U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41495827

Date: FEB. 25, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner is a short form content creator 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 received a major, internationally recognized award, nor did he demonstrate that he 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

The Petitioner is an immigration lawyer who has built a large social media presence on multiple platforms.

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, he 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 he met four of the regulatory criteria. SCOPS decided that the Petitioner satisfied two criteria relating to published material and for performing in a leading or critical role, but that he had not satisfied the criteria associated with prizes or awards, or original contributions. On appeal, the Petitioner maintains that he meets the evidentiary criteria relating to prizes or awards, but he no longer pursues the original contributions criterion. An appellant waives any issues they fail to raise on appeal. *Matter of E-A-S-O-*, 29 I&N Dec. 422, 428 (BIA 2026). After reviewing all the evidence in the record, we conclude the Petitioner has not established his eligibility for this highly restrictive immigration benefit.

A. "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. Here, 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 provided several awards and supporting evidence and SCOPS determined that the Petitioner's evidence did not meet this criterion's requirements. On appeal, the Petitioner contends that four awards serve as qualifying evidence under this criterion. We disagree.

[redacted]. The Petitioner begins by discussing his "[redacted]" in the [redacted] category from the 2024 [redacted]. Supporting evidence includes a letter from the managing director of the [redacted], an email from the organization, and the organization's website printouts recognizing numerous individuals and groups from the 2024 awards.

The Petitioner claims these awards "are considered 'the Oscars of Social Media'" and he supported that assertion with a letter from the managing director of the [redacted] who made the same

statement. But unsupported conclusory statements are not sufficient evidence that a particular prize or award—or a competition or institution—is nationally or internationally recognized. Probative evidence that a prize, award, competition, or institution is nationally or internationally recognized is generally material from sources besides the issuing entity. *Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021).

While the record touches on some of the elements we consider for excellence in the field, the Petitioner failed to provide sufficient evidence to meet this requirement. Because the website printout from the [redacted] the Petitioner relies on to show he received the award is not fully legible, we accessed the uniform resource locator listed at the bottom of each page that confirmed the Petitioner's project was not the actual winner in the relevant category, but instead earned an [redacted].

None of the Petitioner's evidence addresses the significance of an '[redacted]' when compared to the "winner" in each category. It is not apparent that an [redacted] involves the type of factors we take into account when evaluating whether the basis for granting the prizes or awards was excellence in the field. Those factors include, but are not limited to: the criteria used to grant the awards or prizes, the national or international significance of the awards or prizes in the field, the number of awardees or prize recipients, and limitations on competitors. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. While the organization's email addresses the "criteria and selection process to determine winners," it does not directly address the selection process for [redacted]. But their rules website does explain the distinction between winners and [redacted] providing that *winner* selection is "based on three main criteria: purpose/impact, creativity, strategy & execution, and engagement." But it does not support the Petitioner's claims about [redacted] when it states:

> The [redacted] has a special honor given to the entry with the highest number of public votes, the [redacted]. . . . [which is based on] the highest number of votes from their FANS!
>
> The [redacted] is a separate distinction, meaning that it will not interfere with the decision of winners and honors, which are solely chosen by the Academy members.

First, the Petitioner has introduced disharmony in the record. The discord is between his statement in the response to SCOPS' request for evidence (RFE) that his [redacted] was part of the group of award winners that "are granted by a panel of 300 judges which evaluate entries over two rounds" when compared to the information from the organization's website we note above. The Petitioner must resolve this dissonance in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591–92 (BIA 1988). When the burden of proof lies with the alien, any unresolved factual ambiguities are resolved to their detriment. *See Pereida v. Wilkinson*, 592 U.S. 224, 235–36 (2021).

Second, as "the regulation specifies that the awards must be 'for excellence in the field of endeavor,' it is reasonable for USCIS to require evidence that the award is merit-based . . . , which discounts evidence showing mere participation in the field." *Krasniqi*, 558 F. Supp. 3d at 182–83. The Petitioner hasn't demonstrated that recognition from fans is a basis to establish this audience honor was granted for excellence in the field. The nature of the accolade must be proven and the focus here is on the

award, not the awarding organization. *Id.* at 183. The absence of this evidence significantly diminishes the evidentiary value of this award and it fails to satisfy this criterion's requirements. The Petitioner cannot meet his burden of proof relying on this qualitatively deficient material. In evaluating the evidence, the "[t]ruth is to be determined not by the quantity of evidence alone but by its quality." *See Matter of Chawathe*, 25 I&N Dec. at 376 (quoting *Matter of E-M-*, 20 I&N Dec. 77, 79–80 (Comm'r 1989)).

. Next the Petitioner notes the awards he received at the in 2024. At that event, he was awarded the platinum award for and the gold award for . His social media platform also received a gold award. The the . As evidence of the criteria for these awards, the Petitioner provided statues bearing his name and an email from a generalized email address that appears to be associated with , but the correspondence does not bear the name of any individual from that entity.

Adequate evidence demonstrating the Petitioner's are nationally or internationally recognized in the field is absent from the record. The Petitioner claims the " constitute a competition of international significance given their geographically varied applicant pool and their required high standards of excellence," but being a competition of international significance is not the standard under this criterion. Instead of the competition, the focus is on the award itself. *See Krasniqi*, 558 F. Supp. 3d at 183 (finding the focus is on the award, not the awarding organization and that evidence about a festival itself does not describe the criteria for the award or speak to the award's recognition). The Petitioner hasn't shown his awards from this organization are nationally or internationally recognized as the regulation requires.

Nor has he documented that the basis for granting them was for excellence in the field. The email generally discussed some of the criteria associated with the award program along with information related to the platinum and gold awards in particular. The email reflected there were over 6,500 international entries with about 16 percent of that figure (over 1,000 entrants) taking home a platinum award, and approximately 21 percent (more than 1,300 participants) receiving a gold award. Such a significant number of award recipients diminishes the value of the awards and leaves too great of doubt of whether the basis for granting the awards was excellence in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1) (noting the number of competitors and awardees are relevant factors when USCIS considers claims that an award was for excellence in the field). The Petitioner's awards from the 2025 competition suffers from the same shortcomings as the and they do not meet this criterion's plain language requirements.

. And finally, the Petitioner did not submit adequate supporting evidence to demonstrate that his 2024 are nationally or internationally recognized and that they were granted based upon excellence in his field of endeavor. 8 C.F.R. § 204.5(h)(3)(i); *see generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1). The Petitioner received two in 2024. The first was the bronze award for , and his second award was the gold award for .

The material he offered relating to his [redacted] in the initial filing appears to be part of a "sample press release" that the organization mentioned in their email to the Petitioner. The apparent press release includes a mostly-illegible printout titled, [redacted]"; a document titled Anthem Community Voice Celebrate the [redacted] Finalists; and a document titled, "[redacted]" He also provided a congratulatory email from the organization, one partial article, and a separate full article discussing celebrities that have also received various [redacted].

The two articles discussing celebrities that have also received various [redacted] do not mention the particular awards the Petitioner received; the bronze award for [redacted], and the gold award for [redacted] in the same category. The Petitioner's assertion in his response to the RFE that he and the two awards he received at the event should enjoy the same level of "fame" and awareness that the celebrities received is not supported in the record. The Petitioner's unsupported statements have little evidentiary value and will not make a prima facie eligibility showing, much less satisfy his burden of proof. *See Matter of G-C-I-*, 29 I&N Dec. 176, 178 (BIA 2025). As a result, we will not presume that the awareness of the awards the celebrities received is the same as those awarded to the Petitioner. Again, when considering whether awards enjoy national or international recognition in the field, our focus should be on the awards themselves. *Krasniqi*, 558 F. Supp. 3d at 183. Here, the Petitioner has not submitted sufficient evidence to demonstrate that the awards he received from the [redacted] program are nationally or internationally recognized prizes or awards in his field of endeavor.

Again, the record lacks the possible types of evidence USCIS policy lists as being relevant to the requirement that the basis for granting these awards was excellence in the field that include, but are not limited to: the criteria used to grant the awards or prizes, the national or international significance of the awards or prizes in the field, the number of awardees or prize recipients, and limitations on competitors. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1). In fact, the celebrity article discussing the [redacted] reflects these accolades are "fan-voted Anthem community Voice Awards." And the email appears to align with some [redacted] being based on fan votes. So much like the [redacted], the Petitioner hasn't demonstrated that this audience-based recognition "is merit-based [meaning we will ascribed diminished evidentiary value to] . . . . evidence showing mere participation in the field." *Krasniqi*, 558 F. Supp. 3d at 182–83. Additionally, the information in the article and the organization's email does not fully align with the Petitioner's categorical claim in his response to SCOPS' RFE that "[t]he [redacted] are judged by well-known, purpose-driven figures." The Petitioner must resolve this incongruity in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. at 591–92.

In summary, the Petitioner has not submitted evidence that meets the plain language requirements of 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.

Despite the Petitioner's notoriety related to his social media presence, because he has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that he 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 his 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.