U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37015346

Date: AUG. 27, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a financial advisor and coach, seeks classification under the employment-based, first preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition. SCOPS concluded that the Petitioner did not demonstrate her receipt of a major internationally recognized award or her satisfaction of any of the classification's ten alternate evidentiary requirements. On appeal, the Petitioner states that she disagrees with SCOPS' decision and reasserts her eligibility.

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

II. ANALYSIS

The Petitioner sought to provide financial consultancy and coaching services in the United States as an individual of extraordinary ability. Because the Petitioner has not claimed or established her receipt of a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria under 8 C.F.R. § 204.5(h)(3)(i)–(x). SCOPS determined that the Petitioner did not meet any of the evidentiary requirements for the criteria at 8 C.F.R. § 204.5(h)(3). On appeal, the Petitioner contends that she satisfied the following six criteria:

- Receipt of lesser nationally or internationally recognized awards for excellence in the field of endeavor;
- Membership in associations in the field for which classification is sought;
- Published material about the individual;
- Participation as a judge of others' work in the field;
- Authorship of scholarly articles in the field, and
- Performance in a leading or critical role for organizations or establishments with distinguished reputations.

See 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (iv), (vi), and (viii).

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).

We first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual. The

record contains certificates of recognition for the Petitioner's awards in her managerial positions with her employer, a bank branch, and as a team member at her branch. She states the following concerning her eligibility under this criterion:

> Chapter II, Part B of the USCIS Policy Manual confirms that "[c]ertain awards from well-known national institutions or well-known professional associations" are qualifying awards to meet this criterion. The Manual further explains that "[a]n award open to members of a well-known national institution or professional organization may be nationally recognized."
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> All of the above indicates the beneficiary's excellence in [the] financial and banking field. Accordingly, the beneficiary satisfies "receipt of nationally and internationally [recognized] prizes, distinguished reputation and excellence in the field of endeavor" criterion.

The Petitioner appears to assert here that the awards she received, which were conferred by her employer and by a financial institution to whom she served as a representative of her employer, should be considered nationally recognized because those institutions are nationally recognized. While the record indicates that these institutions are nationally recognized, the Petitioner has not sufficiently demonstrated that that the awards are nationally recognized for excellence in the field of endeavor. Relevant considerations regarding whether the awards were granted based upon excellence in the Petitioner's field of endeavor include the criteria used to grant the awards, the national or international significance of the awards in the field, the number of awardees, and any limitations on competitors. The Petitioner has not provided details concerning the criteria used to confer the awards or their significance within the field of finance. Without additional information concerning the Petitioner's awards, it is not clear whether they qualify as nationally recognized awards for excellence in the field of endeavor.

The Petitioner has not demonstrated that she meets the plain language requirements of this criterion.

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

The Petitioner submitted documentation showing that she was designated as a Professional Certified Coach by the International Coach Federation (ICF), an Accredited Executive Coach by the Association for Coaching (AC), and a Practitioner by the EMCC Global Individual Team Coaching Accreditation (ITCA). She submitted documentation from these organizations describing instructions for joining and training programs to earn coaching certifications, but this material does not reference requirements related to outstanding achievements of members, nor does it reference any level of recognized national or international expertise of those judging a member's qualifications. For example, while the ITCA bylaws describe requirements that include paying dues, actively working as a coach, and obtaining credentialed membership through an application with the organization, they do not address whether those conferring membership are recognized national or international experts in their discipline or field.

On appeal, the Petitioner reiterates her qualifications based on the evidence of record. She also references for the first time her involvement with several financial and business entities in Russia: a financial

organization of which her employer is a member, a banking association to which she represents the interests of her employer, and a business-oriented public organization with which she has collaborated as a member of the banking committee for a federal district. SCOPS suggested in a request for evidence (RFE) documentation that could support the Petitioner's claims to have met the requirements of the membership criterion. Because the Petitioner was put on notice and given a reasonable opportunity to provide additional evidence, we will not consider it for the first time on appeal. *See Matter of Furtado*, 28 I&N Dec. 794, 801-02 (BIA 2024) (declining to consider new evidence on appeal when the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it) (citing *Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988)); *see also* 8 C.F.R. § 103.2(b)(11) (requiring that in response to a request for evidence or notice of intent to deny, all evidence must be submitted together at one time and that submitting only some of the requested evidence will be considered a request or a decision on the record).

The Petitioner has not demonstrated that she meets the plain language requirements of this criterion.

3. 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. Such evidence shall include the title, date, and author of the material, and any necessary translation. 8 C.F.R. § 204.5(h)(3)(iii)

The Petitioner initially submitted an article from *En Boga Magazine* discussing the Petitioner and her work. SCOPS determined, however, that the article does not meet the requirements of this criterion because the documentation submitted does not identify an author, as per the regulation.[1] SCOPS noted that a second article submitted in response to a request for evidence was published after the filing date of the petition and could therefore not be considered as evidence.[2] On appeal, while the Petitioner states that she disagrees with SCOPS' determinations, she does not present an argument concerning these articles. For the first time she asserts the following (quoted as written):

> [The Petitioner] was interviewed by "Kommersant," one of the Russia's most respected business newspaper that is devoted to politics and businesses with in-depth analysis, industry insights and expert opinion . . . . Besides "Kommersant," the [Petitioner] was repeatedly mentioned in numerous articles dedicated to the banking and financial sector in such professional outlets as "Megabanks" and "Krasnoyarsk Business Quarterly."

The RFE included suggested evidence to support her assertion that she meets the requirement of the criterion concerning published material. As stated previously concerning new claims the Petitioner presents on appeal, because she was put on notice and given a reasonable opportunity to provide additional evidence, we will not consider it for the first time here.[3] Even if we were to consider these claims as evidence—which we do not—the Petitioner did not submit documentation of the articles referenced. A petitioner must support assertions with relevant, probative, and credible evidence. *Matter of Chawathe*, 25 I&N Dec. at 376. Unsubstantiated assertions do not constitute evidence. *See,*

[1] *See* 8 C.F.R. § 204.5(h)(3)(iii).
[2] Eligibility must be established at the time of filing. 8 C.F.R. § 103.2(b)(1).
[3] *See Matter of Furtado*, 28 I&N Dec. at 801-02; *see also* 8 C.F.R. § 103.2(b)(11).

e.g., Matter of S-M-, 22 I&N Dec. 49, 51 (BIA 1998) ("statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight").

The Petitioner has not demonstrated that she meets the plain language requirements of this criterion.

4. 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. 8 C.F.R. § 204.5(h)(3)(iv).

In response to the RFE, the Petitioner submitted a letter from her employer attesting to her membership on a committee involved in the selection of certain employees. The letter states, without further explanation, that she "is an active member of the [bank's committee] that involves in [sic] selection of talented employees and their inclusion as employee reserve." SCOPS determined that the letter did not establish that the Petitioner was invited to judge the work of others or that she actually judged the work of others. Although the Petitioner asserts on appeal that "selecting talented co-workers for company's [sic] cadre reserve constitutes 'peer review'" and that the evaluation of future employees is evidence of her expertise, the letter alone does not include sufficient information concerning her capacity as a judge or the specific work of the individuals who were judged in order to demonstrate that the Petitioner meets the requirements of the criterion. *See Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *8 (N.D. Cal. Feb. 16, 2021) (upholding "that there were no details about what event the plaintiff was judging, who he was judging, or the basis for [the plaintiff's] knowledge [in her letter] of the Federation's authority regarding the plaintiff's judging history").

The Petitioner has not demonstrated that she meets the plain language requirements of this criterion.

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

The Petitioner initially submitted evidence of her authorship of a book offering financial guidance, including websites where the book could be purchased and information about services offered by the book's publisher. She also submitted a letter from a support center for women and youth attesting to the organization's use of the book as part of its development program. SCOPS determined that the Petitioner did not meet the requirements of this criterion because she did not submit evidence to demonstrate that her book was "scholarly," or written for an audience having or demonstrating profound knowledge or scholarship in a specific field,[4] as opposed to a publication offering advice to the general public. SCOPS also noted that no evidence was submitted to demonstrate that the book is a professional or major trade publication, or that it is considered amongst other major media.[5]

On appeal, the Petitioner does not dispute SCOPS' determination, but explains that her book "is used for purposes of financial education" and that it "can be used by professionals as well as people who want to obtain financial education." The Petitioner, however, does not explain how the book qualifies as scholarly or how it constitutes or is part of a professional publication, a major trade publication, or

[4] *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1).

[5] In evaluating whether a submitted publication is a professional publication or major media, relevant factors include the intended audience (for professional journals) and the circulation or readership relative to other media in the field (major media). *Id.* at F.2(B)(1).

major media publication; her explanation aligns with SCOPS' conclusion that the book's intended readership includes a general audience.

The Petitioner also adds for the first time on appeal that she has "published a number of articles" in "Kommersant," the newspaper in which she also newly claims to have been interviewed. A letter of support submitted on appeal from a former advisor at a bank where the Petitioner worked mentions that she "has been published in the various journals and newspapers, including 'Kommersant.'" However, the record does not contain evidence of the existence of these articles. A petitioner must support assertions with relevant, probative, and credible evidence. *Matter of Chawathe*, 25 I&N Dec. at 376. She has not done so here. And, again, because the Petitioner was put on notice through the issuance of the RFE and given a reasonable opportunity to provide additional evidence, we will not consider this claim concerning articles that the Petitioner has purportedly published for the first time here.[6]

The Petitioner has not demonstrated that she meets the plain language requirements of this criterion.

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

In evaluating whether an individual has met the requirements of this criterion, USCIS first determines whether the person has performed in a leading or critical role for an organization, establishment, or a division or department of an organization or establishment. Second, USCIS determines whether the organization or establishment, or the department or division for which the person holds or held a leading or critical role, has a distinguished reputation.[7]

The Petitioner submitted a business plan, tax information, and articles of incorporation for her proposed business, as well as an undated letter from a company stating that she currently provides financial support services to the company and that it is considering offering her a permanent position. This documentation, however, does not contain information concerning a leading or critical role that the Petitioner has performed or show how either her business or the company that has received her services is an organization or establishment having a distinguished reputation.

The Petitioner also submitted letters of support from two financial entities to which the Petitioner purportedly served as a representative of her employer. While the record indicates that these entities, as well as the Petitioner's employer, may be establishments with distinguished reputations, these letters alone are not sufficient to demonstrate that the Petitioner meets this criterion; the letters generally compliment the Petitioner's skills and the positive results of her provision of services to them in her role as a representative, but, as SCOPS discussed in denying the petition, the letters do not explain how her role was leading or critical for any aspect of their organizations' operations or achievements.

On appeal, the Petitioner reiterates her qualifications and provides an additional letter of support from a bank that previously employed her early in her career. The letter praises her implementation of a

[6] *See* 8 C.F.R. § 103.2(b)(11); *see also Matter of Furtado*, 28 I&N Dec. at 801-02.
[7] *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1).

new bonus system for sales specialists, her promotions at a young age, and her award for sales in a competition between bank branches. The letter, however, does not detail how the Petitioner played a leading or critical role for her bank branch or for the bank as an organization. And while the letter references the Petitioner's positions at the branch as a "Senior VIP customer manager" and a "Deputy Manager of the Department," it does not explain how these positions were critical or leading for the branch or for the banking institution itself; a letter referencing managerial positions the Petitioner may have held is insufficient to show that that she has performed in a leading or critical role.

The Petitioner has not demonstrated that she meets the plain language requirements of this criterion.

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. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that they are an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, -- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *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).

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.