U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 40104632

Date: FEB. 11, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a product manager, 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 the record did not establish that the Petitioner had a major, internationally recognized award, nor did it demonstrate that she 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:

(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 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 product manager. She explains that "her vision for the future includes continued innovation in product management and operational excellence." Specifically, the Petitioner plans to revolutionize digital payments for financial inclusion, redefine operational efficiency in e-commerce and logistics, and establish mentorship programs.

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 satisfied two of the initial evidentiary criteria relating to leading or critical role and high salary. On appeal, the Petitioner asserts she meets the evidentiary criteria relating to awards, original contributions, and display of work. For the reasons discussed below, the Petitioner does not demonstrate she meets at least three categories of evidence. [1]

As a preliminary matter, the Petitioner for the first time on appeal asserts eligibility for the display of work criterion. However, as the Petitioner did not claim eligibility for this criterion before SCOPS, either at the time it filed the petition or in response to SCOPS' request for evidence (RFE), we will not consider this claim in our adjudication of this appeal. *See Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988) (providing that if "the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it for the record before the denial, we will not consider evidence

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

submitted on appeal for any purpose" and that "we will adjudicate the appeal based on the record of proceedings" before SCOPS); *see also Matter of Obaigbena*, 19 I&N Dec 533 (BIA 1988).

A. 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 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 the REAL Deal Award from her former employer, [redacted] The Petitioner submitted a copy of the award and its criteria, along with articles about the company in Japan and its LinkedIn page. The award shows that it was issued to [redacted] and it lists the Petitioner, as well as six other individuals.[2] While the evidence shows that the Petitioner was individually recognized by the REAL Deal Award as part of the awarded team, the record lacks sufficient evidence indicating that the award is recognized beyond the awarding company. *See Visinscaia v. Beers*, 4 F.Supp. 3d. 126, 136 (D.D.C. 2013) (requiring evidence of "how a larger audience viewed [the] awards"). For instance, the only publication about the award is a LinkedIn post by [redacted] Thus, the Petitioner does not demonstrate the award's receipt of national or international recognition.[3]

Accordingly, the Petitioner does not show she satisfies this criterion.

B. 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* F.2(B)(1).

[2] Notably, the award includes pictures of six individuals but not of the Petitioner. The award only includes the Petitioner's name and title.

[3] On appeal, the Petitioner incorrectly references the *USCIS Policy Manual*, Vol. 6, Part F, Chapter 5, which addresses national interest waivers. As indicated on the Form I-140, Immigrant Petition for Alien Worker, the petition is for an alien of extraordinary ability.

On appeal, the Petitioner contends her "contributions were original, documented, and materially adopted across the field." Specifically, she contends her digital commerce platform meets this criterion because her "contribution was publicly recognized" and "subsequently adopted in form and function by peer retailers."

First, USCIS determines whether the person has made original contributions in the field. *Id.* Second, USCIS determines whether the original contributions are of major significance to the field. *Id.* The evidence does not show how the Petitioner's contributions were original or of major significance to the field. While the evidence shows that the Petitioner has contributed to the design and deployment of digital commerce platforms for some companies, the evidence does not support claims of any original contributions to the product management industry. Moreover, the evidence does not demonstrate that her digital commerce platforms rise to the level of major significance in the field. Here, the Petitioner claims that her "sequencing, architecture, and strategic frameworks" have been implemented throughout various companies including Target, Ulta, Amazon, Nike, and SHEIN and therefore not confined to just her employers. However, the evidence does not sufficiently establish that her digital commerce platforms have been widely implemented throughout the field in such a way as to constitute a contribution of major significance. For instance, the articles submitted on appeal and in the record generally discuss the store brands' digital commerce platforms, but they do not show that it was the Petitioner's particular platform that was adopted as claimed.

The Petitioner also highlights three expert opinion letters in the record. Although the letters praise the Petitioner, the letters do not demonstrate that her contributions resulted in major significance in the field. Rather, the letters limit the relevance of the Petitioner's contributions to her employers. For instance, M-L-B- discusses the Petitioner's work at [redacted] where "[s]he developed a tailored market entry framework that integrated brick-and-mortar operations with localized e-commerce, ensuring cultural alignment, operational efficiency, and customer relevance." M-L-B- also discusses the Petitioner's work at [redacted] where she improved operational efficiency, increased customer retention, drove revenue growth, and elevated workforce performance. In addition, J-C-P- discusses the Petitioner's award and accomplishments at [redacted] as well as her work at [redacted]. At [redacted] J-C-P- states that the Petitioner showed "a high degree of mastery in digital innovation, customer-focused product management, and international payment strategy." Moreover, C-C-S- discusses the Petitioner's accomplishments and contributions at [redacted] and concludes that "[t]hese outcomes collectively reinforce the enduring and strategic impacts of [the Petitioner's work within the organization." These letters do not discuss how the Petitioner's involvement in product management somehow impacted or influenced the overall field rather than being limited to her employer. *See Strategati, LLC v. Sessions*, No. 3:18-CV-01200-H-AGS, 2019 WL 2330181, at *6 (S.D. Cal. May 31, 2019) (upholding that contributions of major significance in the field require substantial influence beyond one's employers, clients, or customers).

Detailed letters from experts in the field explaining the nature and significance of the person's contribution may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance. *See generally 6 USCIS Policy Manual* F.2(B)(1). Submitted letters should specifically describe the person's contribution and its significance to the field and should also set forth the basis of the writer's knowledge and expertise. *Id.* In this case, the letters lack specific, detailed information explaining how the Petitioner has made original contributions of major significance in the field. USCIS need not accept primarily conclusory statements. *1756, Inc. v. The US. Att'y Gen.*, 745 F. Supp. 9, 15 (D.C. Dist. 1990).

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown that she has made original contributions of major significance in the field.

C. 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). SCOPS determined the Petitioner submitted sufficient evidence to satisfy this criterion. However, we disagree and withdraw SCOPS' conclusion.

The Petitioner contends she served in a critical role when she worked at [redacted] as a staff product manager. She asserts that her critical contributions were her revenue impact, customer expansion, streamlined experience, and strategic influence. In support, she provided a press release about the company's marketplace growth, the company's third quarter earnings report, an article about the company being on the Fortune Global 500 List, and an organizational chart of the company's product team. However, the evidence does not show that the Petitioner has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities. Specifically, the record does not include letters from the company that can confirm the Petitioner's employment in such a capacity. Here, letters from persons with personal knowledge of the significance of the person's leading or critical role can be particularly helpful 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. *Id.* Evidence of experience must consist of letters from employers. *Id.*, citing 8 C.F.R. § 204.5(g)(l). While the absence of such letters, by itself, does not in all cases prevent a petitioner from satisfying the requirements of this criterion, nevertheless, without such letters, the burden remains on the Petitioner to establish that her roles were leading or critical. Here, without more, we cannot conclude that the Petitioner meets this criterion.

D. 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). SCOPS also determined the Petitioner submitted sufficient evidence to satisfy this criterion. However, we disagree and withdraw SCOPS' conclusion.

The Petitioner submitted evidence indicating her annual base salary is $210,000 as a staff product manager in Kentucky. The evidence also shows non-guaranteed compensation such as bonuses and stock, which makes the Petitioner's salary total $360,475 in the financial year end of 2025. In support of this criterion, the Petitioner provided information from levels.fyi website and compared the product manager salaries from Walmart, Amazon, and Microsoft. Specifically, the information from levels.fyi website shows that Amazon's average annual compensation for an L5 project manager is $173,000 and for an L6 senior product manager is $266,000. As for Microsoft, the average annual total compensation for a senior product manager is $236,577. In addition, the Petitioner provided the "[t]otal pay range" and "[m]edian total pay" for staff product managers from Glassdoor. First, regarding an "average" or "median" earnings comparison, this criterion requires the Petitioner to offer evidence showing that she has commanded a "high salary or other significantly high remuneration" relative to others in the field and not just a salary that is above average in her field. Second, levels.fyi and Glassdoor do not provide salary data for the area where the Petitioner works.

To meet this criterion, the Petitioner must present evidence showing that she has earned a high salary or other significantly high remuneration in comparison with those performing similar services in the field. 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. U.S. 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. Ill. 1996) (considering NHL enforcer's salary versus other NHL enforcers); *Muni v. INS*, 891 F. Supp. 440, 444-45 (N. D. Ill. 1995) (comparing salary of NHL defensive player to salary of other NHL defensemen). Here, the Petitioner has not established that she has commanded a high salary or other significantly high remuneration for services in relation to others in the field. Accordingly, she has not established that she fulfills 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 she 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).

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 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.