U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40555251

Date: JAN. 16, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a researcher in ethnomusicology, seeks classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This EB-1 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. Section 203(b)(1)(A)(i) of the Act.

SCOPS denied the petition, concluding that the Petitioner had satisfied at least three of ten initial evidentiary criteria, but the totality of the material provided in a final merits determination did not show sustained national or international acclaim demonstrating that the Petitioner is among the small percentage at the very top of the field of endeavor. 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

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. 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 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

As the Petitioner has not 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 concluded that the Petitioner met four criteria: published materials under 8 C.F.R. § 204.5(h)(3)(iii), participation as a judge under 8 C.F.R. § 204.5(h)(3)(iv), authorship of scholarly articles under 8 C.F.R. § 204.5(h)(3)(vi), and leading or critical role under 8 C.F.R. § 204.5(h)(3)(viii).

Upon review of the record, we will not disturb SCOPS' determination that the Petitioner has satisfied at least three initial regulatory criteria. The record contains evidence that the Petitioner was quoted in major media, judged graduate students' works and faculty hirings, authored several scholarly articles, and performed a leading role for the university where he works. However, in reviewing the totality of the evidence in the context of the final merits determination,[1] we conclude that the Petitioner has not shown he garnered sustained national or international acclaim and his achievements have been recognized in the field of endeavor, demonstrating he is one of that small percentage who has risen to the very top of the field. *See* 8 C.F.R. § 204.5(h)(3).[2]

On appeal, the Petitioner asserts that his national and international acclaim is "fully substantiated within the four criteria already acknowledged by [SCOPS]" and "these approved categories inherently

[1] *See also generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policymanual.

[2] As contemplated by Congress, the Petitioner's achievements should reflect a "career of acclaimed work in the field." H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

reflect [the Petitioner's] influence, recognition, and impact in the field of ethnomusicology." The Petitioner also contends that SCOPS erred by failing to evaluate the totality of the evidence and imposing a heightened burden of proof.

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. 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, as discussed below.

The record shows that the Petitioner earned a bachelor's degree in voice training in 2004, a master's degree in Turkish music in 2007, and a doctorate degree in Islamic history and arts in 2012, from Turkish universities. The Petitioner's resume indicates that he has taught Turkish folk music as a professor at [redacted] since 2015 and "has performed numerous concerts related to Turkish Folk Music and its meaning." In addition, the Petitioner worked as the dean of [redacted] from 2015 to 2019 and was the founder and editor-in-chief of [redacted] in Turkey from 2013 to 2022.

Regarding media coverage, the Petitioner offered an article published by two different online news outlets in Turkey. The published material indicates that the Petitioner is well-regarded in the field of music in Turkey as he was interviewed regarding the impact of artificial intelligence (AI) on the music industry. 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 his media coverage compares to others in his field who are among the very top. Also, the media article focused more on the Petitioner's view on AI's impact on the creative process of music composition than featuring the Petitioner's specific work or his methodology. Therefore, the Petitioner did not demonstrate how his press coverage reflects a career of acclaimed work in the field or met the very high standard of presenting extensive documentation as required by this classification.

Regarding the Petitioner's participation as a judge of the work of others, we evaluate the significance of his experience to determine if such evidence indicates the required extraordinary ability for this highly restrictive classification. *See Kazarian,* 596 F. 3d at 1121-22. The Petitioner submitted evidence that he served in the evaluation committee for reviewing associate professorship applications for Turkish universities and promotion of professors at [redacted] In addition, the Petitioner submitted evidence of his participation in evaluating graduate-level thesis defenses and doctoral qualification examinations to assess the students' research capabilities, theoretical knowledge, and scholarly contribution. However, the Petitioner did not establish that his judging instances demonstrate a career of acclaimed work in the field or that his service reflects sustained national or international acclaim for "that small percentage who [has] risen to the very top of the field of endeavor." *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. §204.5(h)(2) and (3). The record,

for instance, does not contain evidence showing that the Petitioner received national or international recognition or that he distinguished himself from others in the field based on these services, placing him among the upper echelon in his field. Instead, these services appear to be typical and customary with his position as a director and professor at the conservatory.

On appeal, the Petitioner claims that his appointment to evaluate research proposals for [redacted] or to review internal hirings for [redacted] distinguish him from other professionals as only "the most reputable and credible scholars are trusted with such appointments." However, without evidence that sets the Petitioner apart from others in his field, such as evidence that he has a consistent history of serving on evaluation panel for esteemed universities or judging recognized, acclaimed experts in the 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 Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801, at *2 (finding the petitioner did not show that he served as a judge of renowned directors as opposed to aspiring artists or the competitions were considered prestigious or attracted significant attention by the field). In addition, these claimed instances of judging appointments occurred in 2023 and 2024, approximately within one to two years of the filing the petition. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *10 (S.D.N.Y. Jan. 5, 2024) (finding the recency of the petitioner's judging events did not show a career of acclaimed work in the field).

Likewise, authorship and publication do not automatically place one at the top of the field. The Petitioner provided evidence of citations and samples of his articles on importance of early childhood education, music preference of children in Turkey, Islamic music culture, and historical contexts behind Turkish folk songs. Although the Petitioner claims that authorship of 20 peer-reviewed articles "exceeds the norm" because the field of ethnomusicology "is a highly specialized endeavor" and his research is "in a niche and underrepresented field where citation counts are inherently lower due to the limited scholar populations," he 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* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that an example where evidence in the record may help in determining whether in a totality analysis that considers all of the evidence, the person is among the small percentage at the top of the field and has sustained national or international acclaim). The Petitioner also did not show that his work received a level of interest in the field commensurate with sustained national or international acclaim. *See* section 203(b)(1)(A) of the Act.

With respect to the Petitioner's service in a leading or critical role, we note that the Petitioner submitted evidence about his work as the director of [redacted] as the founder and editor-in-chief of [redacted] or the chair of the [redacted] and as the head of vocal training department at [redacted]. For this category, the Petitioner provided several recommendation letters.

[3] The Petitioner stated that this is [redacted] largest and highest-ranked university.

[4] The Petitioner explained that this university "stands as one of Turkey's most prestigious and historically significant institutions."

As for his leading or critical role as the dean of the conservatory, the Petitioner offered a letter from the current dean of the conservatory. This letter praised the Petitioner for his previous tenure as a dean of the conservatory, his management skills and strategic vision, and discussed the Petitioner's article titled [redacted] published in the [redacted] summarizing the findings of the research regarding advantages of early music education in children. The Petitioner also provided a letter from a professor of [redacted] in Turkey who discussed the Petitioner's paper on how multicultural nature of the [redacted] region influenced musical expressions in Turkish folk songs and praised him as an exceptional scholar "whose innovative research has substantially advanced our understanding of musicology." Another letter from rector of [redacted] commended the Petitioner's "significant and transformative contribution" to [redacted] that he founded in 2013.

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 of ethnomusicology, 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). Accordingly, the Petitioner did not show that he attracted a level of attention from the field for his employment at universities or duties he performed as [redacted] editor-in-chief.

The Petitioner further asserts on appeal that the evidence submitted under the criteria at 8 C.F.R. § 204.5(h)(3)(v) (original contributions of major significance) and 8 C.F.R. § 204.5(h)(3)(vii) (displaying works in the field at artistic exhibitions or showcase) demonstrates that he has achieved sustained national and international acclaim or that he is at the very top of his field. Although we agree with SCOPS that the Petitioner did not meet these two criteria, we will still review the evidence that the Petitioner submitted for these criteria for the final merits determination.

The Petitioner identifies his leadership of [redacted] as the original contribution, as the journal was "the first of its kind in Turkey" and "served as a bridge between Turkish and global musicological discourse." Although the evidence indicates that he founded the musicology journal in Turkey which published many scholarly articles and one special issue featuring a globally respected ethnomusicologist, the Petitioner has not sufficiently shown that this contribution is of "major significance" under 8 C.F.R. § 204.5(h)(3)(v); s*ee also Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 187 (D.N.J. 2021) (finding that per the text of the regulation, the agency must assess a contribution's "major significance in the field"). The Petitioner did not show how [redacted] has impacted the field of ethnomusicology consistent with a very high standard requiring the Petitioner to submit more extensive documentation than that required for lesser classifications. For instance, the record lacks

testimonies of other ethnomusicologists who have pursued and utilized the Petitioner's unique work, methodology, or original contributions.[5] The reference letters that attest to the Petitioner's influence and abilities appear limited to a group of professional acquaintances that he has in Turkey and the authors of these letters did not provide details on how the Petitioner's original contribution was majorly significant to the field of ethnomusicology overall.

Additionally, the Petitioner claims that his "nationally broadcast musical work, registered original compositions, and digital scholarly recordings disseminated through international platforms" prove that he has national and international recognition that surpasses that of ordinary professionals. Despite introducing original songs in YouTube, Spotify, and other streaming services, the record does not sufficiently support that his music performance online garnered him national or international attention or reflected a career of acclaimed work such that it has significantly impacted or altered the field of ethnomusicology. Instead, the record establishes that the Petitioner is a committed scholar and a successful performer who has provided a platform in Turkey for publication of musicology journals. While he may receive more national or international recognition in the future, the evidence in the record is not sufficient to establish that the Petitioner is already viewed by the field of ethnomusicology, as being among that small percentage at the very top of the field of endeavor.

Beyond the four criteria that the Petitioner satisfied, we also consider additional documentation in the record in order to determine whether the totality of the evidence demonstrates eligibility. Here, the Petitioner provided evidence that in 2016, he received artistic awards from the mayor of [redacted] for culturally promoting [redacted] through his music direction and vocal coaching, and a certificate of achievement from [redacted] for his involvement in a cultural heritage preservation project. However, we conclude that such evidence does not contribute to an overall finding that the Petitioner has sustained national or international acclaim and is among the small percentage of the top of his field. Although the awards may show his local community's acknowledgement of his contribution, the Petitioner did not demonstrate how such awards indicate sustained national or international acclaim or a career of acclaimed work in the field. The Petitioner did not show the significance of the awards and how they place him among that small percentage at the very top of the field. USCIS has long held that even athletes performing at the major league level do not automatically meet the statutory standards for classification as an individual of "extraordinary ability." *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994).

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[6] 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

[5] The Petitioner asserted in the initial filing that his published research papers are also his original contributions of major significance but the record lacks sufficient corroboration. The expert opinion letter summarizes the Petitioner's research of poems and songs of [redacted] during the Ottoman period and does not claim that it resulted in widespread acclaim or that he drew significant attention from the greater field.

[6] *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).

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).

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.