U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40988780

Date: FEB. 12, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a ballroom dance choreographer, requests his classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act; *see also Sands v. U.S. Dep't of Homeland Sec.*, 308 F. App'x 418, 419 (11th Cir. 2009) (holding that decisions on extraordinary-ability petitions under section 203(b)(1)(A) of the Act are discretionary).

Service Center Operations (SCOPS) denied the petition. SCOPS concluded that the Petitioner met one of ten initial evidentiary criteria – two less than needed for a final merits determination. On appeal, the Petitioner contends that, in finding that he did not satisfy six other requirements, SCOPS overlooked evidence.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that he met at least three evidentiary criteria. But, because he did not establish acclaim or recognition sufficient to place him among the small percentage at his field's top, we will dismiss the appeal.

I. LAW

To qualify for this immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability" in the sciences, arts, education, business, or athletics;
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the country as a permanent resident.

Section 203(b)(1)(A)(i-iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

Unless a petitioner received "a major, international recognized award," they must satisfy at least three of ten alternative evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[1] If a petitioner meets either evidentiary standard and the requirements at sections 203(b)(1)(A)(ii), (iii) of the Act, U.S. Citizenship and Immigration Services (USCIS) then makes a final merits determination. To merit final approval, the record – as a whole – must establish a petitioner's "sustained national or international acclaim" and recognized achievements placing them among the small percentage at their field's very top. *See Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step review process to be "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner

In his home country of Russia, the Petitioner earned a bachelor's degree in state/municipal administration and a master's degree in economics/marketing. He also established two businesses. But the record shows that his passion is for ballroom dancing. He began dancing at age 7 and has since served as a dance coach, choreographer, and judge.

Now in the United States, the Petitioner states that he seeks to work as a choreographer at U.S. dance schools. He also hopes to develop an online dance course and eventually open his own network of U.S. dance schools.

B. The Evidentiary Criteria

The record does not indicate – nor does the Petitioner claim – his receipt of a major internationally recognized award. He must therefore meet at least three of the evidentiary requirements at 8 C.F.R. § 204.5(h)(3)(i-x).

The record supports SCOPS' finding that the Petitioner met one initial evidentiary criterion by submitting evidence of his performance in leading or critical roles for organizations with distinguished reputations. *See* 8 C.F.R. § 204.5(h)(3)(viii).

On appeal, the Petitioner contends that he satisfied six additional evidentiary requirements by submitting evidence of his:

- Receipt of nationally or internationally recognized prizes or awards for excellence in his field;
- Membership in associations in the field requiring outstanding achievements as judged by nationally or internationally recognized experts;

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

- Published materials about him and work in his field in major professional publications, trade publications or other major media;
- Participation as a judge of others' work in the field;
- Original contributions of major significance in the field; and
- Display of his work at artistic exhibitions or showcases.

See 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (iv), (v), (vii).

To satisfy an evidentiary criterion, the Petitioner's documentation must objectively meet the parameters of an applicable regulatory description. *See generally* 6 *USCIS Policy Manual* F.2(B). "[N]either USCIS nor [the] AAO [Administrative Appeals Office] may unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5." *Kazarian v. USCIS*, 596 F.3d 1115, 1121 (9th Cir. 2010).

1. Published Materials About the Petitioner

This evidentiary criterion 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." 8 C.F.R. § 204.5(h)(3)(iii). "Such evidence shall include the title, date, and author of the material, and any necessary translation."

When adjudicating this evidentiary requirement, USCIS first determines whether published material relates to a petitioner and their specific work in their field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 3. The Agency next considers whether a publication qualifies as a professional publication, major trade publication, or major media publication. *Id.* Relevant factors for professional and trade publications include their intended audiences. *Id.* For major trade publications and other major media, relevant factors include their relative circulations, readerships, or viewership. *Id.*

The Petitioner submitted copies of two articles interviewing him about the benefits of children learning to ballroom dance. Russian newspapers published the articles online in 2024 and 2025. SCOPS concluded that he did not demonstrate that either of the publications qualify as a professional or major trade publication, or other major media.

We disagree. The Petitioner submitted online information showing that an independent survey ranked the newspaper that published the 2025 interview as the most popular Russian Internet medium in 2023 in the "News and Media" category. A preponderance of the evidence therefore shows that the newspaper is a major medium. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 185 (D.N.J. 2021) (stating that "courts generally agree that the phrase ['other major media'] can mean a publication with significant reach and recognition"); *see also* 6 *USCIS Policy Manual* F.2(B) ("[A]lthough some of the regulatory language relating to evidence occasionally uses plurals, it is entirely possible that the presentation of a single piece of evidence in a specific evidentiary category may be sufficient.") Thus, the 2025 online article meets this evidentiary criterion.

The Petitioner submitted published material in a major medium about him and his work in the field. We will therefore withdraw SCOPS' contrary finding.

2. Participation as a Judge of Others' Work

To satisfy this requirement, a petitioner must submit "[e]vidence of the[ir] 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." 8 C.F.R. § 204.5(h)(3)(iv).

The Petitioner's evidence met this criterion. He submitted a copy of his 2018 license as a dance judge from a Russian dance federation and a letter from the federation's president stating the Petitioner's participation as a judge at various ballroom dancing competitions in the "Children" and "Juniors" categories. The letter specifically identifies the Petitioner as a judge at a 2019 competition, and he submitted a copy of a "final protocol" for the event listing him as a member of the judging panel.

SCOPS erred in finding that:

> [t]he weight given to evidence submitted to fulfill the criterion at 8 CFR 205.5(h)(3)(iv) ... depends on the extent to which such evidence demonstrates, reflects, or is consistent with sustained national or international acclaim at the very top of the alien's field of endeavor. ... For example, judging a national contest of professionals is of far greater probative value than judging a competition for novices.

As previously indicated, USCIS may not "unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5." *Kazarian*, 596 F.3d at 1121. This criterion requires only that a petitioner judge others' work in the petitioner's or an allied field. *See* 8 C.F.R. § 205.5(h)(3)(iv) Thus, SCOPS erred in requiring that the Petitioner's evidence demonstrate or reflect sustained national or international acclaim. Rather, USCIS does not consider acclaim until a final merits determination. *See Rijal v. USCIS*, 772 F. Supp. 2d 1339, 1346–47 (W.D. Wash. 2011) ("USCIS may not conclude that evidence does not satisfy an evidentiary criterion by looking beyond that criterion to the final merits determination"), *aff'd,* 683 F.3d 1030 (9th Cir. 2012); *see generally* 6 *USCIS Policy Manual* F.2(B)(2) (stating that, in a final merits determination, "the petition must demonstrate that the person has sustained national or international acclaim and that their achievements have been recognized in the field of expertise, indicating that the person is one of that small percentage who has risen to the very top of the field of endeavor").

The Petitioner satisfied this evidentiary criterion by submitting evidence that he judged others' work in his or an allied field. We will therefore withdraw SCOPS' contrary finding.

The Petitioner has met the requisite three evidentiary criteria. *See* 8 C.F.R. § 204.5(h)(3). Thus, we need not decide whether he satisfied any other evidentiary requirements. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

SCOPS did not make a final merits determination. So, we will next do so.

C. The Final Merits Determination

To merit final approval as an alien with extraordinary ability, a petitioner must demonstrate – through evidence of sustained national or international acclaim and recognition of their achievements in their field – that they are one of the small percentage who has risen to their field's very top. 6 *USCIS Policy Manual* F.2(B)(2). They "must explain the significance of the submitted evidence, and how it demonstrates that [they have] achieved sustained national or international acclaim and recognition in their field of expertise." *Id.* USCIS must review all evidence in the totality and consider "any potentially relevant evidence in the record, even if such evidence does not fit one of the … regulatory criteria or was not presented as comparable evidence." *Id.*

The record shows the Petitioner's journey from a young, award-winning ballroom dancer to a talented choreographer, dance coach, and judge. Considering the evidence in total, however, he has not established his receipt of acclaim and recognition sufficient to place him among the small percentage at his field's very top.

The Petitioner submitted evidence of his receipt of 21 first-place dancing awards as a teenager. But the record indicates that the awards generated little acclaim or recognition for him beyond the dance organizations that administered the competitions. *See Donskoy v. USCIS*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *5 (N.D. Cal. Nov. 11, 2021) ("[W]hat matters for the purpose of the visa classification is whether the award brought [the petitioner] individual acclaim.") He submitted a letter from the president of a Russian dance federation indicating that Russian or other European television stations broadcast some of the competitions. But the letter lacks details about the TV coverage and whether it included the Petitioner's awards. The record also lacks corroborating evidence. *See* 6 *USCIS Policy Manual* F.(2)(B)(3) ("[S]tatements made by the witnesses should be corroborated by documentary evidence in the record.")

Also, the Petitioner has not demonstrated that his awards fall under his stated endeavor's field: ballroom choreography. The record indicates his receipt of the awards for ballroom dancing, not choreography. *See, e.g., Mussarova v. Garland*, 562 F. Supp. 3d 837, 843-45 (C.D. Cal. 2022) (holding that awards given to a petitioner as a water polo player did not reflect excellence in the water polo coaching field); *see generally* 6 *USCIS Policy Manual* F.2(A)(2) ("Competitive athletics and coaching rely on different sets of skills and in general are not in the same area of expertise.") The Petitioner asserted that the ballroom dancing community does not distinguish between coaches and athletes, and that choreography "is an extension of the same creative and technical skillset developed through years of elite performance." But he did not substantiate his assertions with independent, corroborating evidence.

The Petitioner also submitted evidence of his membership in an international choreographers' union and, in his capacity as a dance judge, a Russian dance federation. But he did not establish that these memberships required outstanding achievements or otherwise garnered him acclaim or recognition. *See Donskoy*, 2021 WL 5240224, at *6 (affirming USCIS' decision that a petitioner's membership in an association did not "demonstrate the requisite level of achievement or sustained acclaim to establish extraordinary ability").

As previously indicated, two Russian newspapers each published online news interviews with the Petitioner regarding the benefits of introducing children to ballroom dancing. These 2024 and 2025 publications garnered him some national acclaim. But he has not demonstrated that two newspaper articles reflect someone among the small percentage at his field's top. *See Bodhankar v. USCIS*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (holding that a "few" publications about a petitioner's accomplishments "is not consistent with national or international acclaim").

The Petitioner also has judged others' work in his field and has had his choreographic works displayed at artistic exhibitions and showcases in Russia. But he did not establish that these activities generated significant amounts of acclaim or recognition for him.

The Petitioner submitted evidence that he wrote a manual used to teach young Russian dance students and developed a curriculum for a network of dance schools across the country. The record also shows that he performed in a critical role for the dance schools. But the record still lacks independent evidence placing him among the small percentage at his field's top. Letters on the Petitioner's behalf are from those who personally know him, such as former employers, former co-workers, former coaches, and dance federation officials. *See Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (noting that the "plaintiff submitted letters only from people within his circle of professional acquaintances, and none of the letters point to evidence of 'extensive documentation' of plaintiff's accomplishments to support his assertion that he has enjoyed sustained national or international acclaim"); *see generally* 6 *USCIS Policy Manual* F.2(B)(3) ("It is generally expected that one whose accomplishments have garnered sustained national or international acclaim would have received recognition for their accomplishments well beyond the circle of their personal and professional acquaintances.")

Congress intended to set "a very high standard" for aliens of extraordinary ability. Proposed Rule for Employment-Based Immigrants, 56 Fed. Reg. 30703, 30704 (July 5, 1991). The legislature indicated that this immigrant visa category was meant "for that small percentage of aliens who have risen to the very top of their field of endeavor." *Id.* The Petitioner has met the minimum number of evidentiary criteria and has demonstrated his receipt of some acclaim and recognition in his field. But, considering the evidence as a whole, he has not established his claimed place among the small percentage at his field's very top. *See Amin*, 24 F.4th at 386 ("[G]iven the lofty bar for extraordinary ability classifications, we cannot say that the agency acted arbitrarily when it determined that [a petitioner] was not 'extraordinary' but merely very good."); *Matter of Price*, 20 I&N Dec. at 954 (holding that even athletes performing in their sports' premier leagues do not automatically meet the extraordinary ability standards).

III. CONCLUSION

The Petitioner satisfied the required amount of evidentiary criteria. But he did not establish sustained national or international acclaim and recognition sufficient to place him among the small percentage at his field's top. We will therefore affirm the petition's denial.

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.