U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40796677

Date: JAN. 28, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, who runs a radio station and related social media enterprises, 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 although the record established that the Petitioner satisfied the initial evidentiary requirements, it did not establish, as required, that the Petitioner has sustained national or international acclaim and is an alien in the small percentage at the very top of the field. 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 master's degrees in management in Ukraine in 2006. The Petitioner founded a media company called [redacted], which broadcasts under the name [redacted] [redacted] is associated with the [redacted], a religious broadcasting network. The Petitioner also established the [redacted], which the Petitioner described as "Ukraine's largest platform for psychological assistance."

The Petitioner most recently entered the United States in January 2025 as a B-2 nonimmigrant visitor. He seeks to establish "a multifaceted media network to reach at least one million entrepreneurs and small business owners who need support, education, and peer exchange," and "a scalable and multifunctional social media platform media company for people navigating personal and professional challenges."

Because the Petitioner has not indicated or shown 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). The Petitioner claimed to have satisfied eight 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;
- (v), Original contributions of major significance;
- (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 the requirements of three of the criteria, relating to published material, participation as a judge, and leading or critical roles.

Because the Petitioner submitted the required initial evidence, the next step is to evaluate whether he has demonstrated, by a preponderance of the evidence, sustained national or international acclaim and that he is one of the small percentage at the very top of the field of endeavor, and that his achievements have been recognized in the field through extensive documentation. A final merits determination entails analysis of a petitioner's accomplishments and weighing 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, *also see generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policy-manual (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). In this matter, SCOPS determined that the Petitioner has not established eligibility. We agree.

SCOPS, in its final merits determination, examined the evidence relating to the initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x) and concluded that, while the Petitioner's evidence satisfied some of those criteria, it did not reach the higher threshold of sustained national or international acclaim.

On appeal, the Petitioner correctly asserts that "the final merits determination must synthesize the evidence as a whole." At the same time, however, the record consists largely of materials submitted to satisfy various initial criteria. The lack of what the Petitioner terms "publicity or fanfare" is a legitimate consideration in the context of sustained national or international acclaim. It is for this reason that SCOPS, for instance, concluded that the Petitioner's judging activity for the [redacted] and the [redacted] had satisfied the requirements of 8 C.F.R. § 204.5(h)(3)(iv), but "did not establish that he garnered wide attention from the field based on his service as a judge." Such attention is not relevant to the specific requirements of 8 C.F.R. § 204.5(h)(3)(iv), but it speaks directly to the broader question of sustained national or international acclaim.

The Petitioner submitted copies of several certificates to address the initial criterion at 8 C.F.R. § 204.5(h)(3)(i), relating to receipt of nationally or internationally recognized prizes and awards. SCOPS acknowledged that these certificates "reflect some recognition of [the Petitioner's] work by the field," but concluded that the Petitioner had not established that "his awards place him among that small percentage at the very top of the field" and had not shown how those "awards compare to those in the upper echelon of his field." SCOPS also stated that the Petitioner did not show that his receipt of the awards "received significant attention."

On appeal, the Petitioner maintains that he "received prestigious awards from national and international bodies, evidencing that his achievements have been recognized as outstanding." One certificate in the record is from a municipal body. Another is an internal award from [redacted], the radio network associated with [redacted] and the Petitioner did not establish that award's recognition outside the awarding organization. Two other awards are from the [redacted] about which the Petitioner has not submitted any independent, objective documentation to establish the award's recognition.

The Petitioner emphasizes a certificate from "the National Council of Ukraine, a governmental body." The Petitioner asserts that this certificate "is not lightly bestowed, but rather reserved for individuals who have made impactful contributions to Ukraine's public and professional life." 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). We look, instead, to the objective evidence in the record.

The Petitioner asserts that "a formal national honor from a country's government is clearly a nationally recognized prize for excellence." The scope or nature of the awarding entity does not necessarily reflect that a particular award from that entity is itself nationally or internationally recognized.

The body that issued the certificate in question is not simply "the National Council of Ukraine," but rather the National Council of Ukraine on [redacted]. That body awarded the Petitioner an "Honorary Certificate" in his capacity as director of [redacted] "for diligent work, high professionalism, personal contribution to the development of the media sphere, and on the occasion of the professional holiday – Radio, Television, and Communications Workers' Day." The translated regulations pertaining to the award state: "The Certificate of Honor is a form of encouragement for employees of . . . television and radio organizations . . . for their services in developing the television and radio information space of the state, for significant labor achievements in the field of television and radio broadcasting."

The record does not show how many such certificates the Council issues each year, nor does it specify the threshold level of achievement to qualify for such a certificate. We agree with SCOPS that the record does not show that the Petitioner's receipt of the certificate received significant publicity that would either reflect or contribute to sustained national or international acclaim.

[redacted] also received a "Company of the Year" certificate in January 2025 from the [redacted] Company. Correspondence from the awarding entity is not objective evidence of the prestige or recognition of that title. The web page for the awarding entity's own announcement of the award showed 416 views on [redacted] 2025, more than four months after the announcement. An article from [redacted] about the award showed 2,068 views. The Petitioner has not shown that these view counts indicates that the award received significant attention or publicity.

The Petitioner, on appeal, states: "It bears emphasis that sustained acclaim often manifests through multiple honors over time." In this respect, the timing of the evidence in the record bears consideration. Apart from the [redacted] "Partnership Award" certificate from [redacted], all the submitted award certificates are dated 2024. The municipal certificate does not specify a date within 2024, but the Petitioner received the other certificates in November 2024, less than a year before the June 2025 filing of the petition.

The Petitioner's most significant publicity likewise occurred in the months leading up to the filing of the petition. SCOPS concluded that the published materials about the Petitioner satisfied the requirements of 8 C.F.R. § 204.5(h)(3)(iii), but did not demonstrate sustained national or international acclaim. The earliest published materials that discuss the Petitioner and his work in depth and detail are dated October 2024, just eight months before the petition's filing date. This short period of media attention is not persuasive evidence of the *sustained* national or international acclaim that the statute and regulations demand. Older materials mention the Petitioner only briefly, for instance to identify him as the head of [redacted]

[1] While the Petitioner submitted those articles only in English, the web addresses for those articles are in the Ukrainian language, transliterated to the Latin alphabet. One submitted article has a headline in Ukrainian, with the body of the article in English. It appears, therefore, that the articles were published in Ukrainian. The regulation at 8 C.F.R. § 103.2(b)(3) requires that "any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation" that meets certain certification requirements. The Petitioner is aware of this requirement, because other documents in the record include translator's certifications. But the Petitioner did not submit such certifications for the published articles. Submission of only the uncertified English translation, without the foreign language version, does not satisfy the clear spirit and intent of the regulatory requirement at 8 C.F.R. § 103.2(b)(3). Future filings, if any, should address this significant gap in the Petitioner's evidence.

To satisfy the initial criterion at 8 C.F.R. § 204.5(h)(3)(ii), the Petitioner had claimed "memberships in two highly selective, professionally respected organizations," specifically [redacted] and [redacted]. SCOPS stated that the Petitioner "did not establish that being a member of these associations is indicative of a 'career of acclaimed work in the field' as contemplated by Congress." Beyond this conclusion, we observe that [redacted] charter indicates that its members are "legal entities," not individuals. The Petitioner signed that charter in his capacity as the head of [redacted] operations in Ukraine. A letter from an [redacted] official, referring to the Petitioner's "honorary membership . . . in [redacted] International" is unsupported by governing documents showing that [redacted] grants honorary memberships to individuals and describing the mechanism by which it does so. The aforementioned charter does not mention honorary memberships.

We note that the letter on [redacted] letterhead, describing the Petitioner's claimed honorary membership, shows the signer's name as [redacted] The signature is legible enough to show the same spelling of the surname. But the first paragraph of the letter misspells his surname as [redacted] This misspelling raises questions about whether [redacted] actually wrote, or carefully reviewed, the letter before signing it. Furthermore, while a letter from [redacted] in the initial submission indicated that the Petitioner became a "full member" of [redacted] in 2017, the claim of *honorary* membership did not appear until after SCOPS issued a request for evidence.

Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

The record does establish that the Petitioner is an honorary member of [redacted], a status granted to "[i]ndividuals who have made a significant contribution to the development and activities of the Association." But the record also establishes that [redacted] is specifically an association of Christian broadcasters, thus representing a niche of unspecified size within the larger field of broadcasting. The Petitioner's initial discussion of his membership in [redacted] omits this limitation, and therefore does not present an accurate picture of the association's place in Ukraine's media. The Petitioner mentions memberships on appeal, but does not revisit the issue in depth.

[redacted] narrow scope, which appears to exclude secular programming, also relates to the Petitioner's judging activity on the organization's awards jury from 2017 to 2021. His participation on a [redacted] jury appears to have broader range, but this activity took place early in 2025, coinciding with the overall increase in visibility that occurred shortly before the petition's filing date. The Petitioner was already in the United States when the [redacted] judging occurred.

The Petitioner claims to have "made original contributions that are of major significance in the media and communications field," which is relevant both in the narrow context of 8 C.F.R. § 204.5(h)(v) and, more broadly, in the final merits determination. The Petitioner asserts that his "contributions have been widely adopted and lauded, both nationally and internationally." This claim rests largely on letters in the record, which the Petitioner also cited as evidence of his leading or critical roles under 8 C.F.R. § 204.5(h)(viii).

Letters of support, while not without weight, should not form the cornerstone of a successful claim for this classification. Rather, the statements made by the witnesses should be corroborated by documentary evidence in the record. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3). SCOPS concluded that "the letters do not provide sufficient information and explanation, nor does the record include

sufficient corroborating evidence, to show that the beneficiary is viewed by the overall field as being among that small percentage at the very top of the field of endeavor."

The Petitioner maintains, on appeal, that the letters are "uncontroverted." Nevertheless, the burden of proof remains on the Petitioner to support claims made in support of the petition, whether those claims come from the Petitioner himself, his counsel, or third parties writing on his behalf. Section 203(b)(1)(A)(i) of the Act requires "extensive documentation" of recognition, and the Petitioner cannot meet that burden with recently-written assurances that he has earned that acclaim. For example, a letter from the director of a radio station in [redacted] is not sufficient to document the claim that the Petitioner "received an award from the Prime Minister of Ukraine."

As another example, a letter from the director of the [redacted] stated that [redacted] "holds a leading position among media companies in Ukraine" but did not document the "comprehensive financial analysis" said to support that conclusion. The individual's position of authority with the organization does not give the letter the weight and credibility of documentary evidence.

The Petitioner states on appeal that he is "an active consultant and advisor to the National Council of Ukraine on [redacted]," which "positions [him] as one of the leading figures in the national media landscape." The Petitioner does not cite any evidence to support this claim. He previously submitted letters from several members of the Council, including its chair. These individuals expressed admiration for what the Petitioner has achieved with [redacted] and elsewhere, but none of them mentioned the Petitioner's claimed role as a "consultant and advisor" with influence over national broadcast policy.

Because the Petitioner's reputation is closely tied with [redacted] it is relevant to consider evidence of that platform's reputation and influence. The Petitioner asserted that [redacted] is "[r]ecognized among Ukraine's top 25 radio stations." In an interview in the record, the Petitioner stated: "In [redacted] and the [redacted] region, we are among the top radio stations in Ukraine," and another article in the record indicates that [redacted] "programs are heard on FM waves in Ukraine by about 3.5 million people." In an article he wrote for [redacted] the Petitioner stated: "In 2024, our content on social networks received over 70 million views . . . and over a hundred thousand comments."

But the Petitioner did not submit objective, documentary evidence to corroborate these figures. A printout of an article analyzing Ukrainian radio listeners indicates that [redacted] has a "weekly reach" of 125,768 listeners out of a "total target population" of 22.2 million with a "radio reach" of 11.4 million potential listeners. The article ranked [redacted] in 27th place out of 28 identified radio stations.

The Petitioner submitted a [redacted] printout of web statistics for [redacted] website, indicating that the site averaged 2,281 visitors per month in [redacted] 2025, not counting repeat visits, and a "Global rank" of 2,756,883; an "Industry rank" of 39,206; and a "Country rank" of 32,233. A line graph of "Visits over time" shows over 3,000 visitors at the beginning of June 2025, dropping to half that number a week later and declining to about 100 by the end of that month. The Petitioner has not shown that these figures demonstrate sustained national or international acclaim and place him at the very top of his field.

A May 2024 certificate shows that the [redacted] designated [redacted] "as critically important for ensuring the economy and livelihood of the population in [redacted] region during

a special period," apparently tied to the ongoing conflict with Russia. The same certificate designates a second business. The record does not show the total number of businesses to receive similar designations or the requirements to do so. The Petitioner has not shown that this regional designation indicates sustained national or international acclaim.

The Petitioner has likewise provided little background or context for an August 2024 "Honorary Certificate" that Ukraine's Cabinet of Ministers presented to [redacted] "for significant creative achievements in professional activity demonstrated under martial law conditions and for high professionalism." Other certificates from various authorities show appreciation for [redacted] and its staff during the emergency conditions resulting from the Russian conflict.

The Petitioner's response to a request for evidence shifted the emphasis somewhat to humanitarian efforts such as the [redacted] which provides individualized counseling. A statistical printout indicates that the [redacted] took calls from 2,036 different callers between March and May of 2025. Whether the [redacted] has helped people is a separate issue from whether the Petitioner has achieved sustained national or international acclaim. The Petitioner has provided letters praising this effort and related social media outreach projects, but the record lacks objective documentary evidence to show that this work has had the reach and impact that the letters describe. The record shows that page views and web traffic are objectively measurable, but the Petitioner has not provided this data for the [redacted]

The Petitioner has written articles and appeared at conferences, which the Petitioner cited with regard to 8 C.F.R. § 204.5(h)(3)(vi) and (vii), relating to scholarly articles and display at artistic exhibitions. SCOPS concluded that the Petitioner's articles were not scholarly, and his conference presentations were not artistic. In the context of the final merits determination, the more important conclusion is that the Petitioner did not establish that these activities either contributed to or resulted from sustained national or international acclaim.

The Petitioner's articles consist of a piece written for an [redacted] newsletter, which would not contribute to recognition outside of that organization, and two articles published in early 2025, just before the petition's filing date. One of those articles, in [redacted] discusses the advantages of using artificial intelligence for business. The other, in [redacted] promotes the [redacted] mental health consultation project and other ways in which [redacted] and related ventures strive to be socially responsible. The Petitioner has not established the impact of these articles.

The Petitioner's speeches and presentations have mostly been at gatherings organized by [redacted]. The Petitioner has not established that these appearances significantly elevated his profile outside of the organizations with which he was already involved. Some of the conferences involved other organizations, such as [redacted] and [redacted], but the record offers little information about these events other than documenting the Petitioner's participation.

The record documents the Petitioner's significant role in founding and leading [redacted] and the challenges he and the organization have faced owing to events in Ukraine. This work has also led to a degree of prominence within [redacted] But we conclude that the Petitioner has not met his burden of proof to establish that his work with this organization has led to sustained national or international acclaim.

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 his 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 demonstrated 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.