U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43192496

Date: JUL. 01, 2026

Appeal of United States Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, an entrepreneur and business manager, 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

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner met the initial evidence requirement for this classification by submitting evidence of a one-time achievement (a major, internationally-recognized award) or that he meets at least three of the ten evidentiary criteria under 8 C.F.R. § 204.5(h)(3). 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

To establish eligibility as an individual of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that the petitioner's achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that 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." A petitioner can demonstrate that they meet the initial evidence requirements for this immigrant visa classification through evidence of a one-time achievement (that is, a major, internationally recognized award). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. §§ 204.5(h)(2),(3).

If the evidentiary criteria do not readily apply to a petitioner's occupation, they may submit evidence which is comparable to the type of evidence called for under the criteria. 8 C.F.R. § 204.5(h)(4). A petitioner must first demonstrate that a particular criterion is not easily applicable to their job or profession. *See generally* 6 *USCIS Policy Manual* F.2((B)(1), www.uscis.gov/policy-manual. If a criterion is not readily applicable, then a petitioner must show that the submitted evidence is truly comparable to that called for under the particular criterion. *Id.*

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the alien possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th. Cir. 2022).

II. ANALYSIS

The Petitioner is business manager and entrepreneur and currently serves as a food processing manager for [redacted], a family-owned business he co-founded and partially owns which focuses on the production of ethnic and halal food including shawarma and doner. He intends to continue to serve in this role in the United States.

A. Evidentiary Criteria

Because the Petitioner has not indicated or 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 one of the evidentiary criteria relating to published materials about him and his work. On appeal, the Petitioner asserts that he also meets the evidentiary criteria relating to the following:

- Lesser nationally or internationally recognized prizes or awards
- Member of an association requiring outstanding achievements
- Judge of the work of others in the field (through comparable evidence)
- Original contributions of major significance in the field
- Display of his work at artistic exhibitions and showcases (through comparable evidence)
- Leading or critical role for organizations having a distinguished reputation

The Petitioner points out that SCOPS' decision does not consider his claim to a leading or critical role for Egea, and also did not consider his claims to submitting qualifying comparable evidence under 8 C.F.R. § 204.5(h)(4) for the criteria relating to his participation as a judge of the work of others and the display of his work at artistic exhibitions and showcases. We agree that SCOPS erred in not addressing these claims and will do so below.

After reviewing all of the evidence in the record, we conclude that the Petitioner has not established that he meets the initial evidence requirement for this classification by meeting at least three of the evidentiary criteria.

1. Evidence of Lesser Nationally or Internationally Recognized Prizes or Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." We first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner received the 2020 [redacted] According to the evidence, the U.S. Small Business Administration (SBA) grants this and other awards to recognize owners and entrepreneurs from all 50 states, and awards are given at the district, state, regional, and national level. The evidence also indicates that to be eligible, a candidate for this award must be a majority owner or operator of a small business for at least 3 years and be under the age of 30. SCOPS determined that the evidence was insufficient to establish that this award was nationally or internationally recognized.

On appeal, the Petitioner presents essentially the same assertions he did in responding to SCOPS' request for evidence (RFE). He notes that this is a nation-wide competition conducted by a federal agency and promoted by at least one state governor. However, it is not the competition which this criterion requires to be nationally or internationally recognized but the award. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) (USCIS must focus on the recognition of the award, not its issuer); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013). Here, the award received by the Petitioner was granted at the district and state level, not the national level. Thus, the SBA did not bestow national recognition to the Petitioner when granting this award, but state-level recognition.

In addition, while the Petitioner criticizes SCOPS' decision for "undue emphasis" on the single article about the award, he offers no further examples of evidence in the record which might show that his award was nationally recognized in the fields of business management or entrepreneurialism. We also note that the article was posted on the website of the [redacted], and that all of those mentioned as awardees were clients and nominees of the [redacted]. It therefore does not show that recognition of this award went beyond this organization to the broader business community in Florida or at a national level.

For the reasons discussed above, we conclude that the Petitioner has not established that he meets this criterion.

2. Evidence of Membership in Associations Requiring Outstanding Achievements of Members

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." If membership in an association in the petitioner's field has been established, we determine whether the association requires those at the petitioner's level of membership to have attained outstanding achievements in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

On appeal, the Petitioner asserts that SCOPS' decision did not specify which entity it evaluated when addressing the evidence submitted under this criterion. We disagree, as the decision lists the "Chartered Manager Certificate" and "CMI" on two occasions, clearly referring to the Chartered Management Institute. However, we agree that SCOPS did not consider the Petitioner's membership in the Turkish American Chamber of Commerce (TACCS).[1]

Regarding the CMI, SCOPS concluded that this association requires professional achievements that do not rise to the level of outstanding achievements. On appeal, the Petitioner asserts that Chartered Fellow status in the CMI requires the submission of evidence demonstrating "leadership responsibility, strategic influence, and measurable organizational impact" and is not available to early career professionals.

The evidence submitted in support of the Petitioner's membership in CMI includes pages from the association's website describing it and the application process for obtaining Chartered Fellow status. It indicates that eligibility via the "full assessment" route is based upon a "degree level qualification that is management, business, or leadership focused" and 3 years of experience as a manager, or at least 5 years of management experience "equivalent to Level 5." An application is also required in which a candidate summarizes their leadership and professional journey, as well as an application fee and subsequent annual membership fee. An assessment interview is conducted before membership is approved.

While the Petitioner correctly states that the words "outstanding achievement" need not appear in an association's membership requirements, the evidence presented does not show that the CMI's requirements for a Chartered Fellow call for accomplishments reaching that level. First, despite the Petitioner's assertions, CMI does require a minimum level of education and/or managerial experience and both a filing and annual membership fee, factors which do not serve to set a candidate apart from others in their field possessing the same minimum qualifications. As for the application and professional assessment, the evidence establishes minimum levels which qualify as passing, including "identifies the significance of being awarded Chartered Manager status," "identifies your level of confidence and competence in each area," and "adapts and manages communication to engage and

[1] The Petitioner asserts that this omission and the decision's reference to "the field of construction culture and art" shows that SCOPS did not give sufficient consideration of the record pertaining to this criterion. We disagree that this single error "constitutes a significant procedural defect" as the Petitioner asserts. When viewed in context of the remainder of the decision which correctly identifies the Petitioner's area of expertise, this claimed error is, at most, harmless. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless or scrivener's errors).

influence others." While these indicate that the assessment includes a judgment of the candidate's skills in management and leadership, they do not demonstrate that the focus is on a level of achievement that sets Chartered Members above their peers in the field of business management.

Turning to the Petitioner's membership in TACCS, the Petitioner submitted a letter from a board member of the organization confirming his status as an executive member. The board member states that executive membership is not open to the general public or automatic, and that candidates are "evaluated based on their **demonstrated success, leadership record, and unique contributions to the field of business management**" (stress in original). He adds that each application is reviewed by a membership committee "composed of senior TACCS business leaders." But the pages from the TACCS' website also in the record do not support these statements. Notably, eligibility for all levels of membership except for "Young TACCS Members" is listed as "subject to Board approval," with only the level of annual membership fees as a differentiator. And a separate page which expands on "Core Membership Criteria" lists alignment with TACCS mission, a history of ethical business practices, commitment to diversity and active participation, requirements which appear to apply to all membership levels. Further, despite the request in SCOPS' RFE, the Petitioner did not submit evidence of membership criteria contained in TACCS' constitution or bylaws. Finally, the record does not include evidence showing that the members of TACCS Membership Committee are national or international experts in their fields.

Based on the preceding analysis, the Petitioner has not established that his memberships in CMI or TACCS qualify under this criterion.

3. Participation as a Judge of the Work of Others in the Field

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) calls for "[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 specialization for which classification is sought." The alien must show that they not only have been invited to participate as a judge of the work of others in their field, but also that they have actually participated in such judging. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

In support of his claim to this criterion, the Petitioner submitted emails welcoming him to a "Santander's Cultivate Small Business" (SCSB) program as an expert, as well as a list showing his name and those of participants in the session and a date and time. An information sheet about this program states that the participating experts will "share your stories, expertise and answer questions from early-stage business owners." It also encourages experts to give a presentation and discuss specific business challenges they faced and overcame. When responding to SCOPS' RFE, the Petitioner added another email which schedules three dates for him to lead sessions and describes those sessions consistently with the previously submitted information sheet.

SCOPS appeared to misinterpret this evidence and its applicability to this criterion in its decision, focusing on the Petitioner's job title instead of his broader field of expertise. They also did not approach this evidence as comparable evidence under 8 C.F.R. § 204.5(h)(4) as requested by the Petitioner. We will address this evidence accordingly below.

Initially, we note that this evidence does not confirm that the Petitioner actually participated in the sessions for which he was scheduled, since all of the emails submitted predate the scheduled sessions.[2] This requirement is essential whether a petitioner claims to have participated as a judge of the work of others or in some comparable capacity.

Also, the Petitioner has not established that this criterion is not readily applicable to his occupation per 8 C.F.R. § 204.5(h)(4). The Petitioner asserted in his initial submission and in response to SCOPS' RFE that "business management does not typically involve formal contests, juried exhibitions, or score-based competitions." But an unsupported assertion is not sufficient to establish this first element of the comparable evidence provision. *See generally* 6 *USCIS Policy Manual* F.2(B)(1). Here, the Petitioner has not submitted documentary evidence to support his assertion.

Further, even if we were to accept that this criterion is not readily applicable to business managers and entrepreneurs, the Petitioner has also not established that mentoring activities are comparable to judging the work of others in his field. While the Petitioner asserted in his RFE response that "experts are tasked with assessing" materials such as business plans, operational frameworks, financial strategies, and market analyses, the materials regarding the [redacted] program do not mention any such review. Rather, it states that the Petitioner is encouraged to share his business experiences and answer questions from the startup entrepreneur participants. The Petitioner has not established that such activity is comparable to judging the work of other entrepreneurs and business managers.

For all the reasons discussed above, the Petitioner has not established that he meets this criterion.

4. Original Contributions of Major Significance in the Field

The regulation at 8 C.F.R. § 204.5(h)(3)(v) seeks "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." In order to satisfy the regulation at 8 C.F.R. § 204.5(h)(3)(v), a petitioner must establish that not only have they made original contributions, but that those contributions have been of major significance in the field. For example, a petitioner may show that the contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. *See Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134-5 (D.D.C. 2013).

5. Display of the Petitioner's Work at Artistic Exhibitions or Showcases

The regulation at 8 C.F.R. § 204.5(h)(3)(vii) requires "[e]vidence of the display of the alien's work in the field at artistic exhibitions or showcases." in the field at artistic exhibitions or showcases." In addition to demonstrating that the displayed work was the alien's work product, the venues (virtual or otherwise) where the work was displayed must be artistic exhibitions or showcases. *See generally* 6 *USCIS Policy Manual* F.2(b)(1), https://www.uscis.dhs.gov/policy-manual. While Merriam-

[2] The Petitioner also submitted a letter from a regional director with the [redacted] who states that he recommended the Petitioner for judging panels with two startup business programs and that the Petitioner has mentored early-stage entrepreneurs in the [redacted] program. But the Petitioner did not submit independent documentary evidence of his work on the startup judging panels and does not base his claim to this criterion on any such activity. Further, while the [redacted] director states that he knows the Petitioner and his work, his letter is insufficient to verify the Petitioner's activity with the [redacted] program, an unrelated third party.

Webster's online dictionary definition of "exhibition" includes public showings other than those that are artistic in nature, the plain language of the criterion includes the modifier "artistic" and explicitly requires that the exhibitions or showcases be artistic in nature. *Id.*

While the record shows that the Petitioner claimed this criterion based upon comparable evidence per 8 C.F.R. § 204.5(h)(4), SCOPS did not address this claim in its RFE or decision to deny the petition. Our analysis follows.

As discussed above, when seeking to meet a criterion through comparable evidence, a petitioner must establish that the criterion is not readily applicable to their occupation and that the evidence submitted is comparable to that called for under the criterion. Here, the Petitioner asserts that the field of business management is not an artistic one, and that the work of managers is not typically displayed in artistic venues. We agree that this criterion is not readily applicable to his occupation.

In support of his claim, the Petitioner submitted photographs showing him working at [redacted] booth in at least two food service trade shows and speaking at the Turkish Festival in the [redacted] area, as well as information regarding the trade shows and festival. The photographs show the Petitioner serving doner kebab to attendees and displaying [redacted] packaging of doner kebab meals. He asserts that his "development and implementation of a regulatory-compliant operational framework for the production and distribution of culturally specific food products" was on display at these events through the presentation of the food products and packaging.[3] But the Petitioner has not established that his own work in that regard has a sufficient nexus to the actual food and marketing materials that were on display at these events to show that they constituted his work product. Simply put, his work as a business manager and entrepreneur did not involve creation of the particular food and packaging materials displayed. Because the evidence does not show that his work was displayed at an exhibition or showcase, we conclude that the Petitioner does not meet this criterion.

6. Performed in a Leading or Critical Role for Organizations with a Distinguished Reputation

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." A role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. *See generally* 6 *USCIS Policy Manual* F.2(B)(1).

As with the criterion discussed above, we will consider the evidence presented under this criterion despite SCOPS having overlooked the Petitioner's claim. The record establishes that the Petitioner is an owner and co-founder of [redacted], and thus plays a leading or critical role for the company. The remaining element to be considered is whether it also establishes that [redacted] has a distinguished reputation.

[3] The Petitioner asserts on appeal that his "management-led product development and market expansion model was presented to both commercial and cultural audiences" at the Turkish Festival. This assertion is unsupported, as the petition includes only a photograph of him standing at a podium and a page from the festival's website listing [redacted] as a sponsor.

In determining whether the organization or establishment, or a department or division thereof, has a distinguished reputation, relevant factors include its size, longevity, scale of its customer base, and relevant media coverage. *Id.* Here, the Petitioner's RFE response focused upon [redacted] "introduction of USDA-recognized doner into the United States market," its participation in trade shows, and the media articles about it and the Petitioner. Per the discussion below, we conclude that the record does not establish that [redacted] has a distinguished reputation.

Regarding the first point, the Petitioner does not point to specific evidence supporting his contention that USDA's approval of [redacted] use of the term "doner" in product labels contributed to a distinguished reputation for the company. While the record includes a letter from the consultant with whom the Petitioner worked to achieve this, it mainly serves to confirm the approval and complement the Petitioner on his perseverance. And while other letters speak to the importance of the introduction of doner as a commercial product to the ethnic and halal foods markets, the record does not show that [redacted] has gained a distinguished reputation in those markets through the volume of its sales or the size of its customer base.

Also, the Petitioner has not demonstrated how [redacted] participation in trade shows and cultural festivals has distinguished it from other small businesses in the food service industry who also participate in such events. While this and other marketing activities may lead to a distinguished reputation, the record does not show that [redacted] has reached that level.

As for the evidence of media coverage, we note that the article posted to the website of [redacted] does not mention [redacted] at all, but identifies the Petitioner only as the owner of a meat processing plant in [redacted] And the record does not show that the other two articles which do discuss [redacted] and its beginnings were posted on websites with sufficient reach and viewership to impact the company's reputation in the food processing industry.

The record also includes a short article on a Turkish website that includes a picture of the Petitioner with a well-known music producer. According to the article, published in December 2022, the Petitioner has served doner at the celebrity's birthday celebration for 4 years. But while this evidence considered together with that discussed above shows that [redacted] has attracted notice in the ethnic and halal food market, it does not establish that the company has a distinguished reputation in the broader food processing industry.

1. Other Evidentiary Criteria

As stated above, the Petitioner also asserts that he meets the criterion at 8 C.F.R. § 204.5(h)(3)(v) relating to original business contributions of major significance to his field. Per our above analysis, while we agree with SCOPS' conclusion that the record includes published material about the Petitioner and his work in qualifying media, he does not meet any of the other additional criteria he claims on appeal. As the Petitioner cannot fulfill the initial evidentiary requirement by meeting at least three criteria under 8 C.F.R. § 204.5(h)(3), the identified basis for denial is dispositive of the appeal. We therefore reserve the issue of whether the Petitioner has made original contributions of major significance in his field. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

B. Final Merits Determination

In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate 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.

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 he 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 the final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. at 25.

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.