U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40797168

Date: FEB. 26, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a research scholar, 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 although the record establishes that the Petitioner satisfied at least three of the ten initial evidentiary criteria, as required, the totality of the evidence did not show, in a final merits determination, that the Petitioner has received sustained national or international acclaim and that he is among the small percentage at the very top of the field of endeavor. The matter is now before us on appeal pursuant to 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 a multi-part analysis. First, a petitioner can demonstrate 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). 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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (upholding USCIS' two-step review process as "consistent with the governing statute and regulation").

II. ANALYSIS

The Petitioner claims to have extraordinary ability in philosophy of mind and causation. He attended [redacted] in Turkey where he earned a Bachelor of Arts and a Master of Arts in philosophy. Thereafter, he attended [redacted] where he earned a Master of Arts and a Ph.D. in philosophy. Since earning his Ph.D. in 2012, he indicates that he has worked as a post-doctoral fellow and visiting research scholar at [redacted] a research fellow and lecturer at [redacted], and a lecturer at [redacted] in Turkey.

The Petitioner currently works at [redacted] as an associate research scholar focused in philosophy, mind causation, and societal dimensions of emerging technologies, such as artificial intelligence (AI). He states that his work "explores the nature of the human mind and condition . . . within a comparative framework that draws from both Islamic and Western intellectual traditions." The Petitioner intends to continue working in the United States in his field by pursing academic positions with particular interest in "environments that support and expand [his] work at the intersection of causality, the human mind, and artificial intelligence – especially as it relates to broader questions of technology, ethics, and the human condition."

A. Evidentiary Criteria

Because the Petitioner has not claimed or established receipt of 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). The Petitioner initially claimed to have met seven criteria:

- Lesser nationally or internally recognized awards or prizes;

- Membership in associations which require outstanding achievements of their members;
- Published material about the individual in professional or major media;
- Participation as a judge of the work of others;
- Original contributions of major significance to the field;
- Authorship of scholarly articles in the field in professional or major trade publications or other major media; and
- Leading or critical role for distinguished organizations or establishments.

8 C.F.R. § 204.5(h)(3)(i) - (iv), (viii).

SCOPS determined the Petitioner met four of the claimed evidentiary criteria, namely awards or prizes; published material about the Petitioner; participation as a judge; and authorship of scholarly articles. However, in a final merits determination, SCOPS concluded that the Petitioner did not demonstrate that he garnered sustained national or international acclaim and that his achievements have been recognized in the field of endeavor, demonstrating he is one of that small percentage who has risen to the very top of the field.

On appeal, the Petitioner contends that SCOPS erred in concluding that the evidence does not establish the remaining three claimed initial evidentiary criteria. Because SCOPS concluded that the Petitioner established three of the initial criteria, on appeal we will review the totality of the evidence in the context of a final merits determination below. *See generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policymanual.

B. Final Merits Determination

In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has 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 v. USCIS*, 596 F.3d at 1119-20.[1] Because extraordinary ability is an elite level of accomplishment whose recognition necessarily entails a judgement call, it cannot be established through meeting at least three of the evidentiary criteria alone. *See Amin v. Mayorkas*, 24 F.4th at 394-95. The final merits determination is the ultimate statutory inquiry of whether the Petitioner has extraordinary ability, as demonstrated by a preponderance of the evidence his sustained national or international acclaim, he is one of the small percentage at the very top of the field of endeavor, and his achievements have been recognized in the field through extensive documentation.

On appeal, the Petitioner asserts that SCOPS made erroneous conclusions in law and fact in its final merits determination and violated USCIS policies in its analysis of the evidence. Emphasizing that SCOPS failed to understand the uniqueness of the study of philosophy and the nuances of measuring the success of philosophers, he claims the totality of the evidence demonstrates he has sustained national and international acclaim in his field, his achievement have been recognized in the field, and he is one of the small percentage who has risen to the very top of his field of philosophy.

[1] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (instructing that USCIS officers should consider the petition in its entirety to determine eligibility according to the standard – sustained national or international acclaim and the 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).

We have reviewed the record in the aggregate and agree with SCOPS that the Petitioner has not established eligibility as a person of extraordinary ability, as discussed below.[2] The record includes evidence of awards or prizes, published materials about the Petitioner, judge of the work of others in his field, and authorship of scholarly articles. We have also considered evidence related to memberships in associations, original contributions of major significance in the field, and leading or critical role of an organization with a distinguished reputation. However, in considering the totality of the evidence, the Petitioner has not demonstrated that his achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. 1990 U.S.C.C.A.N. 6710, 6739. Furthermore, the Petitioner has not shown that he has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3). The commentary for Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required for lesser classifications. 56 Fed. Reg. 30703, 30704. The Petitioner has not established that he enjoys a career that meets this very high standard. *See Amin v. Mayorkas*, 24 F.4th at 386-87 (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

For awards or prizes, the Petitioner provided evidence reflecting his receipt of [redacted] from the Turkish Philosophy Association (TPA) in 2023, relating to his book titled [redacted]. Although the award may show some recent recognition of his work in the field, the Petitioner did not demonstrate how the award indicates sustained national or international acclaim or a career of acclaimed work in the field. The Petitioner submitted a letter from TPA and transcripts from the award ceremony confirming his receipt of the Service to Philosophy Award and background information about TPA and its board members. The record, however, lacks evidence of the basis for granting the award in order to understand its significance and whether it is given to individuals for their excellence in the field. The Petitioner did not show the significance of the award and how it places him among that small percentage at the very top of the field. *See Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4 (D.D.C. June 8, 2021), *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (upholding plaintiff did not contextualize his awards throughout his career to show sustained national or international acclaim).

In addition, while the Petitioner submitted online articles showing some recognition for TPA awards, the articles do not discuss the Petitioner's award specifically. Instead, the articles discuss other TPA awards, such as "Copyright Work Award," "Best Doctorate Award," "Best Doctoral Thesis Award," and "Translation Work Award." Letters from the Petitioner's colleagues commend the Petitioner for receiving the award, but they and other evidence in the record do not discuss or demonstrate the national or international recognition of the award. The record does not establish that receipt of the [redacted] from TPA is indicative of the upper echelon in the field. USCIS has long held that even athletes performing at the major league level do not automatically meet the statutory standards for classification as an individual of "extraordinary ability." *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994).

[2] While we may not discuss every document submitted, we have reviewed and considered each one.

For membership in associations, the Petitioner provided evidence relating to two memberships. First, he submitted evidence he is a certified member of American Philosophical Practitioners Association (APPA). The Petitioner, however, did not show that he has been recognized for his certified membership in APPA or that his membership resulted in sustained national or international acclaim or a career of acclaimed work. *See Donskoy v. USCIS*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *5 (N.D. Cal. Nov. 11, 2021) (upholding the petitioner's membership did not demonstrate the requisite level of achievement or sustained acclaim to establish extraordinary ability). For his second membership, he submitted evidence that he is an executive committee member of the International [redacted], an organization he founded at [redacted] in 2013. While the Petitioner's colleagues commend his work organizing conferences for [redacted] at [redacted] in 2013 and at [redacted] in 2015, and fostering scholarly engagement through [redacted] the Petitioner did not show how him being an executive committee member of [redacted] and organizing conferences more than 10 years ago for [redacted] resulted in sustained national or international acclaim or a career of acclaimed work in his field.

Moreover, the Petitioner did not demonstrate how his being a certified member of APPA and an executive committee member of [redacted] reflects that small percentage who has risen to the very top of the field of endeavor. The record, for instance, does not contain evidence indicating that he received national or international recognition based on his certified membership in APPA or his being an executive committee member of [redacted]. In addition, the Petitioner did not establish that he has distinguished himself from others in the field based on his APPA certified membership or his [redacted] membership, gaining national or international attention or placing him among the upper echelon in his field.

For published material, the Petitioner provided three articles and a transcript from a YouTube Live online interview, including media coverage of the Petitioner and his book, [redacted] An article published in *Öncul*, an online philosophy journal, reviewed the Petitioner's book, and a transcript from a panel discussion presented by *Öncul* on YouTube Live titled, [redacted]" shows the Petitioner was a guest speaker discussing his book. While the published material from *Öncul* indicates some recent attention to the Petitioner and his book, the Petitioner did not establish that the media coverage is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor. The Petitioner, for instance, did not show how the amount of his media coverage compares to others in his field who are among the very top. The Petitioner did not demonstrate how his nominal press coverage with limited publications reflects a career of acclaimed work in the field or his having achieved sustained national or international acclaim. *See Bodhankar v. USCIS*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the lack of press about the plaintiff was not consistent with national or international acclaim).

For his service as a judge of others, the Petitioner submitted evidence that his peer-review spanned six years resulting in him reviewing 11 journal manuscripts and a book manuscript, as well as co-supervising two graduate students' thesis papers.[3] While the Petitioner argues on appeal that him

[3] With his reply to a notice of intent to deny, the Petitioner submitted additional evidence of his peer-review work, including 15 additional peer-reviews and 26 peer-review invitations he declined. He also submitted an opinion from a professor who

conducting peer-review for professional journals in his field indicates he is an expert in his field, he has not, however, established that his judging experience of 12 manuscripts and two graduate students' thesis papers places him among the small percentage at the very top of his field. *See* 8 C.F.R. §204.5(h)(2). An evaluation of the significance of his judging experience is appropriate to determine if such evidence is indicative of the extraordinary ability required for this highly restrictive classification. *See Kazarian v. USCIS*, 596 F.3d at 1121-22; *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (stating that an individual's participation should be evaluated to determine whether it was indicative of 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). For instance, he did not establish that he garnered wide attention from the field based on his work supervising graduate students' thesis papers or reviewing the 12 manuscripts.

For leading or critical role, the Petitioner submitted evidence showing he founded and is a committee member of [redacted]. For his role with [redacted] he explains organizing academic events and bringing together leading scholars for scholarly discussions and programs. The Petitioner emphasizes his role organizing the two [redacted] conferences, one held at [redacted] in 2013 and another held at [redacted] in 2015. Letters from professors attest to the Petitioner founding [redacted] and his role organizing the conference events. The Petitioner, however, did not establish that his role with [redacted] is reflective of, or has resulted in, widespread acclaim from his field or that he is considered to be at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). Apart from letters from the university professors attesting to the Petitioner's founding [redacted] and organizing the two conferences over 10 years ago, the record lacks other independent evidence, such as news articles or other relevant materials, demonstrating that the field has widely recognized the Petitioner's roles or contributions to [redacted] in a manner that evidences a "career of acclaimed work." The evidence does not show that his role and achievements at [redacted] are at a level that places him among "that small percentage who have risen to the very top of the field of endeavor." *See id.*

For original contributions of major significance, the Petitioner submitted evidence related to three original scholarly contributions. He states his first original contribution is his research comparing the historical and conceptual links between Islamic theology and early modern Western philosophy, which he claims has [redacted]' The Petitioner emphasizes that his comparative research led to his founding [redacted] which provides "a unique global infrastructure for this specialized interdisciplinary dialogue." In addition, he claims his comparative

---

analyzed the Petitioner's professional standing, in particular the influence of his published work and his role as a judge of the work of others. For judging, the opinion takes into consideration the additional 15 reviews, indicating the Petitioner completed over 30 peer reviews since 2017, which the author claims is "well above the norm" and shows he is "regularly invited for highly selective Q1-ranked journals." However, the additional 15 peer-reviews and the 26 declined invitations occurred after the Petitioner filed his petition. Eligibility must be established at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). A petition cannot be approved at a future date after the petitioner becomes eligible under a new set of facts. *Matter of Izummi,* 22 I&N Dec. 169, 175 (Comm'r 1998). That decision, citing *Matter of Bardouille,* 18 I&N Dec. 114 (BIA 1981), further provides that USCIS cannot "consider facts that come into being only subsequent to the filing of a petition." *Id.* at 176. Because the record indicates the Petitioner completed the additional 15 peer-reviews after filing this petition, he cannot establish eligibility for the benefit based on this evidence. In addition, the Petitioner cannot establish eligibility based on the opinion, as it relies on the Petitioner's peer-review work completed after filing the petition.

research initiated in his Ph.D. dissertation, which has significantly impacted the field through peer-reviewed publications in international journals and with major academic publications.

Multiple letters from professors attest to the Petitioner's comparative analysis of classical Islamic and Western traditions with contemporary philosophy, neuroscience, and artificial intelligence. The professors emphasize that the Petitioner's research provides value to scholars, contributing to a better understanding of the history and development of occasionalism by highlighting the intersections between Islamic thought and Western philosophy with contemporary relevance. While the letters and other evidence in the record indicate that the Petitioner's comparative analysis has provided scholarly contributions to his field, they do not indicate the Petitioner's research resulted in national or international recognition or distinguished him from others in the field.

In addition, the Petitioner's colleagues discuss him having organized the 2013 and 2015 [redacted] conferences with one professor from [redacted] stating that the conferences "convened scholars from diverse disciplines and intellectual traditions, fostering an exceptional and impactful cross-cultural exchange." Another [redacted] professor similarly states that the conference at [redacted] in 2013 "was instrumental in fostering interdisciplinary and cross-cultural dialogue, enhancing the academic community's understanding of occasionalism in a holistic, global framework." In general, the letters praise his research and his dedication to academic rigor and engagement through [redacted] and its two conferences. The letters, however, do not explain how the Petitioner founding [redacted] and organizing conferences which provided academic dialogue more than 10 years ago demonstrate that his comparative research contributed to him having a career of acclaimed work in the field or indicative of the required sustained national or international acclaim.

For his second original contribution, the Petitioner claims he developed and articulated [redacted] in his book entitled, [redacted] A letter from a professor at [redacted] explains the [redacted] cognitive model, which [redacted] and generally states that the Petitioner's scholarly work has shaped academic thought. The Petitioner claims the major significance of his cognitive model is evidenced through him having received TPA's [redacted] in 2023; it having been adopted as required course material at a university in Turkey; and through public and scholarly published materials and discussions about the book.

As discussed above, the TPA award and the published material about the book in *Öncul* may show some recent attention and recognition of the Petitioner and his book. However, the Petitioner did not demonstrate how the award or the limited media coverage reflects a contribution of major significance to the field of philosophy or a career of acclaimed work in his field gaining sustained national or international acclaim in his field. The Petitioner has not established that such limited media coverage and the award recognition is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor. Moreover, while the Petitioner provided a letter from a visiting professor at [redacted] in Massachusetts who used the Petitioner's book as course material for a class he previously taught at [redacted] in Turkey, the Petitioner did not provide evidence that the use of his book for a university course is indicative of a major significant impact in his field, or otherwise establishes that he is considered among that small percentage at the very top of his field of endeavor.

The Petitioner's third claimed original contribution is his current and forthcoming research developing "novel philosophical frameworks to address fundamental questions concerning AI's capacity for free will, moral responsibility, and true agency, drawing uniquely on both contemporary analytical philosophy and classical Islamic theological perspectives." The Petitioner stresses the potential influence of his research on policy and responsible AI development, as well as the potential academic impact of his research based on the forthcoming publication of two books which examine AI's conceptual and ethical challenges. The Petitioner submitted letters from colleagues in his field who discuss the originality of the Petitioner's current research work and its potential contributions being of major significance in the field of philosophy. While the evidence of the Petitioner's current and forthcoming research work helps understand his work and his commitment to continuing his research, it does not reflect the Petitioner's career of acclaimed work in his field gaining national or international attention or distinguishing himself from others in his field.

For his authorship of scholarly articles, the Petitioner submitted evidence he authored 19 scholarly articles published in professional publications, including journal articles and book chapters. In addition, he submitted excerpts from his book titled, [redacted] materials he edited for publications in his field; and documents relating to his forthcoming work, including articles, book chapters, and a book proposal. The Petitioner claims his authorship and editorial of the materials demonstrate proof of his sustained acclaim.

As discussed above, the Petitioner provided an opinion from a professor who analyzed the Petitioner's professional standing, including the influence of his published work. The Petitioner and the opinion emphasize that historically, publications in the field of philosophy have a low-level record of citations and that the Petitioner's record of 101 citations places him well above his peer group average and in line with his peers at other elite institutions. The opinion highlights that the Petitioner's peers with fewer citations have received major national recognition, and therefore the Petitioner's higher citation record places him at a level of a nationally recognized scholar in his field.

Most of the Petitioner's published material has six or less citations, with some not having any citations. The Petitioner however did not present evidence showing that his published articles, including his two most cited articles [redacted] An [redacted], at 14 citations, is consistent with having a career of acclaimed work. The Petitioner emphasizes that his research has been published in top-quartile journals, such as [redacted] which reflects a high level of peer validation. While we agree it is notable that he was published in a few top ranked journals, the Petitioner has not submitted evidence demonstrating his published articles have resulted in sustained national or international acclaim. A high ranking or impact factor is reflective of the publication's overall citation rate. However, the evidence does not establish that the Petitioner's research being published in a journal with a high impact factor shows that his work has been widely recognized in the field. He therefore has not shown that the publication of his work in these journals has garnered national or international acclaim.

Overall, the Petitioner has not shown his published material experience places him among the small percentage at the top of the field, nor does it illustrate that he has demonstrated sustained national or international acclaim. As pointed out by the Petitioner and in the opinion, citation metrics in the field

of philosophy vary widely and are not the primary mode of recognition. We must look at the totality of the evidence to determine whether the Petitioner has demonstrated sustained national or international acclaim in his field. The published material submitted does not indicate that the Petitioner has risen to the level of those in the top of his field. Simply because the Petitioner's work was "original" in that it did not merely duplicate prior research is not useful in setting him apart through a "career of acclaimed work." H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

The opinion notes that the Petitioner's 2024 journal article relating to [redacted] has been recognized as a trending article by the Observatory of International Research. The record, however, does not demonstrate how a single article recognized by the Observatory of International Research as trending in a single year indicates the Petitioner's sustained acclaim at a national or international level. Without some showing that this single published work was unusually influential or pioneering in the field and it placed the Petitioner among the top of his field, we cannot find that an article trending in 2024 places the Petitioner as being recognized in his field.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence). Here, 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. at 954 (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Amin v. Mayorkas*, 24 F.4th at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visas are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with a career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

C. Substantial Benefit

The statute requires that the alien's entry into the United States will substantially benefit prospectively the United States. Section 203(b)(1)(A)(iii) of the Act, 8 U.S.C. § 1153(b)(1)(A)(iii); *see generally* 6 *USCIS Policy Manual, supra,* at F.2(A)(3). Because the Petitioner has not demonstrated eligibility under section 203(b)(1)(A)(i) of the Act, we need not render a determination regarding whether his entry into the United States will substantially benefit prospectively our nation. *See Job v. Jaddou*, No. 4:22-CV-03017, 2024 WL 2963795, at *4 (S.D. Tex. June 12, 2024) (upholding a determination of whether the plaintiff would substantially benefit prospectively the United States was not needed because the plaintiff did not establish sustained national or international acclaim).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons.

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 mmigration benefits.