U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40377946

Date: DEC. 9, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an assistant professor of advertising, 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 found that the Petitioner met the requested category's initial evidentiary requirements. But, in a final merits determination, SCOPS concluded that she did not demonstrate her possession of extraordinary ability in her field. On appeal, the Petitioner contends that SCOPS disregarded 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 conclude that the evidence she claims SCOPS overlooked, even when combined with the other evidence of record, does not establish her purported extraordinary ability in her 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 final 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 Petitioner documented her receipt of a bachelor of science degree in electronic media from an Indian university. U.S. universities later awarded her master of arts and doctoral degrees in advertising. She also has more than 10 years of employment experience in the advertising industry. In that field, she has worked as a media planner, associate media director, and marketing consultant.

The Petitioner now works as an assistant professor of advertising at a U.S. university. The record contains evidence that she has co-authored at least four peer-reviewed research articles in her field and made presentations at at least five peer-reviewed conferences in the field. She has also reviewed the research articles of others in her field before the papers' publications. She stated that she plans to remain working in her field in the United States and to expand her research activities.

B. The Evidentiary Criteria

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

The Petitioner initially claimed that she met four criteria. SCOPS found that the Petitioner did not successfully submit evidence that she made "original contributions" of "major significance" in her field. *See* 8 C.F.R. § 204.5(h)(3)(v). But the record supports SCOPS' findings that she satisfied three other evidentiary criteria:

- Participation as a judge of others' work in her field;
- Authorship of scholarly articles in the field; and
- Performance in a leading or critical role for organizations with distinguished reputations.

8 C.F.R. § 204.5(h)(3)(iv), (vi), (viii).

We will next review SCOPS' final merits determination.

[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).

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 [they have] achieved sustained national or international acclaim and recognition in their field of expertise." *Id.* USCIS must review all evidence in the totality and 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.*

In determining this petition's merits, SCOPS discussed the evidence the Petitioner submitted to meet the three evidentiary requirements at 8 C.F.R. § 204.5(h)(3)(iv), (vi), (viii). SCOPS then concluded that the materials did not demonstrate her claimed extraordinary ability in the field of advertising and marketing.

On appeal, the Petitioner notes that SCOPS discussed only evidence supporting her: participation as a judge of others' work in her field; authorship of scholarly articles in the field; and performance in a leading or critical role for an organization with a distinguished reputation. *See* 8 C.F.R. § 204.5(h)(3)(iv), (vi), (viii). She argues that, contrary to USCIS policy, SCOPS did not "consider all evidence in the totality" or "any potentially relevant evidence in the record, even if such evidence does not fit one of the above regulatory criteria or was not presented as comparable evidence." *See* 6 *USCIS Policy* F.2(B)(2).

USCIS is presumed to review all relevant evidence in a decision. *See Hadjimehdigholi v. INS*, 49 F.3d 642, 648 n.2 (10th Cir. 1995) ("[An agency] is not required to discuss every piece of evidence when it renders a decision .... [A]ll that is necessary is a decision that sets out terms sufficient to enable us as a reviewing court to see that the [agency] has heard, considered, and decided.") Nevertheless, even if SCOPS disregarded relevant evidence, the Petitioner has not demonstrated that the overlooked materials establish her claimed extraordinary ability in her field. *See Allen v. Barnhart*, 357 F.3d 1140, 1145 (10th Cir. 2004) (recognizing the principle of "harmless error" in administrative proceedings if "no reasonable administrative factfinder, following the correct analysis, could have resolved the factual matter in any other way"); *see generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing harmless error cases).

The Petitioner argues that SCOPS' final merits determination disregarded evidence of original contributions of major significance she made in her field. *See* 8 C.F.R. § 204.5(h)(3)(v). She points to evidence of research articles she co-authored, presentations she made at academic conferences, citations to her work in other articles, and invitations she received to write articles, provide expert opinions, participate on panels, and lecture classes. The Petitioner notes that receipt of "unsolicited invitations to speak or present research at nationally or internationally recognized conferences in the field" is "generally indicative of a person's high standing and recognition for achievements in the field." 6 *USCIS Policy Manual* F.2(B)(2). She asserts that her "research has been instrumental in shaping widespread discussions about data policy, digital advertising, and consumer privacy." She states that the "continued and ongoing invitations [to her] and [her] participation [in the activities] are

because of her high standing and recognition for extraordinary achievements in the field of Advertising and Marketing."

But, contrary to the USCIS policy that the Petitioner cites, her evidence does not demonstrate that the activities for which she received invitations are "nationally or internationally recognized." *See* 6 *USCIS Policy Manual* F.2(B)(2). The record lacks sufficient evidence showing how national or international audiences perceive journals that published her work, or conferences or panels at which she spoke. *See Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013) (in the context of "nationally or internationally recognized" prizes or awards under the evidentiary criterion at 8 C.F.R. § 204.5(h)(3)(i), stating: "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").

The Petitioner also contends that SCOPS undervalued evidence. In considering her pre-publication review in 2024 of four articles that others in her field wrote, SCOPS found:

> The evidence does not show that [the Petitioner] has reviewed a large number of articles for distinguished journals, magazines, or editorials in [her] same or allied field. As the record shows that [she] served as a reviewer [only] during the year 2024, the record does not demonstrate sustained acclaim.

The Petitioner disputes SCOPS' finding. She argues:

> [She] was invited to participate in the review of submissions based on her established expertise and reputation. These invitations are not extended casually and represent formal recognition by peers and institutions of [her] sustained acclaim in the industry. In fact, in fields like advertising and marketing, editorial review and selection roles are generally reserved for individuals with a demonstrated record of excellence and field authority.

But the record lacks sufficient evidence that the invitations the Petitioner received to review others' work in the field constitute "national or international" acclaim or "extensive documentation" of her achievements' recognition. *See* section 203(b)(1)(A)(i) of the Act. Also, the record does not demonstrate that her receipt of the invitations over a one-year period is "sustained" acclaim. *See* 6 *USCIS Policy Manual* F.2(A)(1) (quoting *Black's Law Dictionary* (11th ed. 2019)) (defining the word "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*") (emphasis added).

The Petitioner also maintains that the publication of her scholarly articles in the field between 2021 and 2024 demonstrate sustained acclaim. SCOPS found that "[t]he evidence does not show that [she] consistently published scholarly articles in journals with the highest impact factors within the field." The Petitioner argues that:

> [SCOPS'] decision goes outside of the requirements of the law and makes arbitrary assumptions about [her] articles. [Her] articles, published consistently between 2021 and 2024, demonstrate an ongoing influence and sustained acclaim in her field of

> professionals in marketing, media, and consumer advertising engagement. While citation may be less applicable in her field [than in others], the intended audience, readership, and professional nature of the publications all support the conclusion that she has risen to the top of her field and sustained industry acclaim.

But, under USCIS policy, the reputations of publications in which scholarly articles appear is a factor in determining whether a petitioner has extraordinary ability.

> Depending on the level of recognition of the journals in question, as demonstrated by evidence in the record, there may be particular prestige or acclaim associated with publication in such journals, especially if the person is the most significant contributor to the published article, a senior author, or the sole author of the article.

6 *USCIS Policy Manual* F.2(B)(2). Also:

> Publishing scholarly articles in professional or major trade publications or other major media alone, regardless of the caliber, should satisfy the regulatory criteria in the first step of the analysis. However, the second step [the final merits determination] *requires the officer to evaluate the person's publications* to determine whether they were indicative of the person being one of that small percentage who have risen to the very top of the field of endeavor and enjoying sustained national or international acclaim.

6 *USCIS Policy Manual* F.2(B)(1) (emphasis added).

As SCOPS found, the Petitioner has not demonstrated that any of the publications that printed her articles are highly ranked or prestigious in her field. Thus, SCOPS did not make "arbitrary assumptions" about her work. Rather, as USCIS policy requires, SCOPS considered the publications' reputations in determining whether she has established her claimed place among the small percentage at her field's very top.

The Petitioner further contends that SCOPS erred in discounting her three-year role as associate media director with her former employer, a leading U.S. advertising agency. SCOPS stated: "As [the Petitioner's] role [with the agency] ended in 2017, it does not demonstrate sustained acclaim." She argues:

> This reasoning reflects a fundamental misunderstanding. Her high-level position involving strategic oversight of major, high-profile [advertising] campaigns must be evaluated within the broader context of [her] career trajectory. USCIS failed to consider that [she] currently holds a tenure-track position as a Professor of Advertising at ... a premier public research university in the United States. Due to her contributions and acclaim from working in the high-level position of Associate Media Director ..., [she] was offered her current role as a tenure-track professor so that she can teach her strategies to produce more professionals in her field. This shows [her] sustained national acclaim, extraordinary achievement, and continued recognition within the advertising industry and academic community alike. . . . Her ongoing work in the field of Advertising and Marketing demonstrates that her work did not end in 2017.

The record does not indicate that the Petitioner's work in the advertising field has ended. But she has not demonstrated that she continues to garner similar amounts of acclaim in her field as she did in her former role as an associate media director. The record shows that, in that job, the Petitioner worked on behalf of nationally known clients and led the development of two ads that appeared during Super Bowl telecasts. She has not established her receipt of similar acclaim since. Thus, SCOPS did not err in finding insufficient evidence of sustained national or international acclaim.

In general, the Petitioner has submitted insufficient evidence of national or international acclaim or recognition of her achievements in advertising. The reference letters submitted on her behalf indicate her *potential* to rise to being one of the small percentage at her field's very top. But the letters do not demonstrate that she *now* has extraordinary ability. For example, her doctoral advisor stated:

> I have seen consistently strong evidence that [the Petitioner] *will be* a successful academic researcher in that she is focused on her research and *has a clear trajectory ahead* for expanding the field of advertising and regulation. In sum, I have no doubt that she has a prolific publishing career *ahead of her* in academia that she *will unveil* new and important aspects of how advertising and technology are regulated in the United States.

(emphasis added). Similarly, her former manager at an educational software company stated: "I am confident that through her research, she *will advance* the field in the right direction, always balancing the needs of various shareholders and society."

Also, all of the reference letters on the Petitioner's behalf are from her former managers, colleagues, or educational advisors. "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." 6 *USCIS Policy Manual* F.2(B)(3).

III. CONCLUSION

The Petitioner has not demonstrated sufficient sustained national or international acclaim and recognition for achievements in her field to place her among the small percentage who have risen to her 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.