U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41441204

Date: FEB. 13, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner is an agricultural economist who 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 Form I-140, Immigrant Petition for Alien Workers (petition), concluding the record did not establish that the Petitioner had a major, internationally recognized award, nor did she demonstrate that she met at least three of the ten regulatory criteria. 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 to U.S. Citizenship and Immigration Services (USCIS) by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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

To qualify under this immigrant classification, the statute requires the filing party demonstrate:

- The alien enjoys extraordinary ability in the sciences, arts, education, business, or athletics;
- They seek to enter the country to continue working in the area of extraordinary ability; and
- The alien's entry into the United States will substantially benefit the country in the future.

Section 203(b)(1)(A)(i)–(iii) of the Act. The term "extraordinary ability" refers only to those 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-step analysis. In the first step, a petitioner can demonstrate international recognition of his or her achievements in the field through 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 sufficient qualifying documentation 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).

Where a petitioner meets these initial evidence requirements, we then move to the second step to 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, 1121 (9th Cir. 2010) (discussing a two-step 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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022).

II. ANALYSIS

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that she has 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). Before SCOPS, the Petitioner claimed she met five of the regulatory criteria. SCOPS decided that the Petitioner satisfied one criterion, the authorship of scholarly articles but that she had not satisfied the criteria associated with prizes or awards, original contributions, performing in a leading or critical role, or a high salary or remuneration. On appeal, the Petitioner maintains that she meets the same evidentiary criteria. After reviewing all the evidence in the record, we conclude the record establishes she satisfies the scholarly articles criterion, but no other regulatory criteria.

1. "Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 204.5(h)(3)(i).

This criterion contains several evidentiary elements, all of which must be met to satisfy the regulation. According to the plain language of the regulation the evidence must establish: (1) the alien is the recipient of the prizes or the awards; (2) those accolades are nationally or internationally recognized; and (3) each prize or award is one for excellence in the field of endeavor.

The Petitioner claimed three awards qualified under this criterion offering evidence of the awards, information about the entity that issued the awards, and two support letters asserting the significance of the awards. SCOPS determined that the Petitioner did not meet the requirements of this criterion concluding the record lacked probative material demonstrating the significance of the awards or that they were issued for excellence in the field.

The Petitioner's appeal only lists the evidence she provided before SCOPS stating the information about the issuing entity "clearly explains that [redacted] is an academic journal in Turkey published quarterly," and asserts that one of the support letters was not simply an unsupported conclusory letter as SCOPS alluded, but instead it was "very specific and objective evidence of the organization which granted the award."

First, simply because an academic entity has a quarterly publication and issues awards does not demonstrate those awards are nationally or internationally recognized prizes or awards for excellence

in the field. National and international recognition results, not from the entity that issued the prize or award, but through the awareness of the accolade in the eyes of the field nationally or internationally. *Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) (finding "the focus is on the award, not the awarding organization"); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013). A national or international level competition may issue lesser awards that merely receive local or regional recognition, which do not meet the plain language requirements of this criterion. The requisite recognition should be evident through specific means; for example but not limited to, national or international-level media coverage.

Agency policy addresses the requisite level of a prize's or award's recognition noting we consider the "national or international significance of the awards or prizes in the field" and states "national or international recognition is most often associated with awards given to individuals at the highest level in a given field." *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual. *See also Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *8 (N.D. Cal. Feb. 16, 2021) (upholding the determination that awards must be nationally or internationally recognized).

Second, the support letter the Petitioner raises on appeal does not address any of her awards and the author only mentions the issuing entity once in passing. This is inadequate to demonstrate the Petitioner's awards meet the plain language requirements of this criterion.

2. "Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field." 8 C.F.R. § 204.5(h)(3)(ix).

The plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(ix) requires the Petitioner to submit evidence of a "high salary or other significantly high remuneration for services, in relation to others in the field." That means a petitioner must provide comparative evidence for those performing similar work, during the same approximate time and geographic location, within the field. And the presentation of only average salaries in the field is generally inadequate to demonstrate a petitioner's earnings are high, or their other types of remuneration are significantly high, in relation to the rest of the field.

The Petitioner initially provided evidence from her employer in her home country reflecting her monthly salary in 2016 was ₺12,2566 (Turkish lira) converted to 4,154 U.S. dollars. This resulted in an annual salary of ₺147,072, and the employer's letter equated that amount to 49,848 U.S. dollars. The employer's letter also reflected the minimum monthly salary in Turkey in that same year was 440 U.S. dollars per month without presenting a figure in Turkish lira. She also submitted material relating to yearly salaries for financial specialists in the United States in New Jersey, and other evidence relating to the United States for 2023. In response to the request for evidence, the Petitioner provided documentation relating to her social security in her home country, and a letter from an individual working in her former employer's agricultural department in her home country listing their salary in 2016. SCOPS determined that the Petitioner did not meet the requirements of this criterion.

First, the Petitioner has provided evidence comparing her earnings in Turkey compared to a related occupation in the United States. Irrespective of which currency those salary figures were presented in, she must provide documentary evidence from the same geographic region in Turkey in which to

compare to her own salary. Agency policy provides that when a filing party makes such a comparison, the location and currency are relevant factors and it states: "Officers evaluate persons working outside of the United States based on the wage statistics or comparable evidence relevant to the applicable work location, rather than by simply converting the salary to U.S. dollars and then viewing whether that salary would be considered high in the United States." *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1). This is important for multiple reasons, the first of which is salaries can vary widely based on the location, even within the same country. Also, what an occupation demands in one country is generally disconnected from what the markets might bear elsewhere in the world.

Aside from that issue, we note the temporal disparity of the comparative evidence from 2023 when likened to the Petitioner's earnings data for 2016. So, any relative comparison should generally be from the same timeframe as the Petitioner's own earnings evidence. Several factors including inflation or developments in an occupation can cause salaries to change every year whether such amendments are gradual or more significant. Comparing earnings from disparate years is like comparing apples to crab apples—without the proper proportional perspective, one might mistake a handful for a harvest. *See Xia v. Miller*, No. 3:20-CV-01468-JR, 2021 WL 5817324, at *6 (D. Or. Nov. 18, 2021), *report and recommendation adopted*, No. 3:20-CV-01468-JR, 2021 WL 5825999 (D. Or. Dec. 6, 2021) (finding a petitioner must show that salary reports reflect an apples to apples, rather than an apples to oranges, comparison). Because the Petitioner provided earnings from 2016 but compared earnings from 2023, she did not offer appropriately similar data. *See Jafarov v. USCIS*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (S.D.N.Y. Jan. 5, 2024) (upholding the "record lacked sufficient 'comparable data' as to [the petitioner's] compensation").

For the evidence from Turkey during the relevant timeframe, the Petitioner submitted a letter from someone who worked at her previous employer. The author of that letter stated they "are currently employed at [redacted] in an Agricultural Banking Department," and that in 2016 their annual salary was ₺43,800. First, the Petitioner only provided the letter but not any probative evidence to corroborate the claims presented in it, which is an evidentiary deficiency. But even if that were not the case, the salary comparison offered in the letter is not an adequate one as it only applied to one individual rather than a broader representation of the field as the regulation's plain language requires.

Further, the letter lacks pertinent information only illustrating the person worked in the Agricultural Banking Department. It did not specify what occupation that individual occupied, nor did it present the duties they performed. Salary information for those performing work in a related but distinct occupation with different responsibilities is not a proper basis for comparison. Rather, the Petitioner must present evidence of objective earnings data showing they have earned a "high salary" or "significantly high remuneration" in comparison with those performing similar work during the same time period. *See Matter of Price*, 20 I&N Dec. 953, 955 (Assoc. Comm'r 1994) (considering professional golfer's earnings versus other PGA Tour golfers); *see also Skokos v. DHS*, 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); *Tapia v. Jaddou*, No. 8:23-CV-813-CEH-AAS, 2025 WL 2780815, at *6 (M.D. Fla Sept. 30, 2025) (upholding USCIS determination that a petitioner's comparative evidence must relate to their specific field and not a general characterization of an overly broad 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).

We agree with SCOPS conclusion that the Petitioner has not submitted evidence that meets the plain language requirements of this criterion.

3. "Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v).

The primary requirements here are that the Petitioner's contributions in their field were original and they rise to the level of major significance in the field, rather than to a project or to an organization. *See Amin*, 24 F.4th at 394 (citing *Visinscaia*, 4 F. Supp. 3d at 134). The regulatory phrase "major significance" is not superfluous and, thus, it has some meaning. *Nielsen v. Preap*, 586 U.S. 392, 415 (2019) (finding that every word and every provision in a statute is to be given effect and none should needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence). Contributions of major significance connotes that the Petitioner's work has significantly impacted the field. Further, the Petitioner's contributions must have already been realized rather than being potential, future improvements. The Petitioner must submit evidence satisfying all of these elements to meet the plain language requirements of this criterion.

SCOPS discussed the Petitioner's articles and support letters she submitted and determined that the evidence in the record did not meet the requirements of this criterion. On appeal, the Petitioner advances a generalized claim about her support letters and states they specifically discussed her "contributions to the field of agri-finance and economics by creating credit card facilities for cooperatives and farmers through growth and expansion." She also claims press coverage of those banking programs, a letter from her previous employer, and awards from that employer demonstrate her eligibility here.

About her letters, the only correspondence she specifically identifies in the appeal is from her former employer's chief executive officer, [redacted] described several instances of improvements that the Petitioner made in the bank, specifically in the Agricultural Banking Unit. While he describes some services she performed and information she shared with their customers, lacking is an explanation of how her work resulted in a contribution to the field of agricultural economics. The plain language of the phrase "contributions of major significance in the field" requires evidence of an impact beyond one's employer and clients or customers and mandates the Petitioner's work has significantly impacted the broader field. *See Amin*, 24 F.4th at 394 (finding that contributions under this criterion require "specific information relating to the impact [of a petitioner's work] on the field as a whole" and citing *Visinscaia*, 4 F. Supp. 3d at 134).

Pertaining to her remaining claims, she has not identified what evidence in the record constitutes press coverage of the relative banking programs, and she does not explain how awards that she might have received from her former employer demonstrate a contribution to the field rather than recognition of her performance with the employer.

Ultimately, the Petitioner has not submitted evidence that her contributions have had a sufficiently appreciable impact in the field, and as a result she has not met this criterion's requirements.

B. We Reserve the Petitioner's Remaining Claims

We conclude that although the Petitioner satisfies the scholarly articles criterion, she does not meet the criteria for lesser prizes or awards, a high salary, or original contributions. While she argues and submits evidence for one additional criterion on appeal relating to performing in a leading or critical role at 8 C.F.R. § 204.5(h)(3)(viii), it is unnecessary that we make a decision on this additional ground because she cannot numerically meet the required number of criteria. As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3), we reserve the remaining issues/issue. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)); *see also M-C-C-*, 29 I&N Dec. 401, 405–06 (BIA 2026) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

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. 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 we 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 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 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.