U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40778371

Date: JAN. 28, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a transportation architect, 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.

SCOPS denied the petition, concluding that the record did not establish that the Petitioner had either received a major, internationally recognized award or satisfied at least three of ten initial evidentiary criteria, as required. The matter is now before us on appeal under 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 immigrant visas available to aliens with 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. A petitioner must establish that these aliens seek to enter the United States to continue work in the area of extraordinary ability, and that their entry into the United States will substantially benefit the United States. The term "extraordinary ability" refers only to those aliens 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 international recognition of an alien's achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Or the petitioner can submit evidence that meets at least three of the ten criteria 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. If those standards do not readily apply to the alien's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once a petitioner has met the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the alien 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

The Petitioner earned a bachelor's degree in architecture in India in 2014 and a master's degree, also in architecture, from the [redacted], in 2016. Since 2018, the Petitioner has worked for [redacted] in H-1B nonimmigrant status.[1] On her résumé, the Petitioner described her work as focusing on "large-scale, urban transportation and transit-oriented development projects across North America."

A. Evidentiary Criteria

Because the Petitioner has not indicated or shown that she 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)(i)–(x). The Petitioner claims to have satisfied seven of these criteria, summarized below:

- (i), Lesser nationally or internationally recognized prizes or awards;
- (ii), Membership in associations that require outstanding achievements;
- (iii), Published material about the alien in professional or major media;
- (iv), Participation as a judge of the work of others;
- (vi), Authorship of scholarly articles;
- (vii), Display at artistic exhibitions or showcases; and
- (viii), Leading or critical role for distinguished organizations or establishments.

SCOPS concluded that the Petitioner met two of the criteria, pertaining to judging and to leading or critical roles. On appeal, the Petitioner asserts that she meets all seven claimed criteria. Upon review of the record, we conclude that the Petitioner has satisfied at least one further criterion beyond the two that SCOPS granted.

Specifically, we conclude that the Petitioner has satisfied the criterion at 8 C.F.R. § 204.5(h)(3)(vi), which calls for evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.

The Petitioner submitted a partial copy of an article published in the *Journal of Indian Institute of Architects* (*JIIA*) in 2014, identifying her as a co-author. SCOPS acknowledged this evidence, and did

[1] In 2023, the Petitioner's employer filed a petition seeking a different immigrant classification on the Petitioner's behalf. SCOPS approved that petition in 2024, with a November 2022 priority date.

not question the scholarly nature of the article, but concluded that the Petitioner did not "establish that the journal is a professional or major trade publications [sic] or other major media."

On appeal, the Petitioner asserts that *JIIA* is a "professional journal" and that SCOPS disregarded the evidence without adequate justification. The "About the Journal" page of *JIIA*'s website indicates that the journal "is a national, peer reviewed, open access journal on studies related to architecture, urbanism and planning," which "aims to provide a platform to publish articles by academicians, practitioners & researchers and follows a rigorous peer review process."

Publication of a scholarly article in a professionally-relevant peer-reviewed journal meets the requirements of the criterion. *See, generally*, 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.

We conclude that the Petitioner's *JIIA* article qualifies as a scholarly article in a professional publication dedicated to the profession of architecture. Therefore, we need not discuss in detail other materials that the Petitioner submitted to satisfy the same criterion, and we need not consider at length the Petitioner's separate argument that unpublished speeches and online course materials are comparable to published scholarly articles. Because we conclude that the Petitioner has satisfied at least three initial criteria, we will consider these materials in the context of the final merits determination.

B. Final Merits Determination

Because the Petitioner submitted the required initial evidence to meet at least three criteria, we will evaluate whether she has demonstrated, by a preponderance of the evidence, her sustained national or international acclaim and that she is one of the small percentage at the very top of the field of endeavor whose achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate that they have 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.[2] In this matter, we determine that the Petitioner has not established eligibility.

Below, we will discuss the record as a whole, in the context of whether it establishes the Petitioner's sustained national or international acclaim. Although we do not discuss every piece of evidence, we have considered the record in full.[3]

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[2] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established, by a preponderance of the evidence, the required high level of expertise for the immigrant classification).

[3] USCIS does not have to write extensively on every contention; "[w]hat is required is merely that it consider the issues raised, and announce its decision in terms sufficient to enable a reviewing court to perceive that it has heard and thought and not merely reacted." *Rodriguez-Jimenez v. Garland*, 20 F.4th 434, 435 (9th Cir. 2021) (quoting *Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010)). When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); aff'd *Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d

The Petitioner submitted letters from architects and urban planners who praised the Petitioner's contributions and abilities. The Petitioner asserts, on appeal, that SCOPS should have given more weight to the submitted letters, stating that they "confirm her sustained national or international acclaim." Experts' evaluations of the Petitioner's talents are not without weight, but ultimately eligibility rests on the Petitioner's ability to provide evidence and extensive documentation that the Petitioner's achievements have been recognized in the field, as the statute requires. Statements in submitted letters should be corroborated by documentary evidence in the record. *See, generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3).

One letter is from architect and urban planner [redacted] who stated that the Petitioner "was selected to join the Urban Land Institute's (ULI) Global Health Leaders Network, a group of experts from around the world advancing health-conscious urban development practices. This honor is reserved for the top professionals in the field, and professionals are selected by a panel of recognized experts from around the world."

Documentation from ULI in the record does not corroborate the above description of the Health Leaders Network. An "Information Sheet," with an open invitation to submit an online application, indicates: "Professionals from the real estate development, public leadership, urban planning and design, infrastructure, finance and investment, and health disciplines (including the medical industry) are encouraged to apply," provided each applicant has a bachelor's or higher degree, and that "ULI Health Leaders will have at least 5-7 years of professional experience and will be a diverse group of emerging and established leaders, from a range of career stages and disciplines." The reference to "emerging . . . leaders" is consistent with much of the record, which portrays the Petitioner as being in the early stages of a promising career.

In order to establish their own credentials and thus their standing to attest to the value of the Petitioner's work, the authors of the submitted letters listed achievements and recognition that appear to significantly overshadow the evidence relating to the Petitioner. For example, [redacted] stated:

> I am widely recognized as one of the most influential urban designers and the pioneer of the concepts of [redacted] . . . I was awarded the prestigious ULI J.C. Nichols Prize for Visionaries in Urban Development. I have been named one of 25 [redacted] by Newsweek for my work redefining the models of urban and suburban growth in America.
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> I have served on the [redacted] and the [redacted] I have . . . received three [redacted] awards recognizing excellence in strategies to improve American communities. . . . I have written several influential and foundational books on urban design. . . . My extensive work . . . has established me as a leader whose theories, methods, and tools guide contemporary approaches to urban design.

44, 48 (1st Cir. 2009); *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *see also United States v. Teixeira*, 62 F.4th 10, 25 (1st Cir. 2023) (concluding a trier of fact "need not articulate its conclusions as to every jot and tittle of evidence in making a determination").

While [redacted] list of achievements establishes his expertise in his field, it also provides an example of the kinds of recognition that an architect can receive upon reaching the top of the field. The Petitioner has not shown that her own work has received similar recognition at a level of sustained national or international acclaim.

The record shows several activities that have increased the Petitioner's visibility within her field, such as serving as a guest editor for *Cities & Health* and serving on national-level committees at the American Institute of Architects and the National Council of Architectural Registration Boards. But the Petitioner has not established that these activities have brought her the level of recognition and acclaim that the record shows top architects can achieve. The Petitioner also has not shown that she was chosen for these roles and projects based on existing acclaim in her field.

On a related note, with regard to her various memberships, the Petitioner has not shown that the organizations have the types of stringent membership requirements described in the regulatory language at 8 C.F.R. § 204.5(h)(3)(ii). The Petitioner has submitted letters to that effect, but the letters lack documentary corroboration. Where the Petitioner has submitted objective documentation about memberships, those materials do not fully support the claims in the submitted letters.

The Petitioner's employer, [redacted] is one of the world's largest architecture firms and the record documents her involvement in major infrastructure projects. This work appears to satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(viii), relating to a leading or critical role for an organization or establishment with a distinguished reputation But the record does not show that this involvement has led to widespread recognition of the Petitioner as an individual architect. Several of the projects appear to be still underway or in the planning stages, and the record does not include objective, documentary evidence showing that the Petitioner's roles in these projects have attracted the attention of the broader architectural community.

Above, we acknowledged the Petitioner's authorship of scholarly articles. The Petitioner asserted that she "was invited by the *Journal of Urban Design* to write a commentary . . . because of her expertise in community-centered participatory design, demonstrating that her opinion and knowledge are important." The record does not corroborate the Petitioner's claims about why the journal invited her to contribute. An email message from an editorial assistant reads, in pertinent part:

> Our upcoming October 2023 special issue will be centred on the attached paper by [redacted] We are inviting contributors to write short commentaries on the paper. The guide length is approx. 1000 words and we are particularly interested to hear about co-design experiences in different countries / cities and learn what cultural differences are, what succeeds, what are the limitations. However we are also open to suggestions if you want to take a different focus in your discussion of the paper.

The Petitioner's judging activity, while sufficient to satisfy the wording of the criterion at 8 C.F.R. § 204.5(h)(3)(iv), does not appear to show sustained national or international acclaim. Some of the judging work has been for projects at the local or municipal level in the vicinity of where the Petitioner resides in the United States. Other judging work has involved peer review of manuscripts submitted

for presentation at professional conferences, which the Petitioner has not shown to be a responsibility limited to top architects.

The Petitioner contends that her [redacted] from the [redacted] California, is a qualifying nationally or internationally recognized prize or award, sufficient to satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(i). The award is available only to architects in California. We agree with SCOPS that this limitation of the scope of the award prevents it from qualifying. On appeal, the Petitioner cites "USCIS Policy Manual guidance that early-career awards can qualify," but SCOPS did not cite the [redacted] aspect as a basis for denial. Volume 6 of the *USCIS Policy Manual* also specifies that "an award available only to persons within a single locality . . . may have little national or international recognition." *Id.* at F.2(B)(1). The [redacted] is a national organization, but the Petitioner received an award from a state chapter, with eligibility limited to a subset of architects within that one state. State-level recognition in this context does not constitute national or international acclaim.

A 2024 conference in [redacted] California, included a "showcase of the award recipients of [redacted] California's awards." The Petitioner asserted that this showcase satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(vii), relating to display of the alien's work at artistic exhibitions or showcases. The conference was sponsored by a local [redacted] chapter, and the record does not provide attendance figures or other evidence showing that this display brought the Petitioner's work to national or international attention.

As a graduate student, the Petitioner participated in projects "envisioning next-generation workspaces" and "emphasizing how design thinking can facilitate collaboration, creativity, and well-being in the workplace. The exhibits were showcased at the [redacted] in [redacted] in February 2017." Materials in the record relating to this exhibition do not show that the Petitioner received any credit by name for her work on the projects. Instead, the submitted materials show collective credits for teams of [redacted] graduate students. Therefore it is not evident that she could have derived acclaim from that participation. Materials relating to the exhibits indicate a local focus on "downtown [redacted] and Southern California."

The Petitioner submitted printouts from the websites of her employer, [redacted] and [redacted] asserting that they constitute published material about her in professional or major trade publications or other major media under 8 C.F.R. § 204.5(h)(3)(iii). The Petitioner asserted that [redacted] California is the [redacted] "largest state chapter . . . widely regarded as an authoritative voice" in the industry, and "[p]ublished articles and interviews by [redacted] California are therefore recognized as credible, influential, and widely circulated in the architectural community." Statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight. *Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998).

At the national level, an [redacted] blog post featured a biographical sketch of the Petitioner when she joined the organization's Regional and Urban Design Committee. The Petitioner did not submit readership statistics or other evidence to show that this blog post attracted a level of attention consistent with sustained national or international acclaim. The same is true of written pieces on [redacted] website, which appear to be either press releases or internal information for [redacted] employees.

The record portrays the Petitioner as a talented and accomplished architect and planner who is motivated to act and influence her field beyond the typical duties of the profession. But these traits, however praiseworthy, do not equate to, and the evidence does not demonstrate, the sustained national or international acclaim that the statute demands.

III. CONCLUSION

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.

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,"); *Visinscaia*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design"); *Hamal v. Dep't of Homeland Sec.*, No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021), *aff'd*, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *see also Hamal v. Dep't of Homeland Sec.*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing *Kazarian,* 596 at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 918 (N.D. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for visa as a baseball coach).

Here, the Petitioner has not shown a degree of recognition of her work that rises to the level of sustained national or international acclaim and demonstrates a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

The Petitioner has not established eligibility as an alien of extraordinary ability. We will therefore dismiss the appeal.

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.