U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40763603

Date: AUG. 27, 2026

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

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

The Petitioner, an information technology service delivery manager, 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.

The Petitioner filed his Form I-140 petition in August 2023. USCIS denied the petition in March 2025, 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 Petitioner filed a motion to reconsider in April 2025, which USCIS dismissed in August 2025. The Petitioner appealed that dismissal in September 2025. 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.

A. Invalid Signature

According to USCIS regulation and policy, "[i]f USCIS accepts a benefit request and determines later that the request was not submitted with a valid signature, USCIS may reject or deny the request." *See* 8 C.F.R. § 103.2(a)(7)(ii)(A)(*2*).[1]

We notified the Petitioner in a notice of intent to dismiss (NOID) that the Petitioner's signature on Form I-290B appeared to be deficient, because it appeared to be a copy of an earlier signature that was electronically added to a new form. The NOID further notified the Petitioner that this basis alone was enough to dismiss the appeal and the signature could not be cured. In response, the Petitioner asserts that

[1] This regulatory language was first published in 2026, but represents clarification and codification of existing procedures rather than a new policy or requirement. *See* 91 Fed. Reg. 25,479, 25,487 (May 11, 2026).

he "expressly authorized" his attorney to prepare a new Form I-290B using "the signature from [an] earlier execution of the Form I-290B, which counsel reproduced when preparing the updated appeal."

In the statement quoted above, the Petitioner acknowledges that he did not sign the Form I-290B relating to the appeal now before us. The Form I-290B before us includes a reproduced signature dated September 16, 2025, but review of USCIS records confirms that the signature on that form is identical to the signature on an earlier Form I-290B, dated March 14, 2025. The reproduction of a signature from an earlier document is not an acceptable signature. We also note that the Petitioner's signature on the March 2025 Form I-290B appears to be identical to his signature on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, also dated March 2025.

See, generally, 1 *USCIS Policy Manual* B.2(A) and (B), https://www.uscis.gov/policy-manual, which indicates that an image of a handwritten signature, electronically affixed to a benefit request form, is not an acceptable signature.[2]

Because the Petitioner did not properly sign the Form I-290B, we will dismiss the appeal.

B. Extraordinary Ability

Even without the issue of the invalid signature on the September 2025 Form I-290B, the record does not indicate that the Petitioner has met his burden of proof to establish eligibility for the highly restrictive immigrant classification that he seeks.

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. 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).

Once a petitioner has met the initial evidence requirements at 8 C.F.R. § 204.5(h)(3), 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).

In this instance, the Petitioner claimed to directly satisfy three regulatory criteria, and to have submitted comparable evidence relating to two other criteria that, he claimed, do not readily apply to his occupation. USCIS concluded that the Petitioner had established that he satisfied the criterion relating to leading or critical roles for organizations or establishments with distinguished reputations under 8 C.F.R. § 204.5(h)(3)(viii), and had submitted evidence comparable to display at artistic exhibitions or showcases under 8 C.F.R. § 204.5(h)(3)(vii). USCIS did not grant the other three claimed criteria, relating to

[2] USCIS has seen requests submitted with invalid signatures created by copy-pasting or affixing an image of the same signature on multiple benefit requests in contravention of USCIS policy that allows for photocopied, faxed, or scanned signatures only if the photocopy, fax, or scan is of the original document containing the handwritten wet ink signature. 91 Fed. Reg. 25,482 (May 11, 2026).

participation as a judge of the work of others (8 C.F.R. § 204.5(h)(iv)); original contributions of major significance (8 C.F.R. § 204.5(h)(v)); and evidence comparable to authorship of scholarly articles (8 C.F.R. § 204.5(h)(vi)).

The record consists of information about the Petitioner's employers; examples of work that the Petitioner performed for customers; internal work documents such as email messages and a 2023 performance evaluation; and letters from employers, customers, and professors who have worked directly with the Petitioner in various ways. Collectively, this evidence shows that the Petitioner has worked, as a contractor, for some significant customers such as [redacted] but the record does not show that the Petitioner has earned recognition beyond the schools where he studied, the companies that employed him, and the customers that benefited from his work. Whatever his reputation within these groups, the Petitioner has not established the national or international acclaim that the statute and regulations demand.

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 v. Beers*, 4 F. Supp. 3d 126, 131 (D.D.C. 2013) (internal quotation marks omitted) (finding that the extraordinary ability 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 his 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.

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.