serving as a facilitator of a seminar; 2022 as a discussant at a conference; in 2023 for contributions to the development of the 2018 as an Agent of 2024 from the ; an undated as an from the 2013 from the 2013 from the ; and awards in 2010 and 2011. The Petitioner did not submit evidence about these awards, such as the selection criteria, their recognition in his field, or other evidence that receipt of any of these awards is reflective of being at the very top of his field.

The record contains evidence of the Petitioner's membership in and service to numerous organizations. The Petitioner is a Fellow with Nigeria. The Petitioner was appointed as Vice Chairman of the 2025 and as a member of the in 2024. The Petitioner was also appointed as a member of the of Nigeria in 2024. In 2017, the Petitioner was appointed to the in recognition of his expertise and contributions to the real estate field. While these memberships and appointments reflect a successful career, the record does not establish that any of them are commensurate with being among the small percentage at the very top of the Petitioner's field.

The record also contains copies of seven articles which quote the Petitioner and were published in from 2021 to 2024. This limited amount of press coverage over four years does not demonstrate sustained national or international acclaim over the course of the Petitioner's over twenty-year long career.

When considered in the aggregate, the evidence shows the Petitioner is a highly skilled and accomplished estate surveyor and valuer who has won awards, engaged in teaching and research, held significant positions with several organizations in his field, and has been quoted in news articles. The record does not, however, demonstrate that the Petitioner achieved sustained national or international acclaim as an estate surveyor and valuer among the small percentage at the very top of his field. The record does not indicate that the awards the Petitioner has won, his academic and organizational appointments, and his publication and citation record are comparable to those at the very top of his field.

## III. CONCLUSION

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing towards the top. U.S. Citizenship and Immigration Services has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r. 1994). The Petitioner has not shown that the significance and recognition of his work are indicative of sustained national or international acclaim as one of that small percentage who have risen to the very top of his field, as extraordinary ability is described at section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2). The Petitioner is consequently ineligible for classification as an alien of extraordinary ability.

**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 who are 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