U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40384255

Date: DEC. 9, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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 Form I-140, Immigrant Petition for Alien Workers (petition), concluding the record did not establish that the Petitioner had a major, internationally recognized award, nor did she demonstrate that she met at least three of the ten regulatory criteria. 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 to U.S. Citizenship and Immigration Services (USCIS) by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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

To qualify under this immigrant classification, the statute requires the filing party demonstrate:

- The alien enjoys extraordinary ability in the sciences, arts, education, business, or athletics;
- They seek to enter the country to continue working in the area of extraordinary ability; and
- The alien's entry into the United States will substantially benefit the country in the future.

Section 203(b)(1)(A)(i)–(iii) of the Act. The term "extraordinary ability" refers only to those 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-step analysis. In the first step, 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 move to the second step to 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, 1121 (9th Cir. 2010) (discussing a two-step 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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022).

II. ANALYSIS

The Petitioner earned a foreign degree in programming and systems engineering, with additional training in sensory integration and alternative methods of communicating. She co-founded an organization offering support for children with autism, subsequently leading social programs for children with autism and special needs.

A. Evidentiary Criteria

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). Before SCOPS, the Petitioner initially claimed she met seven of the regulatory criteria. After SCOPS issued a request for evidence (RFE) informing her that she met the criteria relating to the authorship of scholarly articles and performing in a leading or critical role, in response the Petitioner only claimed she met the requirements relating to awards, published material, and contributions of major significance. SCOPS decided that the Petitioner satisfied the criteria as indicated in the RFE, but that she did not satisfy any of the remaining criteria.

On appeal, the Petitioner only advances claims relating to the contributions of major significance criterion and separately about the sufficiency of some of her translation certifications. She has therefore abandoned her claims under any other previously claimed criteria. The reason for filing an appeal is to provide an affected party with the means to remedy what they perceive as an erroneous conclusion of law or statement of fact within a previous proceeding. *See* 8 C.F.R. § 103.3(a)(1)(v). Claims that were an issue before a lower adjudicative body are waived on appeal when the party fails to raise them. *Matter of Landers*, 29 I&N Dec. 240, 242 n.2 (BIA 2025).

That leaves the Petitioner's claims resting solely on her contributions in the field. After reviewing all the evidence in the record, we conclude her claims on appeal are not sufficient to qualify for this highly restrictive immigrant classification.

1. "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).

The primary requirements here are that the Petitioner's contributions in their field were original and they rise to the level of major significance in the field, rather than to a project or to an organization.

See Amin, 24 F.4th at 394 (citing *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134 (D.D.C. 2013)). The regulatory phrase "major significance" is not superfluous and, thus, it has some meaning. *Nielsen v. Preap*, 586 U.S. 392, 415 (2019) (finding that every word and every provision in a statute is to be given effect and none should needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence). Further, the Petitioner's contributions must have already been realized rather than being potential, future improvements. Contributions of major significance connotes that the Petitioner's work has significantly impacted the field. The Petitioner must submit evidence satisfying all of these elements to meet the plain language requirements of this criterion.

Under this criterion, SCOPS began their evaluation indicating that the Petitioner's evidence did not satisfy this criterion's requirements for three main reasons:

1. The sufficiency of some translation certifications;
2. Some material was not from sufficiently independent resources; and
3. Ultimately, the submitted material did not differentiate her contributions from others in the field.

On appeal, the Petitioner starts by focusing on "insufficient impact and deficiencies." She generally identifies a patent and "10 independent expert letters," but she did not provide any further details explaining how the patent or any identified letters described her contributions in the field that amounted to a major significance. Instead, she merely states that "[a] patent, by its very nature, signifies an original and novel contribution, indicating a significant advancement in the field. The collective and detailed expert testimony, from internationally recognized and independent authorities, explicitly attests to the major significance and widespread impact of [the Petitioner's] patented method and overall work." She also offers short quotes from the letters such as how she "'transformed' the field, 'reshaped the landscape,' and had 'profound impact' on hundreds of children and families." But she didn't provide additional details such as which letter authors made such statements, nor did she explain how those descriptive statements translate into ways in which she has made significant contributions in the field.

The Petitioner has not offered a sufficient rebuttal of SCOPS' determination on this issue, which as we noted above, is the reason for filing an appeal. *See* 8 C.F.R. § 103.3(a)(1)(v). By presenting only a generalized statement without explaining the specific aspects of the denial they consider to be incorrect, the affected party has failed to identify the basis to appeal this issue. *Matter of Valencia*, 19 I&N Dec. 354, 354–55 (BIA 1986). If the Petitioner does not explain the specific aspects of the decision that she considers to be incorrect, she has failed to meaningfully identify the reasons for taking an appeal. *Id.* In order to review the appeal, it would therefore be necessary to search through the record and speculate on what possible errors on SCOPS' part that she claims. *See also Matter of Garcia*, 28 I&N Dec. 693, 693 (BIA 2023) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012) and finding issues that are not meaningfully challenged in the appeal are waived).

The Petitioner repeatedly duplicates this shortcoming of briefly identifying what she perceives as an error on SCOPS' part, and naming an achievement or a document without explaining how that establishes she satisfied the contributions of major significance requirement. Because we find no error

in SCOPS' analysis under this criterion, we consider the Petitioner's arguments under this requirement to be forfeited or waived. *Matter of Garcia*, 28 I&N Dec. at 693.[1]

We address the remaining issue for which she did adequately contest SCOPS' determination relating to funding. SCOPS discussed her research efforts and briefly stated: "Although she participated on research projects funded by various entities, nothing in the record shows she played a key role in obtaining any funding." On appeal, the Petitioner notes her organization secured government contracts for her adaptive skiing and snowboarding programs for those with autism. While we agree this may speak to her ability to shepherd funding for her organization's programs, she doesn't explain how obtaining that level of funding amounted to a contribution of major significance in the field, and the conclusion the Petitioner requests us to draw is not self-evident from the documents and description she submitted.

As it stands, the Petitioner made notable contributions to the field and while we do not downplay the merit her efforts deserve, it remains that to satisfy this criterion, one must produce evidence that preponderantly establishes their work and efforts have had a significant impact in the broader field. Here, the Petitioner has not achieved such a showing, and she has not met her burden of proof that consists of both the initial burden of production, as well as the ultimate burden of persuasion. *Matter of Y-B-*, 21 I&N Dec. 1136, 1142 n.3 (BIA 1998).

In the end, the Petitioner has not submitted evidence that her contributions have had a sufficiently appreciable impact in the field, and as a result they have not met this criterion's requirements.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet 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 advise that we have reviewed the record in the aggregate, concluding it does not support a finding that the Petitioner has 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 those 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 their 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). Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and they are 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).

[1] Because the Petitioner has not meaningfully challenged SCOPS' denial under the contributions of major significance criterion, and because that is the only criterion she argues on appeal, her failure to prevail in her arguments under this criterion is dispositive of the appeal and it is unnecessary that we address other arguments such as the validity of translation certificates in the record. *Matter of K-S-H-*, 29 I&N Dec. 307, 311 (BIA 2025) (declining to address other issues when one determination is dispositive of a benefit request and citing to *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976)).

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an alien of extraordinary ability. The appeal will be dismissed for the above stated 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.