U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40764902

Date: JAN. 15, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a novelist, 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 the Petitioner did not satisfy at least three, as required, of the initial evidentiary criteria. The matter is now before us on appeal. 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). *See also Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) (holding that extraordinary ability visas are known as "Einstein" visas, are extremely "coveted," and are "reserved for only the most talented aliens"). 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 achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or qualifying documentation that meets at least three of the ten 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. U.S. Citizenship & Immigr. Servs.*, 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 Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

Because the Petitioner has not claimed or established his receipt of a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS determined the Petitioner met only two (display under 8 C.F.R. § 204.5(h)(3)(vii) and roles under 8 C.F.R. § 204.5(h)(3)(viii)) of the seven claimed categories of evidence. The Petitioner's brief asserts that he fulfills two additional criteria.[1]

A. Memberships

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) requires "[d]ocumentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." The Petitioner claims eligibility for this criterion based on membership with the Jordanian Writers Association (JWA).

The Petitioner submitted letters confirming his membership with JWA and a document entitled, "Membership conditions for the [JWA]," reflecting:

- The applicant must be an author who has published at least two works;

[1] Any ground of ineligibility that is not raised on appeal is waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)). Further, although the Petitioner briefly mentions the published material (8 C.F.R. § 204.5(h)(3)(iii)) and salary (8 C.F.R. § 204.5(h)(3)(ix)) criteria on Form I-290B, Notice of Appeal or Motion, he does not further elaborate in his brief or explain how SCOPS erred regarding these criteria. Accordingly, we will not address these criteria. *See Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (declining to address a "passing reference" to an argument in a brief that did not provide legal support).

- A specialized committee consisting of three experts in the literary or cultural fields will conduct a thorough evaluation of the books to ascertain that the books stand out in terms of though leadership and artistic expression;
- The published books must offer valuable cultural insights or discussions that contribute meaningfully to societal understanding or appreciation of culture;
- The applicant is expected to be actively involved in cultural activities or projects; and
- The applicant must obtain two letters of recommendation from individuals who are recognized as authorities or have substantial expertise in the cultural affairs of Jordan.

The petitioner must show that membership in the association requires outstanding achievements in the field for which classification is sought, as judged by recognized national or international experts.[2] Although he provided JWA's membership requirements, the Petitioner did not establish how they qualify as outstanding achievements, as required by this regulatory criterion. Here, the Petitioner did not demonstrate that authoring two published works, which meaningfully contribute to societal understanding or appreciation of culture, being expected to be actively involved in cultural activities or projects, and obtaining two recommendation letters rises to the level of outstanding achievements. *See Braga v. Poulos*, No. CV 06-5105 SJO FMOX, 2007 WL 9229758, at *5 (C.D. Cal. July 6, 2007), *aff'd*, 317 F. App'x 680 (9th Cir. 2009) (finding plaintiff did not show the memberships with organizations were limited to those who have outstanding achievements in the field).

In addition, this regulation also requires that membership be judged by recognized national or international experts in their disciplines or fields. As indicated above, a "specialized committee consisting of three experts in the literary or cultural fields" evaluates the applicant's books; however, the document does not reflect that the "specialized committee" determines membership rather than determining whether the books have leadership and artistic expression. Moreover, the Petitioner did not show that the committee consists of nationally or internationally recognized experts. *See Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. CV RDB-23-2251, 2024 WL 1374794, at *5 (D. Md. Apr. 1, 2024) (upholding plaintiff's documentation did not reflect recognized national or international experts determine qualifications for membership). Further, while he submitted a document entitled, "Criteria for Selecting the [JWA's] [redacted]," the Petitioner did not demonstrate that the [redacted] is the same as the "specialized committee" and that such panel determines membership for JWA.

Accordingly, the Petitioner did not establish he satisfies this criterion.

B. Contributions

The regulation at 8 C.F.R. § 204.5(h)(3)(v) requires "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." Analysis under this criterion focuses on whether the person's original work constitutes major, significant contributions in the field.[3]

[2] *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.
[3] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

The Petitioner argues:

> I respectfully submit that the evidence before the Director indicates that Petitioner's original artistic contribution of major significance is his history of bringing forth and leading a discourse among Jordanian writers that encourages breaking from traditional Jordanian boundaries through concepts of societal inclusion, diversity, open dialogue, and tolerance, and introducing a more progressive Jordanian thought to readers.

As evidence, the Petitioner references various recommendation letters. Although they indicate his publications and praise the Petitioner and his work, they do not provide specific, detailed information establishing that his contributions rise to the level of major significance. For instance, the letter from H-G-, referenced in the brief, repeats the language of the statute and regulations and gives a brief description of each of the Petitioner's 11 novels.[4] Repeating the language of the statute or regulations does not satisfy the petitioner's burden of proof. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F. 2d 41 (2d. Cir. 1990); *Avyr Associates, Inc. v. Meissner*, No. 95 Civ. 10729 (MBM), 1997 WL 188942, at *5 (S.D.N.Y. Apr. 18, 1997). Moreover, the letter does not further elaborate and explain how any of his written material qualifies as majorly significant contributions or indicate any remarkable influence or unusual impact in the field. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that plaintiff did not submit evidence demonstrating the impact the work has made on the field as a whole). Detailed letters from experts in the field explaining the nature and significance of the person's contribution may also provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.[5] Submitted letters should specifically describe the person's contribution and its significance in the field and should set forth the basis of the writer's knowledge and expertise.[6]

Similarly, the Petitioner provided endorsement letters from publishing companies, such as [redacted] who indicated that "[h]is novels demonstrate the power of storytelling to transcend borders and cultures, fostering deeper understanding and connection."[7] While the endorsements "reaffirm [their] commitment to sharing his impactful stories globally," they do not specifically articulate how the field considers his novels to be majorly significant. This particular endorsement, like the others in the record, did not explain how the Petitioner's novel transcended borders and cultures to an extent that the field views his contributions to be of major significance. *See Nelson v. U.S. Citizenship & Immigr. Servs.*, No. CV 21-10334-LTS, 2022 WL 20583561, at *8 (D. Mass. June 15, 2022) (upholding evidence requires both an original contribution and its impact of the broader field).

Furthermore, the Petitioner argues that "the record reflects that [he] receives 40% of the net revenues from the sale of his books from [redacted] for Publishing Distribution." However, the Petitioner did not explain how his net profit percentages reflect his original contributions of major significance in the field. For instance, the publishing house endorsements do not detail sales figures and provide context, indicating that his published material

[4] Although we discuss a sample letter, we have reviewed and considered each one in the record.
[5] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[6] *Id.*
[7] Even though we mention an endorsement letter, we have reviewed and considered the others in the record.

received substantial attention and signaled a majorly significant contribution. Again, the Petitioner did not demonstrate how purportedly receiving a higher net revenue percentage shows that his novels are tantamount to being majorly significant in the field.

The Petitioner also asserts his presence at various conferences, book fairs, and literary events, such as the [redacted] and JWA. Again, the Petitioner references letters, such as from S-K-, who stated that "[p]ublishing houses only invite their most crucial authors to represent them at major book fairs, including the [redacted] which is the case for [the Petitioner]."[8] However, S-K- did not further explain how the Petitioner's participation at these two books fairs resulted in contributions of major significance in the field. The Petitioner did not demonstrate how simply attending, participating, or displaying work at literary events establishes a majorly significant contribution in the field. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 188 (D.N.J. 2021) (upholding that while establishing a film festival is a laudable contribution, it was reasonable to ask how the festival has shaped cinematography and conclude that the mere existence of such a festival is insufficient when the regulation requires "major significance"). The Petitioner did not show the impact, influence, or effect of his involvement with these activities.

Furthermore, the Petitioner claims media coverage, such as from [redacted] of his novels. However, the articles reflect reviews and summaries from critics and do not indicate how any of this published material represents contributions of major significance in the field. The articles, for instance, do not indicate widespread readership of his novels, show that his writings have influenced the field in a majorly significant manner, or otherwise drawn attention consistent with being at a level of major significance.

For the reasons discussed above, the Petitioner did not demonstrate he fulfills this criterion.

III. CONCLUSION

The Petitioner did not establish eligibility for any of the categories of evidence discussed above. Because the Petitioner cannot fulfill the initial evidentiary requirement of at least three under 8 C.F.R. § 204.5(h)(3), we need not address SCOPS' favorable findings for the display and role criteria. Accordingly, we decline to reach and hereby reserve these issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

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 satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that she is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*,

[8] While we indicate an example letter, the other letters in the record confirm his attendance without specifically explaining how his participation equates to an original contribution of major significance.

784 F. Supp. 3d 798, 814 (E.D. Pa. 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we also decline to reach and hereby reserve any final merits determination in this matter. *See Bagamasbad*, 429 U.S. at 25.

Regardless, 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. 953, 954 (Assoc. Comm'r 1994) (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 383, 394 (5th Cir. 2022) (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 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 the reasons discussed above, the Petitioner has not demonstrated his eligibility as an alien 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.