U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38893170

Date: AUG. 27, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a global health 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.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that she met the initial evidence requirements for this classification through evidence of either a one-time achievement or because she meets three of the alternative evidentiary criteria under 8 C.F.R. § 204.5(h)(3). 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 an immigrant 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 international 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 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).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. See *Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner intends to continue her work as a global health specialist in service to the elderly and other vulnerable populations. The Petitioner aims to "establish a specialized ageing healthcare service company/organization – a US based [redacted]" This organization intends to bring "collaboration between organizations, academic institutions and government institutions to design, fund, implement and evaluate healthy ageing programs in health facilities and communities, and institute programs in settings to improve treatment outcomes and lives of older persons especially older persons living with HIV."

Because the Petitioner has not indicated or established that she has 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). SCOPS determined that the Petitioner met the criteria at 8 C.F.R. §§ 204.5(h)(3)(iv) and (vi), which respectively, relate to participation as a judge of the work of others in the field and authorship of scholarly articles in the field. The Petitioner claimed before SCOPS that she met nine of the regulatory criteria and, as stated, SCOPS determined she satisfied only two of the criteria. On appeal, the Petitioner continues to maintain she meets the nine evidentiary criteria claimed previously. After reviewing all the evidence of record, we conclude she has not satisfied at least three of the regulatory criteria as required and therefore does not qualify as an alien of extraordinary ability.

A. Evidentiary Criteria

> *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).

To establish this criterion has been met, a petitioner must demonstrate: 1) they are the recipient of the prizes or the awards, 2) those accolades are nationally or internationally recognized; and 3) each prize or award is one for excellence in the field of endeavor. *Id.* SCOPS acknowledged evidence

demonstrating the Petitioner received a [redacted] and the Inspirational Award and was a semifinalist for an [redacted]. However, SCOPS found the Petitioner did not establish these awards garnered national or international-level media coverage or that these awards reflect national or international recognition for excellence in the field.

On appeal, the Petitioner does not address or assert any error in SCOPS findings. We concur with SCOPS that the Petitioner has not demonstrated the awards she received were for excellence in the field of endeavor or that this accolade is nationally or internationally recognized. *See Krasniqi v. Dibbins*, 588 F. Supp. 3d 168, 183 (D.N.J. 2021) (U.S. Citizenship and Immigration Services (USCIS) must focus on the recognition of the award, not its issuer); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013) ("Without evidence of how a larger audience viewed Plaintiff's awards, there was no way for the agency to evaluate whether those awards were recognized widely enough to satisfy this criterion."). As such, the Petitioner has not met this criterion.

> *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 discipline or fields.* 8 C.F.R. § 204.5(h)(3)(ii).

To satisfy this criterion, a petitioner must provide "documentation of [his or her] membership in associations in the field for which classification is sought" and show that membership in the association is based on being judged by recognized national or international experts as having outstanding achievements in the field for which classification is sought. *Id.* SCOPS found the Petitioner based her claim to this criterion upon her membership in the [redacted] in Nigeria.

SCOPS determined the Petitioner did not meet this criterion as the Petitioner did not provide proof of membership in all these organizations and, further, did not demonstrate they require outstanding achievements in her field as membership criteria or use national or international experts to determine the qualifications of its members. On appeal, the Petitioner does not address any error in SCOPS findings. As such, we concur with SCOPS that the Petitioner has not met this criterion.

> *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).

SCOPS acknowledged the Petitioner submitted conference program publications, blog posts, interviews, video clips, and articles in response to this criterion. However, SCOPS noted that not all these materials included the title, date and author, as required under the regulations. SCOPS further noted the Petitioner did not submit evidence comparing circulation figures or other information to establish a significant national or international viewership. Overall, SCOPS found the Petitioner did not establish that these materials were published in professional or major trade publications or other major media.

On appeal, the Petitioner asserts that, in part, she submitted a self-authored blog post; articles from Doubleview and Symbol of Hope Inspirational magazines, which do not identify the author of the material; and a gscl.ng media online poem about the Petitioner in support of this criterion. *See Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No, CV RDB-23-2251, 2024 WL 1374794, at * 5 (D. Md. Apr. 1, 2024) (upholding plaintiff's evidence did not include the required title, date, or author). The Petitioner also did not provide any readership or circulation documentation for these websites and magazines, nor establish the significance or relevance of such statistics to show their respective standings. Overall, the Petitioner did not demonstrate that any of these publications qualify as professional or major trade publications or other major media.

The Petitioner also submitted still images and links from the Petitioner's interviews and participation on a YouTube channel, on the [redacted] and [redacted] in satisfaction of this criterion. However, the record does not contain a transcript for the Petitioner's appearance on [redacted] or a YouTube channel. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual (indicating examples of qualifying media for this criterion may include transcripts of professional or major audio or video coverage of the person and the person's work). The record contains an incomplete transcript of the Petitioner's appearance on the [redacted] that contains spelling and grammatical errors and does not clearly identify the Petitioner as the subject of the appearance. The Petitioner cites to case law indicating that professional and trade journals would have a smaller circulation than those read by the general population. However, the Petitioner does not assert, and the record does not otherwise reflect, that the publishers of these materials are categorized as professional or trade journals. In addition, though the Petitioner submitted Wikipedia articles related to the [redacted] and [redacted], apparently to demonstrate they constitute major media, information from Wikipedia is accorded minimal evidentiary weight as there are not assurances about the reliability of the content from this open, user-edited Internet site. *See Laamilem Badasa v. Michael Mukasey*, 540 F.3d 909 (8th Cir. 2008). As such, the Petitioner has also not provided sufficient information related to the readership, intended audience, or viewership for these publications. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B), (relevant considerations in determining whether a publisher meets this criterion is the included audience for professional and major trade publications and circulation, readerships, or viewership for major trade publications and other major media). We concur with SCOPS that the submitted evidence does not sufficiently demonstrate the Petitioner has met this criterion.

> *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).

SCOPS determined the Petitioner's claimed contributions for this criterion, consisting of providing responses to [redacted] on Aging questions, developing a geriatric care model "tailored to African contexts," and creating a model for increasing HIV service uptake through community integration, demonstrated the Petitioner's work in the field and her role in the development of a service but did not satisfy the requirements of this criterion. SCOPS likewise acknowledged evidence of the Petitioner's research and work in the field, such as her authorship of scholarly articles in the field, but found the Petitioner did not establish this work constitutes an original contribution of major significance. Similarly, SCOPS acknowledged letters of support submitted on the Petitioner's behalf discussing her

work but found that they did not detail how the Petitioner's contributions have already influenced the field to sufficiently establish they are of major significance to the field.

On appeal, the Petitioner does not address this criterion or SCOPS' relevant findings. We concur with SCOPS that the Petitioner has not met this criterion.

> *Evidence of the display of the alien's work in the field at artistic exhibitions or showcases.* 8 C.F.R. § 204.5(h)(3)(vii).

When adjudicating this requirement, USCIS first determines whether the displayed work is a petitioner's product. *See generally* 6 *USCIS Policy Manual*, supra, F.2(B)(1). If so, USCIS next determines whether the work's display occurred at artistic exhibitions or showcases. *Id. Merriam-Webster's* online dictionary defines "exhibition" as a public showing (as of works of art, objects of manufacture, or athletic skill).

SCOPS determined this criterion has not been met as the evidence of record does not demonstrate the Petitioner's work was displayed at artistic exhibitions or showcases. SCOPS found that the presentation of the Petitioner's work at various conferences and symposiums is insufficient to meet this criterion as these events are scientific rather than artistic.

On appeal, the Petitioner contends she meets this criterion as it is not limited "to specific fields of art, namely, works of art, objects of manufacture, or athletic skills." Before SCOPS, the Petitioner acknowledged that there has been no display of her work in the context of artistic endeavors, as her work is in the area of healthcare. However, the Petitioner claims she met this criterion as her work was on display through her participation in panels, conference presentations and publications, lectures, keynote speeches, and statements. The Petitioner indicates her work has been displayed at the following venues: host and panel participant at [redacted] University; speaker at [redacted] keynote speaker at [redacted] oral presentation at [redacted] Conference; display of work and report on [redacted] website after she spoke at their conference; conference display at [redacted]; research display at [redacted]; and research display at [redacted] Conference.

Though Merriam-Webster's definition of "exhibition" includes public showings other than those that are artistic in nature, the plain language of the criterion includes the modifier "artistic" and explicitly requires that the exhibitions or showcases be artistic in nature. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1). *See also Kazarian*, 596 F.3d at 1122 (upholding the plaintiff's textbook self-publication, community college lectures, and conference presentations were not displays at artistic exhibitions or showcases consistent with the relevant regulatory language). Here, as stated above, the Petitioner acknowledged her work has not been displayed in an artistic endeavor. Overall, the Petitioner did not establish that her panel participation or presentations, speeches, and lectures at scientific conferences qualify as artistic exhibitions or showcases.

The Petitioner further claims SCOPS, upon erroneously finding her works were not displayed at an artistic exhibition, failed to consider whether the exhibition of her work at multiple venues constitutes

comparable evidence. Petitioners may submit comparable evidence to establish eligibility if eligibility requirements "do not readily apply" to their occupations. 8 C.F.R. § 204.5(h)(4). "When evaluating such comparable evidence, officers must consider whether the regulatory criteria are readily applicable to the person's occupation and, if not, whether the evidence provided is truly comparable to the criteria listed in that regulation." 6 *USCIS Policy Manual*, *supra*, F.2(B)(1). A general unsupported assertion that the listed evidentiary criterion does not readily apply to the petitioner's occupation is not probative. *Id.* By way of example, the Policy Manual suggests that if the publication of scholarly articles is not readily applicable to a person whose occupation is in an industry rather than academia, a petitioner might demonstrate presentation of work at a major trade show is of comparable significance to that criterion. *Id.*

Here, the Petitioner has not shown that this criterion is not easily applicable to her profession and even if she had, she has not otherwise demonstrated how presenting her work at scientific conferences would be comparable to displays of work at artistic showcases or exhibitions. Accordingly, the Petitioner has not established her participation in panels and presentations, speeches, and lectures at scientific conferences to be comparable evidence for this criterion. The Petitioner has not met this criterion.

> *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).

When adjudicating this requirement, USCIS first determines whether a petitioner has performed a leading or critical role for an organization, establishment, or a division or department of an organization or establishment. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B). USCIS then determines whether the organization, establishment, or department or division for which a petitioner held a leading or critical role has a distinguished reputation. *Id.*

SCOPS determined the Petitioner has not demonstrated her work for previous employers was leading or critical. Though SCOPS acknowledged letters of support praising the quality of the Petitioner's work and the success attributed to it, SCOPS found there was "no evidence demonstrating how the [P]etitioner's roles differentiated [her] from others who also worked within the organization in a similar capacity" and that the evidence of record did not otherwise establish the Petitioner contributed to the organizations "in a way that was significant to their success or standing in the field." SCOPS also determined that she did not establish that the organizations have distinguished reputations, as required by the regulations.

On appeal, the Petitioner asserts SCOPS erred in requiring that the Petitioner demonstrate how her role differentiated her from others who worked for the organization in a similar capacity. The Petitioner claims that the titles that she has held, including founder, program director, technical advisor, and program officer, clearly demonstrate the leading and/or critical role she held in those organizations. Specifically, the Petitioner asserts she has submitted evidence of the leading or critical role she performed for distinguished organizations, including: 1) founder and director of [redacted], 2) state coordinator for [redacted] in [redacted], 3) program director for [redacted] 4) post-doctoral research fellow for [redacted] 5) collaborator with [redacted] 6) technical

advisor for [redacted] 7) program officer for [redacted] and 8) specialist for [redacted]

Upon review of the record, we concur with SCOPS that the Petitioner has not met this criterion as she has not established *both* that she has performed a leading or critical role for an organization, establishment, division, or department and that this organization, establishment, division, or department has a distinguished reputation. The record contains a letter from the co-founder and executive secretary of [redacted] and salary contract indicating the Petitioner is the founder, chief executive officer, and director of this organization. Though the Petitioner has demonstrated she has a leading role in this organization, she has not established that [redacted] has a distinguished reputation. Several relevant, non-exhaustive, factors are considered together in determining whether a distinguished reputation exists, including the "relative size or longevity" of an organization or establishment and "the scale of its customer base or relevant media coverage." *See* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1). For academic departments, programs, and institutions, relevant and credible national rankings and receipt of government research grants can be considered as positive factors. *Id.* Organization, establishments, or departments or divisions that enjoy a distinguished reputation are "marked by eminence, distinction, or excellence." *Id.* (citing to the definition of distinguished from Merriam-Webster. The record contains website screenshots containing background information about [redacted] its membership certificate in [redacted] in Nigeria, a membership letter in the [redacted] and a letter according it consultative status in the Economic and Social Council and "subsidiary bodies, the Human Rights Council and, under specific conditions, some meetings of the General Assembly and other intergovernmental bodies, as well as with the United Nations Secretariat." However, the record does not contain information related to the size, longevity, scale of customer base, or relevant media coverage of [redacted] or information regarding how the submitted evidence, including its consultative status, demonstrates the distinguished reputation of this organization.

Similarly, the record contains background information website screenshots from [redacted] indicating its collaborations with academic institutions "have successfully attracted research grants;" the [redacted] in Nigeria indicating it registered in 2016 as a non-governmental organization; [redacted] indicating it has served as an indigenous non-profit for Nigerians since 2001 [redacted] indicating it operates by mandate of the Universal Church since 2010 and lists its core themes and partners; and the [redacted] indicating it is an indigenous, non-profit organization established in 2010. The record also contains a sub-grant document from [redacted] and a U.S. News ranking screenshot for [redacted] University.[1] Some of the listed screenshots do contain longevity numbers for these organizations and Ivan Institute has indicated it "successfully attracted research grants," however the record does not provide supporting documentation for these longevity figures or relative figures that would provide

[1] It is noted that the Petitioner indicated she collaborated with [redacted] company, a technology venture with funding from [redacted] University. As such, based upon the Petitioner's performance for and collaboration with [redacted] company, in evaluating this criterion, we would consider the distinguished reputation of [redacted] company and not the distinguished reputation of [redacted] University. *See generally* 6 *USCIS Policy Manual*, supra, at F.2(B)(1) (indicating USCIS determines whether the organization or establishment, or the department of division for which the person hold or held a leading or critical role, has a distinguished reputation).

context for these claims and the Petitioner has not demonstrated that any research grants received were, specifically, government research grants. *See generally* 6 *USCIS Policy Manual,* supra, F.2(B)(1) (indicating the *relative* size or longevity of an organization or establishment is not in and of itself a determining factor but is considered with other information to determine whether a distinguished reputation exists). As indicated above, receipt of government research grants may be considered a positive factor for academic institutions. *Id.* distinction, or excellence of these organizations. Though the Petitioner's submitted website screenshots reflect general background information about these companies, the Petitioner has not explained or demonstrated how they evidence their distinguished reputations. *See Cuckic v. Jaddou*, No. 21-CV-8395 (JPO), 2023 WL 2586031, at * 5 (S.D.N.Y. Mar. 21, 2023) (finding self-promotional material from the organization did not establish a sufficiently high reputation). Because the documentation in the record does not establish the distinguished reputation of these additional organizations, the Petitioner has not demonstrated she meets the requirements of this criterion. Since this issue is dispositive, we decline to reach and hereby reserve the appellate arguments regarding whether the Petitioner has performed in a leading or critical role for these additional organizations. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible). Therefore, we concur with SCOPS that the Petitioner has not established she meets this criterion.

> *Evidence that 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).

SCOPS indicated that the Petitioner submitted pay slips, employment letters, and grants in support of this criterion. SCOPS also acknowledged a submitted statement from the Petitioner asserting that though the Petitioner received a high salary while employed by various non-governmental organizations, she did not have any corresponding tax documentation as such documentation is not issued for employees of non-governmental organizations in Nigeria. However, SCOPS found the evidence was insufficient to establish the Petitioner's salary was high or that she received significantly high remuneration compared to others employed in a similar position during the relevant period. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (explaining that to meet this criterion, comparative wage or remuneration data that is appropriate for the petitioner's occupation and location should be submitted to establish that their compensation is high relative to others working in the field).

On appeal, the Petitioner does not assert any error in SCOPS' relevant findings. We concur with SCOPS that the Petitioner has not met this criterion. Accordingly, the Petitioner has not satisfied at least three of the initial evidentiary criteria, as 8 C.F.R. § 204.5(h)(3) requires.

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. at 25 (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.

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 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.