U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41750160

Date: AUG. 24, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a leadership and personal development consultant, 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.

USCIS denied the petition, concluding that the record did not establish that the Petitioner had either received a major, internationally recognized award or satisfied at least three of ten initial evidentiary criteria, as required. The matter is now before us on appeal under 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. We will also enter a finding of willful misrepresentation of a material fact.

I. LAW

Section 203(b)(1)(A) of the Act makes immigrant visas available to aliens 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. A petitioner must establish that the alien seeks to enter the United States to continue work in the area of extraordinary ability, and that their entry into the United States will substantially benefit the United States. The term "extraordinary ability" refers only to those aliens 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, a petitioner can demonstrate international recognition of an alien's achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Or the petitioner can submit evidence that meets at least three of the ten criteria 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. If those standards do not readily apply to the alien's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once a petitioner has met the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the alien 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 Petitioner stated that she has worked for over 20 years in "personal growth, leadership development, and the transformation of consciousness." The Petitioner describes herself as a [redacted] giver associated with the [redacted], a spiritual organization based in India. She stated that she has provided "retreats and workshops," and she claimed "substantial experience in leadership and coaching outside of the spiritual field," such as "executive assessment and recruitment." The Petitioner plans "to establish a center for consciousness and leadership development – offering retreats, workshops, and coaching programs that blend the best of Eastern wisdom and Western innovation." The Petitioner has received collaboration offers from an art museum in [redacted] New York, and a film production company in [redacted] California. The statutory classification refers to extraordinary ability in the sciences, arts, education, business, or athletics. It is not readily evident which of these broad areas encompasses the Petitioner's field, or the exact nature of what that field is, but we need not resolve this issue because, for other reasons, the Petitioner has not established eligibility for the classification she seeks.

A. Evidentiary Criteria

Because the Petitioner has not indicated or shown that she received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). The Petitioner claimed to have satisfied four of these criteria, summarized below:

- (iii), Published material about the alien in professional or major media;
- (iv), Participation as a judge of the work of others;
- (viii), Leading or critical role for distinguished organizations or establishments; and
- (ix), High remuneration for services.

USCIS concluded that the Petitioner met two of the criteria, pertaining to leading or critical roles and remuneration. The Petitioner, on appeal, maintains that she meets all four claimed criteria. We will discuss the claimed criteria below.

1. Published Material

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) calls for published 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. The evidence must include the title, date, and author of the material, and any necessary translation.

The Petitioner submitted copies of ten articles about her, published in various countries between July 2023 and February 2025. USCIS concluded: "The record does not reflect that the articles [were] published in major trade publications and has [sic] garnered significant attention from peers in the same allied field."

We agree with the Petitioner that the regulatory criterion does not require "significant attention from peers." The Petitioner submitted sufficient evidence to show that some of the publications that carried articles about her qualify as major media.

The Petitioner has satisfied the facial requirements of 8 C.F.R. § 204.5(h)(3)(iii). Questions about the origin and credibility of the articles, and the recognition arising from those articles, are relevant in broader contexts, such as a final merits determination, and we will address some of these issues further below.

2. Judging

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) calls for evidence 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 claimed to satisfy this criterion because she "served in the capacity of an independent expert evaluator, critical reviewer, and adviser/mentor" for the [redacted] and for [redacted]

The general director of the [redacted] stated that the Petitioner "evaluat[ed] the professional standing and potential of individuals seeking to collaborate with or receive support from the Foundation. This often involved assessing their experience, expertise, and capacity to contribute meaningfully to our initiatives." The Petitioner stated that this work entailed review of "résumés, personal statements, program proposals, and, in some cases, preliminary budget outlines or partnership letters."

The founder and chief executive officer of [redacted] described that organization as "a leading executive recruitment agency based in [redacted]' that "focuses on identifying and placing top-tier executives in industries critical to the Russian economy." The official stated that the Petitioner "served as an advisor for executive searches" and "developed proprietary assessment tools." The Petitioner asserted that her "primary responsibility was to assess the qualifications, leadership capabilities, and organizational compatibility of individuals considered for high-stakes executive roles."

USCIS concluded that the Petitioner "only evaluated projects. The record do[es] not show she actually judged the work of others in the same or an allied field." USCIS added that the Petitioner's own description of her activities lacked corroboration.

On appeal, the Petitioner asserts that the letters from the [redacted] show that the Petitioner undertook sufficient judging activity to satisfy the regulatory requirements. We disagree.

The record indicates that the Petitioner evaluated the credentials of job candidates and the merits of project proposals. But the regulation does not call for instances of evaluation without further context. Rather, it

requires the alien to have acted as "a judge of the *work* of others," rather than evaluating the capacity of others to perform such work in the future. And it requires that work to be "in the same or an allied field" in which the alien claims extraordinary ability. The Petitioner has not adequately explained how résumés from candidates for executive positions and applications for charitable grant funding constitute the work of others in the Petitioner's field, or an allied field. *Cf. Mussarova v. Garland*, 562 F. Supp. 3d 837, 850–51 (C.D. Cal. 2022), citing *Lee v. Ziglar*, 237 F. Supp. 2d at 918 (finding that coaching a particular sport is not the same field as *playing* that sport).

The Petitioner has not met her burden of proof regarding this criterion.

3. Leading or Critical Role

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.

The Petitioner asserted that she satisfied the requirements of this criterion by serving as the regional head of the [redacted] in a territory comprising several former Soviet republics in the [redacted]. USCIS concluded, without further comment, that the Petitioner had established a leading or critical role for an organization or establishment with a distinguished reputation. We disagree.

If a role is leading or critical within a department or division of a particular organization or establishment, USCIS then determines whether that department or division has a distinguished reputation. *See, generally*, 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.

The Petitioner described [redacted] as being divided into "[d]ocumented regional branches." Because the Petitioner's claimed role encompassed the [redacted] region of [redacted], she must establish not only her leading or critical role but also the distinguished reputation of that organizational region, which is the department or division for which the Petitioner claims to have held a leading or critical role.

The Petitioner has submitted printouts from [redacted] websites and social media pages, and letters from [redacted] officials. A [redacted] senior administrator has stated: "Since 2012, [the Petitioner] has held the formal designation of Regional Head for the [redacted] nations." But these materials do not suffice to meet the Petitioner's burden of proof regarding her claimed leading or critical role or [redacted] distinguished reputation.

The Petitioner submitted several documents relating to [redacted] overall, but submitted no independent, objective, documentary evidence to show the full nature and extent of her role, and to establish the distinguished reputation of the division she claims to have led. Even if [redacted] is an entirely volunteer organization, as claimed, it is reasonable to expect a leading or critical position with an international organization to produce some kind of documentary records.

[redacted] own promotional and publicity materials, such as its websites and social media pages, do not reflect recognition beyond the organization itself. Also, information about the reputation of the entire [redacted] organization does not establish the reputations of its regional subdivisions. Most of the printouts are from branches in the United States, Australia, and other countries outside of the Petitioner's region. The Petitioner submitted one untranslated screen capture of a Russian-language web page, which does

not establish that [redacted] region has a distinguished reputation.[1] Apart from recent letters, the only direct evidence of the Petitioner's role there is a screen capture from a [redacted] website, identifying the Petitioner as the "organizer" in Russia but providing no further information about the regional organization or the Petitioner's role there.

The evidence of record is not sufficient to establish that the Petitioner's work with [redacted] in the [redacted] region satisfies the requirements of the "leading or critical role" criterion. As explained above, the Petitioner has not submitted sufficient evidence to show that her role is or was leading or critical, and she has not submitted adequate evidence of the distinguished reputation of [redacted] regional operation.

We withdraw the determination that the Petitioner has satisfied this criterion.

4. High Salary

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.

USCIS concluded, without elaboration, that the Petitioner had satisfied the requirements of this criterion. We disagree.

The Petitioner submitted salary statistics relating to "Consulting," "Consulting / Insurance / Strategic Development," and "Coach-Personal Development." The Petitioner also submitted translated copies of her Russian income tax returns for 2021 through 2024.

The translated tax returns are at times difficult to decipher, with several figures identified as "meanings indicators." As a result, it is not readily apparent which figures pertain to the Petitioner's income, as opposed to taxes paid or non-monetary numerical figures such as municipality codes.

Even more significantly, the tax returns do not identify the source(s) of the Petitioner's income, and the Petitioner did not submit first-hand evidence such as salary statements. As a result, the tax returns do not show that the Petitioner earned her income as a consultant or as a personal development coach, or otherwise through activities reasonably related to the field in which she claims extraordinary ability.

An introductory brief submitted with the petition indicates that the "figures [on the tax returns] reflect the Petitioner's gross revenues earned primarily through private consultations and public coaching events." Statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight. *Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998). Therefore, we must consider what evidence the Petitioner has submitted to support this claim.

The Petitioner submitted a translated printout of a "Sample Event Page" for "[a] powerful, simple, deep two-hour process that [redacted] opens for all those who want to get help in the realization of both worldly and spiritual desires and aspirations." This printout does not name the Petitioner as a participant, and the Petitioner did not submit documentary evidence to show how much pay she received

[1] Foreign-language documents must be accompanied by an English translation that meets certain certification requirements specified at 8 C.F.R. § 103.2(b)(3).

for her participation. The record documents the price of a ticket to this event, but does not show how much of that price went to the Petitioner, how many tickets were sold, or whether this one documented event was representative of the unspecified number of other events in which the Petitioner participated.

Without documentation clarifying who paid her, how much they paid, and for what, the evidence in the record does not suffice show that the Petitioner received a high salary or significantly high remuneration in relation to others in her field.

We withdraw the determination that the Petitioner has satisfied this criterion.

B. Final Merits Determination

We conclude that the Petitioner has satisfied fewer than the minimum of three initial evidentiary criteria. Nevertheless, USCIS initially granted two of the criteria in its denial decision, and although we have withdrawn those granted criteria, we have granted a separate criterion on appeal. For this reason, we will address aspects of the broader issue of acclaim that would have been discussed in greater depth in a final merits determination.

In a final merits determination, we analyze a petitioner's 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.[2] In this matter, we determine that the Petitioner has not established eligibility.

The record contains little documentary evidence to show that the Petitioner has achieved a level of recognition in any of her various claimed fields commensurate with sustained national or international acclaim. Testimonial evidence has limited weight. Statements made by witnesses should be corroborated by documentary evidence in the record. *See, generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3). Key assertions are unsupported, and, as we will discuss, there are significant credibility issues that further diminish the weight of uncorroborated assertions.

Also, at times the record concerns the Petitioner's work as a spiritual coach or teacher, and at other times it regards her work in more secular areas such as evaluating grant applications and job candidates. The record does not persuasively identify a single, clear field of endeavor. The Petitioner has relied on her claimed or documented past work in several different areas without showing that these disparate endeavors have resulted in sustained national or international acclaim in any one clear, identifiable field. The Petitioner has not established, for instance, that reviewing grant applications for the [redacted] earned her any recognition outside that organization, or that this work is in the same field of endeavor as her work within the [redacted]

As we will discuss further below, the Petitioner has indicated that much of the petition rests on unpaid volunteer activities, undertaken while the Petitioner was either unemployed or engaged in unrelated

[2] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established, by a preponderance of the evidence, the required high level of expertise for the immigrant classification).

employment. With regard to these activities, once again the Petitioner relies heavily on recent statements about events that occurred years in the past, uncorroborated by direct, contemporary evidence.

The Petitioner attempts to address this lack of evidence by asserting that repressive Russian laws have forced her to "limit public mentions of [her] activities" for fear of "administrative and even criminal persecution." But at the same time that the Petitioner contends that she has little choice but to work almost in secret "to limit [her] potential exposure," she also claims international media attention and has provided quotations to several different publications.

Several of these published articles share similarities in formatting and structure that suggest common origin. *Cf. Mei Chai Ye v. U.S. Dept. of Justice*, 489 F.3d 517, 519 (2d Cir. 2007) (concluding that it is reasonable to infer that "strikingly similar documents" derive from a common source).[3]

A [redacted] 2024 article from the publication *1883* raises questions of a different kind. The article is credited solely to [redacted] and is written from [redacted] perspective in the first person. The Petitioner claims that [redacted] interviewed her for the article, but the article does not refer to any interview, and the Petitioner's name never appears in the article. The submitted copy of the text of the article is interspersed with uncaptioned photographs of the Petitioner. That copy, however, consists of screen captures embedded in a new document rather than direct printouts from *1883*'s website. Therefore, we cannot determine from the record whether those photographs were originally present in the article. The record, therefore, does not support the claim that the *1883* article is about the Petitioner, relating to her work.

The totality of the record does not establish, by a preponderance of the evidence, that the Petitioner has achieved sustained national or international acclaim at the very top of her field. We will therefore dismiss the appeal.

C. Willful Misrepresentation of a Material Fact

Misrepresentation of a material fact may lead to multiple consequences in immigration proceedings. Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under the Immigration and Nationality Act (the Act) is inadmissible. Section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i).

Under Board of Immigration Appeals precedent, a material misrepresentation is one which "tends to shut off a line of inquiry which is relevant to the alien's eligibility and which might well have resulted in a proper determination that he be excluded."[4] A willful misrepresentation requires that the individual knowingly make a material misstatement to a government official for the purpose of obtaining an

[3] Also, these articles face the same deficiency found elsewhere in the record, making insufficiently corroborated claims about events several years in the past. In passages discussing the Petitioner's former modeling career, some of the articles state that the Petitioner was a finalist for [redacted] in 1996; others indicate that she *won* that title. These discrepancies are not directly material to the present proceeding, because the Petitioner does not claim extraordinary ability as a model, but they are of interest because the Petitioner has made other inconsistent claims regarding her past history.

[4] *Matter of S- and B-C-*, 9 I&N Dec. 436, 447 (BIA 1961).

immigration benefit to which one is not entitled.[5] Material misrepresentation requires only a false statement that is material and willfully made.[6] The term "willfully" means knowing and intentionally, as distinguished from accidentally, inadvertently, or in an honest belief that the facts are otherwise.[7]

The Petitioner signed Form I-140, Immigrant Petition for Alien Worker, under penalty of perjury, thereby taking responsibility for the petition and its contents. *See Matter of Valdez*, 27 I&N Dec. 496, 499 (BIA 2018) (stating "an alien's signature on an immigration application establishes a strong presumption that he or she knows the contents of the application and has assented to them").

In March 2010 and May 2015, the Petitioner filed Forms DS-160, Online Nonimmigrant Visa (NIV) Applications, with the Department of State. The employment histories that the Petitioner listed on those forms do not corroborate the claimed activities at the heart of the Petitioner's claim of eligibility.

The most significant discrepancy relates to an organization with the Russian name [redacted] which translates to [redacted]. In the Form I-140 petition, the Petitioner claimed to have founded [redacted] in 2007, and to have led the organization for an unspecified time afterward. [redacted] current general director, [redacted] stated that the Petitioner founded [redacted] in 2007 and ran the organization until [redacted] took over, again on an unspecified date. [redacted] indicated that the Petitioner's work involved "social work" such as "senior outreach," "social gatherings," "educational workshops," and "park-cleanup and beautification days across [redacted]."

But the above information in the petition conflicts with the information on the NIV application that the Petitioner filed in March 2010. On her March 2010 NIV application, the Petitioner identified her "Primary Occupation" as a "Homemaker." Asked to specify her "Previous Work/Education/Training," she identified [redacted] as her former employer. The Petitioner did not claim to have been [redacted] founder or leader, and she did not claim to have been involved with [redacted] in 2007, the year it was founded. Instead, the Petitioner specifically asserted that she worked for [redacted] from June 10, 2008 to December 20, 2009, as a "producer" whose duties included "organizing events, shooting documentary movies, [and] developing projects for charity funds," under the supervision of [redacted]

The Petitioner's 2010 description of her work with [redacted] as relatively short-term employment as a producer, under the direction of a supervisor, is very different from her claims in her 2025 Form I-140 petition, when she asserted that her founding and leadership of [redacted] was among "noteworthy professional contributions that reflect [her] sustained acclaim." Sustained acclaim is a requirement for eligibility under section 203(b)(1)(A) of the Act, and therefore assertions intended to establish such acclaim are material to the Form I-140 petition.

In May 2026, we issued a notice of intent to dismiss the appeal (NOID), stating that the contradictory histories raise significant doubts about the Petitioner's past activities. We also advised that the conflicting information might constitute willful misrepresentation of material facts.

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[5] *Sergueeva v. Holder*, 324 Fed. Appx. 76 (2d Cir. 2009) (citing *Matter of Kai Hing Hui*, 15 I&N Dec. 288, 289-90 (BIA 1975).
[6] *See* 9 FAM 40.63 N2; *see also Matter of Tijam*, 22 I&N Dec. 408, 424 (BIA 1998) (*en banc*) (Rosenberg, concurring).
[7] *See Matter of Healy and Goodchild*, 17 I&N Dec. 22, 28 (BIA 1979).

In response to the NOID, the Petitioner asserts that she "was involved in conceptualizing and developing . . . [redacted]' from approximately 2006 and 2007 onward." The Petitioner does not explain why she specified the dates June 10, 2008 to December 20, 2009 on the NIV application if these dates did not accurately represent the beginning and ending dates of her employment with [redacted]

Also in response to the NOID, the Petitioner asserts that she worked "as a volunteer" for organizations such as [redacted] and the [redacted], while either unemployed or working at unrelated jobs. We note the lack of contemporaneous documentary evidence regarding this claimed volunteer work, despite the assertion in a new letter from a former [redacted] official that her "activities were strictly recorded as program participation and leadership service."[8]

The Petitioner further asserts that omission is not an affirmative act of misrepresentation, and therefore she claims that she did not misrepresent her employment history when she omitted references to volunteer work on the NIV applications.

We did not, however, contend that the Petitioner had misrepresented her employment history on the 2010 and 2015 NIV applications. Rather, we contend that the misrepresentation occurred later, when the Petitioner presented a largely new version of her past history in support of the Form I-140 petition now under review. We cited those prior filings as evidence of inconsistencies in the Petitioner's material claims.

The Petitioner previously submitted information about [redacted] from various online sources. This information, too, is not entirely consistent with the Petitioner's claims. The submitted information confirms that [redacted] general director, and that the organization was founded in [redacted] 2007. But these materials do not confirm the Petitioner's claimed role with [redacted]; they do not mention her at all. Rather, they identify the founder as [redacted] and indicate that [redacted] replaced the previous manager, [redacted] The materials state that [redacted] principal activity is "[p]roduction of films, videos and television programs," along with related distribution and broadcasting activities, with ancillary activities such as organizing training sessions, cultural programs, and outdoor activities.

The Petitioner now claims that, even though she founded [redacted] "[t]he formal registration was placed in the name of [redacted]' because the Petitioner was not a Russian citizen at the time and so there would have been "prohibitive administrative complexities and potential delays" if she had registered the organization under her own name.[9] The Petitioner makes a general reference to "[t]he registration process for a Russian legal entity under Federal Law No. 129-FZ and related regulations," but cites no specific clauses and does not submit corroborating documents. In immigration proceedings, the law of a foreign country is a question of fact which a petitioner must prove if the petitioner relies on it to establish eligibility for an immigration benefit. *Matter of Annang*, 14 I&N Dec. 502 (BIA 1973).

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[8] We also note that translated promotional materials in the Petitioner's initial submission indicated that [redacted] had "professional teachers."

[9] By making this statement, the Petitioner asserts that she has participated in making misleading statements to another government authority in order to facilitate receiving a benefit from that government.

The Petitioner further asserts: "[redacted] was a trusted colleague and close friend . . . [but] I was the driving conceptual and operational force behind [redacted] . . . . Neither [redacted] nor [her daughter] [redacted] was the operational founder or driver of [redacted] work; that role was mine." [redacted] makes similar claims in a newly executed statement.

The Petitioner states: "The reference to [redacted] on the [NIV application] was . . . a straightforward and accurate description of the organizational and personal relationships surrounding my activities at that time. Since I was the driver of [redacted] development working closely with [redacted] it was not a misrepresentation of any kind." But on the 2010 NIV application, the Petitioner twice identified [redacted] as her "supervisor." The Petitioner has not adequately resolved this discrepancy.

In her new declaration, [redacted] states that the Petitioner's "work is objectively evidenced by the successful execution of high-stakes contracts with the Department of Labor and Social Protection of the City of [redacted]." The Petitioner had previously submitted a translated copy of one such contract, and a list of 19 others. The Petitioner resubmits the same documents in response to the NOID.

But the submitted contract, dated November 2017, does not include the Petitioner's name or signature. At the time she filed the petition, the Petitioner acknowledged that "this particular agreement was executed after [her] departure," and asserted that she submitted it "as concrete evidence of the organization's institutional standing."

The Petitioner's name also does not appear on the list of 19 contracts, all dated between August 2015 and November 2016. Therefore, the documents do not serve as objective evidence of the Petitioner's role with [redacted] Also, because the contracts are dated over eight years after the purported founding of [redacted] none of the contracts, even if they contained the Petitioner's name, would establish that she had a significant founding role as claimed.

Also, on the NIV application, the Petitioner specified that she worked for [redacted] from June 10, 2008 to December 20, 2009, a period that ended only a few months before she executed the form in March 2010. The wording in the newly submitted statements is vague at times, but neither the Petitioner nor [redacted] specifically asserts that the Petitioner remained at [redacted] after December 2009.

[redacted] addresses the lack of payroll records, stating that the Petitioner "did not draw a 'salary' because she functioned as the owner-operator in spirit, reinvesting resources into the mission of the agency." Nevertheless, the Petitioner identified [redacted] as a former employer on the NIV application. If the Petitioner worked without pay, then this mention on the NIV application would appear to be inconsistent with the Petitioner's claims, in other contexts, that she omitted unpaid volunteer work from NIV application forms because she did not consider it to be employment.

As discussed above, when the Petitioner filed her NIV application in March 2010, she indicated that she worked for [redacted] from June 2008 to December 2009 as a producer, under the direction of a supervisor. When she filed the Form I-140 petition in 2026, the Petitioner provided a very different description of her work with [redacted] asserting that she founded the organization in 2007 and that her leadership of the organization was among "noteworthy professional contributions that reflect [her] sustained acclaim." As

sustained acclaim is a requirement for eligibility under section 203(b)(1)(A) of the Act, any assertions intended to establish such acclaim are material to the Form I-140 petition.

It is incumbent upon the petitioner to resolve inconsistencies by independent objective evidence. Attempts to explain or reconcile conflicting accounts, absent competent objective evidence pointing to the truth, will not suffice. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). In this matter, the Petitioner's response to the NOID includes no independent objective evidence that is relevant to the issues raised. Instead, the Petitioner submits newly executed statements from herself and others, seeking to explain both the discrepancies and the absence of objective corroborating evidence.

The Petitioner has not provided any independent, competent, objective evidence to show that she founded or led [redacted] The recent, uncorroborated statements from the Petitioner and from [redacted] conflict with statements that the Petitioner herself made on a government application form in 2010. The Petitioner has not overcome the discrepancies relating to her claims about [redacted]

The changed description of the Petitioner's claimed role with [redacted] coincided with her attempt to seek immigration benefits predicated on recognition and acclaim. We therefore find the misrepresentation to be willful.[10]

We therefore conclude that the Petitioner willfully misrepresented material facts in furtherance of her Form I-140 petition.

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Visinscaia*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability

[10] In the NOID, we observed that, on Form I-140, the Petitioner incorrectly stated that she had never been the beneficiary of an immigrant petition. The Petitioner did not disclose that her then-spouse had filed Form I-130, Petition for Alien Relative, on her behalf in May 2001. We made this observation not as a primary basis for the NOID, but rather in a footnote intended to address the general issue of credibility. Because the Petitioner addresses this issue in response to the NOID, we will discuss that response here as it relates to the issue of credibility. Doubt cast on any aspect of a petitioner's proof may undermine the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. at 591. The Petitioner offers several explanations, saying any discrepancies resulted from "a genuine misunderstanding, not an intent to conceal or deceive."

In this light, we note that the NIV application that the Petitioner completed in May 2015 specifically asked her to state the "[n]umber of former spouses." The Petitioner answered "1," and provided information about her spouse from March 2004 to June 2010. She did not disclose the prior marriage that had led to the filing of Form I-130 in 2001. The application form specifically asked how many former spouses she had, with no indication that the question was limited to a specific time period, and she actively answered with an incorrect number that directly conflicts with a prior immigration filing.

designation is "extremely restrictive by design"); *Hamal v. Dep't of Homeland Sec.*, No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021), *aff'd*, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *see also Hamal v. Dep't of Homeland Sec.*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing *Kazarian,* 596 at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 918 (N.D. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for visa as a baseball coach).

Here, the Petitioner has not shown a degree of recognition of her work that rises to the level of sustained national or international acclaim and demonstrates 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 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner 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).

The Petitioner has not demonstrated eligibility as an alien of extraordinary ability. We will therefore dismiss the appeal. Further, by making claims in support of the petition that were not true and accurate, the Petitioner has sought to procure an immigration benefit through willful misrepresentation of material facts. This finding of willful material misrepresentation shall be considered in any future proceeding where the Petitioner's admissibility is an issue. *See* section 212(a)(6)(C) of the Act.

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.