U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43993872

Date: AUG. 25, 2026

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

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

The Petitioner, a financial specialist, 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 Petitioner did not satisfy at least three of the ten initial evidentiary criteria. 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 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
>
> (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 a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of his or her achievements in the field through 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 sufficient qualifying 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). If an evidentiary standard under 8 C.F.R. § 204.5(h)(3)(i)-(x) does not "readily apply" to a petitioner's occupation, the petitioner may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

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, 1121 (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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (upholding USCIS' two-step review process as "consistent with the governing statute and regulation").

II. ANALYSIS

The Petitioner indicates she is a managing director and head of [redacted] investment banking in the [redacted] region for [redacted] in China. She is seeking to be classified as an alien of extraordinary ability in the field of business, specifically in financial technology strategy and cross-border investment and financing. She indicates her plan is to work in the United States as a financial specialist by managing customer relationships in the commercial and investment banking sector.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, the issue to be addressed on appeal is whether the Petitioner satisfied at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). In denying the petition, USCIS determined that while the Petitioner fulfilled two criteria, participation as a judge of others' work and leading or critical role, she did not fulfill five additional evidentiary criteria:

- lesser nationally or internationally recognized awards or prizes,
- published materials about the individual,
- original contributions of major significance,
- authorship of scholarly articles in professional or major trade publications or other major media, or
- high salary or other significant remuneration in relation to others in the field.

On appeal, the Petitioner claims that she meets three of the claimed criteria, namely awards or prizes; original contributions; and high salary or significant remuneration. She does not dispute USCIS' conclusion that she did not meet the criteria of published materials and authorship of scholarly articles. We, therefore, deem these issues to be waived and will not address the two criteria of published

materials and authorship of scholarly articles.[1] Issues and prior eligibility claims not raised on appeal are waived. *See, e.g., Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012). Upon de novo review, the Petitioner has not demonstrated she meets at least three of the initial evidentiary criteria.[2]

1. "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).

For the reasons discussed below, we agree with USCIS that the Petitioner did not meet this criterion.

To meet this criterion, the Petitioner must demonstrate that she received prizes or awards, and they are nationally or internationally recognized for excellence in the field of endeavor. Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to, the criteria used to grant the prizes or awards, the national or international significance of the prizes or awards in the field, and the number of awardees or prize recipients, as well as any limitations on competitors. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.

To meet the criterion, the Petitioner claims she received the [redacted] 2023 [redacted] The Petitioner submitted a certificate from the [redacted] announcing that she was one of four winners of the [redacted] 2023 [redacted]. In addition, she provided an article published at the *www.xinhuarexian.com* website about the award ceremony and the Petitioner winning the award; printouts from the [redacted] website with information about the [redacted] and its organizing body, [redacted][3] a certificate from [redacted] listing review experts for the [redacted] and articles published in 2025 at *www.sohu.com* and *www.sina.com* about the [redacted].

While the Petitioner submitted evidence showing that she received the award, the record does not demonstrate that the claimed award is recognized nationally or internationally for excellence in her field. For instance, the [redacted] website provides general information about the [redacted] including eligibility and judging, but it does not reference the Petitioner's specific award of [redacted] In addition, while the articles indicate some recognition for the [redacted] the articles do not include an author and the Petitioner did not provide evidence about

[1] We note that the record has inconsistent claims and documentation. In the Petitioner's request for evidence reply, she provided a statement clarifying her claims, which did not include claims to meet the criteria of published materials and authorship of scholarly articles. USCIS' decision addressed these two criteria based on the Petitioner's initial petition which included claims for these two criteria. In addition, the record reflects that the Petitioner's initial petition included documents relating to another individual, but the Petitioner clarified in her request for evidence reply that she did not submit or authorize the submission of any documents related to the other individual. She also stated that she submitted evidence to show her eligibility for only five criteria, namely awards or prizes, judging the work of others, original contributions, leading or critical role, and high salary or significant remuneration.

[2] While we may not discuss every document submitted, we have reviewed and considered each one.

[3] The Petitioner's statements and supporting documents have inconsistencies about the awarding body of the claimed award or prize. In some instances, the awarding body is [redacted] and in other instances, the awarding body is the [redacted] *See Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988)) (requiring "the petitioner to resolve any inconsistencies in the record by independent objective evidence").

the website publications, such as their intended audience and circulation. Without the articles' authors and publications, the origin of the article cannot be verified as independent, corroborative evidence. The origin of the article is material to this proceeding because promotional or marketing materials are not generally considered to be independent evidence. *See id.*

The record does not show that the Petitioner being one of the four individuals named as an award recipient demonstrates being nationally or internationally recognized for excellence in her field of financial technology strategy and cross-border investment and financing. While the Petitioner and the [redacted] website indicate the [redacted] "works in collaboration with over forty mainstream media outlets, industry think tanks, and a professional judging panel to carry out the selection process," the record does not include specifics of the media outlets, the industry entities, or the professional judges. Without further evidence, the Petitioner has not established that the [redacted] 2023 [redacted] is recognized beyond the awarding organization, [redacted] *See Visinscaia v. Beers,* 4 F.Supp. 3d. 126, 136 (D.D.C. 2013) (requiring evidence of "how a larger audience viewed [the] awards").

For these reasons, the Petitioner has not demonstrated she meets this criterion.

2. "Evidence of the alien'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).

For the reasons discussed below, we agree with USCIS that the Petitioner did not meet this criterion.

To meet this criterion, a petitioner must first demonstrate making original contributions in the field. In addition, a petitioner must show the original contributions are of major significance to the field. The criterion focuses on whether a petitioner's original work constitutes major, significant contributions to 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 v. Beers*, 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, supra,* at F.2(B)(1).

On appeal, the Petitioner argues that her original contributions are methodologies and tools "designed to address prevalent challenges faced in the cross-border listings of financial technology companies and the intelligent transformation of investment banking processes." She specifies her six work product "original theories and technical systems" as follows:

- [redacted]
- [redacted]

- [redacted]
- [redacted]
- [redacted], and
- [redacted]

The Petitioner claims her work product contributions have ongoing recognition and significance in her industry which is demonstrated through registration of the three theory work products with the National Copyright Administration of the People's Republic of China; copyright registration of her three software work products with the National Intellectual Property Administration in China; and her ongoing contractual partnerships with independent businesses resulting in compensation for her work product. In support of her claims, the record includes registration certificates, authorization agreements, evaluation reports, media articles, and letters of recommendation. The Petitioner claims that while the evidence in its totality does not show adoption across her industry, it does establish the significance of her original work product beyond her employer and clients to multiple businesses and impacts to her fields of financial technology, international capital services, and investment banking.

To demonstrate the use of her work product in the industry, the Petitioner submitted a letter of appreciation from [redacted]; an "Original Achievement License Renewal Agreement" dated August 1, 2025, between the Petitioner, as licensor, and [redacted] as licensee, relating to the renewal of a licensing arrangement for the use of two of the Petitioner's work products; the Originality Achievement Authorization Usage Agreement with [redacted] dated July 15, 2022; a Usage Feedback Report relating to [redacted] one year practical application of the work products; and a media article titled '[redacted]' published at *www.xinhuarexian.com* on [redacted] 2022.

The letter from [redacted] provides appreciation and "high recognition for the original contributions made by [the Petitioner] in the field of financial technology" with general praise for the work product to [redacted] business development. Detailed letters from experts in the field explaining the nature and significance of the person's contribution may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance. *See id.* Here, [redacted] letter discusses its use of the Petitioner's work products, but does not contain specific, detailed information explaining the high recognition or unusual influence the Petitioner's work products have had on the overall field to establish that they have 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). Moreover, the media article describing the Petitioner's contract with [redacted] does not include an author and appears to be promotional material, rather than media coverage. The origin of the article is material because promotional or marketing materials are not generally considered to be seemingly objective content. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

Similarly, the Petitioner submitted a Technology Achievement Authorization and Use Contract between the Petitioner and [redacted] dated December 1, 2023, setting out the terms of [redacted] right to use two of the Petitioner's work products, as well as a letter from [redacted] expressing appreciation for the use of "two original achievements" becoming "the core driving force for the development of [its] cross-border financial services business . . . ." The letter contains conclusory statements and does not specifically explain the Petitioner's original achievements or her contributions' significance beyond [redacted] and to the field. *See Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *9 (N.D. Cal. Feb. 16, 2021) ('[T]he agency may reject supporting letters that lack 'specific evidence' about how the plaintiff's contribution was a major contribution").

The Petitioner submitted a technology transfer report dated November 18, 2025, published by [redacted] about the Petitioner's work products specifying the contract amount at approximately CNY 2.85 million for system authorization, deployment, customized upgrades, and maintenance for the time between October 25, 2025, to November 16, 2025. The report states "[p]ath planning efficiency improved by 52%, and the efficiency of IPO material generation enhanced by 70%," "[c]ompliance verification workload reduced by 45%, and valuation consistency improved by 22%," and "[i]nvestment banking project collaboration efficiency increased by 34%." Similar to the previously discussed letters, this report is also conclusory and does not specifically detail the Petitioner's original contributions and her contributions being of major significance beyond her client and to the field.

Additional evidence speculates on the potential influence of the Petitioner's work and proposes that her work products may have potential impact at some undefined point in the future. For instance, the Petitioner submitted an evaluation report dated November 5, 2024, from F-S- of [redacted] Inc. relating to two of her work products. The evaluation is brief, generally explaining that the technologies were evaluated and tested and the results "found that the technologies demonstrate significant potential value in . . . [i]mproving efficiency in analyzing regulatory requirements across multiple jurisdictions," "[s]upporting the design of structured compliance pathways," "[e]nhancing data-driven decision-making capabilities," and "[p]roviding a framework for optimizing internal operational processes." The report states that [redacted] Inc. would explore implementing the technology with its business. The Petitioner included a Technical Implementation Intent Agreement between [redacted] and the Petitioner dated November 21, 2024, and executed on April 13, 2026, indicating "intent . . . to advance the implementation of the technologies following initial evaluation and testing."

Similarly, the Petitioner submitted a valuation report from [redacted] assessing the market value of her work products as of October 29, 2025. The report provides a Yuan value for her work products based on "Profit Sharing Rate Method within the Income Approach," advising that her work products have an assessed value of CNY 18,700,000. However, the valuation does not indicate that the work product has had high impact or is of major significance in her field. Another letter of recommendation from H-Z-, founding partner at [redacted] an investment firm in Hong Kong names the Petitioner's work products and generally indicates that her work has "set standardized operation guidelines for the industry" which "have been incorporated into internal training materials of many investment banks." H-Z-, however, does not provide details about the Petitioner's work products and how their incorporation into investment bank training materials throughout the industry, or how the Petitioner's contributions are of major

significance in the field. Instead, H-Z- mainly provides generally praise to the Petitioner's knowledge in the cross-border financial technology sector and expresses belief that her work will bring value to U.S. financial markets.

While H-Z-'s letter, F-S-'s evaluation report, and the valuation report from [redacted] show promise in the Petitioner's work, they do not establish how her work and work products already qualify as contributions of major significance in the field, rather than prospective, potential impacts. Based on the evidence, the significant nature of her work has yet to be determined or measured.

The Petitioner submitted media articles to support her claims, including an article titled "[redacted]" published in *www.sohu.com*, an article titled "[redacted]" published in *www.sina.com.cn* on [redacted] 2025, and an article titled "[redacted]," published in *www.zgceo.cn* on [redacted] 2024. The articles are interviews with the Petitioner about her work products and the products being able to assist businesses with cross-border financial services. However, the Petitioner did not explain how her interviews with these media outlets show her work products have been of major significance in her field.

We acknowledge that the Petitioner is a knowledgeable financial specialist. However, as she pointed out in her petition, the evidence does not demonstrate her work products have impacts beyond her employer and clients and are of major significance in the field of financial technology strategy and cross-border investment and financing as required under the regulations. While she provided evidence showing her work products have been utilized by clients and may have potential impact in her field in the future, she has not demonstrated the substantial influence or major significance of her work products in her field. *See Goncharov v. Allen*, No. 3:21-CV-1372-B, 2022 WL 17327304, at *5 (stating that "[c]ourts have routinely affirmed agency decisions that held § 204.5(h)(3)(v) 'requires substantial influence beyond one's employers, clients, or customers); *see also Amin v. Mayorkas*, 24 F.4th at 394; *Visinscaia v. Beers*, 4 F. Supp. 3d at 134; *Strategati, LLC v. Sessions*, No. 3:18-CV-01200-H-AGS, 2019 WL 2330181, at *6 (S.D. Cal. May 31, 2019).

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

3. "Evidence 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).

For the reasons discussed below, we agree with USCS that the Petitioner did not meet this criterion.

In meeting this criterion, 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, supra*, at F.2(B)(1).

The Petitioner claims her eligibility for this criterion based on her compensation from [redacted] Limited, submitting her Employer's Return of Remuneration and Pensions reported to the Hong Kong Inland Revenue Department by her employer, [redacted] Limited as follows:

- August 2021 to March 2022 total income HKD 7,082,034 with HKD 2,196,245 as salary and HKD 4,828,033 as bonus pay;
- April 2022 to March 2023 total income HKD 5,035,024 with HKD 3.602,763 as salary, HKD 5,669 as leave pay, and HKD 1,426,592 in other rewards, allowances or perquisites;
- April 2023 to March 2024 total income HKD 6,794,840, with HKD 3,604,942 as salary, HKD 9,830 as leave pay, HKD 1,220,975 as bonus pay, and HKD 1,959,093 in other rewards, allowances or perquisites; and
- April 2024 to March 2025 total income HKD 7,726,122, with HKD 3,608,114 as salary, HKD 9,655 as leave pay, HKD 1,463,301 as bonus pay, and HKD 2,645,052 in other rewards, allowances or perquisites.

In addition, the Petitioner submitted an employment verification letter dated June 3, 2025, from [redacted] confirming the Petitioner has been employed for [redacted] Limited since August 2021 with her position as client executive and her corporate title as managing director for commercial and investment banking with an annual base salary of HKD 3.6 million.

For comparison, the Petitioner submitted an annual Hong Kong executive compensation outlook report published by KPMG China in 2024. The report indicates that for the financial services sector in the corporate financing (sell-side) segment, the compensation for managing directors is between HKD 1.4 million and HKD 2.4 million, with the highest compensation reaching approximately HKD 3 million. While the Petitioner claims her income for 2024 to 2025 at HKD 7.7 million significantly exceeds industry's upper range comparison data by more than double, the comparison report does not indicate what earnings is included as compensation using the range of HKD 1.4 million to HKD 3 million. The report is not clear whether compensation is limited to salary, or if other earnings are included with the report's highest income. In addition, the report is not sufficient to show the remuneration for managing directors in like occupations to the Petitioner, financial technology strategy and cross-border investment and financing. The Petitioner must submit details of her work and comparison documentation of the earnings of those in their occupation performing similar work.

The Petitioner must present evidence of objective earnings data showing that they have commanded a "high salary" or "significantly high remuneration" in comparison with those performing similar work during the same time period. *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering professional golfer's earnings versus other PGA Tour golfers); *see also Skokos v. U.S. Dept. 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). Additionally, salary information for those performing work in a related but distinct occupation with different responsibilities is not a proper basis for comparison. Rather, the Petitioner must submit documentary evidence of the earnings of those in their occupation performing similar work at the top level of the field. *See Price*, 20 I&N Dec. at 954 (considering professional

golfer's earnings versus other PGA Tour golfers); *see also Skokos*, 420 F. App'x at 713–14; *Grimson*, 934 F. Supp. at 968; *Muni*, 891 F. Supp. at 444–45. More comprehensive wage data is needed to effectively demonstrate high earnings relative to others in her field.

With her initial petition, the Petitioner submitted pages from a 2025 salary guide for China published by Persol Kelly indicating that for an investment managing director with 15 years or more experience in the private equity investment/venture capital sector of banking and financial services, the annual salary minimum is RMB 2 million and maximum is RMB 5 million or more. Based on this comparison data, the Petitioner's annual salary for April 2024 to March 2025 at HKD 3,608,114 is not high salary compared to the maximum RMB 5 million or more indicated in the 2025 annual salary guide.

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

B. Reserved Issues

USCIS determined that the Petitioner meets eligibility for two additional criteria relating to judging the work of others and leading or critical role for an organization with a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(iv), (viii). Even if the Petitioner meets both criteria, she cannot fulfill the initial evidentiary requirement of meeting three criteria under 8 C.F.R. § 204.5(h)(3). We, therefore, need not determine whether she meets the requirements of these criteria and will reserve these issues. *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).

In addition, because the Petitioner has not fulfilled the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3), we need not provide the type of final merits determination referenced in *Kazarian v. USCIS*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa"). Therefore, we hereby decline to reach and reserve the Petitioner's arguments and eligibility for the final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an alien 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.

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.