U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40501712

Date: DEC. 1, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an "EV [electric vehicle] automotive business strategist," requests 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 found that the Petitioner met the requested category's initial evidentiary requirements. But, in a final merits determination, SCOPS found insufficient evidence of acclaim and recognition placing him among the small percentage at his field's very top. On appeal, the Petitioner contends that SCOPS misanalysed evidence.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we agree with SCOPS that he has not established his claimed extraordinary ability in his field. We will therefore dismiss the appeal.

I. LAW

To qualify for this immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability" in the sciences, arts, education, business, or athletics;
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the country as a permanent resident.

Section 203(b)(1)(A)(i-iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

Unless a petitioner received "a major, international recognized award," they must satisfy at least three of ten alternative evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[1] If a petitioner meets either evidentiary standard and the requirements at section 203(b)(1)(A)(ii), (iii) of the Act, U.S. Citizenship and Immigration Services (USCIS) must then make a final merits determination. To merit approval, the record – as a whole – must establish a petitioner's "sustained national or international acclaim" and recognized achievements placing them among the small percentage at their field's very top. *See Kazarian v. USCIS*, 596 F.3d 1115, 1119-20 (9th Cir. 2010) (implementing a two-step extraordinary ability analysis); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner

The record shows that the Petitioner has worked as a manager in the EV industry in Venezuela and Colombia for about 18 years. His former employers include affiliates of two large multinational car companies. He currently serves as country manager of a Colombian company that sells a wide range of EVs.

The Petitioner states that he seeks to continue working as an EV business strategist in the United States. "My goal is to contribute to the growth of the EV industry in the United States," he said, "leveraging my experience to bring innovative business strategies to the sector."

B. The Evidentiary Criteria

The record does not indicate – nor does the Petitioner claim – his receipt of a major internationally recognized award. He therefore must meet at least three of the ten alternative evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i-x).

The record supports SCOPS' findings that the Petitioner satisfied the following four evidentiary criteria:

- Published material about him relating to his work in his field;
- His participation as a judge of others work in the field;
- His performance in a leading or critical role for organizations with distinguished reputations; and
- His commandment of a high salary relative to others in his field.

See 8 C.F.R. § 204.5(h)(3)(iii), (iv), (viii), (ix).

On appeal, the Petitioner contends that SCOPS erred in finding that he did not submit documentation of his receipt of nationally or internationally recognized awards for excellence in his field or comparable evidence of the display of his work in the field at artistic exhibitions or showcases. *See* 8 C.F.R. §§ 204.5(h)(3)(i), (vii), (4). But, because he satisfied the minimum requisite amount of three

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

evidentiary criteria, we need not determine whether he meets more. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

We will next review SCOPS' final merits determination.

C. The Final Merits Determination

To merit final approval as an alien with extraordinary ability, a petitioner must demonstrate – through evidence of sustained national or international acclaim and recognition of their achievements in their field – that they are one of the small percentage who has risen to their field's very top. 6 *USCIS Policy Manual* F.2(B)(2). They "must explain the significance of the submitted evidence, and how it demonstrates that the person has achieved sustained national or international acclaim and recognition in their field of expertise." We review evidence in the totality and must consider "any potentially relevant evidence in the record, even if such evidence does not fit one of the … regulatory criteria or was not presented as comparable evidence." *Id.*

The record supports SCOPS' finding that the Petitioner has not demonstrated his claimed place among the small percentage at his field's very top. He has established his receipt of some acclaim and recognition. For example, major media articles in Colombia have quoted him about the EV industry. Also, in his current role as country manager of a company that sells EVs, he receives a high salary relative to others in his field in his country.

But evidence of the Petitioner's acclaim and recognition is limited. The record does not support his purported positioning at the EV industry's very top. For example, all of his support letters are from current or former co-workers, former managers, or others who personally know him. *See* 6 *USCIS Policy Manual* F.2(B)(3) ("It is generally expected that one whose accomplishments have garnered sustained national or international acclaim would have received recognition for their accomplishments well beyond the circle of their personal and professional acquaintances.")

The Petitioner notes that, in the final merits determination, SCOPS discussed the evidence he submitted to satisfy the four evidentiary requirements "individually." *See* 8 C.F.R. § 204.5(h)(3)(iii), (iv), (viii), (ix). He contends that SCOPS' should have considered all relevant evidence and should have considered it "collectively."

SCOPS' did not need to *discuss* each piece of evidence in its decision. *See Jean-Pierre v. U.S. Att'y Gen.*, 500 F.3d 1315, 1325 (11th Cir. 2007). But, as the Petitioner argues, SCOPS had to *consider* all relevant evidence and consider it in its totality. *See id.; see also* 6 *USCIS Policy Manual* F.2(B)(2). We presume that SCOPS properly considered the relevant evidence collectively. But even if SCOPS did not, the Petitioner has not demonstrated that SCOPS disregarded evidence establishing his extraordinary ability in his field. *See Salmeron-Salmeron v. Spivey*, 926 F.3d 1283, 1287 (11th Cir. 2019) (stating that an agency's mistake is harmless when it "is one that clearly had no bearing on the procedure used or the substance of decision reached"); *see generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless errors).

The Petitioner contends that evidence of the published materials relating to his work in his field demonstrate his receipt of sustained acclaim. *See* 8 C.F.R. § 204.5(h)(3)(iii). He concedes that, as SCOPS found, all the articles about his work were published in 2024. But he argues that:

> they are all written months apart spanning the entire year. Each article is about a *different* accomplishment or business initiative that [he] led. To have such major media write about his work so frequently and consistently indicates that [he] has risen to the top of the EV Automotive Industry and has sustained acclaim.

(emphasis added).

USCIS policy, however, defines the term "sustain" as "to support or maintain, *especially over a long period of time* . . . To persist in making (an effort) *over a long period of time*." 6 *USCIS Policy Manual* F.2(A)(i) (quoting *Black's Law Dictionary* (11th ed. 2019)) (emphasis added). The Petitioner has not demonstrated that, in the context of sustained acclaim, one year is a "long period of time." Thus, he has not established that the published materials about his work, alone, are evidence of sustained acclaim.

The Petitioner also argues that:

> the Service overlooks the totality of the evidence, which shows that [his] sustained acclaim began as early as 2007, when he performed in leading and critical roles at [the Venezuelan affiliate of a multinational car company], ranging from Marketing and CRM [customer relationship management] Chief and member of the Board of Directors. [He] consistently has held leading or critical roles through today. Publication in major media is just the most recent sign of sustained acclaim, and should be evaluated in the context of the other categories awarded, including leading and critical role, salary, and judging.

We agree with the Petitioner that all sustained acclaim need not stem from the same type of evidence. But, even if he sustained acclaim from 2007 to the present as he claims, he has not demonstrated that all the acclaim was national or international in nature or that it places him among the small percentage at his field's very top.

The Petitioner also notes his participation as a judge of others' work in an allied field by annually judging a classic/antique auto show in Colombia. *See* 8 C.F.R. § 204.5(h)(3)(iv). He contends that his:

> work judging the antique auto show is indicative of how he has risen to the top of his field. He has separated himself from others in the field because of his specialization in converting traditional gas cars to electric vehicles and is known for this niche specialty within the electric vehicle automative business. Few in the electric vehicle industry would have the specialized knowledge required to be trusted to judge at an antique auto show.

The Petitioner submitted a letter from a founder of a Colombian auto repair shop stating that the Petitioner "has a very unique skillset in that he is an expert in the conversion processes of classic vehicles to electric vehicles." But the Petitioner has submitted insufficient evidence to establish his claim that few others in his field know about EV conversions. Even assuming the rareness of his expertise, he has not demonstrated that his knowledge of EV conversions or his annual judging at the antique auto show have garnered sustained national or international acclaim or recognition in his field. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *23 (D. Neb. Sept. 12, 2025) (affirming USCIS' finding that "the petitioner has not shown how the beneficiary has judged to such an extent, or at a high enough level, that her judging surpasses the majority of the field and places her in the top echelons of anesthesiology and pain management").

SCOPS found that the Petitioner did not successfully submit evidence of his receipt of nationally or internationally recognized awards in his field because the copies of awards he provided state their issuance to companies where he worked rather than to him. *See* 8 C.F.R. § 204.5(h)(3)(1) (requiring "[d]ocumentation of *the alien's receipt* of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor") (emphasis added); *see generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 1 ("The description of this type of evidence in the regulation indicates that the focus should be on the person's receipt of the awards or prizes, as opposed to the employer's receipt of the awards or prizes.") He contends:

> Even if the Service is unwilling to attribute the award to [him] directly, it still acknowledges that the companies achieved these awards under his supervision and during his tenure in leading and critical roles as CEO and Country Manager. . . . Not all business leaders who make valuable contributions win awards, but [he] is one of the few who has led international companies to success. Such recognitions speak to his sustained acclaim as a leader in the EV automotive industry.

We agree that awards to companies that petitioners led or played critical roles for could reflect acclaim on the petitioners for general consideration in a final merits determination. But, again, the Petitioner here has insufficiently demonstrated his receipt of national or international acclaim or recognition from the awards his employers won during his tenures. *See Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *5 (D.D.C. June 8, 2021), *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (requiring an EB-1 petitioner to demonstrate that their submitted awards are "top awards and prizes in the field of endeavor").

The Petitioner claims that SCOPS found he lacks extraordinary ability because he unsuccessfully submitted evidence of his receipt of nationally or internationally recognized awards in his field and omitted evidence of his membership in associations in the field requiring outstanding achievements of their members. *See* 8 C.F.R. § 204.5(h)(3)(i), (ii). He argues that SCOPS improperly required him to meet these two additional evidentiary criteria. He protests that "petitioners do not need to [meet] *all* [evidentiary] categories in order to demonstrate sustained acclaim and positioning at the top of their fields." (emphasis in original).

The Petitioner correctly indicates that, as a first step to potentially demonstrate his claimed extraordinary ability in his field, he need not satisfy more than three evidentiary criteria before

consideration in a final merits determination. *See* 8 C.F.R. § 204.5(h)(3) (requiring an extraordinary ability petitioner to meet "at least three of the following [evidentiary criteria]"). But the record does not indicate that SCOPS faulted him for not meeting the additional two evidentiary requirements it mentioned. SCOPS' decision states:

> The record does not demonstrate that the [Petitioner] has received any nationally or internationally recognized awards for excellence in the field of endeavor[,] nor demonstrate that [he] is a member of any organizations that require outstanding achievements for membership.

Immediately after that sentence, SCOPS' decision begins discussing the Petitioner's evidence of published materials about him relating to his work in his field. *See* 8 C.F.R. § 204.5(h)(3)(iii).

Thus, contrary to the Petitioner's argument, the decision does not state that he cannot demonstrate extraordinary ability in his field without meeting the two additional evidentiary requirements or even that he should have submitted such evidence. Rather, the decision merely indicates that, when discussing the Petitioner's evidence, SCOPS followed the numerical order of the evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i-x)). SCOPS started at the evidentiary requirements under 8 C.F.R. § 204.5(h)(3)(i), (ii) before considering the Petitioner's evidence under 8 C.F.R. § 204.5(h)(3)(iii). Therefore, contrary to the Petitioner's argument, the record does not establish that SCOPS required him to satisfy additional evidentiary criteria.

Finally, SCOPS found that the Petitioner did not demonstrate interest in his services as an EV business strategist from U.S. companies, except for one that operates a rental car/shuttle service near an airport. SCOPS stated: "This type of employment/interest does not seem consistent with an EV Automotive Business Strategist who has risen to the very top of the field of endeavor."

In response, the Petitioner argues that his relationships with affiliates of multinational car companies:

> still exist, and that only top professionals in the field would have such connections. The affiliated companies *have* been interested in [his] work, which is why they hired him and trusted him in leadership positions, like Country Manager, Marketing and CRM Chief, and member of the Board of Directors, and his business ideas in the electric vehicle industry already have been implemented in Latin America. His new business strategy work for [the U.S. rental car/shuttle service company] is a continuation of [his] award-winning work.

(emphasis added).

We agree that the Petitioner's proposed work for a lesser-known U.S. transportation company does not necessarily undermine his claimed extraordinary ability in his field. But the totality of the evidence does not demonstrate his receipt of enough sustained acclaim and recognition of his accomplishments to place him among the small percentage at his field's very top.

Congress intended to set "a very high standard" for aliens of extraordinary ability. Proposed Rule for Employment-Based Immigrants, 56 Fed. Reg. 30703, 30704 (July 5, 1991). Congress indicated that

this immigrant visa category was meant "for that small percentage of aliens who have risen to the very top of their field of endeavor." *Id.* The Petitioner met the category's initial evidentiary requirements and demonstrated his receipt of acclaim and recognition in his field. But he has not established his claimed place among the small percentage of his field's very top. *See Amin v. Mayorkas*, 24 F.4th 383, 386 (5th Cir. 2022) ("[G]iven the lofty bar for extraordinary ability classifications, we cannot say that the agency acted arbitrarily when it determined that [a petitioner] was not 'extraordinary' but merely very good."); *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (holding that even athletes performing in their sport's premier league do not automatically meet the extraordinary ability standards).

III. CONCLUSION

The Petitioner has not demonstrated his claimed place among the small percentage at his field's very top. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.

NOTICE: This is the final decision in this matter. A motion's filing would not postpone the decision's effect. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are unlawfully present, or who are otherwise inadmissible or deportable, may receive Forms I-862, Notices to Appear, placing them in removal proceedings. *See* section 240 of the Act, 8 U.S.C. § 1229a. Removal proceedings may result in an alien's removal from the United States and ineligibility for future U.S. visas or other immigration benefits.