U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 35600144

Date: JAN. 14, 2025

Appeal of Nebraska Service Center Decision

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

The Petitioner, a humanitarian and social worker, seeks classification under the employment-based, first preference (EB-1) immigrant visa category as a noncitizen with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

The Director of the Nebraska Service Center denied the petition. The Petitioner claimed to meet three of ten initial evidentiary criteria, the minimum amount needed to obtain a final merits determination. But the Director concluded that the Petitioner did not satisfy any of the claimed requirements. On appeal, he contends that he submitted evidence of his:

- Receipt of lesser nationally or internationally recognized awards for excellence in his field;
- Participation as a judge of others' work in the field; and
- Performance in a leading or critical role for organizations with distinguished reputations.

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

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that he has not met the awards criterion and thus cannot satisfy the requisite number of evidentiary requirements. We will therefore dismiss the appeal.

I. LAW

To qualify as a noncitizen with extraordinary ability, a petitioner must demonstrate that they:

- Have "extraordinary ability in the sciences, arts, education, business, or athletics;"
- Seek to continue work in their field of expertise in the United States; and
- Through their work, substantially benefit the country.

Section 203(b)(1)(A)(i)-(iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). Evidence of extraordinary ability must demonstrate a noncitizen's receipt of either "a major, international recognized award" or satisfaction of at least three of ten lesser evidentiary criteria. 8 C.F.R. § 204.5(h)(3)(i-x).[1]

If a petitioner meets either evidentiary standard and the requirements at section 203(b)(1)(A)(ii), (iii) of the Act, U.S. Citizenship and Immigration Services (USCIS) must then make a final merits determination. To merit approval, the record – as a whole – must establish a petitioner's sustained national or international acclaim and recognized achievements placing them among the small percentage at their field's very top. *See Amin v. Mayorkas,* 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step extraordinary ability analysis "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.(2)(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and His Field

The record shows that the Petitioner, a Kyrgyzstani native and citizen, earned diplomas in law and the English and German languages from universities in his home country. A U.S. university later awarded him a master of social work degree. He has more than 15 years of experience in the emergency preparedness/disaster response field, working for United Nations (UN) agencies in Kyrgyzstan and Iraq.

The Petitioner most recently came to the United States in 2023. Since May 2024, he has volunteered as a professional development coordinator for the [redacted] He stated that, in this country, he intends to "work at the grass roots level and provide all around services to the most marginalized and vulnerable."

The record does not indicate – nor does the Petitioner claim – his receipt of a major internationally recognized award. He must therefore meet at least three of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i-x).

B. Lesser Nationally or Internationally Recognized Awards

The Petitioner's first claimed evidentiary criterion requires "[d]ocumentation of the [noncitizen]'s receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 204.5(h)(3)(i). His evidence must objectively meet the regulation's parameters. *See generally* 6 *USCIS Policy Manual* F.2(B).

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

When adjudicating this requirement, USCIS first determines if a petitioner – as opposed, for example, to their employer – received prizes or awards. 6 *USCIS Policy Manual* F.(2)(B)(1), Criterion 1. If so, the Agency then determines whether awards garnered national or international recognition and honor excellence in the relevant field. *Id.*

On appeal, the Petitioner contends that the Director disregarded evidence meeting this criterion, specifically regarding his:

- 2012 "certificate of honor" from the Kyrgyzstani government;
- 2019 UN "certificate of appreciation;" and
- 2020 "recommendation letter" from the UN's [redacted]

The Petitioner demonstrated his receipt of these awards for excellence in his field. But the record supports the Director's finding of insufficient evidence that the honors garnered national or international recognition.

1. The 2012 Certificate of Honor

Kyrgyzstan's then-vice prime minister signed the Petitioner's 2012 certificate. The document states its issuance to him in his role as a UN development program manager "for all around support in reconstruction and development of [redacted] towns." According to the Petitioner, the country annually issues certificates of honor "to only a few distinguished government employees and partners."

Contrary to the Director's decision, the Petitioner submitted the certificate's requisite English translation. *See* 8 C.F.R. § 103.2(b)(3) (requiring a certified translation of all documents containing foreign language). But we agree with the Director that the Petitioner has not demonstrated the certificate's purported national or international recognition. The Kyrgyzstani government is nationally known in the country. But, when considering recognition, USCIS must focus on the award not its issuer. *Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 182 (D.N.J. 2021) (quoting *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013)) (requiring evidence showing "how a larger audience viewed [the] awards"). As the Director found, the record lacks evidence of the certificate's national or international recognition beyond its issuer, the Kyrgyzstani government.

2. The 2019 Certificate of Appreciation

A UN coordination agency gave this 2019 certificate to the Petitioner. The award states its issuance "[i]n recognition of outstanding contribution and commitment in support of [redacted] Development." According to the Petitioner, the organization issues certificates of appreciation annually to up to 10 staff members of UN agencies.

We acknowledge the UN as an internationally known organization. But, again, we must focus on the award not its issuer. *See Krasniqi*, 558 F.Supp.3d at 182 (quoting *Visinscaia*, 4 F. Supp. 3d at 136). The record lacks evidence that the UN certificate has garnered national or international recognition. We therefore affirm the Director's finding regarding this certificate.

3. The 2020 Recommendation Letter

The [redacted] country director for Iraq signed the Petitioner's 2020 "recommendation letter." It states that he:

> effectively designed the programmes and engaged a number of implementing agencies in Iraq to timely deliver food assistance to nearly 700,000 people, 85% from the planned total. Due to his excellent programme design, [redacted] was able to distribute food and cash-based assistance to displaced persons and refugees in camps, help people rebuild their lives through work and training opportunities, and provide healthy meals to children in schools.

The Petitioner has not demonstrated that the [redacted] letter constitutes a "prize" or "award." We interpret the terms using their ordinary, common meanings. *See, e.g., Perrin v. United States*, 444 U.S. 37, 42 (1979) ("A fundamental canon of statutory construction is that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning . . . "). The word "prize" ordinarily means "something offered or striven for in competition or in contests of chance." *Prize*, Merriam-Webster.com, www.merriam-webster.com. Similarly, "award" ordinarily means "something that is conferred or bestowed especially on the basis of merit or need." *Award*, Merriam-Webster.com, www.merriam-webster.com. The record does not establish the Petitioner's receipt of the recommendation letter in competition or through merit. He could have simply asked a [redacted] official for the letter. Even if we considered the letter an award, the Petitioner has not demonstrated its purported national or international recognition.

For the foregoing reasons, the Petitioner has not established that his awards for excellence in his field are nationally or internationally recognized. We will therefore affirm the Director's finding regarding this evidentiary requirement.

C. Remaining Issues

The Petitioner has not documented his purported receipt of lesser nationally or internationally recognized awards for excellence in his field. And he claims to have met only two other evidentiary criteria. Thus, he cannot meet the requisite three evidentiary requirements. *See* 8 C.F.R. § 204.5(h)(3). We therefore need not reach and hereby reserve consideration of his appellate arguments regarding his claimed participation as a judge of others' work and his purported performance in leading or critical roles for organizations with distinguished reputations. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

III. CONCLUSION

The Petitioner has not satisfied the evidentiary requirements for the requested immigrant visa category. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.