U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40575466

Date: JAN. 21, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks classification as an alien of extraordinary ability in rock climbing. *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) initially approved the petition. However, SCOPS subsequently revoked the approval, concluding the Petitioner did not satisfy any of the initial evidentiary criteria, she did not demonstrate her intent to continue her work in the United States, and she did not establish that her entry would substantially benefit prospectively the United States. 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).

With respect to revocations, section 205 of the Act, 8 U.S.C. § 1155, states, in pertinent part, that the Secretary of Homeland Security "may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204."

Regarding revocation on notice, the Board of Immigration Appeals has stated:

> In *Matter of Estime*, . . . this Board stated that a notice of intention to revoke a visa petition is properly issued for "good and sufficient cause" where the evidence of record at the time the notice is issued, if unexplained and unrebutted, would warrant a denial of the visa petition based upon the petitioner's failure to meet his burden of proof. The decision to revoke will be sustained where the evidence of record at the time the decision is rendered, including any evidence or explanation submitted by the petitioner in rebuttal to the notice of intention to revoke, would warrant such denial.

Matter of Ho, 19 I&N Dec. 582, 590 (BIA 1988) (citing *Matter of Estime*, 19 I&N Dec. 450 (BIA 1987)).

By itself, the Director's realization that a petition was incorrectly approved is good and sufficient cause for the revocation of the approval of an immigrant petition. *Id.* The approval of a visa petition vests no rights in the beneficiary of the petition, as approval of a visa petition is but a preliminary step in the visa application process. *Id.* at 589. A beneficiary is not, by mere approval of the petition, entitled to an immigrant visa. *Id.*

II. ANALYSIS

Because the Petitioner has not claimed or established her receipt of a major, internationally recognized award, she 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 did not meet any of them. On appeal, the Petitioner asserts that she fulfills five categories of evidence, including through the submission of comparable evidence.[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."[2] The Petitioner claims her "long-standing membership and board service with the [redacted]."

The Petitioner initially submitted a letter from L-G-, president of [redacted] who stated that the Petitioner "was elected as a member of the board of the [redacted], she is the youngest member of the board and is responsible for public relations." In response to SCOPS' notice of intent to revoke (NOIR), the Petitioner provided a letter from N-K-, president of [redacted] who indicated that the Petitioner "was elected to the Board of the [redacted] in 2021." In addition, according to [redacted] "Charter" offered by the Petitioner, membership "may be legal entities related to sport climbing and/or climbing," such as a "sports club/sports team," "regional federation," or "an organization" (4.1). In addition, "[a] legal entity that is a member of [redacted] shall be represented by a person authorized to represent it or by the President" (4.4), and "[a] person wishing to join the [redacted] shall apply to the Board of Directors, which shall consider the application for membership at the next meeting (no later than 1 month) and make a decision" (4.5).

At the outset, none of the letters indicate the Petitioner's regular membership with [redacted]. Instead, the letters reflect that the Petitioner "was elected" to [redacted] board of directors. Regardless, the Petitioner did not demonstrate that membership with [redacted] requires outstanding achievements, as required by this regulatory criterion. As referenced above, the charter states that the [redacted] board of directors considers a person's application for membership at the next meeting; however, the charter does not further elaborate and specify what determines membership, let alone requires outstanding achievements. *See Aravamuthan v. Jaddou*, No. 3:23-CV-01412-N, 2025 WL 1708126, at *4 (N.D. Tex. June 17, 2025) (upholding plaintiff did not show that outstanding achievements are required of its members as a minimum requirement for membership). In addition, the Petitioner did not establish that [redacted] board of directors is comprised of recognized national or international 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).

[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)).

[2] *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual (stating that USCIS determines if the association for which the person claims present or past membership requires that members have outstanding achievements in the field as judged by recognized experts in that field).

As it relates to the Petitioner's election to [redacted] board of directors, the level of membership afforded to the person must show that in order to obtain that level of membership, recognized national or international experts judged the person as having attained outstanding achievements in the field for which classification is sought.[3] Here, the Petitioner did not demonstrate that she became a member of [redacted] board of directors based on outstanding achievements, as judged by recognized national or international experts. Rather, "[b]oard members are elected by the Congress for a term of 4 (four) years." Further, the Petitioner did not establish that [redacted] Congress is comprised of recognized national or international experts.

For the reasons discussed above, the Petitioner did not show she satisfies this criterion.

B. Published Materials

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires "[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 for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation."[4] Examples of qualifying media may include, but are not limited to: professional or major print publications (newspaper articles, popular and academic journal articles, books, textbooks, or similar publications) regarding the person and the person's work; professional or major online publications regarding the person and the person's work; and transcripts of professional or major audio or video coverage of the person and the person's work.[5] The Petitioner argues that "Georgia's principal climbing-related and cultural platforms – mtisambebi.ge ("The Mountains") and Aversi Magazine – are nationally circulated and publicly archived," and "[e]ach article contains [the Petitioner's] name, professional background, and discussion of her achievements."[6]

The record reflects that the Petitioner submitted two articles posted on mtisambebi.ge and aversi.ge. However, the mtisambebi.ge article does not contain an author, and the translation for the aversig.ge does not contain the date. Thus, the Petitioner did not fulfill the regulatory requirement. *See Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *4 (D. Neb. Mar. 10, 2025) (upholding petitioner did not provide sufficient evidence of the required title, date, and author of the material).

Notwithstanding the above, the Petitioner did not establish that mtisambebi.ge and aversig.ge represent professional or major trade publications or other major media. In evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership (for major trade publications and other major media).[7] Although she claims that the websites "are nationally circulated and publicly archived," the Petitioner did not reference any material, nor does the record contain evidence to support her assertions. *See Jafarov v.*

[3] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[4] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (instructing that USCIS determines whether the published material was related to the person and the person's specific work in the field for which classification is sought).
[5] *Id.*
[6] Although the Petitioner argues that she submitted an article from "Aversi Magazine," the record only reflects an article posted online at aversi.ge.
[7] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

United States Citizenship & Immigr. Servs., No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *7 (S.D.N.Y. Jan. 5, 2024) (mere assertion of a publication's national importance is insufficient without at least some objective evidence to support that claim); *see also Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 185 (D.N.J. 2021) (finding that the presence of published material on the internet "does not establish that it is actually read or respected"); *Victorov v. Barr*, No. CV 19-6948-GW-JPRX, 2020 WL 3213788, at *8 (C.D. Cal. Apr. 9, 2020) (upholding that the submitted evidence should concern the appropriate publication source).

Accordingly, the Petitioner did not demonstrate she meets this criterion.

C. Judging

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) requires "[e]vidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought."[8]

At initial filing, the Petitioner submitted a photograph purportedly of herself with a handwritten note indicating "judge." The Petitioner did not offer any further evidence supporting the handwritten note or other evidence demonstrating that she participated as a judge of the work of others.

In response to SCOPS' NOIR, the petitioner offered a letter from G-K-, International Federation of Mountain Guides Association, who stated that the Petitioner "led training sessions, organized workshops, and provided mentorship to aspiring young climbers." The letter, however, makes no mention of the Petitioner's experience or participation as a judge in rock climbing.

In addition, the Petitioner provided a letter from S-A-, international rugby referee, who indicated that the petitioner is "a licensed judge, and an active contributor to the strategic development of the sport at the federation level." Although the letter mentions the Petitioner as a licensed judge, the letter does not further elaborate and provide specific information, such as the names and dates of competitions, individuals she has judged, and other information about the judging circumstances.[9] *See Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *8 (N.D. Cal. Feb. 16, 2021) (upholding "that there were no details about what event the plaintiff was judging, who he was judging, or the basis for [the plaintiff's] knowledge [in her letter] of the Federation's authority regarding the plaintiff's judging history").

Similarly, on appeal, the Petitioner asserts that she submitted "Federation correspondence document[ing]" her service. The previously discussed letter from N-K- generally indicated that the Petitioner "is often invited to judge national competitions." The petitioner must show that the person has not only been invited to judge the work of others, but also that the person actually participated in the judging of the work of others in the same or an allied field of specialization.[10] Furthermore, the letter also does not further elaborate and offer specific, detailed information, such as the names and

[8] *See also generally* 6 *USCIS Policy Manual* F.2(B)(1) (instructing that USCIS determines whether the person has acted as the judge of the work of others in the same or an allied field of specification).

[9] S-A- also did not explain how, as an international rugby referee, she is aware of the Petitioner's experience as a rock climbing judge.

[10] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

dates of the national competitions, the names of competitors, and other information relating to the competitions.

Without further information, including supporting documentation, the Petitioner did not establish she fulfills this criterion.

D. Comparable Evidence

The regulation at 8 C.F.R. § 204.5(h)(4) states that "[i]f the above standards do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility." This regulatory provision provides petitioners the opportunity to submit comparable evidence to establish the person's eligibility, if it is determined that the evidentiary criteria described in the regulations do not readily apply to the person's occupation.[11] When evaluating such comparable evidence, officers must consider whether the regulatory criteria are readily applicable to the person's occupation and, if not, whether the evidence provided is truly comparable to the criteria listed in that regulation.[12]

The Petitioner did not claim eligibility for the provisions of comparable evidence under 8 C.F.R. § 204.5(h)(4) at either initial filing or in response to SCOPS' NOIR. Accordingly, we will not consider this eligibility claim for the first time on appeal. *See Nat'l Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175, 195, 144 S. Ct. 1316, 1331, 218 L. Ed. 2d 642 n.5 (2024) (appellate bodies will generally not decide issues in the first instance, or consider claims raised for the first time on appeal). Moreover, although the she references "[r]ock climbing became an Olympic discipline only in 2020," the Petitioner did demonstrate which criteria, if any, do not readily apply to her occupation as a rock climber, and did not identify which evidence should be considered and how it is comparable to the regulatory criteria. The burden remains with the Petitioner to establish eligibility for the benefit sought. *Chawathe*, 25 I&N Dec. at 375-76.

Without identifying such evidence and explaining how the documentation is comparable to the respective regulatory criteria, the Petitioner did not demonstrate the Beneficiary's eligibility for additional criteria through the submission of comparable evidence.

III. CONCLUSION

The Petitioner did not establish eligibility for any of the categories of evidence discussed above, including through the comparable evidence. Although the Petitioner also claims qualification for the awards (8 C.F.R. § 204.5(h)(3)(i)) and roles (8 C.F.R. § 204.5(h)(3)(viii)) criteria, we need not reach these grounds because the Petitioner cannot fulfill the initial evidentiary requirement of at least three under 8 C.F.R. § 204.5(h)(3).[13] *See Kinuthia v. Biden*, 702 F. Supp. 3d 5, 11 (D. Mass. 2023), *aff'd sub nom. Kinuthia v. Trump*, No. 23-2029, 2025 WL 3491324 (1st Cir. Aug. 12, 2025) (declining to consider a criterion when the plaintiff cannot satisfy at least three). Accordingly, we decline to reach and hereby reserve these issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding

[11] *See generally* 6 USCIS Policy Manual, *supra*, at F.2(B)(1).
[12] *Id.*
[13] The Petitioner also claims eligibility for the published material based on foreign language documents without properly certified translations.

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*, 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, as well as a decision on her intent to continue to work in the United States under section 203(b)(1)(A)(ii) of the Act and whether her entry would substantially benefit the United States under section 203(b)(1)(A)(iii) of the Act. *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*, 2025 WL 815087, at *1 (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 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. 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 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.