U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40002436

Date: DEC. 10, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an archival researcher and producer, 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 (EB-1) classification makes immigrant visas available to aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their fields through extensive documentation.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish the Petitioner had satisfied at least three of ten initial evidentiary criteria. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. On appeal, the Petitioner contends that SCOPS made erroneous conclusions of law and statement of fact in rejecting evidence of her satisfaction of six regulatory criteria. She maintains that the evidence supports her eligibility for the EB-1 classification.

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 aliens 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). *See also Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) ("EB-1 petitions, nicknamed Einstein visas, are coveted visas reserved for only the most talented noncitizens with extraordinary ability in the sciences, arts, education, business, or athletics"). 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 recognition of the beneficiary's 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 they 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). Additionally, if the criteria at 8 C.F.R. § 204.5(h)(3) do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility. 8 C.F.R. § 204.5(h)(4).

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 beneficiary 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); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131–32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

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). SCOPS decided that the Petitioner did not satisfy any of the six claimed criteria relating to lesser recognized awards, judging, original contributions, display, a leading or critical role, and commercial successes. After reviewing all the evidence in the record, we conclude that although the Petitioner satisfies two criteria relating to judging and display, she has not demonstrated eligibility for this highly restrictive immigrant classification. While we may not address each piece of evidence individually, we have reviewed and considered each one.

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).

In order to fulfill this criterion, the Petitioner must first demonstrate that she was the recipient of prizes or awards. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. Nothing precludes the Petitioner from relying on a team award, provided that she is one of the recipients of the award, but the focus should be on her receipt of the awards or prizes, as opposed to her employer's receipt of the awards or prizes. *Id.* Second, the award must be a lesser nationally or internationally recognized prize or award, which the Petitioner received for excellence in the field of endeavor. *Id.* Relevant considerations regarding whether the basis for granting the prizes or awards

was excellence in the field include: (1) the criteria used to grant the awards or prizes, (2) the national or international significance of the awards or prizes in the field, (3) the number of awardees or prize recipients, and (4) limitations on competitors. *Id.*

The Petitioner claims eligibility for this criterion based on the documentary films and music videos on which the Petitioner worked as an archival researcher and producer and received awards or were nominated for awards. First, being nominated for awards does not constitute the actual receipt of such awards. *See* 8 C.F.R. § 204.5(h)(3)(i). Second, the Petitioner was not the named winner of the awards or listed on the awards as one of the recipients of such awards. The submission of letters from documentary film directors or producers recognizing the Petitioner's participation in the production of films or her research work on the films that won an award is insufficient to demonstrate that the Petitioner received a nationally or internationally recognized award. *See id.* It cannot suffice that the Petitioner was one member of a large group that earned collective recognition.

The Petitioner provided a letter from the executive director of [redacted], which states that while the awards are presented to the directors and producers on stage during a presentation ceremony at the conclusion of its festival, [redacted] considers the Petitioner as one of the winners of these awards due to her critical contributions to these films. We recognize the Petitioner's critical contributions to the success of films or music videos and the important role of archival producers in the documentary filmmaking process. While we acknowledge that [redacted] considers the Petitioner as one of the winners of the awards due to her critical contributions to the films, the record lacks sufficient evidence that the Petitioner was the recipient or one of the recipients of the awards, as opposed to the films, directors, producers, editors, cinematographers, or composers' receipt of awards. *See id.*

Regarding the awards or prizes that the Petitioner actually received, she provided a certificate from the [redacted], an educational organization that teaches public speaking and leadership skills, for being a competent communicator in 2017. But this certificate does not show that the Petitioner received a prize or an award for excellence in the field of archival research and production within the motion picture and television industry. *See id.*

The Petitioner also provided a letter from the executive director of [redacted] ([redacted]), an organization that promotes women's equal participation in the production and dissemination of screen-based media, stating that the Petitioner completed its [redacted] program, which is designed to support the development of effective finance, packing, and pitching strategies for genre film creators, in 2015. The record also includes a letter from a business analysist at [redacted], a society that helps grow British Columbia's creative industries, indicating that the Petitioner received financial assistance from [redacted] in 2015 to attend an event at an international film festival that connects genre filmmakers with industry professionals and promotes collaboration between Canada and Europe. However, the record does not sufficiently establish that the Petitioner participated in the educational program hosted by the [redacted] or received financial assistance from [redacted] to attend the networking event because of her excellent work in the field of archival research and production within the motion picture and television industry. *See id.*

As the Petitioner did not sufficiently demonstrate that she has received nationally or internationally recognized prizes or awards for excellence in the field, she does not meet this criterion.

2. "Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought." 8 C.F.R. § 204.5(h)(3)(iv).

To meet this criterion, the Petitioner must demonstrate that she has acted as a judge of the work of others in the same or an allied field of specification. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). SCOPS determined that the Petitioner did not establish eligibility for this criterion. A review of the record of proceeding, however, reflects the Petitioner submitted sufficient documentary evidence establishing that she meets the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(iv). A letter from the director of operations at [redacted] International shows that the Petitioner served as a jury member for the [redacted] from 2018 to 2024, determining the winners in certain categories. Accordingly, the Petitioner meets 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).

To satisfy this criterion, the Petitioner must demonstrate that she has made original contributions in the field and that the original contributions are of major significance to the field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). Detailed letters from experts in the field explaining the nature and significance of the Petitioner's contributions may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance. *Id.* Submitted letters should specifically describe the Petitioner's contribution and its significance to the field and should also set forth the basis of the writer's knowledge and expertise. *Id.*

The record includes samples of the Petitioner's research work included in documentary films, music videos, or advertising campaigns. However, the Petitioner did not sufficiently demonstrate that her work is an original contribution of major significance in the field. Submitting samples of the Petitioner's work is insufficient to meet the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(v) without documentary evidence demonstrating that her work has been of major significance in the field.

The Petitioner also provided support letters from experts in the field. The director of [redacted] states that the Petitioner was able to secure "one of the most importance pieces of archival footage" and "enabled [them] to include the best resolution of this historic event in the film for audiences to better understand the development of recorded sound" and that the Petitioner's "vital contributions to this project helped secure these accolades." The producers of [redacted] provides that the film "required massive amounts of archival research to effectively tell the story of legendary talent manager, [redacted]," and the Petitioner "played a crucial role in sourcing archival material used to create shot sequences that brought [redacted]'s story to life." The director of [redacted] states that the Petitioner's work on the film was "crucial to its completion, especially finalizing the licensing of all materials within [their] budget, and collaborating with the editor to find the best possible quality footage material for the theatrical release."

The opinions of the Petitioner's references are not without weight and have been duly considered. We may, in our discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we are ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of reference letters supporting the petition is not presumptive evidence of eligibility; we may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). Thus, the content of the references' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of an archival researcher and producer who has made original contributions of major significance in the field. *Cf. Visinscaia v. Beers*, 4 F.Supp.3d 126, 134-35 (D.D.C. 2013) (concluding that our decision to give little weight to uncorroborated assertions from professionals in the field was not arbitrary and capricious).

The support letters from experts in the field explain the Petitioner's work on their films and her significant contributions to the success of the films. The letters praise the Petitioner for her "research skills and leadership responsibilities as an archival producer and acquisitions specialist in the film, television, art and advertisements mediums," "passion for learning and willingness to take on challenging projects", "artistic skills," "passion, tenacity, patience, creativity and decision," "excellence in the specific area of visual research and archival production," and "strong passion for documentary production." None of these letters, however, indicate how the Petitioner's skills or personal traits are original contributions of major significance in the field. *See* 8 C.F.R. § 204.5(h)(3)(v). Having a diverse skill set is not a contribution of major significance in and of itself. Rather, the record must be supported by evidence that the Petitioner has already used those unique skills to impact the field at a significant level in an original way.

Furthermore, the letters contain assertions of the Petitioner's status in the field without providing specific examples of how those contributions rise to a level consistent with major significance in the field. Repeating the language of the statute or regulations does not satisfy the petitioner's burden of proof. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F. 2d 41 (2d. Cir. 1990); *Avyr Associates, Inc. v. Meissner*, No. 95 CIV. 10729, *1, *5 (S.D.N.Y. Apr. 18, 1997). Without sufficient supporting evidence, the Petitioner has not met her burden of establishing her original artistic contributions of major significance in the field. Moreover, we need not accept primarily conclusory assertions. *1756, Inc. v. The Attorney General of the United States,* 745 F. Supp. 9, 15 (D.C. Dist. 1990). Accordingly, the Petitioner has not established that she meets this criterion.

4. "Evidence of the display of the alien's work in the field at artistic exhibitions or showcases." 8 C.F.R. § 204.5(h)(3)(vii).

In order to meet this criterion, the Petitioner must first show that the displayed work is her work product. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). Second, the venues, whether they are virtual or otherwise, where the Petitioner's work was displayed must be artistic exhibitions or showcases. *Id.* The plain language of this criterion includes the modifier "artistic" and explicitly requires that the exhibitions or showcases be "artistic" in nature. *Id.*

SCOPS decided that the Petitioner did not establish eligibility for this criterion. However, a review of the record of proceedings reflects that the Petitioner submitted sufficient documentary evidence establishing that she meets the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(vii). The record includes evidence that documentary films on which the Petitioner worked as an archival researcher and producer were shown at film festivals, movie theaters, and other venues. The Petitioner also presented a letter from a programmer for the [redacted], which states that film festivals are artistic showcases and that the films, which credit the Petitioner as an archival producer, are recognized as her work in the field of filmmaking because the role of archival producers is critical to the documentary filmmaking process. As the Petitioner has established that her work was displayed at artistic exhibitions or showcases, she meets this criterion.

5. "Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii).

First, we determine whether the Petitioner has performed in a leading or critical role for an organization or establishment. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). For a leading role, we look at whether the evidence establishes that the Petitioner was a leader within the organization or establishment or a division or department thereof. *Id.* For a critical role, we look at whether the evidence establishes that the Petitioner has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment. *Id.*

Second, we determine whether the organization or establishment for which the Petitioner held a leading or critical role has a distinguished reputation. *Id.* The relevant size or longevity of an organization or establishment is not a determining factor but is considered together with other information to determine whether a distinguished reputation exists. *Id.* Other relevant factors for evaluating the reputation of an organization or establishment include the scale of its customer base or relevant media coverage. *Id. Merriam-Webster.com Dictionary* defines "distinguished" as "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Distinguished*, Merriam-Webster.com, www.merriam-webster.com.

The Petitioner claimed that she performed in a critical role as lead archival researcher and producer for iconic brands, including [redacted], and [redacted] (formerly known as [redacted]), based on her work on advertising campaigns for these companies or brands. She provided samples of her work included in the advertising campaigns and her emails with various individuals showing her work on the projects. While the Petitioner provided information regarding these companies or brands, the Petitioner did not demonstrate how working on advertising campaigns for these companies or brands equates to performing in a leading or critical role for an "organization" or "establishment." *See* 8 C.F.R. § 204.5(h)(3)(viii). In addition, as an archival researcher and producer for these advertising campaigns, it is expected that the Petitioner will perform the routine duties of an archival researcher and producer to produce such campaigns. However, performing, even if the performance is considered noteworthy, does not equate to a leading or critical role. *See id.* Moreover, the Petitioner did not sufficiently establish how her work on the advertising campaigns has contributed in a way that is of significant importance to the outcome of the companies' business activities. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1).

The Petitioner also provided a letter from the founder and chief executive officer of [redacted], a creative technology company that helps brands and advertisers source and license visual content from the open web. The letter discusses the Petitioner's contributions to the development of its platform technology by providing feedback and recommendations to the software engineers and by beta testing a browser extension. The letter also explains that as "lead clearance and acquisition and licensing specialist" at [redacted], an image research company, the Petitioner's job responsibilities included "copyright and intellectual property assessment, negotiations, navigating agreements, communicating with clients and understanding their creative needs." The letter further states that the Petitioner "was consistently recognized by Project Managers as having the creative ability to assess the copyright information quickly and carry out multiple projects proficiently and faster than others."

While the letter may support that the Petitioner performed in a leading or critical role for [redacted] and [redacted], the Petitioner did not submit sufficient independent, objective evidence demonstrating that [redacted] and [redacted] have a distinguished reputation. *See* 8 C.F.R. § 204.5(h)(3)(viii). The chief executive officer of [redacted] claims that its technology was named as the best overall content marketing software at the [redacted] and was featured in *Forbes* and *TechCrunch*. While the letter establishes that [redacted]'s technology was recognized for its innovative solutions in the field of marketing, sales, and advertising technology, the Petitioner did not submit sufficient documentary evidence distinguishing [redacted] and [redacted] from other creative technology companies and other imaging research companies, so as to establish that they have a distinguished reputation pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(viii). Accordingly, the Petitioner has not established that she meets the plain language of this regulatory criterion.

6. "Evidence of commercial successes in the performing arts, as showing by box office receipts or record, cassette, compact disk, or video sales." 8 C.F.R. § 204.5(h)(3)(x).

To satisfy this criterion, the Petitioner must establish that she has enjoyed commercial successes in the performing arts. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). This criterion focusses on volume of sales and box office receipts as a measure of the person's commercial success in the performing arts. *Id.* The evidence must show that the volume of sales and box office receipts reflect her commercial success relative to others involved in similar pursuits in the performing arts. *Id.*

At the time of filing her petition, the Petitioner claimed that she meets this criterion because the documentary films or music videos on which she worked as an archival researcher and producer have achieved "significant critical success." To support this claim, the Petitioner provided various articles about the films or music videos, film or music video reviews, evidence of festival invitations and screenings of the films, and distribution lists of the films or music videos, such as [redacted], [redacted], and [redacted]

First, the Petitioner is not a performing artist; rather she is an archival researcher and producer. The ten criteria in the regulations are designed to cover different areas and not every criterion will apply to every occupation. As the Petitioner's occupation is not "in the performing arts," such as an actor or a singer, the Petitioner's evidence does not meet the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(ix). Second, this regulatory criterion requires evidence of commercial successes in the

form of "box office receipts" or "sales." The Petitioner's submission of evidence reflecting her research work on films or music videos, evidence of display of the films at film festivals and screenings, evidence that the films or music videos received positive reviews by film or music critics, or evidence that the films or music videos are available for purchase or streaming on various media channels without sales data for these films or music videos do not meet the plain language of this regulatory criterion. *See* 8 C.F.R. § 204.5(h)(3)(ix).

In response to SCOPS' request for evidence, the Petitioner asserted that this criterion is not readily available to her occupation. She relied on various articles about documentary films or music videos on which she worked as an archival researcher and producer, film or music video reviews, and distribution lists of the films or music videos, claiming that this evidence establishes her eligibility under the comparable evidence standard. Additionally, the Petitioner provided a letter from the executive director of [redacted], which states that the four documentary films on which the Petitioner worked as an archival researcher and producer "have made a sociocultural impact, have been critically reviewed and awarded, and gained major distribution, all factors which measure documentary success, more so than box office receipts and sales." While we recognize that the Petitioner has made significant contributions to the success of the four films and that documentary success can be measured by means other than box office receipts and sales, this regulatory criterion requires evidence of commercial successes in the form of "box office receipts" or "sales." *See id.*

The regulation at 8 C.F.R. § 204.5(h)(4) provides the Petitioner with the opportunity to submit comparable evidence to establish her eligibility, if it is determined that the evidentiary criteria described in the regulations do not readily apply to her occupation. When evaluating such comparable evidence, we consider whether the regulatory criteria are readily applicable to the person's occupation and, if not, whether the evidence provided is truly comparable to the criteria listed in that regulation. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). A general unsupported assertion that the listed evidentiary criterion does not readily apply to the Petitioner's occupation is not probative. *Id.*

Here, the Petitioner did not adequately explain why she cannot offer evidence that meets this criterion. The fact that the Petitioner provided documentation that does not meet at least three criteria is not evidence that an archival researcher and producer could not do so. Further, while the letter from the executive director of [redacted] shows that documentary success can be measured by means other than box receipts or sales, she did not sufficiently establish why this criterion is not readily applicable to her occupation. *See* 8 C.F.R. § 204.5(h)(4). Accordingly, the Petitioner did not demonstrate that she fulfills this criterion, including through the submission of comparable evidence.

B. Final Merits Determination

The Petitioner has not submitted the required initial evidence of either a major 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.

C. O-1 Nonimmigrant Status

The Petitioner indicated on her Form I-140 that she was last admitted to the United States on October 16, 2024 as an O-1 nonimmigrant of extraordinary ability. Although the words "extraordinary ability" are used in the Act for classification of artists under both the nonimmigrant O-1 and the first preference employment-based immigrant categories, the statute and regulations define the term differently for each classification. Section 101(a)(46) of the Act states that "[t]he term 'extraordinary ability' means, for purposes of section 101(a)(15)(O)(i), in the case of the arts, distinction." The O-1 regulation reiterates that "[e]xtraordinary ability in the field of arts means distinction." 8 C.F.R. § 214.2(o)(3)(ii). "Distinction" is a lower standard than that required for the immigrant classification, which defines extraordinary ability as "a level of expertise indicating that the individual is one of that small percentage who has risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

The evidentiary criteria for these two classifications also differ in several respects, for example, nominations for awards or prizes are acceptable evidence of O-1 eligibility, 8 C.F.R. § 214.2(o)(3)(iv)(A), but the immigrant classification requires actual receipt of nationally or internationally recognized awards or prizes. 8 C.F.R. § 204.5(h)(3)(i). Given the clear statutory and regulatory distinction between these two classifications, the Petitioner's receipt of O-1 nonimmigrant classification is not evidence of her eligibility for immigrant classification as an alien with extraordinary ability.

Further, an approval of a nonimmigrant visa does not mandate the approval of a similar immigrant visa. Each case must be decided on a case-by-case basis upon review of the evidence of record. Many Forms I-140 are denied after U.S. Citizenship and Immigration Services (USCIS) approves prior nonimmigrant petitions. *See, e.g., Q Data Consulting, Inc. v. INS*, 293 F. Supp. 2d 25 (D.D.C. 2003); *IKEA US v. US Dept. of Justice*, 48 F. Supp. 2d 22 (D.D.C. 1999); *Fedin Brothers Co. Ltd. v. Sava*, 724 F. Supp. 1103 (E.D.N.Y. 1989). Some nonimmigrant petitions are simply approved in error. *Q Data Consulting, Inc. v. INS*, 293 F. Supp. 2d at 29-30; *see also Texas A&M Univ. v. Upchurch*, 99 Fed. Appx. 556, 2004 WL 1240482 (5th Cir. 2004) (finding that prior approvals do not preclude USCIS from denying an extension of the original visa based on a reassessment of the alien's qualifications). Applications or petitions are not required to be approved where the petitioner has not demonstrated eligibility because of prior approvals that may have been erroneous. *See, e.g., Matter of Church Scientology International*, 19 I&N Dec. 593, 597 (Comm. 1988).

III. CONCLUSION

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 sufficiently shown the significance of her 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 sufficiently demonstrate that the Petitioner has garnered national or international acclaim in the field and that she 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; 8 C.F.R. § 204.5(h)(2).

For the reasons we have discussed above, the Petitioner has not demonstrated 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.