U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39580873

Date: DEC. 12, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a debt recovery and fraud prevention specialist, 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.

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner had satisfied only two of the ten initial evidentiary criteria, of which he must meet at least three. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

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)(A) of the Act makes visas available to immigrants 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). The implementing regulation

at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation.

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 individual 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

The Petitioner indicates that he is an accomplished executive leader with 20 years of experience in fraud prevention, collections, and cashflow management. The Petitioner seeks to establish a U.S. software development company named [redacted] that he claims will transform the financial operations of small and medium sized businesses across the United States by enabling them to streamline their financial operations, significantly reduce costs, and mitigate risk associated with fraud and non-compliance. Because the Petitioner has not indicated or established that he has received a major, internationally recognized award at 8 C.F.R. § 204.5(h)(3), he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

In denying the petition, SCOPS determined that the Petitioner satisfied only two criteria, specifically those relating to a leading or critical role at 8 C.F.R. § 204.5(h)(3)(viii) and high salary at 8 C.F.R. § 204.5(h)(3)(ix) and had not satisfied the remaining three criteria that he had claimed. On appeal, the Petitioner maintains that he has established eligibility for three additional criteria beyond the two that SCOPS found he had met. After reviewing all of the evidence, the record does not reflect that the Petitioner meets at least three of the ten criteria, as required, because he has not established that he satisfies the three additional criteria he claimed below and on appeal. Moreover, for the reasons discussed below, we will withdraw SCOPS conclusion that the Petitioner has provided evidence establishing that he has commanded a high salary in relation to others in the field.

A. Evidentiary Criteria

> *Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.* 8 C.F.R. § 204.5(h)(3)(ii).

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) calls for "documentation of the alien's membership in associations in the field for which classification is sought." In addition, the association must require "outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." Once membership in a qualifying association has been established, we determine whether the association requires those at the alien's level of membership to have attained outstanding achievements in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner claims that his associate membership with the Association of Certified Fraud Examiners (ACFE) and his affiliation with the Association of Credit and Collection Professionals (ACA International) fulfill this criterion. However, SCOPS found that the Petitioner's two memberships did not satisfy the criterion because the associations do not require outstanding achievements as an essential condition for admission to membership and the organizations do not have recognized national or international experts in the discipline or field to determine membership qualifications.

On appeal, the Petitioner claims that membership with ACFE is premised on having a minimum of a bachelor's degree or equivalent work experience, at least two years of professional experience in fraud-related disciplines, passage of a four-part examination, and submission of a character and integrity review, including endorsement by a current ACFE member in good standing. He also asserts that membership in ACA International requires candidates to document their substantial experience in credit management, debt restructuring, and compliance risk mitigation and to have a proven record of high level contributions, especially when seeking professional tier affiliation. According to the Petitioner, such membership requirements establish that the organizations require outstanding achievement as an essential condition for admission to membership, as judged by national or international experts in their disciplines or fields.

Although ACFE and ACA International require that candidates possess a certain level of education, experience, and credentialling, the Petitioner has not established that the membership requirements of holding a minimum of a bachelor's degree or equivalent work experience, passing a credentialling exam, receiving endorsement from a current member and passing an integrity and character review are in fact outstanding achievements in the field. Similarly, with respect to the ACA International membership requirements, including a proven record of high level contributions, he has not shown or explained how such requirements equate to outstanding achievements in the field. Accordingly, the Petitioner has not demonstrated that either ACFE or ACA International membership is equivalent to being judged to have outstanding achievements by recognized national or international experts in their disciplines or fields. The Petitioner has not established on appeal that ACFE or ACA International require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields. 8 C.F.R. § 204.5(h)(3)(ii). Consequently, the Petitioner has not overcome this portion of SCOPS' denial on appeal.

> *Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation.* 8 C.F.R. § 204.5(h)(3)(iii).

In order to fulfill this criterion, the Petitioner must demonstrate there is published material about him in professional or major trade publications or other major media, as well as the title, date, and author of the material. The published material should be about the alien and their work, rather than the alien's employer and its work (or about an organization and its work). Professional or major trade publications may be identified by their intended audience, whereas other major media and major trade publications should have elevated circulation or readership relative to other media in the field. *See generally* 6 *USCIS Policy Manual*, *supra,* at F.2(B)(1).

The Petitioner submitted copies of interviews he had with online publications [redacted] which he claimed highlight his career achievements, reflect his recognition as an influential figure in his field of endeavor, and demonstrate his exceptional impact and leadership in collections, financial recovery, and "fintech." However, SCOPS concluded that these interviews were not in professional or major trade publications and the articles did not include their authors, and they therefore did not satisfy the criterion.

On appeal, the Petitioner claims that his interviews are in professional publications with a national readership and broad digital distribution, and that the lack of an individually named author is not material. He also asserts that each interview is "directly tied to his expertise and work in debt recovery, credit compliance, and financial innovation" in that the interviews provide an "in-depth profile of [his] accomplishments, methodologies and leadership roles . . . as Director of [redacted] at [redacted]' First, the burden is on the Petitioner to establish eligibility by providing required documentation. In this case, the regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires that the published material contain the title, date, and author of the material, therefore the lack of author's name is in fact material. We lack the authority to waive or disregard any of the Act's requirements, as implemented by regulation. *See United States v. Nixon*, 418 U.S. 683, 695 (1974) ("So long as this regulation is extant it has the force of law."). Immigration regulations carry the force and effect of law. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 265 (1954). Because the Petitioner seeks to establish eligibility under this criterion, his evidence must satisfy all of its conditions. 8 C.F.R. § 204.5(h)(3)(iii). Moreover, the documents he provided are interviews with him that are posted online. Regardless of the extent of their actual or potential readership, the Petitioner has not shown or otherwise explained how the online publications are professional or major trade publications. *Id.* Consequently, the Petitioner has not established on appeal that he satisfies this criterion.

> *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 regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." A petitioner may show that their contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance.

See Visinscaia, 4 F. Supp. 3d at 134-35. Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 *USCIS Policy Manual*, *supra,* at F.2(B)(1).

As discussed, the Petitioner claimed in his Autobiographical Statement that he joined [redacted] in 2011. In his supporting document titled Evidence List, the Petitioner specified that in 2015, when he was Deputy Director of the Credit Collection Department at [redacted], he led the development and implementation of the bank's "debt settlement" program, which he described as a groundbreaking initiative that introduced flexible, tiered debt restructuring solutions that significantly improved the bank's ability to manage non-performing loans. He included two unsigned letters from the Human Resources Director at [redacted] the first dated May 2013 and announcing that the Petitioner would represent [redacted] at an international debt restructuring conference in [redacted], and the second dated February 2016 announcing that he would represent the bank at debt settlement programs conference in [redacted]. He further claimed that he served in a critical role from 2020 to 2022 "during [redacted] transition to [redacted]. The Petitioner included letters of support from: [redacted] Chairwoman of the Board at [redacted] from 2009 to 2021; [redacted] former Chairman of the Board of [redacted] and [redacted] Former Deputy Chairman of the Board and Chief Financial Officer of [redacted]. These individuals asserted, among other things, that the Petitioner's role at [redacted] was instrumental in the development of innovative debt recovery strategies, and that he represented [redacted] at major conferences. However, the writers do not provide probative information establishing that the Petitioner's stated work for [redacted] resulted in original contributions of major significance to the field of business rather than to a former employer.

We note that a letter from [redacted] the Director at [redacted], does not refer to the Petitioner's employment history with any specific entity. In his letter, [redacted] asserted that the Petitioner had shared his insights into fraud prevention at prominent industry conferences and had made contributions that have positively impacted both industry standards and best practices. However, [redacted] did not claim to have worked with the Petitioner or otherwise include probative information establishing how the Petitioner's work had resulted in specific significant impacts or best practices in the banking industry. Consequently, this letter also is not evidence of the Petitioner's original business-related contributions of major significance in the field. 8 C.F.R. § 204.5(h)(3)(v). As a result, the Petitioner has not overcome this portion of SCOPS' denial on appeal.

[1] The Petitioner's statement indicated the bank name as [redacted] whereas the actual name of the bank is [redacted]

Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field. 8 C.F.R. § 204.5(h)(3)(ix).

In order to meet this criterion, a petitioner must demonstrate that his salary or remuneration is high relative to the compensation paid to others working in the field. In his Autobiographical Statement, the Petitioner claimed that he had earned a high salary "[t]throughout [his] tenure at [redacted]" and that his monthly salary from August 2020 to July 2022 consistently exceeded 9,000,000 UAH (Ukrainian currency), which he also claimed is an amount far above the national average for directors in Ukraine's financial sector. However, as evidence of his salary, the Petitioner provided an August 18, 2022 letter from the head of the payroll department at a bank with a different name, [redacted], stating that it had employed the Petitioner since February 2011, listing his monthly salary from August 2020 to July 2022 as varying amounts ranging from 160,841 UAH to 2,134,545 UAH. Thus, the letter from [redacted] stating that it employed the Petitioner and paid him a varying monthly salary that was a maximum of 2,134,545 UAH between August 2020 and July 2022 is inconsistent with the Petitioner's own assertions and does not support his claim that [redacted] employed him and paid him a monthly salary that consistently exceeded 9,000,000 UAH between August 2020 and July 2022. The Petitioner must resolve this inconsistency in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Because the record does not reflect that the Petitioner established eligibility under the regulation at 8 C.F.R. § 204.5(h)(3)(ix) based on the claimed salary for the stated employer, we will withdraw SCOPS' determination to the contrary for this criterion.

B. Contradictory Evidence of Prior Experience

As an additional matter, the Petitioner's prior employment history and experience form the basis for his claim to be eligible for extraordinary ability classification, but he has provided contradictory evidence regarding his employment history and experience. In his Autobiographical Statement and similarly detailed Evidence List, the Petitioner asserted that he is an alien of extraordinary ability as an investment and debt recovery specialist and fraud prevention consultant based primarily on his prior employment and experience with a foreign entity in the Ukraine named [redacted] The Petitioner claimed that he had joined [redacted] in 2011 in the position of Deputy Director of the Credit Collection Department, was soon promoted to Director of Operational Collection and Sale of Collateral Property and was also an active member of '[redacted]' According to the Petitioner, [redacted] rebranded to '[redacted]' following the [redacted] but he continued to work for it during this transition.

Although the Petitioner claims that he worked at [redacted] from 2011 to at least 2022, evidence he provided in support of his Form I-140A petition shows that he worked for an entity named [redacted] from February 2011 until December 2022. The evidence includes his Russian and Ukrainian Work-Record Books, both of which show that he began working for [redacted] in February 2011;[2] letters dated August 15, 2022, and August 18, 2022 in which a representative of [redacted] stated that the Petitioner was a current employee and promised to "guarantee" his salary while he was on a trip; and the December 19, 2022 letter from the Head of

[2] The translations spell the entity name as [redacted]

Payroll Accounting and Reporting at [redacted] who attested that the Petitioner had been employed by [redacted] since February 10, 2011. In addition, USCIS records show that the Petitioner previously submitted three visa applications seeking a B-2 nonimmigrant visa in 2016, 2019, and in January 2022, and on each application he claimed that he had been working for [redacted] since February 2011 but did not list employment at [redacted] where he claims in these proceedings to have been his employer during those relevant times.

Because the Petitioner's claims that he qualifies for classification as an alien of extraordinary ability based on his prior employment history and work experience, his employment history is material to his claim to have satisfied the eligibility criteria at 8 C.F.R. § 204.5(h)(3). In any further proceedings involving this matter, the Petitioner must explain the discrepancies in his employment history and establish whether he worked at [redacted] or another entity as well as the dates during which he worked at each claimed entity.

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that he is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian,* 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, -- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision). Consequently, the petition remains denied.

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.