U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40795883

Date: JULY 1, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, who intends to work as a cultural diplomacy expert, 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.

USCIS 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 the alien seeks 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 master's degrees in Nigeria in public administration and peace and conflict studies. She stated that she worked in Nigeria for the [redacted], first as a tourism officer and then as assistant director. The Petitioner entered the United States in October 2023 as a B-2 nonimmigrant visitor, and filed the petition in February 2024. She seeks "to contribute to international peace and cooperation through cultural exchanges and diplomacy initiatives."

When she filed the petition, the Petitioner submitted a brief statement and copies of identity and immigration documents. But she did not articulate any specific claim of eligibility for classification as an alien of extraordinary ability, and she did not submit any supporting evidence relevant to the petition.

In May 2025, USCIS issued a request for evidence (RFE), describing the eligibility criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x) and listing types of evidence that could help to meet those criteria. In response, the Petitioner made general assertions about having reached "the top fraction of cultural diplomacy leaders globally" and claimed to have met at least five of the eligibility criteria, as discussed further below.

USCIS denied the petition in August 2025, acknowledging the Petitioner's assertions but concluding that the Petitioner had not submitted adequate evidence to support any of her claims. Some of those claims are entirely unsupported by evidence of any kind.

On appeal, the Petitioner disputes the determinations in the denial notice, but does not establish that any of USCIS' conclusions were in error. We agree with SCOPS that the Petitioner did not submit adequate evidence to support her claims.

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). In response to the RFE, the Petitioner claimed to have satisfied six of these criteria, summarized below.

1. Prizes or Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

The Petitioner stated that she had "received multiple certificates of recognition and excellence in peacebuilding, mediation, and health training programs." She submitted copies of two certificates, but

did not establish that either of them represent nationally or internationally recognized prizes or awards for excellence in her field. Instead, they appear to document completion of training courses.

A "Certificate of Participation" from the [redacted] indicates that the Petitioner "Has completed the Mandatory Professional Workshop of the [redacted]." The Petitioner did not explain how attendance at a "Mandatory Professional Workshop" amounts to a prize or award.

The other certificate, issued by [redacted] at the [redacted] is a "Certificate of Completion" issued to the Petitioner for "The [redacted] Approach to Quality Care." The Petitioner submitted no further information or evidence about this certificate, and did not establish that it has any relation to cultural diplomacy. It appears, instead, to relate to health care.

The Petitioner also stated that she received a "Certificate of Participation" from [redacted], relating to "Conflict Resolution and Complaints Handling," but she did not submit a copy of the document.

On appeal, the Petitioner states that the certificates "reflect professional merit." The regulation, however, requires nationally or internationally recognized prizes or awards for excellence in the field, which is a substantially higher threshold than "professional merit."

The Petitioner has not established that the submitted certificates meet the regulatory requirements, and therefore she has not satisfied the requirements of this criterion.

2. Membership

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) calls for documentation 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.

The Petitioner submitted copies of certificates identifying her as an associate member of the Society for Peace Studies and Practice and the Institute of Chartered Mediators and Conciliators of Nigeria. The Petitioner did not submit any documentation of the associations' membership requirements or the process by which the associations judge candidates for membership.

On appeal, the Petitioner contends that her "memberships . . . are selective and require significant academic and professional qualifications. USCIS overlooked the credentialing standards of these associations, which demonstrate that membership is based on outstanding achievements evaluated by recognized experts." But the Petitioner has not submitted any documentary evidence to establish that the associations have the "credentialing standards" that she claims.

The burden of proving eligibility for the benefit sought remains entirely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner's own unsupported claims do not meet this burden.

The Petitioner has not satisfied the requirements of this criterion.

3. Published Material

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) calls for published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. The evidence must include the title, date, and author of the material, and any necessary translation.

The Petitioner did not include published materials in her point-by-point discussion of the regulatory criteria. But elsewhere in her RFE response statement, the Petitioner asserted that she had "earned . . . feature coverage in national media." USCIS determined that the Petitioner had not submitted evidence to support this claim.

On appeal, the Petitioner states: "USCIS improperly found no qualifying publications. Petitioner has been the subject of media features and professional coverage highlighting her cultural diplomacy initiatives. Regulatory language does not limit evidence to traditional press; trade and professional publications also qualify."

The issue is not whether "trade and professional publications also qualify." The Petitioner has not submitted copies of any published materials, or even identified any publications that featured her. The Petitioner has offered only the bare assertion that she received "feature coverage in national media." We agree with USCIS that this vague and unsubstantiated claim cannot suffice to meet her burden of proof.

The Petitioner has not satisfied the requirements of this criterion.

4. Judging

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) calls for evidence 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.

The Petitioner stated that, if she "has reviewed or evaluated peer work in her official capacities, especially in her role at the [redacted] or through mediatory and diplomatic platforms, this criterion may be claimable." This statement identifies no specific instances of judging the work of others; it amounts to conjecture as to how she "may" meet the criterion. This general speculation is not evidence of her participation as a judge of the work of others.

USCIS observed that the Petitioner had submitted no supporting evidence. On appeal, the Petitioner states: "USCIS's rejection for lack of signed documentation ignored credible testimonial and organizational records." But the record of proceedings contains no such materials. We note that the Petitioner's appeal includes a copy of her response to the RFE, confirming that the response did not include any evidence of judging the work of others.

The Petitioner has not satisfied the requirements of this criterion.

5. Original Contributions

The regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.

The Petitioner stated that she "has implemented programs that . . . [e]nhanced cultural exchange . . . [f]acilitated public peace and reconciliation . . . [and p]rovided strategic support during internships at the Ministry of Justice and in health settings." The Petitioner provided no evidence to support her claims and to show that her contributions are of major significance in her field.

On appeal, the Petitioner states: "Independent letters and institutional acknowledgements confirm the transformative importance of these contributions." But the record contains no evidence of the types the Petitioner describes.

The Petitioner has not satisfied the requirements of this criterion.

6. Leading or Critical Role

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.

The Petitioner stated that she "has served as Senior Tourism Officer at the [redacted] for over 15 years." The Petitioner described the Ministry as "a leading governmental agency in the promotion of national and international tourism, cultural policy, and diplomacy." USCIS stated that the Petitioner submitted no supporting evidence to corroborate her claims.

On appeal, the Petitioner asserts that "senior positions in state ministries inherently involve critical responsibilities and impact," and that "USCIS erred in dismissing this evidence." The Petitioner does not identify the evidence that USCIS failed to consider, and we find nothing in the record that establishes the nature of the Petitioner's role at the Ministry and its distinguished reputation. The Petitioner's own unsupported claims about the nature of her employment cannot meet her burden of proof.

The Petitioner has not satisfied the requirements of this criterion.

In light of the above conclusions, the Petitioner does not meet the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3).

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. 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 decline to reach and hereby reserve any final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

The minimal evidence in the record does not meet the requirements of any of the regulatory criteria, and 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.