U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40479181

Date: DEC. 10, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an entrepreneur in the field of restaurant, 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 although the Petitioner established that he satisfies the initial evidentiary requirements for this classification, he did not demonstrate that he has sustained national or international acclaim and is among the small percentage at the very top of his field. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

On appeal, the Petitioner presents additional evidence and contends that by agreeing that the Petitioner has met at least three of the regulatory criteria, the Petitioner has met his burden as an individual with sustained national or international acclaim, and SCOPS should have analyzed on the final merits determination whether this sustained national or international acclaim has been maintained and whether he has risen to the very top of the field. The Petitioner argues that SCOPS overlooked the evidence submitted, abused its discretion, and applied a higher standard of review than the preponderance of the evidence.

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.[1]

We adopt and affirm SCOPS' decision regarding its final merits determination. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted").

[1] While we may not address each piece of evidence individually, we have reviewed and considered each one.

While the Petitioner claims that he meets his burden as an individual with sustained national or international acclaim because he satisfies at least three of the regulatory criteria, objectively meeting the regulatory criteria in the first step alone does not establish that the Petitioner in fact meets the requirements for classification as a person with extraordinary ability. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. The question of whether the petitioner is one of that small percentage who has risen to the very top of the field of endeavor and enjoys sustained national or international acclaim is addressed in the second step of the analysis (final merits determination). *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(2). In all cases, the petitioner must provide sufficient context regarding the evidence submitted and considerations to demonstrate that the evidence meets the relevant criteria and to establish the person's extraordinary ability in the totality of the circumstances. *Id.* This means that the petitioner must establish the significance of the submitted evidence and how it demonstrates that the person has achieved sustained national or international recognition in their field of expertise. *Id.*

Although the Petitioner asserts that SCOPS overlooked the evidence submitted in its entirety, SCOPS clearly acknowledged and analyzed various documents on record but concluded overall that the quality of the evidence lacked probative value in supporting that he possesses the high level of expertise required for the EB-1 classification. Under the preponderance standard, we consider not only the quantity, but also the quality of the evidence, including its relevance, probative value, and credibility. *Matter of Chawathe*, 25 I&N Dec. at 376; *see also Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). Moreover, SCOPS is not required to name every single piece of evidence on record. When SCOPS provides a reasoned consideration to the petition and has made adequate findings, it will not be required to specifically address each claim the petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993).

Here, the record reflects that in its final merits determination, SCOPS considered all evidence in the totality even though SCOPS did not address each piece of evidence individually, articulated the specific reasons as to why SCOPS concluded that the Petitioner has not demonstrated by a preponderance of the evidence that he has extraordinary ability, and made adequate findings in concluding the Petitioner has not demonstrate that he has sustained national or international acclaim and his achievements have been recognized in the field of expertise, indicating he is one of that 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).

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.