U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41052630

Date: JAN. 07, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a historian and Rabbi in the field of history and Jewish studies, seeks classification as an individual 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.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner had satisfied at least three of the ten initial evidentiary criteria for this classification, as required. We dismissed a subsequent appeal but reopened the matter.

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

To establish eligibility as an individual of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that the petitioner's achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that 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." A petitioner can demonstrate that they meet the initial evidence requirements for this immigrant visa classification

through evidence of a one-time achievement (that is, a major, internationally recognized award). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. §§ 204.5(h)(2),(3).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the alien possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *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).

II. ANALYSIS

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he 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). SCOPS found that the Petitioner did not meet any of the four claimed evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i), (v), (vi), and (viii). On appeal, the Petitioner again asserts that he meets the same four criteria.[1]

The Petitioner contends that SCOPS did not fully consider all the evidence submitted and did not properly weigh the evidence under the preponderance of the evidence standard. Under the preponderance standard, we consider not only the quantity, but also the quality of the evidence, including its relevance, probative value, and credibility. *Matter of Chawathe*, 25 I&N Dec. at 376; *see also Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). We also note that it is the Petitioner's burden to submit evidence that sufficiently corroborates his claims. Statements made without supporting documentation are of limited probative value and are insufficient to satisfy the Petitioner's burden of proof. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998).

Upon de novo review of all the evidence in the record, including the Petitioner's response to our motion, we agree that he does not meet any of the claimed criteria by a preponderance of the evidence. While we may not address each piece of evidence individually, we have reviewed and considered each one. In addition, the Petitioner has not established that he has sustained national or international acclaim or that he is one of the small percentage at the very top of the field of history and Jewish studies.

[1] As the Petitioner does not and has not claimed to meet any of the remaining criteria not listed, we will not address them here.

1. 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).

To fulfill this criterion, the Petitioner must first demonstrate that he was the recipient of prizes or awards. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. Second, the award must be a lesser nationally or internationally recognized prize or award, which the petitioner received for excellence in the field of endeavor. *Id.* Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include: (1) the criteria used to grant the awards or prizes, (2) the national or international significance of the awards or prizes in the field, (3) the number of awardees or prize recipients, and (4) limitations on competitors. *Id.*

The Petitioner claims eligibility for this criterion based on receipt of the Yoreh Yoreh rabbinical certification issued by the chief rabbinate of Israel. [redacted] stated that the Petitioner studied at the Yeshiva between 1996 to 2002, during which time he completed the rabbinate studies program and received the Yoreh Yoreh certification. The submitted certificate of accreditation confirmed that the Petitioner passed the rabbinate exams of the chief rabbinate of Israel committee and is certified to serve as a rabbi.

The Petitioner contends that SCOPS erred in dismissing the Yoreh Yoreh Rabbinical certification as an "educational credential," rather than "recognizing it for what it is – an international distinction for exceptional scholarship and expertise in Jewish law and history." But the evidence does not sufficiently establish that it is an award rather than a certification, educational credential, or requirement for ordination as a rabbi. According to the documentation the Petitioner provided:

> Candidates wishing to be recognized as rabbis must pass at least six tests, including on the three major halchic topics of kashrut, family purity, and Shabbat. The rabbinate also grants other types of certificates to those who pass the tests, with significant economic and social implications.
>
> For example, the "Yoreh Yoreh" ('he may teach') certificate – which is obtained after passing six tests – is, under certain conditions, considered equivalent to an academic degree in terms of salary benefits and is a prerequisite to some public jobs.

According to another article, "[r]abbinic ordination serves to certify someone as a rabbi qualified to serve the community formally as a rabbi" and explains that "[t]he Talmud [] lists three types or levels of ordination" including "*yoreh yoreh*." According to the article titled *Semicha – Rabbinic Ordination*, "[t]he term semicha, as it is used today, refers to a diploma which certifies the recipient's proficiency in halacha and authorizes him to serve as a rabbi" and notes that "there is even a widespread practice for men to make an effort to receive semicha prior to marriage . . . because the material studied in the course of rabbinical ordination includes many practical halachic issues which arise frequently in a Jewish home, especially in the kitchen." It further explains that '[t]he granting of semicha merely testifies that the recipient has studied and amassed knowledge in very specific areas of halacha." And contrary to the Petitioner's claim that "the 'Yoreh Yoreh' certification is universally recognized as the highest form of scholarly validation," the same article indicates that "Yadin Yadin" is a "higher form of semicha" than the "Yoreh Yoreh."

Based upon the Petitioner's own evidence, we cannot conclude that the Yoreh Yoreh qualifies as an award for excellence in the field as required by the plain language of the regulation rather than a credential issued upon the completion of a course of studies and passage of a required number of examinations. *Cf. Kinuthia v. Rosenberg*, No. CV 17-10255-LTS, 2018 WL 1243955, at *4 (D. Mass. Mar. 8, 2018), *aff'd sub nom., Kinuthia v. Velarde*, No. 18-1244, 2019 WL 11671989 (1st Cir. July 3, 2019), *cert. denied*, 140 S. Ct. 2643, 206 L. Ed. 2d 714 (2020) (upholding licenses "demonstrate proficiency" but are not nationally or internationally recognized prizes or awards in the field). Therefore, the Petitioner has not shown that he meets this criterion.

2. 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 regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 USCIS Policy Manual F.2(B)(1).

The Petitioner stated that he worked in the restoration and preservation of ancient torah scrolls and that this work "preserved invaluable religious artifacts critical to the heritage of the Mountain Jewish community, ensuring their survival for future generations and significantly contributing to the cultural and spiritual legacy of these communities." However, the letter referenced by the Petitioner to support this claim only briefly states he is associated with the Kavkaz Jewish community. The Petitioner also claims that he dedicated "over 25 years to educating Jewish communities worldwide, teaching Jewish traditions and law in cities including [redacted] and [redacted]." While we acknowledge the Petitioner's referenced curriculum vitae and his work history and commend his dedication, the record does not contain evidence which establishes that this qualifies as an original contribution of major significance in his field.

The Petitioner further contends that his publication of a prayer book, [redacted], was the "first comprehensive and unique prayer book in the history of the Mountain Jewish people, marking a significant milestone for our cultural and spiritual heritage." In addition, he wrote [redacted] with a claimed circulation of 25,000 copies. On appeal, he contends that his "publications, restorations and teachings have been used, distributed, and endorsed internationally by institutions, scholars, and religious authorities." According to the letter from [redacted] the Petitioner has the "cure in the book that he is about to publish in the Kavkaz language to our brothers at the Kavkaz community with a shortcut of necessary laws to encourage them to get closer to Torah and to teach them opinion and intelligence on the basis of our holy Torah." In addition, the letter from [redacted] stated that the Petitioner is "good hearted to strengthen his community members and his Kavkaz congregation in the country, by issuing the book that shows the miracle in the community history that's founded at the holy mountains." Further, the letter from [redacted] stated that the

Petitioner issued an "important book in all the history of the Kavkaz community according to the Supplement Jewish Law." Although these letters offer praise, they lack sufficient detail to establish that any of his books were of major significance in his field. *See Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134 (D.D.C. 2013) (finding evidence must include "specific information relating to the impact" of the plaintiff's work in the field as a whole). *See also Aravamuthan v. Jaddou*, No. 3:23-CV-01412-N, 2025 WL 1708126, at *5 (N.D. Tex. June 17, 2025) (upholding plaintiff's heavy reliance on expert letters that did not reflect specific examples did not demonstrate the major significance of his contributions in the field as a whole). And we note that according to the 2021 letter from [redacted] president at [redacted], they "helped [him] publish the world's first unique siddur (prayer book) . . . where its last print was over 100 years ago." Given this statement, the record also lacks critical information regarding the Petitioner's specific original contributions to this previously printed siddur.

The opinions of the Petitioner's references are not without weight and have been duly considered. However, we may, in our discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). And the submission of reference letters supporting the petition is not presumptive evidence of eligibility; we may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of an individual who has made original contributions of major significance in the field. *Cf. Visinscaia v. Beers*, 4 F.Supp.3d 126, 134–35 (D.D.C. 2013) (concluding that our decision to give little weight to uncorroborated assertions from professionals in the field was not arbitrary and capricious).

Here, the letters do not adequately explain how his professional experience and achievements constitute original contributions of major significance in the field as required by the regulation. We note that, as held in *Kazarian v. U.S. Citizenship & Immigr. Servs.*, 580 F.3d 1030, 1036 (9th Cir. 2009), aff'd in part, 596 F.3d 1115 (9th Cir. 2010), publications and presentations alone are not sufficient to demonstrate major significance. For all these reasons, the Petitioner has not met this criterion.

3. Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media. 8 C.F.R. § 204.5(h)(3)(vi).

The regulation at 8 C.F.R. § 204.5(h)(3)(vi) calls for "evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." In academia, a scholarly article reports on original research, experimentation, or philosophical discourse, is generally peer reviewed, and may be published in professional or scientific journals or conference presentations. In other fields, outside of the academic arena, a scholarly article should be written for learned persons who have "profound knowledge gained by study" in that field. Learned persons include all persons having profound knowledge of a field. *See generally 6 USCIS Policy Manual* F.2(B)(1).

To determine whether the publication qualifies as a professional or major trade publication or other major media, we consider such relevant factors as the circulation or readership relative to other media in the field and the intended audience (for professional journals). *Id.*

The Petitioner contends he satisfies this criterion based on authorship of religious books addressing Jewish historical, liturgical, and cultural topics. Here, beyond general assertions, the Petitioner has not sufficiently demonstrated that they qualify as scholarly and did not show that his books were written for learned persons in his field. For example, according to the 2021 letter from [redacted] "helped [him] publish the world's first unique siddur (prayer book) . . . where its last print was over 100 years ago which is helping [Mountain Jews] regain our ways, traditions, [and] customs of prayer." The letter from [redacted] states "the book he is about to publish in the Kavkaz language to our brothers at the Kavkaz community with a shortcut of necessary laws to encourage them to get closer to Torah and to teach them opinion and intelligence on the basis of our holy Torah." [redacted] stated that the Petitioner will "strengthen his community members and his Kavkaz congregation in the country, by issuing the book that shows the miracle in the community history that's founded at the holy mountains." In other words, the siddur appears to have been written for members of his community, not necessarily learned persons. Accordingly, the record does not sufficiently establish that any of his books or writings qualify as scholarly articles and we cannot conclude that he meets this criterion.

4. Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(viii).

In order to meet this criterion, the Petitioner must first show he has performed a leading or critical role for an organization or establishment. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). For a leading role, we look at whether the evidence establishes that the petitioner was a leader within the organization or establishment or a division or department thereof. *Id.* For a critical role, we look at whether the evidence establishes that the petitioner has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment. *Id.*

Second, the Petitioner must demonstrate that the organization or establishment for which he held a leading or critical role has a distinguished reputation. *Id.* The relevant size or longevity of an organization or establishment is not a determining factor but is considered together with other information to determine whether a distinguished reputation exists. *Id.* Other relevant factors for evaluating the reputation of an organization or establishment include the scale of its customer base or relevant media coverage. *Id. Merriam-Webster.com Dictionary* defines "distinguished" as "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Distinguished*, Merriam-Webster.com, www.merriam-webster.com.

The Petitioner asserted that he served in "indispensable leadership roles" to include the following: (1) Rabbi and spiritual leader of [redacted] and [redacted] "directing a Mountain-Jewish community of approximately 15,000 individuals;" (2) an invitee of [redacted] to establish the first synagogue for the mountain Jewish community in [redacted] China; (3) a volunteer role with [redacted] where he "taught Jewish law and history, advised on curriculum development, and strengthened community educational outreach;" and, (4) a founding and directorial leadership role at [redacted] educational center.

But the Petitioner did not provide evidence sufficiently demonstrating how the role he held within these organizations was leading or critical. For example, the letter from [redacted],

director of the [redacted] community of mountain Jews in [redacted] indicated that the Petitioner "worked as a rabbi from 2002 to 2010 for over 8 years in our community, and I can point to his high professionalism and great love for people," noting that he provided "practical constructive advice." [redacted] director of [redacted] explained the Petitioner "is a professional rabbi" who "provides lectures and lessons on religious and cultural heritage of Mountain Jews, Jewish history, teaching students Hebrew as well" and "is a volunteer of our Jews Community." And we acknowledge the Petitioner's claim that "[t]he strongest evidence of [his] leading and critical roles lies in his founding and ongoing leadership of the [redacted]' asserting that he "co-founded" it with [redacted] and "designed the initial curriculum, supervised faculty and lecturers, and developed educational and cultural programs." But again, the record lacks probative evidence to support these claims. According to his 2021 letter, [redacted] "gathered a group, []invested a lot of money, rented, and completely renovated the premises, registered a non-profit organization [redacted] and opened the [redacted] so [the Petitioner] would be able to work there." The accompanying "Certificate of Incorporation" lists three individuals, none of which are the Petitioner, as the "initial directors of the corporation." According to the attached program for [redacted] the Petitioner is listed as one of thirteen "initiators of the project," but it provides no further details on the Petitioner's specific duties beyond the need for sponsorship of the "publication of the ready-made siddur [redacted]." The record does contain a more recent letter from [redacted] thanking the Petitioner for his "invaluable contribution to the establishment of the [redacted]," noting that his "dedication, expertise, and unwavering commitment have been instrumental in creating a place of worship that has already had a profound impact on the community," but lacks specific details regarding his role. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 2879217, at *21 (D. Neb. Sept. 12, 2025) (finding that testimonial letters are not particularly valuable unless the letters specifically address how the role was leading or critical). Without more detailed information regarding his positions, we cannot conclude that the Petitioner has established that he has held a leading or critical role for any of the above centers or synagogues and thus has not satisfied the plain language of this criterion. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 189 (D.N.J. 2021) (finding it reasonable to request specific duties as evidence of a leading or critical role).

B. Comparable Evidence

On appeal, the Petitioner contends that SCOPS failed to consider comparable evidence as per the regulations at 204.5(h)(4) that allows for comparable evidence if the listed criteria do not readily apply to his occupation. *See* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2). The regulation at 8 C.F.R. § 204.5(h)(4) states "[i]f the above standards do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility." This regulatory provision provides petitioners the opportunity to submit comparable evidence to establish the person's eligibility, if it is determined that the evidentiary criteria described in the regulations do not readily apply to the person's occupation. *Id.* When evaluating such comparable evidence, we must consider whether the regulatory criteria are readily applicable to the person's occupation and, if not, whether the evidence provided is truly comparable to the criteria listed in that regulation.

Outside of a very general statement that his position is "inherently hybrid, encompassing elements of education, religious studies, and humanities research," the Petitioner did not demonstrate which

[2] It is unclear whether this is a typographical error or whether the synagogue is known as [redacted]

criterion or criteria do not apply to his occupation, nor does he articulate how the evidence submitted is comparable in meeting the particular criterion or criteria. A general unsupported assertion that the evidentiary criterion does not readily apply to the petitioner's occupation is not probative. *See Javakhadze v. Mayorkas,* No. 3:21-CV-00617-E, 2023 WL 8037730, at *6 (N.D. Tex. Nov. 20, 2023) (finding plaintiff did not establish eligibility for comparable evidence because brief did not explain how or why the criterion did not apply to the plaintiff's occupation).

For these reasons, the Petitioner did not demonstrate that he qualifies for any criterion through the submission of comparable evidence.

C. Final Merits Determination

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 established that he meets any of the evidentiary criteria under 8 C.F.R. § 204.5(h)(3) and, therefore, has not met the "initial evidence" requirement for the requested classification, we need not conduct a final merits determination. *See Kazarian v. USCIS*, 596 F.3d at 1119-20. Nevertheless, we have reviewed the totality of the evidence in the record and determined that he has not established the requisite level of sustained acclaim and standing within his field to show eligibility for the requested benefit.

In a final merits determination, we analyze an alien's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate 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. Here, the Petitioner asserts that he has extraordinary ability in the field of history and Jewish studies, and has submitted evidence of his education, experience, and achievements whilst working in this field. This evidence primarily consists of his personal statement, reference letters, and portions of two of the books he published. The evidence generally reflects participation and activity within religious, teaching, and communal settings, but does not demonstrate broad recognition beyond those circles or a level of influence indicative of extraordinary ability. The record as a whole does not establish that he has risen to the level of the small percentage at the very top of the field or that he enjoys sustained national or international acclaim.

The reference letters submitted by the Petitioner are universal in their praise for the Petitioner. But they are not sufficient to establish that his work in his field has sustained national or international acclaim or extends beyond the circle of colleagues and contacts he encountered in the course of his career. Letters that make general and expansive statements regarding the Petitioner and his accomplishments are generally not persuasive. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3). The letters do not demonstrate that the Petitioner has attracted a level of attention placing him the very top of his field. In addition, the letters do not show that he has enjoyed a career of acclaimed work. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding testimonial letters were insufficient to establish his relative status in the field and do not compare him to others).

In addition, the letters do not contain sufficient information and explanation to show that he is viewed by the overall field, rather than by a solicited few, among the upper echelon or that he has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor. Although the letters highlight the Petitioner's talents, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding the plaintiff submitted letters only from people within his circle of professional acquaintances, and none of the letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim).

The same is true of the Yoreh Yoreh certification he received when he passed the rabbinate exams of the chief rabbinate of Israel committee and certifies him to serve as a Rabbi. Likewise, authorship and publication do not automatically place one at the top of the field. Here, the Petitioner did not demonstrate that his publication record is consistent with having a career of acclaimed work, sustaining national or international acclaim, and being among the small percentage at the very top of his field. The Petitioner, for instance, did not show the significance of his authorship or how his publication record compares to others who are viewed to be at the very top of the field. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the Petitioner did not show the significance of authorships reflect that he is among the small percentage at the very top of the field

In general, the Petitioner has submitted insufficient evidence of sustained national or international acclaim or recognition of his achievements in his 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) (holding that in addition to the requirement of demonstrating "sustained national or international acclaim," the plaintiff was also required to provide evidence demonstrating "that his or her achievements have been recognized in the field of expertise"). Further, the evidence, when considered in the aggregate, does not establish that the Petitioner is one of the small percentage at the very top of his field.

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, 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.