U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43223323

Date: AUG. 19, 2026

Appeal of U.S. Citizenship and Immigration Services Decision

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

The Petitioner, an entrepreneur in the aftermarket high-performance automotive tuning industry, 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.

U.S. Citizenship and Immigration Services (USCIS) denied the petition, concluding the record did not establish that the Petitioner had received a major, internationally recognized award, nor did it demonstrate that he met at least three of the ten regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). 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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.[1]

I. LAW

Section 203(b)(1)(A) of the Act makes visas available to immigrants with extraordinary ability if:

> (i) the alien has 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,
>
> (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and

[1] We do not believe that this matter merits oral argument. We will therefore deny the Petitioner's request. *See* 8 C.F.R. § 103.3(b).

(iii) the alien'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 two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's 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). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. at 376.

II. ANALYSIS

The Petitioner is the founder of an aftermarket high-performance automotive tuning enterprise in Singapore. In the initial cover letter, the Petitioner asserts that his company "has been recognized for pioneering achievements, including record-setting vehicles, and setting benchmarks for high-performance tuning across Singapore and Southeast Asia." According to his personal statement, the Petitioner "intends to serve in an advisory capacity to U.S. aftermarket parts manufacturers, performance tuning shops, and motorsports organizations seeking to achieve competitive results while complying with stringent industry requirements."

Because the Petitioner has not indicated or established 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 Petitioner initially claimed four criteria relating to published materials, original contributions, leading or critical role, and artistic display. USCIS determined the Petitioner did not meet any of the four criteria. On appeal, the Petitioner contends USCIS incorrectly evaluated the totality of the evidence and asserts USCIS erred in finding that he did not meet any of the four criteria.

Upon de novo review, we conclude that the Petitioner meets the initial evidentiary requirement of at least three of the criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

A. Published Materials

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires "[p]ublished material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought." These materials must include "the title, date, and author of the material, and any necessary translation." *Id.* Professional or major trade publications may be identified by their intended audience, while other major media and major trade publications should have elevated circulation or readership relative to other media in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

USCIS determined that the Petitioner did not satisfy this criterion. However, the record contains an article entitled "[redacted]" the article is about the Petitioner and his work in the aftermarket high-performance automotive tuning industry. In addition, upon review, the Petitioner established with credible evidence that the article was published in a major trade publication. Furthermore, the article included the required title, date, and author. 8 C.F.R. § 204.5(h)(3)(iii). Accordingly, we withdraw USCIS' determination regarding this criterion and conclude that the Petitioner has established that he meets its requirements.

B. Original Contributions

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 his or her 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).

USCIS also determined that the Petitioner did not establish eligibility for this criterion. A review of the record of proceeding, however, reflects that the Petitioner submitted sufficient documentary evidence establishing that he meets the plain language of the regulation. According to counsel's initial cover letter, the Petitioner "introduced to the Singapore and Southeast Asia market a high-performance tuning approach that emphasized Japanese standards of workmanship and design" and is credited with producing the fastest stock-chassis [redacted] In support, the Petitioner submitted letters of support from professionals in the performance tuning industry, as well as articles published in automotive trade magazines discussing the significance of his original work. Further, the evidence confirms that the Petitioner's original contributions have been widely implemented throughout the

field. For instance, the president of Motor Sports Singapore, Singapore's National Sporting Association for motor sport, states that the Petitioner's "[redacted] programme has been a widely regarded technical achievement since the late 2000s. Its importance was not just its 8-9s quarter mile figures, but that it showed a level of elite performance that could be repeated on a production unibody with minimal reinforcement." Additionally, a letter from the President of [redacted] a publicly traded Japanese aftermarket performance parts and motorsports engineering company, also describes the significance of the Petitioner's original contributions in the field. Each letter sets forth the basis of the writer's knowledge and expertise. *See generally 6 USCIS Policy Manual* F.2(B)(1).

Therefore, the Petitioner has established by a preponderance of the evidence that he meets this criterion, and we withdraw USCIS' determination to the contrary.

C. Artistic Display

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. *See generally 6 USCIS Policy Manual* F.2(B)(1). 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. *Id.* As noted above, the regulations permit petitioners to submit comparable evidence to establish eligibility if the criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x) do not readily apply to a beneficiary's occupation. 8 C.F.R. § 204.5(h)(4). USCIS may consider non-artistic exhibitions or showcases as part of a properly supported claim of comparable evidence under 8 C.F.R. § 204.5(h)(4).

The Petitioner submitted comparable evidence to establish eligibility pursuant to 8 C.F.R. § 204.5(h)(4), claiming the criterion of display of work at artistic showcases or exhibitions does not apply to his work in the field of aftermarket high-performance automotive tuning as this criterion is directed towards the visual arts. The Petitioner explained that his tuned vehicles were showcased in highly competitive and widely recognized racing events, and he submitted media articles and photographs of his vehicles in these events. Here, the record shows that the Petitioner's tuned vehicles were showcased in highly competitive motorsport showcases. Therefore, we also withdraw USCIS' determination that the Petitioner did not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(vii). The Petitioner has established by a preponderance of the evidence that he meets this criterion.

III. CONCLUSION

The Petitioner has satisfied at least three of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x) and therefore meets the initial evidence requirements for this classification. We therefore need not address whether the Petitioner meets any additional evidentiary criteria. *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).

However, granting the third initial criterion does not suffice to establish the Petitioner's eligibility for the classification he seeks. USCIS must now make a final merits determination based on a review of the totality of the evidence the Petitioner provided. USCIS did not make such a finding. Rather than make this determination in the first instance, we will remand the matter.

On remand, USCIS must analyze the Petitioner's accomplishments and weigh the totality of the evidence, including the evidence and arguments provided on appeal, to determine if he established his extraordinary ability in his field of endeavor based on the statutory and regulatory standards. *See* section 203(b)(l)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119- 20. USCIS should consider any potentially relevant evidence of record, even if it does not fit one of the evidentiary criteria or was not presented as comparable evidence. *See generally 6 USCIS Policy Manual* F.2(B)(2). The type and quality of evidence should determine the petition's approval or denial. *Id.*

By a preponderance of the evidence, the Petitioner has satisfied three initial evidentiary criteria. We will remand the matter for a final merits determination.

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.