U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41000256

Date: FEB. 12, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an executive for a news organization, 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.

SCOPS denied the petition, concluding that the record did not establish that the Petitioner had either received a major, internationally recognized award or satisfied at least three of ten initial evidentiary criteria, as required. The matter is now before us on appeal under 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 immigrant visas available to aliens with 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. A petitioner must establish that these aliens seek to enter the United States to continue work in the area of extraordinary ability, and that their entry into the United States will substantially benefit the United States. The term "extraordinary ability" refers only to those aliens 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 international recognition of an alien's achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Or the petitioner can submit evidence 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. If those standards do not readily apply to the alien's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once a petitioner has met the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the alien 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 has worked for the [redacted] in China since 2003. When she filed the petition in 2024, her title at [redacted] was senior director of Business Development (China). The Petitioner stated that her "primary focus will be on continuing [her] work in IP [intellectual property] Assignment and Licensing for [redacted] in the United States." She added that she is "also interested in conducting media research . . . to gain further insights into the evolving dynamics of the media industry."

A. Evidentiary Criteria

Because the Petitioner has not indicated or shown 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). The Petitioner claims to have satisfied four of these criteria, summarized below:

- (iii), Published material about the alien in professional or major media;
- (iv), Participation as a judge of the work of others;
- (vi), Authorship of scholarly articles; and
- (viii), Leading or critical role for distinguished organizations or establishments.

SCOPS concluded that the Petitioner met two of the criteria, pertaining to authorship of scholarly articles and leading or critical roles.

On appeal, the Petitioner maintains that she also meets the other two claimed criteria. We agree with SCOPS that the Petitioner has not submitted published material about her in professional or major trade publications or other major media. The record establishes that [redacted] *News Service* is a major news organization, but the article and accompanying video from [redacted] mention the Petitioner only in passing, identifying her by name and title and briefly quoting her.

Published material that is not primarily about the alien, but covers a broader topic, must include a substantial discussion of the alien's work in the field and mention the alien in connection to the work. *See, generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). The submitted article and video do not include a substantial discussion of the Petitioner's work, and therefore we agree with SCOPS that the Petitioner has not satisfied the requirements of this criterion.

On appeal, the Petitioner does not address the conclusion that the *Xinhua* article is not about her. Any ground of ineligibility that is not raised on appeal is waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

But we agree with the Petitioner that she has satisfied a third criterion.

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 Petitioner was invited to serve as a "Reviewer" for the [redacted]' Visual China Group, the organization that held the competition, is a "platform for visual content copyright transactions and creative customization services," which it provides to "major media outlets" and other clients. This reasonably relates to the Petitioner's self-described work in "IP Assignment and Licensing" for a major news service.

SCOPS acknowledged the Petitioner's invitation to serve as a judge, but concluded that the Petitioner had not shown that she had actually served as a judge. Materials in the record, however, identify the Petitioner as the "reviewer 79" who completed a review sheet that SCOPS acknowledged. The submitted materials, reviewed together and in context, are sufficient to show that the Petitioner served as a judge in the contest.

The Petitioner has therefore satisfied the requirements of this criterion.

B. Final Merits Determination

Because the Petitioner submitted the required evidence to satisfy at least three of the initial criteria, the next step is to evaluate whether she has demonstrated, by a preponderance of the evidence, her sustained national or international acclaim; that she is one of the small percentage at the very top of the field of endeavor; and that her achievements have been recognized in the field through extensive documentation. A final merits determination involves analyzing a petitioner's accomplishments and weighing the totality of the evidence to determine if that evidence establishes extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[1] In this proceeding, we conclude that the Petitioner has not met her burden of proof to establish eligibility.

Objectively meeting the regulatory criteria in the first step alone does not establish that the person in fact meets the requirements for classification as a person with extraordinary ability. For example, participating in the judging of the work of others in the same or an allied field of specialization alone, regardless of the circumstances, should satisfy the regulatory criteria in the first step of the analysis. However, the second step requires evaluation of the person's participation to determine whether it was indicative of the person being one of that small percentage who have risen to the very top of the field of endeavor and enjoying sustained national or international acclaim. *See*, *generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

In all cases, the petitioner must provide sufficient context regarding the submitted evidence and considerations to establish the person's extraordinary ability in the totality of the circumstances. This

[1] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established, by a preponderance of the evidence, the required high level of expertise for the immigrant classification).

means that the petitioner must explain the significance of the submitted evidence, and how it demonstrates that the person has achieved sustained national or international acclaim and recognition in their field of expertise. *See, generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2).

In the initial statement submitted with the petition, the Petitioner discussed the nature of the final merits determination and asserted generally that she "meets the Kazarian final merits test by a preponderance of the evidence – she has shown that she is one of the small percentage who has risen to the very top of the field of endeavor."

In response to the RFE, the Petitioner offered four arguments in the context of the final merits determination. We will consider each of them below.

The Petitioner stated:

> [The Petitioner's] participation in the 5th World Media Summit, where she was interviewed by [redacted] News Agency, reflects not only her media visibility but also her professional recognition within the journalism industry. The summit serves as a global platform where media representatives converge to discuss pressing industry issues, with each attendee representing their respective institutions – and often their countries. Given that, [the Petitioner's] active participation in this event alone solidifies her industry credibility, and extensive quotation of [the Petitioner's] perspective and comment at such a high-profile international forum serves as a further reinforcement of her status as an extraordinary talent in the field.

The record shows that the Petitioner attended the Summit and was briefly interviewed by [redacted] News Service. But the Petitioner submitted no supporting evidence to corroborate the above claims regarding the significance of her participation. Statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight. *Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998). The [redacted] video transcribed in the record quotes only a few sentences from the Petitioner, contrary to the Petitioner's claim of "extensive quotation." The Petitioner has not supported the claim that her very participation in the Summit is, by itself, evidence of the required recognition and acclaim.

The Petitioner stated: "Successful promotion of [redacted] business in China and billions in profits gained for her employer directly prove her prominence as an employee. . . . Her position as the general business manager of the [redacted] global network in China also proves her unparalleled capability."

As SCOPS acknowledged, the Petitioner has satisfactorily established that her position at [redacted] qualifies as a leading or critical role for an organization or establishment with a distinguished reputation. Such a role satisfies the narrower requirements of 8 C.F.R. § 204.5(h)(3)(viii), but does not necessarily show acclaim and recognition extending beyond the employing organization to the field as a whole at a national or international level. The Petitioner's reputation within [redacted], however well-deserved, does not imply acclaim or recognition in the wider field of journalism.

The record does not support the claim that the Petitioner's work for [redacted] resulted in "billions in profits" for the company. An August 2023 letter from [redacted], president, written directly to the Petitioner rather than specifically to support the petition, credited the Petitioner with "significant achievements that

have driven over $50 million in new growth for [redacted]" While a significant sum, $50 million is orders of magnitude lower than "billions." The distinction could be important if the Petitioner's claimed recognition stems, in part, from her effect on [redacted] profitability.

The Petitioner asserted that her "invitation to serve as a judge for Visual China Group is a testament to her deep specialization and authoritative grasp of the field," and "also demonstrates a level of professional maturity that distinguishes her as a leading expert." We have concluded that the Petitioner's efforts for Visual China Group satisfy the judging criterion at 8 C.F.R. § 204.5(h)(3)(iv), but the Petitioner has not established that Visual China Group chose her as a judge because of her acclaim and recognition, or that her judging activity resulted in such acclaim or recognition. The record does not show how the organization selected its judges or that those judges received any public credit for their participation that would have contributed to wider recognition.

Referring to the subject of her scholarly article, which satisfied the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(vi), the Petitioner stated that her "research on AI [artificial intelligence] and digitalization in journalism shows her deep understanding of industry trends. By combining practical experience with systematic analysis, this research establishes her not merely as an adaptable industry expert, but as a truly visionary leader capable of anticipating and shaping the future of her field."

The Petitioner established that her article, on the subject of AI-generated news anchors, has been published in the Chinese-language [redacted] but she has not established the article's impact and influence on the field of journalism. Also, the publication of one article in [redacted] 2023, less than six months before the filing of the petition, does not establish or support the pattern of *sustained* acclaim that the statute and regulations demand.

The Petitioner submitted a letter from an assistant professor of accounting at the [redacted] who stated that her "research . . . examines the internal information environments of various organizations," and that she is looking to collaborate with "an expert with a deep understanding of Chinese media operations and the managing structures of digital companies." This invitation does not show that the Petitioner's reputation has reached academics in the United States. Rather, the writer acknowledged her "long-standing friendship with" the Petitioner. The record does not show that the Petitioner's work has come to the attention of others without such pre-existing ties.

The record shows that the Petitioner has contributed to [redacted] success and growth in China, for which she has received accolades from within [redacted] But the record does not reach the critical threshold of establishing, by a preponderance of the evidence, that the Petitioner has achieved sustained national or international acclaim as one in the small percentage at the very top of her field.

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.

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,"); *Visinscaia*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design"); *Hamal v. Dep't of Homeland Sec.*, No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021), *aff'd*, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *see also Hamal v. Dep't of Homeland Sec.*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing *Kazarian,* 596 at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 918 (N.D. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for visa as a baseball coach).

Here, the Petitioner has not shown a degree of recognition of her work that rises to the level of sustained national or international acclaim and demonstrates a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

The Petitioner has not demonstrated eligibility as an alien of extraordinary ability. We will therefore dismiss the appeal.

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.