U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40122435

Date: FEB. 04, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a helicopter pilot, 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.

The Service Center Operations (SCOPS) denied the petition, concluding the record did not establish that the Petitioner had a major, internationally recognized award, nor did it demonstrate that he met at least three of the ten regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). 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:

- 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,
- the alien seeks to enter the United States to continue to work in the area of extraordinary ability; and
- 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 two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate 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 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). 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). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. at 376.

II. ANALYSIS

The Petitioner is a helicopter pilot. She asserts she is the first [redacted] woman to serve as a helicopter pilot in the [redacted] In her personal statement, the Petitioner states that she is "entering the U.S. to contribute as a law enforcement aviation specialist, tactical training expert, and public sector operations consultant."

Because the Petitioner has not indicated or established that she 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 determined the Petitioner only satisfies one of the ten criteria listed in the regulations, relating to published materials, and we agree. On appeal, the Petitioner asserts she meets the evidentiary criteria relating to prizes or awards, original contributions, display of work, leading or critical role, and salary. For the reasons discussed below, the Petitioner does not demonstrate she meets at least three categories of evidence. [1]

A. Prizes or Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." We first determine whether the alien is the recipient of prizes or awards, and then whether the award is

[1] While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety.

nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally 6 USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner claims eligibility for this criterion based on her [redacted] award for "Best Helicopter Pilot." The Petitioner submitted a copy of the award certificate with a certified English translation, along with photographs demonstrating the issuance of the award and the flight she performed during the event, printouts from [redacted] website, and newspaper articles about the [redacted] festival. Upon review of the English translation of the award certificate, we observe that it states, "Certificate of Appreciation." Further, it is "[f]or the dedicated and successful work performed during [redacted] . . and for the valuable contributions in representing our organization in the best way possible within the scope of [redacted] duties." The evidence does not show that the award was for "Best Helicopter Pilot" or that it was granted based upon excellence in the field. Moreover, while the printouts and newspaper articles provide information about [redacted] the evidence does not discuss the award or mention the Petitioner. Here, the Petitioner has not provided sufficient evidence that she was the recipient of lesser nationally or internationally recognized prizes or awards for excellence in the field of helicopter aviation.

Accordingly, the Petitioner has not demonstrated that she meets this criterion.

B. Judging

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) calls for "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 specification for which classification is sought." The alien must show that they not only have been invited to participate as a judge of the work of others in their field, but also that they have actually participated in such judging. *See generally 6 USCIS Policy Manual* F.2(B)(1). Examples of judging may include peer review for a scholarly journal, conference, or government research funding program or serving as a member of a Ph.D. dissertation committee. *Id.*

In the decision, SCOPS provided an analysis on the reasons the Petitioner does not meet this criterion but incorrectly concluded that she met this criterion. We therefore withdraw SCOPS determination and clarify that the record does not establish that she meets this criterion.

The Petitioner claims eligibility for this criterion based on participating in the selection process for police officers and pilots for the [redacted] In support, the Petitioner submitted an assignment card showing that she was an "Assistant Commissioner Member" in 2017. In addition, the Petitioner submitted a letter of support from a colleague, which confirms that she served as a commissioner member during police interviews and evaluation processes. The Petitioner, however, does not demonstrate how the evidence shows that she participated as a judge of the work of others. She does not establish that her participation in police interviews and evaluation processes involve judging the work of others consistent with this regulatory criterion. Moreover, the letter does not contain probative information such as where, when, and whom she interviewed or evaluated and how such interviewing and evaluating corresponds to judging the work of others.

Without evidence reflecting her participation as a judge of the work of others, including specific, detailed information, the Petitioner has not sufficiently demonstrated that she meets this criterion.

C. Contributions

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 at F.2(B)(1).

The Petitioner contends that being the first female helicopter pilot in the [redacted] satisfies this criterion and that SCOPS "reasoning rests on a narrow view of originality that discounts structural and social innovation in favor of traditional technical invention." She further claims that "traditional forms of invention (such as technical patents or scientific publications) disregards [sic] the operational, structural, and social dimensions through which major contributions occur in areas like law enforcement, public service, and institutional reform." She asserts that "[b]y entering a role where no woman had ever been accepted, [she] not only altered the composition of [the [redacted] operations team, but she also challenged and transformed institutional norms," and therefore additional female candidates have been admitted into the [redacted] helicopter pilot training. In support of her assertions, the Petitioner submitted articles about her being the first female helicopter pilot and about the other two female pilots that joined the police force after her, along with a photograph of her wax statue in the [redacted] and documentation showing she has participated in conferences. She also submitted letters in support from colleagues, which she claims SCOPS did not give them appropriate evidentiary weight.

Here, the Petitioner claims that being hired as the first female helicopter pilot is an original contribution. However, the Petitioner does not demonstrate how being hired as a helicopter pilot falls into any of the regulatory areas of scientific, scholarly, artistic, athletic, or business. We consider the terms "scientific, scholarly, artistic, athletic, or business-related" using their ordinary, common meaning. *See, e.g., Perrin v. United States*, 444 U.S. 37, 42 (1979) ("A fundamental canon of statutory construction is that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning ...."). Moreover, even if being hired as the first female helicopter pilot was an original contribution, the evidence in the record does not show how this is of major significance in the field of helicopter aviation. On appeal, the Petitioner references the support letters from her colleagues and claims that the letters detail how her "contributions, including her role in breaking gender barriers, implementing operational protocols, and transforming recruitment and

training standards – have redefined institutional practice within the [redacted][2] However, as noted by the Petitioner, the letters limit the relevance of her contributions to her employer, the [redacted] Moreover, while the letters assert that the Petitioner's accomplishments and work have had an influence on other women in the aviation industry, the record does not establish that the impact of her accomplishments and work rise to the level of major significance in the field. That is, she has not sufficiently explained how she has contributed to other female pilots being hired and how that would be of major significance beyond her employer.

Without more, the Petitioner has not established that being the first female helicopter pilot is an original contribution which is of major significance to the helicopter aviation field. Therefore, we conclude she has not established eligibility under this criterion.

D. Display

The regulation at 8 C.F.R. § 204.5(h)(3)(vii) requires "[e]vidence of the display of the alien's work in the field at artistic exhibitions or showcases." In addition to demonstrating that the displayed work was the alien's work product, the venues (virtual or otherwise) where the work was displayed must be artistic exhibitions or showcases. *See generally 6 USCIS Policy Manual* at F.2(B)(1). While Merriam-Webster's online dictionary definition of "exhibition" includes public showings other than those that are artistic in nature, the plain language of the criterion includes the modifier "artistic" and explicitly requires that the exhibitions or showcases be artistic in nature. *Id.*

SCOPS determined that the Petitioner did not satisfy this criterion. However, upon review, the record contains sufficient documentary evidence to establish that her demonstration flights at [redacted] air show were artistic exhibitions or showcases. Therefore, we withdraw SCOPS' finding and determine that the Petitioner has established that she meets this criterion.

E. Role

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for "evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." The role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. Evidence of a leading role should show that the alien was a leader for the claimed component, and a job title with matching duties may help to establish that a role was leading. For a critical role, evidence should show that the alien 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. In determining whether the organization or establishment, or a department or division thereof, has a distinguished reputation, relevant factors include its size, longevity, scale of its customer base, and relevant media coverage. *See generally 6 USCIS Policy Manual* F.2(B)(1).

[2] On appeal, the Petitioner states that the support letters are corroborated by documentary evidence, including a policy memorandum, official mission logs, national-level press coverage, and published training guides. Besides the national-level press coverage, the record does not include these other documentary evidence.

The Petitioner claims eligibility for this criterion based on her leading and critical roles as the first and only female helicopter pilot in the [redacted] She contends that her role "redefined operational norms and directly influenced the organization's recruitment, visibility, and international representation." She further explains that "her service-initiated revisions to pilot recruitment and inclusion strategies" and "she acted as a consultant for internal training practices." In support, the Petitioner submitted her payroll statements, photographs of her helicopter flights, and a photograph of her wax statue in the [redacted] However, this evidence does not show that she "redefined operational norms," "influenced the organization's recruitment," or that she was a consultant for the organization's internal training practices.

Moreover, the record includes six letters of recommendation. But the letters do not contain detailed, specific information evidencing the Petitioner's leading or critical role. Rather, the letters make broad statements without further elaborating and explaining how the Petitioner performed in a leading or critical role.

For instance, the E-T-O- letter briefly states that the Petitioner "has been a significant leader and role model." The letter from M-T- states that the Petitioner has "strong leadership qualities, determination, and societal impact." Further, the E-O- letter states that the Petitioner's "success extends beyond her personal achievements, contributing significantly to the advancement of [redacted] aviation and women's role in society." But they do not further discuss or indicate how the Petitioner's role as helicopter pilot somehow resulted in the Petitioner serving in a leading role or performing in a leadership capacity for the [redacted]

Likewise, the M-J- letter made general claims regarding the Petitioner's critical roles without justifying his assertions. For instance, the letter claims that the Petitioner's "professional excellence is further evidenced by. . . her crucial role in evaluating and selecting new police officers and pilots." But M-J- does not explain the effect of the Petitioner's evaluation and selection of new police officers.

Thus, without specific, detailed information, these general letters do not show the Petitioner's leading or critical role.[3]

This regulatory criterion also requires the organization or establishment, or the department or division for which the person holds or held a leading or critical role, to have a distinguished reputation. *Id.* Meriam-Webster's online dictionary defines "distinguished" as "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Id.* The Petitioner provided screenshots from the [redacted] website showing crime fighting data, as well as the history of the [redacted] However, the Petitioner does not explain or show how this information garners the [redacted] a distinguished reputation. *See Cuckic v. Jaddou*, No. 21-CV-8395 (JPO), 2023 WL 2586031, at *5 (S.D.N.Y. Mar. 21, 2023) (finding self-promotional material from the organization did not establish a sufficiently high reputation).

For these reasons, the Petitioner does not show she fulfills this criterion.

[3] *See generally 6 USCIS Policy Manual* F.2(B)(1) (indicating that this is one criterion where letters from persons with knowledge of the significance of the person's leading or critical role can be particularly helpful to officers in making this determination, so long as the letters contain detailed and probative information that specifically addresses how the person's role for the organization, establishment, division, or department was leading or critical).

F. Salary

The regulation at 8 C.F.R. § 204.5(h)(3)(ix) calls for "evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field." A credible employment contract or job offer may establish that an alien "has commanded" such salary or remuneration, as may evidence of past earnings such as tax returns and pay statements. Comparative wage or remuneration data that is appropriate for the alien's occupation and location should be submitted to establish that their compensation is high relative to others working in the field. *See generally 6 USCIS Policy Manual* F.2(B)(1).

The Petitioner provided copies of her payroll statements, an abstract entitled "Thoughts on Civil Servants' Salaries in Turkey: From Middle Class to Proletarian," a table of salaries for 2003 to 2022, and an article about salaries in 2022. The Petitioner highlighted the salaries for superintendents and police officers in the table and article. The Petitioner is a law enforcement helicopter pilot in [redacted]. Here, the Petitioner did not provide the proper comparable salary information for her particular occupation. To meet this criterion, the Petitioner must show that she has received a high salary in relation to other law enforcement helicopter pilots rather than superintendents or police officers. Both precedent and case law support this application of 8 C.F.R. § 204.5(h)(3)(ix). *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering a professional golfer's earnings versus other PGA Tour golfers); *see also Skokos v. US. Dept. of Homeland Sec.*, 420 F. App'x 712, 713-14 (9th Cir. 2011) (finding salary information for those performing lesser duties is not a comparison to others in the field); *Grimson v. INS*, 934 F. Supp. 965, 968 (N.D. III. 1996) (considering NHL enforcer's salary versus other NHL enforcers); *Muni v. INS*, 891 F. Supp. 440, 444-45 (N. D. III. 1995) (comparing salary of NHL defensive player to salary of other NHL defensemen). Because the Petitioner did not provide sufficient evidence demonstrating the salaries of other law enforcement helicopter pilots, she did not establish that she commands a high salary in relation to others in her field. Therefore, the Petitioner has not established that she meets this criterion.

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 they are 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).

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an individual of extraordinary ability.

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.