U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40417044

Date: DEC. 18, 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 in the field of innovation ecosystem development. *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 the Petitioner did not satisfy at least three, as required, of the initial evidentiary criteria. The matter is now before us on appeal. 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). *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) (holding that extraordinary ability visas are known as "Einstein" visas, are extremely "coveted," and are "reserved for only the most talented aliens"). 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 the recognition of achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or 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).

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. U.S. Citizenship & Immigr. Servs.*, 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. U.S. Citizenship & Immigr. Servs.*, 772 F. Supp. 2d 1339, 1346 (W.D. Wash. 2011), *aff'd*, 683 F.3d 1030 (9th Cir. 2012).

II. ANALYSIS

Because the Petitioner has not claimed or established his receipt of a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS determined the Petitioner met only two (published materials under 8 C.F.R. § 204.5(h)(3)(iii) and judging under 8 C.F.R. § 204.5(h)(3)(iv)) of the six claimed categories of evidence. On appeal, the Petitioner asserts that he fulfills four additional criteria. Although the record supports SCOPS' favorable decision for the judging criterion, we do not concur with SCOPS' published material determination and will withdraw it, discussed below.

A. Memberships

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) requires "[d]ocumentation 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." The Petitioner argues his eligibility based on membership with the Forbes Financial Council (FFC) and the Alchemist Accelerator (AA).

Regarding FFC, the Petitioner provided screenshots from forbes.com indicating that "[s]enior-level financial executives of companies earning $1M USD in revenue annually, or have received $1M USD in funding are eligible to apply for membership." In addition, the Petitioner submitted a letter from R-P-, co-founder and COO of FFC, who stated that "[t]o be considered, one must be senior-level financial services executive or leader with a successful company that : 1. [h]as at least $1M in annual revenue and/or 2. [h]as at least $1M in financing" and "an internal review process is done by our professional selection committee to determine the level of their outstanding qualifications within the

field, taking into account publications, speaking engagements and other contributions that demonstrate knowledge and expertise."

USCIS determines if the association for which the person claims membership requires that members have outstanding achievements in the field as judged by recognized experts in that field.[1] FFC requires individuals to be a senior-level financial services executive or leader, and the companies to have $1M in annual revenue or financing. Although the Petitioner presented evidence regarding small businesses highlighting that "9% of American small businesses generate over an annual revenue of $1 million," the Petitioner did not demonstrate that possessing status as a senior-level financial services executive or leader, regardless if the company has $1M in annual revenue or financing, represents outstanding achievements. *See Aravamuthan v. Jaddou*, No. 3:23-CV-01412-N, 2025 WL 1708126, at *4 (N.D. Tex. June 17, 2025) (upholding plaintiff did not show the appropriate experience is sufficient to demonstrate that such achievements are considered to be outstanding); *see also Sarin v. United States Citizenship & Immigr. Servs.,* No. 2:22-CV-07498-SVW-JS, 2023 WL 5667531, at *10 (C.D. Cal. July 27, 2023) (upholding an association requiring roles of prominent character for at least several years did not necessarily mean it was an outstanding achievement). Moreover, R-P- did not further elaborate and explain the significance or relevance of an individual's publications, speaking engagements, and other contributions and how they equate to outstanding achievements. *See Nelson v. U.S. Citizenship & Immigr. Servs.*, No. CV 21-10334-LTS, 2022 WL 20583561, at *5 (D. Mass. June 15, 2022) (finding letters that state membership is based on professional qualifications and enthusiasm, but nowhere specifies what kind of outstanding achievement in the field is required, does not meet this criterion).

Furthermore, the petitioner must show that membership in the association requires outstanding achievements in the field for which classification is sought, as judged by recognized national or international experts.[2] However, the Petitioner did not demonstrate that the "professional selection committee" is comprised of nationally or internationally recognized experts. The Petitioner did not identify the selection committee members and establish their status as recognized experts in the field. *See Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. CV RDB-23-2251, 2024 WL 1374794, at *5 (D. Md. Apr. 1, 2024) (upholding plaintiff's documentation did not reflect recognized national or international experts determine qualifications for membership); *see also Nelson*, 2022 WL 20583561, at *5 (finding the author of a letter did not demonstrate qualification as an expert in the field).

As it pertains to AA, the Petitioner submitted background information and a letter from R-B-, founder and managing director at AA, who stated:

> . . . We invite around 25 companies per six-month program. Applicants go through intensive application rounds, with a final interview determining their participation.
>
> Given that the due diligence process and the interview determine selection, we are very selective on who to ask to be a mentor for our cohorts. . . . We apply rigorous standards

[1] *See also generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.
[2] *See generally* 6 USCIS Policy Manual, *supra*, at F.2(B)(1).

to the selection of mentors. Some of the key criteria that we take into account in assessing our prospective members are:

- experience and entrepreneurial achievement (e.g. successful founders with industry experience)
- expertise in technology or business field (e.g. Augmented Reality, AI, venture capital, etc.)
- impact of one's product achievement through media and/or references.

Although R-B- provides some criteria that AA "take[s] into account," the letter does not elaborate and further explain how the criteria is considered to be outstanding achievements and whether outstanding achievements are required for membership with AA. *See Aravamuthan*, 2025 WL 1708126, at *4. In addition, while R-B- indicates an interview process, the letter does not show who conducts the interviews and selects the applicants for membership with AA, let alone being judged by nationally or internationally recognized experts. *See Tapia v. Jaddou*, No. 8:23-CV-813-CEH-AAS, 2025 WL 2780815, at *3 (M.D. Fla Sept. 30, 2025) (upholding that documents simply showing membership do not address whether the organizations require outstanding achievements of their members and that membership eligibility is judged by experts in the field).

For the reasons discussed above, the Petitioner did not establish he satisfies this criterion.

B. Published Materials

As indicated above, SCOPS determined that the Petitioner met this criterion. However, for the reasons discussed below, we will withdraw that favorable decision for this criterion.

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires "[p]ublished 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." USCIS determines whether the published material was related to the person and the person's specific work in the field for which classification is sought.[3]

The Petitioner submitted two similar articles where several individuals provided financial tips on various topics. In the article entitled, "[redacted]" the Petitioner was 1 of 18 individuals who supplied brief advice ("[redacted]"). In the article entitled, "[redacted] the Petitioner was 1 of 20 individuals who supplied brief advice ("[redacted]"). Moreover, the Petitioner presented an article entitled, "[redacted]," which is about the alternative meat producer, [redacted] raising seed funding led by [redacted] a venture capital firm based in [redacted] California. In this article, the Petitioner provided a one-sentence quote about the protein industry.

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

The articles do not reflect published material about the Petitioner relating to his work in the field. Rather, the articles are about financial tips and seed funding for an alternative meat producer. The published material should be about the person, relating to the person's work in the field, and not just about the person's employer and the employer's work or about another organization and that organization's work.[4] Although the Petitioner is briefly quoted regarding various topics, the articles do not represent published material about him. *See Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *4 (D. Neb. Mar. 10, 2025) (finding the regulation and USCIS policy clearly intend for evidence under this criterion to say something substantive about the petitioner and her work); *see also Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *4 (N.D. Tex. Oct. 19, 2023) (upholding articles only citing, quoting, or referencing the beneficiary do not qualify as about him); *Aravamuthan*, 2025 WL 1708126, at *4 (upholding plaintiff's submission of an article quoting him about personal branding was not about him); *Joseph v. Dir. of Texas Serv. Ctr., United States Citizenship & Immigr. Servs.*, No. 24-40249, 2025 WL 458001, at *3 (5th Cir. Feb. 11, 2025) (upholding an article that included quotes from the petitioner did "not make the article about" him); *Nelson*, 2022 WL 20583561, at *5 (upholding articles that only cited or quoted the petitioner are not about him).

Because the evidence does not reflect published material about the Petitioner, we withdraw SCOPS' favorable determination for this criterion. Accordingly, the Petitioner did not show he fulfills this criterion.

C. Original Contributions

The regulation at 8 C.F.R. § 204.5(h)(3)(v) requires "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." USCIS first determines whether the person has made original contributions in the field, and then decides whether the original contributions are of major significance to the field.[5] Examples of relevant evidence include, but are not limited to: published materials about the significance of the person's original work; testimonials, letters, and affidavits about the persons original work; documentation that the person's original work was cited at a level indicative of major significance in the field; and patents or licenses deriving from the person's work or evidence of commercial use of the person's work.[6]

The Petitioner argues eligibility based on "the development and execution of capital-structuring strategies and investor-readiness programs that positioned companies for significant funding and enterprise adoption; the design of partner-consortium arrangements with integrators that accelerated market success; and the creation of cross-functional diligence and growth templates that were adopted beyond a single portfolio company" and references his methods in use at [redacted] and [redacted].

Specifically, "for [redacted], his capital-assembly and materials work were integral to a nine-figure growth trajectory and to partnerships with Microsoft, Salesforce, and Zoom." The Petitioner references background information about [redacted] and a letter from O-R-, founder and CEO at [redacted] who stated:

[4] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[5] *See generally* 6 USCIS Policy Manual, *supra*, at F.2(B)(1).
[6] *Id.*

> . . . [The Petitioner] and his team were the first and last check for [redacted] where he assisted in structuring our critical bridge financing to Series D through convertible debt which gave us time to hit the revenue metrics until Series D. . . . It is through [the Petitioner's] guidance that we raised a $100 million Series D round at a $1.1 billion valuation!"
>
> These funding rounds cultivated our ability to elevate our product to new heights and continue contributing to an ecosystem of artificial intelligence innovations. We have now partnered with the likes of Microsoft, Salesforce, Zoom, Slack, and more – all software-as-a-service companies who specialize in business information platforms – to bring our product to their software, which would not have been possible were it not for individuals like [the Petitioner] who saw the value inherent in our technology and its ability to reshape data intelligence for sales applications. Put another way – [the Petitioner's] skillset as an investor and venture capital expert laid the foundation for us to bring our ideas to market and expand on our ability to acquire and attract high-profile partnerships from companies who also recognize our work as significant and important. Such success would not be made possible without his input and insight, making clear his invaluable contributions to the field.

In addition, "for [redacted] his strategic finance guidance and relationship-building catalyzed institutional deployments, including adoption by a state Department of Justice and integration across top law-firm clients." The Petitioner references background information about [redacted] and a letter from D-O-D-, co-founder and CEO at [redacted], who described the Petitioner as "an investor for [redacted]" and claimed:

> . . . [The Petitioner's] due diligence process, which encompassed interactions with key clients, our team, and other investors, has significantly contributed to [redacted] current status: a robust enterprise with a 30-strong workforce, extensive coverage of 95% of U.S. courts, and a client base that includes top-tier law firms . . . . It must be made clear that these accomplishments are a direction [sic] extension of [the Petitioner's] guidance and involvement with [redacted]. [The Petitioner] assessed our product market fitness and differentiation, highlighting key areas where we could maximize market penetration. With his vast network, [the Petitioner] also introduced us to new clients such as the Maryland Department of Justice where our automation solutions are fit to analyze thousands of cases each day! Currently, he collaborates with us on developing new products that triple our revenue, coordinating closely with Chief Information Officers at client law firms to find new "must have" adjacent products.

USCIS determines whether the person has made original contributions in the field.[7] Although the letters praise him for his impact on their respective businesses, either through structuring capital or investing and connecting with others, the Petitioner did not establish that the elevation of their products or partnering with other companies can be credited as an original contribution of the Petitioner. Again, based on the letters, the Petitioner assisted in the financial structuring for [redacted] and invested in

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

[redacted] The Petitioner did not demonstrate that any of their subsequent business activities can be attributed to his preceding involvement.

Regardless, the Petitioner did not establish how his financing assistance and investment with [redacted] or [redacted] significantly impacted or affected the overall field in a major way. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that it must be objectively demonstrated that the field considers the work to be majorly significant); *see also Visinscaia,* 4 F. Supp. 3d at 134 ("[T]he regulatory requirement that the petitioner demonstrate the 'major significance' of any original contributions means that the petitioner's work must significantly affect [his] field of endeavor"). Further, the letters indicate the Petitioner's limited influence on the companies' activities without evidence reflecting major significant status in the field as a whole. *See Sun v. Jaddou*, No. 3:24-CV-01466-E, 2025 WL 1556944, at *5 (N.D. Tex. June 2, 2025) (upholding that the plaintiff did not provide specific evidence showing a major impact on the field as a whole); *Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *8 (E.D. Pa. Sept. 18, 2023) (finding USCIS did not introduce a novel evidentiary standard when it required that the petitioner show how his contributions influenced the field as a whole). Here, the Petitioner did not demonstrate the impact, influence, or impact of his contributions outside of [redacted] or [redacted]

For these reasons, the Petitioner did not show he satisfies this criterion.

D. Scholarly Articles

The regulation at 8 C.F.R. § 204.5(h)(3)(vi) requires "[e]vidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." USCIS determines whether the person has authored scholarly articles in the field.[8] The Petitioner submitted three articles he authored for forbes.com entitled, '[redacted]" and "[redacted]"

As defined in the academic arena, a scholarly article reports on original research, experimentation, or philosophical discourse.[9] It is written by a researcher or expert in the field who is often affiliated with a college, university, or research institution.[10] Scholarly articles are generally peer reviewed by other experts in the field of specialization.[11] In general, it should have footnotes, endnotes, or a bibliography, and may include graphs, charts, videos, or pictures as illustrations of the concepts expressed in the article.[12] Here, the Petitioner did not show that his articles contain the characteristics of scholarly articles, as considered in the academic arena. The Petitioner did not establish that he wrote the articles as a researcher or expert rather than as an FFC member providing financial advice or covering business topics. Furthermore, the Petitioner is affiliated as an FFC member rather than associated with colleges, universities, or other research institutions. Moreover, none of his articles contain the features of academic scholarly articles, such as footnotes or bibliographies, or evidence

[8] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[9] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[10] *Id.*
[11] *Id.*
[12] *Id.*

that they were peer reviewed. For these reasons, the Petitioner did not show that his articles qualify as scholarly articles within the purview of academia.

For other fields, a scholarly article should be written for learned persons in that field.[13] "Learned" is defined as having "profound knowledge gained by study."[14] Learned persons include all persons having profound knowledge of a field.[15] Here, the Petitioner did not show that his articles were written for learned persons. In fact, the articles appear to be written for individuals with little or basic knowledge on the topics or a general business audience interested in various financial topics, such as picking enterprise winners, investing in artificial intelligence startups, or embracing investment vectors. Moreover, the Petitioner did not demonstrate that forbes.com is intended for learned persons rather than general business readers who subscribe to the online publication. Likewise, the Petitioner did not establish that forbes.com is geared toward persons having profound knowledge in a particular issue rather than an audience attentive in overall business topics.

Accordingly, the Petitioner did not establish he meets this criterion.

III. CONCLUSION

The Petitioner did not establish eligibility for any of the categories of evidence discussed above. Although the Petitioner also claims qualification for the role criterion under 8 C.F.R. § 204.5(h)(3)(viii), we need not reach this ground because the Petitioner cannot fulfill the initial evidentiary requirement of at least three under 8 C.F.R. § 204.5(h)(3). *See Kinuthia v. Biden*, 702 F. Supp. 3d 5, 11 (D. Mass. 2023), *aff'd sub nom. Kinuthia v. Trump*, No. 23-2029, 2025 WL 3491324 (1st Cir. Aug. 12, 2025) (declining to consider a criterion when the plaintiff cannot satisfy at least three). Accordingly, we decline to reach and hereby reserve these issues. *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).

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. 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*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we also decline to reach and hereby reserve any final merits determination in this matter.

Regardless, the Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (stating that extraordinary ability is

[13] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[14] *Id.* (citing to the *Oxford English Dictionary's* definition of "learned").
[15] *Id.*

such an elite level of accomplishment); *Lapteva*, 2025 WL 815087 at *1 (stating that EB-1 visas are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, the Petitioner has not shown the significance of his work is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated his 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.