U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39694198

Date: AUG. 28, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a construction estimator and civil engineer from Turkey, 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.

SCOPS denied the petition, concluding that the record did not establish that the Petitioner has received a major, internationally recognized award or met the requirements of at least three of the ten evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). On appeal, the Petitioner submits additional evidence and asserts that in addition to the sole evidentiary criteria that SCOPS found he met, he meets an additional four criteria.

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) 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).

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).

II. ANALYSIS

The evidence indicates that the Petitioner entered the United States on a F-1 student visa in November 2021 and subsequently obtained employment authorization. Pursuant to the terms of his employment authorization, the Petitioner was permitted to engage in 20 hours of work per week during certain periods in 2024. During this time, the Petitioner states he worked as an estimator and civil engineer for a sub-contractor in [redacted] New York. The Petitioner claims that he complied with his employment authorization work restrictions and while still a student, earned $72,800.00 in 2024. He provided documentation showing that his hourly rate is $100.00, which SCOPS determined was higher when compared to others in the field. Therefore, SCOPS concluded that he met the following 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).[1] We will reserve this issue and instead consider the regulatory requirements that the Petitioner claims he meets on appeal. After reviewing all of the evidence in the record, we find that he does not meet at least three evidentiary criteria.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). On appeal, the Petitioner asserts that he meets the evidentiary criteria relating to lesser nationally or internationally recognized awards, published material about the alien, contributions of major significance to the field, and a lead or critical role.

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)

[1] *See* USCIS Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted With Certain I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14.* at 11 (Dec. 22, 2010), https://www.uscis.gov/policymanual/HTML/PolicyManual.html, noting that it the petitioner's burden to provide geographical and position-appropriate evidence to establish that a salary is relatively high.

The Petitioner asserted that in 2012, he received a Certificate of Achievement for winning a Gold Medal in Mathematics at the [redacted] organized by the [redacted] in Turkey. SCOPS determined that the record did not contain objective documentary evidence that the award bestowed on the Petitioner was nationally or internationally recognized and given for excellence in the field of endeavor. SCOPS explained that the evidence did not sufficiently show that the award was recognized in the field on a broader level, beyond the organization that issued it and the "limited student-based candidate pool for whom these awards are intended." SCOPS further observed that "such honors are not considered to be nationally or internationally recognized prizes or awards for excellence in the field of endeavor, because they are generally given to students or early career professionals in the field and inherently exclude established professionals who have already achieved excellence in the field of endeavor." SCOPS considered the additional evidence submitted in response to the request for evidence including additional descriptions regarding the [redacted] and its organizing body, [redacted], and the Petitioner's assertions that the Olympiad attracts thousands of participants. However, SCOPS noted that the descriptions of the award, its basis and criterion for awarding, and the level of recognition of the award given by the Petitioner himself and a supporting affidavit needed to be supported by sufficient, objective evidence; and the submission of letters from experts supporting the petition was not automatically presumptive evidence of eligibility. Moreover, SCOPS observed that the translated articles and documents about the award must be accompanied by evidence of such documents in their original, native language form. Therefore, SCOPS determined that the Petitioner did not meet this criterion.

Below, the Petitioner also submitted a Certificate of Completion from [redacted] indicating that he received the CEFR C2 Mastery level. On appeal, the Petitioner explains that he submitted this documentation to show the accuracy of the translations in the record, because the Petitioner translated all his own documents. Therefore, although SCOPS considered this document towards the "awards" criterion, and found the Petitioner did not provide any additional evidence to support it, the Petitioner concedes that it is not evidence of extraordinary ability. We concur with the Petitioner.

On appeal, the Petitioner argues that the Gold Medal is a nationally or internationally recognized prize or award because [redacted] is the leading national agency for scientific research in Turkey which he claims is the equivalent of the U.S. National Science Foundation and is backed by the Ministry of Industry and Technology. He states the [redacted] is subject matter based and judged on rigorous scientific criteria; participants undergo multiple qualifying rounds and only the top performing individuals are awarded medals; the medal is comparable to other recognizable awards; media coverage, expert endorsements, and academic institution recognition consistently highlight [redacted] medalists as top talent in STEM fields; and universities and employers actively recruit medalists. He posits that the regulation does not automatically exclude awards granted to students, instead the requirement is that the award must recognize excellence in the field, not just general academic success; and "when a competition-based award evaluates technical and scientific excellence under expert judgment, it meets the standard, regardless of recipient age. Therefore, the Petitioner claims that based on [redacted] mandate as a national scientific institution, the Olympiad's structure, selection process, and judging criteria, and press coverage, the Gold Medal qualifies as a nationally prestigious, field-specific award that meets the regulatory standards.

The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 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 Petitioner argues that the Ministry of Industry and Technology in Turkey supports the award through [redacted] However, a national government agency's issuance of an award does not alone establish a prize's national recognition. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) ("[A]s reflected in the regulation's plain text, the focus is on the *award,* not the awarding organization.") (emphasis in original). The Petitioner must show how others beyond the government of Turkey viewed his award. *See 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."). National or international recognition is most often associated with awards given to individuals at the highest level in a given field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual. However, at the time the Petitioner received the award for Mathematics, he appeared to be a 16-year-old student in high school. *Hristov v. Roark*, No. 09-CV-2731, 2011 WL 4711885, at *8 (E.D.N.Y. Sept. 30, 2011) (upholding plaintiff's student award was not nationally or internationally recognized for excellence); *See also Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *5 (S.D.N.Y. Jan. 5, 2024) (finding petitioner's high school tournament awards, in which he competed against other students, were not for excellence in his field of endeavor). The Board of Immigration Appeals (the Board) has held that testimony should not be disregarded simply because it is "self-serving." *See, e.g., Matter of S-A-*, 22 I&N Dec. 1328, 1332 (BIA 2000) (citing cases). Although the Petitioner attempts to provide background information about the award, the record lacks sufficient objective evidence about this award. The Board also held, however: "We not only encourage, but require the introduction of corroborative testimonial and documentary evidence, where available." *Id.* If testimonial evidence lacks specificity, detail, or credibility, there is a greater need for the petitioner to submit corroborative evidence. *Matter of Y-B*, 21 I&N Dec. 1136 (BIA 1998). Thus, based on a preponderance of evidence, we determine that the Petitioner does not meet this criterion.

2. 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 regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires "[p]ublished 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." These materials must include "the title, date, and author of the material, and any necessary translation." *Id.* The published material should be about the alien and their work, rather than the alien's employer and its work (or about an organization and its work). Professional or major trade publications may be identified by their intended audience, while other major media and major trade publications should have elevated circulation or readership relative to other media in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

SCOPS concluded that the articles did not appear to be about the Petitioner and his work in the field, but rather about school awards given to students for academic achievements, of which the Petitioner was one of many students reaching a level of academic success. Specifically, SCOPS explained that while the Petitioner and his work need not be the only subject of the articles, the published material must still contain a substantial discussion of his work. Consequently, the articles that simply listed the Petitioner as one of many students that reached a "regularly achieved educational milestone" do not meet this criterion. On appeal, the Petitioner argues that the articles he submitted "focus exclusively on [his] individual academic achievements" such as "the highly competitive high school entrance examination in Turkey, where [he] ranked among the top ten students out of 1,098,243 participants by achieving a perfect score." He maintains that his academic achievements correlate to his professional expertise and the "articles connect [his] academic successes to real-world contributions." He proffers that [redacted] and [redacted] meet the criteria for professional or major trade media because they are "widely circulated, professionally recognized news platforms with large readerships across Turkey."

SCOPS determined that the articles did not meet the plain language of the criterion because they did not contain the full title, date, and author of the material. On appeal, the Petitioner states that he submits "complete citations, including article titles, publication dates, and authors in both original and translated formats." The Petitioner's additional supporting documentation includes among other documents, "independent circulation and readership data proving the major media status of all the submitted publications." While we acknowledge the Petitioner's submission on appeal, we cannot consider it. This is because the Petitioner was put on notice and given a reasonable opportunity to provide this evidence. Thus, we will not consider it for the first time on appeal. *See* 8 C.F.R. § 103.2(b)(11) (requiring all requested evidence be submitted together at one time); *Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988) (declining to consider new evidence submitted on appeal because "petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it for the record before the denial").

Regarding the articles from Haberler.com and Etihaber.com, we conclude that they are insufficient to meet the requirements of the regulation. As SCOPS correctly observed, the plain language of the criterion requires among other things, that the published material contained the title, date, and author of the material, and that has not happened here. Moreover, the articles do not relate to the alien's work in the field. For example, the [redacted] article mentions that [redacted] and listed the names of the students, which included the Petitioner. There was an accompanying photograph to the article, but it is unclear if the Petitioner was depicted in the photograph. *Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *3-4 (N.D. Tex. Oct. 19, 2023) (upholding published material must be specifically about the applicant and focus on his personal work in the relevant field, not merely relate to the applicant's work, mention his name, or include his photo). Therefore, we determine that the Petitioner does not meet this criterion.

3. 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)

In order to satisfy this criterion, a petitioner must establish that not only has he made original contributions, but that they have been of major significance in the field. For example, a petitioner may

show that the 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*, 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* F.2(B)(1), www.uscis.gov/policy-manual.

SCOPS acknowledged that the Petitioner submitted evidence of his degree from [redacted] letters of support, and his work contracts. However, SCOPS determined that the evidence did not sufficiently demonstrate that the Petitioner's work and accomplishments have made contributions towards his field that rise to a level of major significance. Specifically, SCOPS observed that the Petitioner's performance and accomplishments of required work duties and responsibilities, as well as his attainment of a degree, cannot be constituted as contributions of major significance to the field. And although the Petitioner argued that the work contracts he submitted were "original" and customized solutions that represented significant contributions to the field of construction and business management, SCOPS determined that they did not represent major contributions. SCOPS explained that the competent execution of his assigned work duties and assignments, or educational responsibilities, were common expectations of any professional in the field; and contributing towards the completion of work done on an assigned project, even if the project is a major advancement in the field, did not meet this criterion because the work is the result of the collective efforts of a whole team. Finally, the evidence in the record did not support the conclusion that the Petitioner's contribution to the construction projects represented major significance in the field.

On appeal, the Petitioner proffers that his "professional contributions extend beyond standard engineering and business practices, demonstrating innovative solutions tailored to complex legal and operational frameworks." He points to the documentation in the record comprising contracts, agreements and partial lien waivers for the clients of his employers. He asserts that these documents do not follow conventional templates and that he developed "original contract frameworks adapted to complex legal and operational requirements, validated by expert legal reviews and adopted by other projects." The Petitioner asserts that his "customized contractual solutions . . . are now being implemented across multiple projects" enhancing legal efficiency and minimizing disputes. To support his claim that he is setting new industry benchmarks, he indicates that he is involved with "prominent organizations" including [redacted] LLC and [redacted] Inc, among a few others. But while the Petitioner describes the benefits of his customized contracts, he has not established how his work already qualifies as a contribution of major significance in the field, rather than prospective, potential impacts. Notably, the significant nature of his work in drafting contracts in the construction industry has yet to be determined or measured. And having only worked with a modest number of clients in [redacted] it cannot be said that he has made major contributions to the industry. *Kinuthia v. Rosenberg*, No. CV 17-10255-LTS, 2018 WL 1243955, at *6 (D. Mass. Mar. 8, 2018), *aff'd sub nom.*, *Kinuthia v. Velarde*, No. 18-1244, 2019 WL 11671989 (1st Cir. July 3, 2019), *cert. denied*, 140 S. Ct. 2643, 206 L. Ed. 2d 714 (2020) (upholding petitioner's model has not been

widely applied in the field or any impact beyond the local project); *see also Nelson v. U.S. Citizenship & Immigr. Servs.*, No. CV 21-10334-LTS, 2022 WL 20583561, at *8 (D. Mass. June 15, 2022) (upholding evidence requires both an original contribution and its impact of the broader field).

We have considered the letters of support submitted by a few individuals. One letter, submitted by the Petitioner's former professor A-O-A-[2] indicates that he "consistently demonstrated outstanding academic performance and a keen interest in research." A-O-A- states that the Petitioner is referred to as a "number guy" due to his extraordinary numerical abilities, and that his "exceptional talent, dedication, and contributions to his field make him a deserving candidate for this recognition." A former employer of the Petitioner, Y-P-, states that his nickname was "joker" because he was "incredibly smart, like a human calculator," and in addition to his academic prowess, he demonstrated leadership skills. A letter from his landlord M-O- attests to the Petitioner's charitable efforts in offering free math and physics courses to children in [redacted] New Jersey. M-O- similarly opines that the Petitioner is a "human calculator" whose "extraordinary abilities and contributions to both his profession and the community make him an ideal candidate for the EB-1A classification." While these letters are complimentary and praise the Petitioner, they do not detail the nature and significance of any major contribution. *See Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *8 (E.D. Pa. Sept. 18, 2023) (upholding USCIS' decision explaining that letters did not provide specific information or documentary evidence about the original contributions of major significance that the plaintiff's work has had in the field as a whole). The Petitioner purports to submit additional documents on appeal to support this criterion. However, as we have previously determined, because the Petitioner was put on notice and given a reasonable opportunity to provide this evidence, we will not consider it for the first time on appeal. *Matter of Soriano*, at 766. Therefore, we conclude that the Petitioner has not met this criterion.

B. Summary and Reserved Issue

The record does not establish that the Petitioner meets at least three of the initial evidentiary criteria discussed above. As such, the Petitioner has not met the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3). Detailed discussion of the remaining criteria at 8 C.F.R. § 204.5(h)(viii) cannot change the outcome of the appeal. Therefore, we reserve and will not address these remaining issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach); *see also Matter of D-L-S-*, 28 I&N Dec. 568, 576–77 n.10 (BIA 2022) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents to show by a preponderance of the evidence that he meets at least three of the ten criteria. As a result, we do not need to provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119–20. Nevertheless, we have reviewed the material in the aggregate, concluding that while the Petitioner has achieved some success as an estimator and civil engineer, the record does not

[2] We use initials to protect the privacy of individuals.

support the conclusion that he established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward that goal. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not shown the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with 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 has garnered national or international acclaim in the field, or that he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) and 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above-mentioned 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.