U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40379313

Date: JAN. 12, 2026

Motion on Administrative Appeals Office Decision

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

The Petitioner, a managing partner of an asset management firm, 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.

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not establish that he satisfied at least three of the ten initial evidentiary criteria. We dismissed a subsequent appeal. The matter is now before us on motion to reconsider.

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). Upon review, we will dismiss the motion.

A motion to reconsider must establish that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. § 103.5(a)(1)(i), (ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit.

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). 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. *Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010).

In the petition, the Petitioner claimed that he meets five of the ten initial criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). On appeal, we concurred with SCOPS that the Petitioner met only two of the criteria at 8 C.F.R. § 204.5(h)(3)(iv) (participation as a judge of the work of others in the field) and 8 C.F.R. § 204.5(h)(3)(viii) (performance in a leading or critical role for organizations that have a distinguished reputation). We then concluded that the Petitioner did not meet the remaining three criteria at 8 C.F.R. § 204.5(h)(3)(i) (receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field), 8 C.F.R. § 204.5(h)(3)(iii) (published material about the beneficiary in professional or major trade publications or other major media relating to the work in the field which classification is sought) and 8 C.F.R. § 204.5(h)(3)(vi) (authorship of scholarly articles in the field, in professional or major trade publications or other major media).

On motion to reconsider, the Petitioner asserts that that we imposed novel evidentiary requirements beyond those set forth by the plain language at 8 C.F.R. § 204.5(h)(3)(vi) by requiring that his scholarly articles have "original contributions or contributions of major significance in the asset management field" or "an impact on the overall asset management field to establish that his work has been of major significance." The Petitioner contends that "[n]othing in the regulation required the Petitioner to prove his original contributions of major significance or the impact of his articles in the field" in meeting this criterion.[1] We acknowledge that our decision incorrectly relied on standards found in a different criterion and withdraw this finding.

In order to satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(vi), a petitioner must first demonstrate that he authored "scholarly" articles or that these articles are written for "learned" persons in the field.[2] Secondly, the petitioner must demonstrate that these scholarly articles appear in one of the following: (1) a professional publication, (2) a major trade publication, or (3) in a form of major media. Relevant factors a petitioner should demonstrate include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership are high relative to similar publications (for major trade publications and other major media). *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual.

The Petitioner claimed eligibility for this criterion based on his authorship of three published articles:

[redacted] published in the Journal of Statistics and Economics. We agree with the Petitioner that, by a preponderance of evidence, these articles are scholarly articles written in the field of business, finance, and asset management and published in professional publications. Therefore, we conclude that the Petitioner has met three out of the ten initial criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

[1] On motion, the Petitioner only takes issue with the criterion at 8 C.F.R. § 204.5(h)(3)(vi) and waives his claims regarding the other two criteria at 8 C.F.R. § 204.5(h)(3)(i) and (iii). An issue not raised on appeal is waived. *See, e.g., Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5.

[2] "Learned" is defined as "having profound knowledge gained by study." *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1) (citing to the *Oxford English Dictionary*'s definition of "learned").

B. Final Merits Determination

As the Petitioner has submitted the requisite initial evidence, we will evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, that he has sustained national or international acclaim and is one of the small percentage at the very top of the field of endeavor, and that his achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze a petitioner'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*, 596 F.3d at 1119-20. In this matter, we determine that the Petitioner has not shown his eligibility.

The Petitioner earned a bachelor's degree in economics from [redacted] in China in 2016. The Petitioner later obtained a master's degree in business administration from [redacted] in 2023. The Petitioner's employment background is described as follows:[3]

> In terms of work experience, [the Petitioner] has held positions at [redacted] He has participated in major financial projects across several market, including A-shares, Hong Kong stocks, and U.S. stocks. His projects have spanned a wide range of transactions, including IPOs, mixed-ownership reforms, restructurings, and mergers and acquisitions, involving multinational companies in industries such as banking, manufacturing, and the internet sector.
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> Since 2021, [the Petitioner] shifted his focus to the TMT (technology, media, telecommunications), renewable energy, high-end manufacturing, and hedge fund sectors. Subsequently, he was invited to join [redacted], a renowned U.S. investment firm, as Vice President. In this role, he was responsible for building strategic connections with entrepreneurial teams and hedge fund groups from top universities, including [redacted]
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> Over the years, [the Petitioner] increasingly realized that efficient international investments and customized high-end financial services were the most pressing needs in today's global financial elite circles. In 2023, [the Petitioner] became a managing partner at [redacted] where he is fully responsible for overseeing the firm's business collaborations with U.S. startups and financial institutions, with a particular focus on providing cross-border investment and financial advisory services to American hedge funds.

As discussed further below, the Petitioner has authored scholarly articles, participated as a judge, and successfully led and managed various financial and investment projects for his employers. 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. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). Also, the Petitioner has not shown that he has risen to that small

[3] *See* Exhibit B-2 of the Petitioner's response to the request for evidence (the Petitioner's interview with *Sina U.S.*, a Chinese media and internet services company, published in sina.com.cn on July 19, 2024).

percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3). The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of 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 (July 5, 1991). Here, the Petitioner has not established that he enjoys a career that meets this very high standard.

In examining three scholarly articles in the record, we note that they were all published in 2024, one in "Value Line" journal and two others in "Journal of Business and Marketing" and "Journal of Statistics and Economics" of STEMM Institute Press Journals & Conferences (STEMM). The Petitioner provided copies of the publications' website pages. The overview page of Value Line journal at www.jiazhixianzazhi.com indicates that this publication is run by Guizhou Publishing Group in China and "primarily covers trends and developments in how various participants in the capital market drive the high-level circulation and integration of technology, capital, and the real economy." Additionally, the information page at www.stempress.com indicates that STEMM is "a global independent scientific publisher, providing researchers in universities, scientific institutions and corporate research & development departments with quality content through comprehensive range of journals and conference proceedings" and "aims to advance customers by publishing insightful science and development across areas of Science, Technology, Engineering, Management, Economics, Medicine and Education."

However, the record does not contain any other information about these publications' intended audience as ranging from top universities, research institutes, government think-tanks among others, the level of recognition or prestige of the publications, or that his work's influence or impact on others in the field. The Petitioner has not shown that publishing three articles in one year is consistent with the sustained national or international acclaim necessary for this highly restrictive classification. Moreover, the Petitioner has not submitted evidence that his work has been cited by researchers and academia in the field of business or that these citation numbers are significant in comparison to others in the field. Therefore, the Petitioner has not established that his articles reflect recognition in his field in a manner consistent with one who is among "that small percentage who [has] risen to the very top of the field of endeavor." *See* 8 C.F.R. § 204.5(h)(2).

As it relates to the judging criterion, the Petitioner submitted evidence of his participation as a judge for the 2024 AI and Future Entrepreneurial Competition. However, the evidence does not address how this single instance of judging is indicative of national or international acclaim maintained over a long period of time and is indicative of his sustained national or international acclaim. For example, the Petitioner has not offered evidence sufficient to show that he has continued to receive recognition for his participation as a judge in a manner reflecting sustained national acclaim. The Petitioner did not show, for instance, how his limited experience in reviewing the works of others compares to others at the very top of the field, or that he garnered wide attention from the field based on this single evaluation work. Moreover, serving as a judge or evaluator does not automatically demonstrate that an individual has extraordinary ability and sustained national or international acclaim at the very top of his field. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (stating that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard). Without evidence that sets the Petitioner apart from others in his field, such as evidence that he has a consistent history of reviewing or judging recognized, acclaimed experts in his field, the Petitioner has

not shown that his narrow judging experience places him among that small percentage who has risen to the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2) and 56 Fed. Reg. at 30704.

With respect to the Petitioner's service in a leading or critical role, we note that the Petitioner submitted evidence about his work as a managing partner at [redacted] since 2024[4] and various materials regarding the company. There are several articles about [redacted] receiving best team award for an advertising project, cooperation agreement between the company and other organizations, fundraising business plan for a project within the company, and correspondence related to the company's business affairs. The Petitioner also submitted documents regarding his employment as "Venture Partner and Vice President" at [redacted] from 2022 to 2023 and submitted information about the company.

However, the record shows that the Petitioner's employment at [redacted] and [redacted] are relatively short, ranging from six months to one year, respectively. The recommendation letters from respective employers describe the Petitioner's duties and provide detailed examples of how the Petitioner's work benefited their companies, but these documents do not discuss how the Petitioner has garnered national or international acclaim for this work. The initial cover letter stated that "[s]ince joining [redacted] in February 2024, [the Petitioner] . . . is fully responsible for expanding [redacted] presence in North America" which includes "developing partnerships with hedge funds, art collection intuitions, and educational organizations" and "leading cross border investments and fundraising with hedge funds, organizing art exhibitions, auctions, and investment initiatives with art collection institutions, and spearheading international student recruitment and exchange programs with educational institutions." The record also contains [redacted] letter describing the Petitioner as being "instrumental in shaping the company's venture capital (VC) projects and managing our Fund of Fund (FoF) investments" and "instrumental in securing high-impact investment opportunities, particularly in the AI sector, where he successfully tracked technological trends and connected with innovative startups in Silicon Valley and beyond."

But these letters do not discuss whether the Petitioner's duties have garnered him national or international acclaim consistent with being among that small percentage at the very top of the field. *See* section 203(b)(1)(A) of the Act. Here, the record does not contain sufficient information and explanation to show that the Petitioner 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. *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). Although the letters highlight the Petitioner's talents and responsibilities, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (finding the plaintiff's work for organizations did not result in national or international acclaim); *see also Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4, *aff'd sub nom. Hamal v. United*

[4] The Petitioner submitted a job offer letter indicating that [redacted] offered him the position of "Managing Partner & Head of Overseas Business" on April 1, 2024.

States Dep't of Homeland Sec., No. 21-5160, 2023 WL 1156801 (upholding plaintiff did not contextualize his work at an organization demonstrating recognition by the field as being significantly important or viewed as unusually influential). Accordingly, the Petitioner did not show that he attracted a level of attention from the field for his employment or duties performed in his roles as managing partner or venture partner.

The Petitioner also claimed that he received a second-place award in the 2015 [redacted] National Competition for Greater China while he was pursuing his education at [redacted]. However, the Petitioner has not demonstrated that this award signifies national or international recognition for excellence in his field of asset management. Instead, the record shows this award is generally given to a group of students or early career professionals who can successfully apply the business knowledge they have learned and solve real-world problems, eventually moving onto the next round of case competitions. The Petitioner did not demonstrate how such award indicates sustained national or international acclaim or a career of acclaimed work in the field.

Regarding media coverage, the Petitioner offered articles by different Chinese online media such as *Sina*, *Ifeng*, and *NetEase News,* all published between July 2024 to August 2024. The published materials summarize the Petitioner's educational and career background and reference his answers on the topics of financial market forecasts, international investments, and the rise of artificial intelligence stocks. However, the Petitioner did not establish that such reporting is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor, has achieved sustained national or international acclaim, or has a career of acclaimed work. The Petitioner, for instance, did not show how the amount of such media coverage compares to others in his field who are among the very top. Again, the Petitioner did not demonstrate how his nominal press coverage reflects a career of acclaimed work in the field or a very high standard to present more extensive documentation than that required.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[5] 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; *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 visa are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, the Petitioner has not shown the significance of his work is indicative of the required sustained national or international acclaim or 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).

For these reasons, the Petitioner has not demonstrated his eligibility for the classification sought, and therefore, the motion will be dismissed.

[5] *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).

ORDER: The motion to reconsider is dismissed.

NOTICE: 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.