U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 43496245

Date: JUL. 1, 2026

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

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

The Petitioner 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 Petitioner provided inconsistent information. 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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

## I. LAW

Section 203(b)(1)(A) of the Act makes visas available to immigrants with extraordinary ability if:

(i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,

(ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and

(iii) the alien's entry into the United States will substantially benefit prospectively the United States.

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). *See also Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) (holding that extraordinary ability visas are known as "Einstein" visas, are extremely "coveted," and are "reserved for only the most talented aliens").

## II. ANALYSIS

The Petitioner filed Form I-140 and omitted answers under Part 5 (Additional Information About the Petitioner) for "Occupation" (11) and "Annual Income (12). However, under Part 6 (Basic Information About the Proposed Employment, the Petitioner indicated "Medical and Health Service Managers" for "Job Title" (1), "11-9111" for "SOC CODE (2), and "Direct, supervise and evaluate work activities of medical, nursing, technical, clerical, service, maintenance, and other personnel" for "Nontechnical Job Description (3).

In the accompanying cover letter, the Petitioner repeatedly claimed eligibility in the field of "Medical and Health Service Managers." For example:

- [The Petitioner's] professional classification is aligned with SOC Code 11-9111.00 (Medical and Health Services Managers), a "Bright Outlook" occupation. Consistent with the BLS Job Outlook (2024-2034) reflected in EXHIBIT G, the United States is projected to experience approximately 23% growth in this occupational category.
- EXHIBIT C further strengthens the record by demonstrating entrepreneurial and administrative capacity directly relevant to the proposed U.S. endeavor and the managerial dimension of the stated SOC code. Specifically, EXHBIT C confirms that [the Petitioner is (i) the sole owner and administrator of one medical services company and (ii) a partner and administrator is a second medical entity operated jointly with his spouse, [ ] (also a physician). These corporate governance records provide concrete, contemporaneous proof that [the Petitioner] has already operated within physician-enterprise structures, combining clinical expertise with business administration and compliance responsibilities – experience he will translate into the proposed U.S. consulting and implementation work.
- EXHBIT D is central to demonstrating sustained alignment with SOC 11-9111.00 through leading and critical roles within a distinguished healthcare organization.
- EXHIBIT D documents that [the Petitioner] served from 2018 to 2021 on the Fiscal Council of [redacted] a position entrusted with auditing and safeguarding the cooperative's financial integrity and governance. EXHIBIT D also documents that he served as Coordinator of the [redacted] (September 2020-January 2025) and thereafter became the Technical Responsible Physician of the [redacted], continuing to the present. These roles reflect not episodic participation, but multi-year institutional reliance on [the Petitioner's] leadership for oversight, quality, and operational control.
- As documented in EXHIBIT R, within [redacted] [the Petitioner] served, from September 2020 to January 2025, as Coordinator of the [redacted] responsible for the organization, technical supervision, and strategic development of the sector.

In addition, the Petitioner provided a "Strategic Planning" document (business plan), claiming that he "demonstrates the capability to own and manage a U.S. healthcare services business as an individual

of track record of leadership and measurable results and merits approval without a job offer requirement."

USCIS issued a notice of intent to deny (NOID), stating:

> USCIS notes that the provided I-140 petition records on page 4 that the beneficiary has recorded an occupation and job title of "Medical and Health Services Managers," with the recorded nontechnical job description, . . . . Inconsistent to such a job title the beneficiary's immigration history, as well as the record of evidence clarifies the beneficiary is a Cardiologist. For example, the provided CV clearly records the beneficiary presently holds the position of a Cardiologist with [redacted] from "2009-Today." In further demonstration of such a work history in cardiology, documentation includes ongoing cardiology memberships such as that of the Cardiology Society of [redacted] which the beneficiary has actively participated in from 2016 to the present. The cover letter clarifies such inconsistency in the record, by recording the beneficiary is a "cardiovascular expert" . . . .
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> . . . .
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> Though inconsistent to such clear statements of expertise in cardiology, USCIS finds the cover letter provides the following explanation, which USCIS does not find credible, for the alteration of the area of expertise to support the I-140 petitions proposal of a "Medical and Health Services Managers," while also appearing to integrate another area of expertise, that of an entrepreneur . . . .
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> . . . .
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> In further inconsistency, USCIS notes the provided I-140 has notably chosen to leave blank Part 5, regarding your past work, which of course is that of a Cardiologist . . . .

In the NOID response, the Petitioner argues:

> . . . [T]he evidentiary record consistently framed the [Petitioner's] professional field through documented functions aligned with cardiovascular diagnostics governance and service-line management, including structured protocol implementation, supervision of multidisciplinary teams, quality-system development, regulatory compliance oversight, and institutional accountability within a cardiovascular service-line setting. The proposed U.S. endeavor – hospital and cardiovascular service-line management consulting focused on standardized, scalable, and auditable diagnostic systems – was presented as a direct continuation of this established professional trajectory.

USCIS determined that the Petitioner did not overcome the grounds indicated in the NOID, finding inconsistencies regarding the Petitioner's field of expertise, including material omissions on Form I-140.

We do not agree with USCIS' conclusion and approach in denying the petition. Essentially, USCIS determined that even though the Petitioner claimed his field of expertise as a medical and health services manager, USCIS found his occupation to be as a cardiologist. Due to this perceived "inconsistency," along with the omission of required information on Form I-140, USCIS denied the petition. However, because the Petitioner indicated his field of expertise as a medical and health services manager, USCIS should have evaluated the totality of the Petitioner's evidence as it related to his field of expertise claim – medical and health services manager. *See generally* 6 *USCIS Policy Manual* F.2(B), http://www.uscis.gov/policy-manual (instructing USCIS to use a two-step analysis to evaluate the evidence submitted with the petition to demonstrate eligibility for classification as a person with extraordinary ability); *see also Kazarian v. U.S. Citizenship & Immigr. Servs.*, 596 F.3d 1115, 1119-20 (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); *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. U.S. Citizenship & Immigr. Servs.*, 772 F. Supp. 2d 1339, 1346 (W.D. Wash. 2011), *aff'd*, 683 F.3d 1030 (9th Cir. 2012).

Here, the Petitioner did not claim to be an alien of extraordinary ability as a cardiologist, nor did the Petitioner claim to be an alien of extraordinary ability as both a cardiologist and as a medical and health service manager. Instead, the Petitioner indicated that his experience and skills as a cardiologist show his qualification as a medical and health services manager. Therefore, USCIS should determine whether the Petitioner's evidence falls within his claimed field of expertise as a medical and health services manager rather than outside of his claimed field of expertise. *See, e.g.,* 6 *USCIS Policy Manual*, *supra*, at F.2(A)(2) (instructing that competitive athletics and coaching rely on different sets of skills and in general are not in the same area of expertise); *see also Integrity Gymnastics & Pure Power Cheerleading, LLC v. United States Citizenship & Immigr. Servs.*, 131 F. Supp. 3d 721, 730 (S.D. Ohio 2015) (finding an Olympic gold medal gymnast must meet the extraordinary ability classification through her achievements as a coach, her intended area of expertise); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 917-18 (N.D. Ill. 2002) (upholding that the "area" of athletics should not be considered as a whole to include every occupation involving athletics); *Mussarova v. Garland*, 562 F. Supp. 3d 837, 844 (C.D. Cal. 2022) (finding petitioner's evidence related to awards as a water polo player rather than awarded for excellence in the field of water polo coaching).

Moreover, USCIS should evaluate the record to determine whether the Petitioner intends to continue work in his area of expertise in the United States as a medical and health services manager under section 203(b)(1)(A)(ii) of the Act. In addition, USCIS should also decide whether his entry into the United States will substantially benefit prospectively the United States under section 203(b)(1)(A)(iii) of the Act.

Accordingly, we will remand the matter for issuance of a new decision addressing the issues discussed above.

**ORDER:** The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.