U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40987179

Date: FEB. 26, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an accountant, seeks classification as an individual of extraordinary ability in business. *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 aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. *Id.*

SCOPS denied the petition, concluding that, although the record satisfies at least three of the 10 initial evidentiary criteria, it does not show sustained national or international acclaim and demonstrate that the Petitioner 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) 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 sustained acclaim and the recognition of their 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 they must provide sufficient qualifying documentation that meets at least three of the 10 categories 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 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).

II. ANALYSIS

The Petitioner described her proposed endeavor as continuing to perform and supervise accounting services for [redacted].

As noted above, SCOPS concluded the record satisfies at least three of the 10 initial evidentiary criteria listed at 8 C.F.R. §§ 204.5(h)(3)(i)-(x). However, SCOPS determined that the record does not show sustained national or international acclaim and demonstrate that the Petitioner is among the small percentage at the very top of the field of endeavor. *See Kazarian*, 596 F.3d at 1119-20 (citing section 203(b)(1)(A) of the Act; 8 C.F.R. §§ 204.5(h)(2)-(3)). On appeal, the Petitioner reasserts that the record satisfies at least three of the initial evidentiary criteria, that it shows she has sustained acclaim, and that it demonstrates she is among the small percentage at the very top of the field of endeavor. For the reasons discussed below, the record does not support the conclusion that the Petitioner attained national or international acclaim, nor does it show how the Petitioner would have sustained such acclaim if she had attained it.

Black's Law Dictionary defines "sustain" as "to support or maintain, especially over a long period of time" or "to persist in making (an effort) over a long period of time." *Sustain*, Black's Law Dictionary (11th ed. 2019).

As SCOPS observed in its decision, evidence in this case pertaining to the respective evidentiary criteria is limited to few instances or even a single instance, which typically occurred shortly before the Petitioner filed the Form I-140, Immigrant Petition for Alien Workers, in 2025; the evidence does not show that she maintained any level of acclaim over a long period of time. For example, evidence addressing the criterion at 8 C.F.R. § 204.5(h)(3)(iii) is limited to one article about the Petitioner published in the [redacted] 2025 issue of [redacted] the publication on whose editorial board she serves. Relatedly, evidence regarding the criterion at 8 C.F.R. § 204.5(h)(3)(iv) addresses the Petitioner's editorial work for that publication and her [redacted] awards committee membership, both circa 2024-25. Evidence relevant to the criterion at 8 C.F.R. § 204.5(h)(3)(v) consists of one article she authored, published in the aforementioned publication on whose editorial board she serves, dated March 2025; background material written by other individuals; and information about the significance of the Petitioner's work to her private

employers or their clients, as opposed to her contributions' significance in the field of accounting more broadly. Evidence pertaining to the criterion at 8 C.F.R. § 204.5(h)(3)(vi) is limited to three articles she authored, all published in 2025 in the aforementioned publication on whose editorial board she serves.

Similar to the criteria implicating one publication and few recent articles either written or edited by the Petitioner or about her shortly before she filed the Form I-140 in 2025, evidence pertaining to the criterion at 8 C.F.R. § 204.5(h)(3)(viii) relates to her "current role of Senior Accounting Manager [for] [redacted] which the record establishes she began in 2022. Likewise, evidence addressing the criterion at 8 C.F.R. § 204.5(h)(3)(ix) is limited to information regarding her 2024 income.

The Petitioner also references her 2008 [redacted] exam score regarding the criterion at 8 C.F.R. § 204.5(h)(3)(i); however, she does not provide documentary evidence of any national or international acclaim she received as a result of her score on one exam, nor does she establish how she may have supported or maintained such acclaim over a long period of time. Although the Petitioner states that her exam score demonstrates extraordinary ability, she concedes that information about the number of other exam-takers and their respective scores "is not available for 2008," and she discusses the number of exam-takers in 2012 and 2014-21 instead. Without more probative documentation, whether the Petitioner's score placed her in the first or 99th percentile in 2008 is equally likely. *See Matter of Chawathe*, 25 I&N Dec. at 376 (providing that petitioners must establish claims are more likely than not true). Therefore, the record does not establish how significant her score is among all exam-takers in that year. Just as the Petitioner does not establish that she received the requisite level of acclaim in 2008 as a result of her exam result, she also does not establish through probative documentary evidence that such acclaim persisted over a long period of time thereafter.

In addition to the close proximity between the Form I-140 filing date and much of the evidence, which does not support the conclusion that the Petitioner has sustained national or international acclaim, the record also does not establish how the Petitioner received the requisite level of acclaim by virtue of publishing the articles in question, working on the publication's editorial board and the [redacted] awards committee, performing roles for her given employers, receiving certain income, or completing one exam. *See* section 203(b)(1)(A)(i) of the Act.

On appeal, the Petitioner states that SCOPS erred by not addressing evidence in the record, including [redacted] Partner independent expert opinion validating extraordinary ability (top 5% of profession) and [redacted] Chair letter confirming national scope/professional leadership." However, these letters provide cumulative information otherwise addressed by SCOPS regarding whether the record satisfies at least three of the 10 initial evidentiary criteria and whether she has sustained national or international acclaim. *See Osuchukwu v. INS*, 744 F.2d 1136, 1142-43 (5th Cir. 1984) ("[The Board of Immigration Appeals] has no duty to write an exegesis on every contention"). We note that these letters discuss the evidence dated shortly before the Petitioner filed the Form I-140 in 2025, as addressed above; thus, they do not establish how the Petitioner may have sustained any purported acclaim.

[1] We take administrative notice that the [redacted] changed its name after the Petitioner completed the exam in question. However, we refer to the entity as the [redacted] in this decision because the record establishes that is what the entity's name was at that time.

The Petitioner also asserts that SCOPS misapplied *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (BIA 1972) by requesting independent evidence but rejecting it, namely letters from representatives of [redacted] a third-party software company, and [redacted] However, SCOPS explained that the record does not corroborate the statements from [redacted] noting that "Simply going on record without supporting substantive evidence to support assertions, is not sufficient to meet the burden of proof in these proceedings," generally citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (BIA 1972). Moreover, SCOPS determined that the record satisfies at least three of the 10 initial evidentiary criteria and it conducted a final merits determination; therefore, this claimed error is, at most, harmless. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless or scrivener's errors).

The Petitioner further purports that SCOPS violated "*Kazarian* holistic review by compartmentalizing related evidence." More specifically the Petitioner objects that SCOPS determined the record contains evidence of her authorship of scholarly articles in the field, in professional or major trade publications or other major media, but that the same articles do not constitute original contributions of major significance in the field, as contemplated by the criteria at 8 C.F.R. §§ 204.5(h)(3)(vi) and (v), respectively. However, satisfaction of one criterion does not necessarily satisfy any of the other, distinct criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x); not all published articles automatically are of major significance; even acclaimed publications publish some insignificant articles. The Petitioner notes on appeal that the publication on whose editorial board she serves "reaches at the minimum 28,000 members and many more." However, even if 28,000 individuals read the article, the record does not further establish how doing so demonstrates major significance, distinguishable from the common practice of individuals reading other articles in the same or similar publications. Moreover, as noted above, because SCOPS found that the record satisfies at least three of the 10 initial evidentiary criteria and it proceeded to conduct a final merits determination, this claimed error regarding one of the initial evidentiary criteria is, at most, harmless. *See Matter of O-R-E-*, 28 I&N Dec. at 336 n.5.

Next, the Petitioner claims that SCOPS impermissibly "add[ed] requirements beyond the regulatory text" in its analysis of the Petitioner's 2008 [redacted] exam score regarding the criterion at 8 C.F.R. § 204.5(h)(3)(i). More specifically, the Petitioner objects to SCOPS' observation that the record does not establish how the Petitioner's exam score "'garner[ed] attention in the field,'" characterizing that as a heightened standard beyond the language of 8 C.F.R. § 204.5(h)(3)(i), which requires "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." SCOPS' statement in question is part of its consideration of the totality of the evidence in its final merits determination, not regarding whether the Petitioner's exam score documents her receipt of a lesser nationally or internationally recognized prize or award for excellence in the field. Principal issues in analyzing whether the totality of the record demonstrates sustained national or international acclaim and achievements recognized in the field through extensive documentation, as contemplated by section 203(b)(1)(A)(i), include: whether a particular item of evidence in the record demonstrates an individual has garnered attention in the field, whether that attention constitutes national or international acclaim, and whether the individual sustained such acclaim. *See* section 203(b)(1)(A)(i) of the Act. Thus, contrary to the Petitioner's characterization on appeal, SCOPS did not impermissibly "add requirements beyond the regulatory text," it properly applied the Act to the totality of the evidence. And, as addressed above, the record does not establish that the Petitioner received national or international acclaim resulting from her 2008 [redacted] exam score, nor does it establish how she may have sustained such acclaim.

Finally, the Petitioner states that SCOPS mischaracterized facts in the record. More specifically, the Petitioner objects to SCOPS' description of the [redacted] as being an association limited to one state, noting that its members—and [redacted] readers—include out-of-state professionals. The Petitioner also disputes SCOPS' observation that the Petitioner's appointments to the editorial board of [redacted] and the [redacted] award committee occurred shortly before she filed the Form I-140; instead, she asserts that the appointments resulted from "prior sustained excellence." The Petitioner further purports that, contrary to SCOPS' conclusion, the work she performed for her employers had a substantial influence on the field by virtue of the size of her employers' workforces, whom she trained.

As with other issues raised by the Petitioner on appeal, these claimed errors are, at most, harmless. *See Matter of O-R-E-*, 28 I&N Dec. at 336 n.5. Whether the [redacted] members and [redacted] readers include professionals from states other than Texas does not affect the determination of whether the Petitioner has sustained national or international acclaim by virtue of publishing or editing articles shortly before she filed the Form I-140 in 2025. Relatedly, although the Petitioner's appointments to the editorial board of [redacted] and the [redacted] award committee resulted from her prior professional activities, the Act contemplates "achievements [that] have been recognized in the field through extensive documentation." Section 203(b)(1)(A) of the Act. Thus, the analysis turns on what documentation demonstrates, and whether it does so extensively. As addressed above, documentation of the Petitioner's appointments to the editorial board of [redacted] and the [redacted] award committee is dated shortly before she filed the Form I-140 in 2025 and, regardless, it does not demonstrate that the Petitioner's appointments garnered her national or international acclaim. In turn, although the Petitioner's work performed for her employers' benefits specifically affected their private workforces, the record does not establish how these private benefits for few employers constitutes "a substantial influence on the field" of accounting or any other field more broadly, as the Petitioner asserts.

Because the Petitioner does not establish on appeal that the totality of the evidence provided shows her sustained national or international acclaim, that she is among 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, the Petitioner is not eligible for the requested classification. *See Kazarian*, 596 F.3d at 1119-20 (citing section 203(b)(1)(A) of the Act; 8 C.F.R. §§ 204.5(h)(2)-(3)).

III. CONCLUSION

The evidence meets at least three of the 10 criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x). However, the totality of the record does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought. *See Kazarian*, 596 F.3d at 1119-20. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). The Petitioner has not shown that the significance of her 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" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. The record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field and that she 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; *see also* 8 C.F.R. § 204.5(h)(2).

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.