U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40230079

Date: JAN. 15, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a cosmetics expert, seeks permanent employment-based immigrant 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 the record did not establish that the Petitioner had satisfied at least three of ten initial criteria for the classification as required and had not demonstrated she sought to enter the United States to continue to work in her area of claimed expertise. 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

An alien is eligible for the extraordinary ability classification if he or she has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and his or her achievements have been recognized in the field through extensive documentation; he or she seeks to enter the United States to continue work in the area of extraordinary ability; and his or her entry will substantially benefit prospectively the United States. Section 203(b)(1)(A) of the Act.

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 a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then the petitioner must provide documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) to (x) (including items such as awards, published material

in certain media, and scholarly articles). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if the petitioner is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation.

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, 1119-20 (9th Cir. 2010); *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

A. Field of Expertise

Upon de novo review, we withdraw SCOPS' conclusion that the evidence in the record indicated the Petitioner did not intend to continue to work in her claimed area of extraordinary ability in the United States. We are not unsympathetic to SCOPS' concerns. The evidence in the record confusingly expresses the Petitioner's claims and proposed activities in the United States. However, for the reasons below we conclude the Petitioner's contemplated activities occupy space within the realm of her claimed area of extraordinary ability.

The statute and regulations require a petitioner seek to continue work in the area of expertise in the United States. *See* sections 203(b)(1)(A)(i) and (ii) of the Act, 8 U.S.C. §§ 1153(b)(1)(A)(i) and (ii), and 8 C.F.R. §§ 204.5(h)(3) and (5). The Petitioner indicated the beneficiary's job description as leading a team to develop healthy and safe cosmetics. And whilst the "career plan" emphasized the formation of a proposed business, it also asserted the Petitioner would create cosmetic "formulations exclusive to the U.S. brand, focusing on healthy, organic products adhering to…stringent health and safety standards" in pursuit of "create[ing] a global beauty brand." So, in the instant matter before us, we conclude the record supports the Petitioner's intention to continue working in her field of endeavor. Thus, we will consider if the Petitioner satisfies the regulation at 8 C.F.R. § 204.5(h)(3) through her achievements as a cosmetics expert.

B. Extraordinary Ability

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(ii)(i)-(x). In the initial petition, the Petitioner claimed to satisfy seven criteria.[1] In

[1] The letter accompanying the petition claimed the Petitioner "has met six (7) [sic] of the ten (10) criteria." The Petitioner's response to the RFE did not discuss two of the initially claimed criteria and further asserted that the Petitioner "has met five (5) criteria" as contained in the regulations. And the Petitioner's appeal focuses on the criteria it discussed in its response to the RFE. So, we will not discuss the Petitioner's claims to eligibility under the criterion contained at § 204.5(h)(3)(ii) (membership in association in the field for which classification is sought requiring outstanding achievements of their members as judged by recognized national or international experts) or 8 C.F.R. § 204.5(h)(3)(v) (evidence of original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field) as the Petitioner's choices reflect she has abandoned her claim to them on appeal.

response to SCOPS' request for evidence (RFE), the Petitioner wholly abandoned two criteria and provided further details in connection with the remaining five criteria. SCOPS evaluated the claims the Petitioner made in the initial petition and in response to the RFE and concluded the Petitioner did not satisfy any of the criteria she claimed over the course of the proceedings. After reviewing all the evidence in the record, we conclude the Petitioner has not demonstrated her eligibility for this highly restrictive immigrant classification for the reasons we will discuss below.[2]

1. "Documentation of the alien'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)

The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." We first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner claims eligibility under this criterion based upon her claim to have received a '[redacted]' in [redacted] 2023 from the [redacted]. She further claims eligibility upon her claim to have received a '[redacted]' in [redacted] 2024 from [redacted].

The Petitioner submitted a copy of an "Honor Certificate" with translation in support of the '[redacted].' Whilst it appears on its face that the "Honor Certificate" memorializes the bestowment of an award to the Petitioner, the record does not sufficiently demonstrate any national or international recognition for the award. And a recommendation letter written by [redacted], associate professor, [redacted] contained in the record lists '[redacted] ([redacted] 2023)" from [redacted] amongst the recognition the Petitioner has received. But the recommendation letter does not provide any insight or information to evaluate if the Petitioner's '[redacted]' is nationally or internationally recognized as a reward for excellence in the Petitioner's field. *See Visinscaia v. Beers*, 4 F. Supp. 3d at 136 (finding that without evidence reflecting how a larger audience viewed the plaintiff's awards, there was no way to evaluate whether those awards were recognized widely enough to satisfy the awards criterion). Here, the evidence presented does not show publication of notice of this award by the awarding organization, or hint at recognition of the award beyond that organization. Furthermore, the certificate reflected it had been issued in '[redacted] 2023" and not '[redacted] 2023." And the certificate referenced the Petitioner's name followed by "Sir/Madam." Taken together, these facts raise further questions about the recognition of the award. *See Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988) (requiring a petition to resolve inconsistencies of record with independent, objective evidence pointing to where the truth lies).

[2] We conclude the Petitioner has satisfied the criteria pertaining to participation either individually or as a panel as a judge of the work of others in the same or an allied field and authorship of scholarly articles in the field in profession or major trade publication or other major media as described at 8 C.F.R. § 204.5(h)(3)(iv) and (vi).

And the record does not contain any evidence of the Petitioner's receipt of a '[redacted]' in [redacted] 2024. Nor does the record contain any other material, relevant, or probative evidence that demonstrates the '[redacted]' from [redacted]. is a nationally or internationally recognized prize or award for excellence in the Petitioner's field.

For all the reasons discussed above, we conclude that the Petitioner does not meet this criterion.

2. "Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought." 8 C.F.R. § 204.5(h)(3)(iii).

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) seeks "[p]ublished material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field or which classification is sought." It also requires that such evidence include "the title, date, and author of the material, and any necessary translation."

The Petitioner asserted that she has been featured in multiple media reports due to her national renown and contributions to her field. But the articles focus solely on the product '[redacted]' the Petitioner purportedly researched and managed. The articles do not mention the Petitioner or her work in the field. For example, the article in the [redacted] "depict[ing] the event of the '[redacted]'" only discussed '[redacted]," and its place as a "brand and made-in-China product…more and more favored by consumers."

Similarly, an article appearing on [redacted] (one of many "portals serving China)[3] described '[redacted]' as a brand and contained quotations attributed to the Petitioner's husband. It did mention the Petitioner and her husband collaborated on a marketing "Douyin live broadcast."[4] But the mention of the Petitioner did not relate to the Petitioner's work in the field. It mainly referenced her work in marketing a product.

The Petitioner also submitted three articles appearing in China Business Network, a Chinese web news platform that discussed '[redacted]' appearance at the '[redacted]." One of the articles also mentioned the Petitioner gave a keynote speech in her capacity of brand manager and senior researcher for '[redacted]' and '[redacted]." It also credits the influence of "the brand founder and manager..[redacted] and [redacted]."[5] Another article referenced the Petitioner and her husband's funding of an "adoption ceremony of the '[redacted]'" and referred to her alias '[redacted]' to discuss her work to "analyze the active ingredients of [redacted] and decipher the anti-aging code between the national flower and the Chinese people." A third article listed '[redacted]' amongst other Chinese companies of greater repute like Huawei Technologies, Alibaba, and BYD. The article described citation for the Petitioner and her husband as '[redacted]."

[3] We note that the [redacted] article is sourced from [redacted]

[4] Douyin is a video-sharing social network considered the Chinese version of TikTok.

[5] The Petitioner maintains [redacted] as an alias. Also, the Petitioner states that she and her husband [redacted] (aka [redacted] or [redacted]) are collectively known as [redacted]"

Overall, the articles appearing in [redacted] as described above focused mainly on the products the Petitioner were promoting and not on the Petitioner herself. However, even if we were to set that fact aside, we would still conclude the articles in [redacted] did not sufficiently demonstrate the Petitioner's eligibility under the claimed criterion because the evidence in the record does not sufficiently establish that [redacted] is a professional or major trade publications or other major media.

For the reasons discussed above, we conclude the Petitioner does not meet this criterion.

3. "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)

The regulation at 8 C.F.R. § 204.5(h)(iii)(viii) calls for "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." The role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. Evidence of a leading role should show that the alien was a leader for the claimed component, and a job title with matching duties may help to establish that a role was leading. For a critical role, evidence should show that the alien 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. *See generally* 6 *USCIS Policy Manual* F.2(b)(1).

The Petitioner stakes a claim to the criterion based on her role as brand ambassador, chief research and development officer, and "co-founder of [redacted]." But the record does not contain any evidence which would support her roles as brand ambassador, chief research and development officer, and co-founder are leading or critical. For example, the record does contain vague duties that are not prescribed to any one specific role of the ones she occupies with [redacted]. But the record does not demonstrate the significant importance to the outcome or activities of the organization in "leveraging [of] expertise in cosmetic science and her leadership in research and development," "steering the company's innovation in cosmetic formulations," or "lead[ing] efforts to develop cutting-edge products" such that her role or roles could be considered as critical.

So, for all of the reasons discussed above, the Petitioner has not established that she meets this criterion.

B. Final Merits Determination

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we do not need to provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

III. CONCLUSION

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 (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 that the significance of her 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. Whilst 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 she is among the small percentage at the top of her field. *See* 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated her 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.