U.S. Citizenship and Immigration Services

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

In Re: 38641944

Date: JULY 08, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an architect and manager in the field of senior care architectural design, seeks classification as an individual 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, while the record established that the Petitioner satisfied three of the ten initial evidentiary criteria, as required, the Petitioner had not demonstrated his extraordinary ability through sustained national or international acclaim and achievements that have been recognized in his field through extensive documentation. 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

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). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide documentation that meets at least three of the ten categories 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation.

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual 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). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. at 376.

## II. ANALYSIS

### A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has 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 initially claimed to have met four criteria relating to membership, leading or critical role, scholarly articles, and judging under 8 C.F.R. § 204.5(h)(3)(ii),(iv)(v), and (viii), respectively.

SCOPS determined that the Petitioner satisfied three of the initial evidentiary requirements relating to judging, authorship of scholarly articles, and leading or critical role, but did not meet the criterion he claimed to satisfy relating to membership in an organization in the field for which he sought classification at 8 C.F.R. § 204.5(h)(3)(ii). On appeal, the Petitioner contends that SCOPS erred in concluding that he had not met the criterion related to membership at 8 C.F.R. § 204.5(h)(3)(ii). However, because the Petitioner has shown that he satisfies the minimum requirements of at least three

criteria, we will evaluate the totality of the evidence, including that relating to membership, in the context of a final merits determination, discussed below.

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. We evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim,[1] 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. In this matter, we determine the Petitioner has not shown his eligibility.

The Petitioner works as an architect and the general manager of [redacted] office. As discussed further below, the Petitioner has served in a leading or critical role, authored material, judged the work of others, and is a member in an association. However, in considering the totality of the evidence, the Petitioner has not demonstrated that his achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. 101-723, 59 (Sept. 19, 1990), *reprinted in* 1990 U.S.C.C.A.N. 6710, 1990 WL 200418 at *6739. Furthermore, the Petitioner has not shown that he has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3). The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required" for lesser classifications. 56 Fed. Reg. 30703, 30704 (July 5, 1991). Here, the Petitioner has not established that he enjoys a career that meets this very high standard.

Regarding his service in a leading or critical role as the general manager of [redacted] office, the Petitioner offered evidence such as the organization chart for this office, contracts indicating the role that the Petitioner played in managing projects for his employer, and awards that these projects garnered for [redacted] The Petitioner also submitted one article in which he was featured discussing one of these projects, which had garnered [redacted] an award for architectural design. While this evidence shows that the Petitioner has garnered some recognition from the field, it is not sufficient to establish that his role received widespread acclaim from the field, drew significant attention from the greater field, or that the overall field views him among the leading architects in the field. *See Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4, *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (upholding plaintiff did not contextualize his work at an organization demonstrating recognition by the field as being significantly important or viewed as unusually influential).

[1] *See generally* 6 *USCIS Policy Manual* F.2(A)(1), https://www.uscis.gov/policy-manual (according to *Black's Law Dictionary* (12th ed. 2024), the definition of sustain is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time.")

Likewise, authorship and publication do not automatically place one at the top of the field. The record reflects the Petitioner presented evidence showing that he published two articles, one in 2013 and one scheduled for publication in 2025 and was one of those drafting two standards for the Standardization Committee of the China Association of Gerontology and Aging (SCAGG) relating to the construction of senior living facilities. However, the Petitioner did not demonstrate that his publication record is consistent with having a career of acclaimed work, sustaining national or international acclaim, and being among the small percentage at the very top of his field. The Petitioner, for instance, did not show the significance of his authorship or how his publication record compares to others who are viewed to be at the very top of the field. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the Petitioner did not show the significance of authorships reflect that he is among the small percentage at the very top of the field).

In addition, the citation history or other evidence of the influence of the Petitioner's written work can be an indicator to determine the impact and recognition that his publications have had on the field and whether such influence has been sustained. For example, numerous independent citations for an article authored by the Petitioner may provide solid evidence that his work has been recognized and that others have been influenced by his work. Such an analysis at the final merits determination stage is appropriate pursuant to *Kazarian*, 596 F. 3d at 1122. Although he provided information about the journals that published his articles, the Petitioner did not provide evidence demonstrating that these two articles received a level of interest in the field commensurate with sustained national or international acclaim or a career of acclaimed work. Further, the Petitioner did not show the impact or influence that his written materials have had on the field or otherwise show the significance or relevance of his publications.

Relating to the Petitioner's service as a judge of the work of others and as an editorial reviewer, an evaluation of the significance of his experience is appropriate to determine if such evidence indicates the required extraordinary ability for this highly restrictive classification. *See Kazarian*, 596 F. 3d at 1121-22. The record reflects that the Petitioner judged the Senior and Accessible Space Design Competition in 2022 and 2023 and served as an editorial reviewer for the publication *Operation of Process Integration of Design and Construction of Multifunction-based Projects Regarding Medical Health and Care in China* in 2023. However, the Petitioner did not establish that these three recent judging instances contributed to a finding that he has a career of acclaimed work in the field or are indicative of the required sustained national or international acclaim. The Petitioner did not show, for example, how his judging experience compares to others at the very top of the field. In addition, the Petitioner did not establish, for instance, that he garnered wide attention from the field based on his evaluation work. Moreover, serving as one of several editorial reviewers and as a judge on two other occasions does not automatically demonstrate that an individual has extraordinary ability and sustained national or international acclaim at the very top of his field. Without evidence that sets the Petitioner apart from others in his field, such as evidence that he has a consistent history of reviewing or judging recognized, acclaimed experts in his field, the Petitioner has not shown that his narrow judging experience places him among that small percentage who has risen to the very top of the field of endeavor. *See Hamal v. United States Dep't of Homeland Sec.* at *2 (finding the petitioner did not show that he served as a judge of renowned directors as opposed to aspiring artists or the competitions were considered prestigious or attracted significant attention by the field).

Furthermore, the Petitioner provided evidence of his membership on the SCAGG. However, even if this satisfied the criterion relating to membership in an organization in the field for which he sought classification, the Petitioner did not show how this membership resulted in sustained national or international acclaim or a career of acclaimed work. *See Donskoy v. United States Citizenship & Immigr. Servs.*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *5 (N.D. Cal. Nov. 11, 2021) (upholding the petitioner's membership did not demonstrate the requisite level of achievement or sustained acclaim to establish extraordinary ability). Moreover, the Petitioner did not demonstrate his membership on the SCAGG reflects that small percentage who have risen to the very top of the field of endeavor. The record, for instance, does not contain evidence indicating that he received national or international recognition based on this committee membership. In addition, the Petitioner did not establish that he has distinguished himself from others in the field based on his membership on SCAGG, gaining national or international attention or placing him among the upper echelon in his field.

The Petitioner also provided recommendation letters praising his work and contributions. For example, Y-S- praises the Petitioner's "exceptional skills in architecture" and states that his "qualifications as an expert are distinguished by his deep understanding of a key segment within the architecture and planning industry," while Y-W- generally notes the Petitioner's "outstanding contributions and his role in advancing the field of senior care." Here, the letters do not further elaborate and provide detailed information explaining the Petitioner's role in "advancing the field of senior care." In addition, these and the remaining letters do not contain sufficient information and explanation to show that he is viewed by the overall field, rather than by a solicited few, among the upper echelon or that he has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor. Although the letters highlight the Petitioner's talents, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding the plaintiff submitted letters only from people within his circle of professional acquaintances, and none of the letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim).

## III. CONCLUSION

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. Here, 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,"); *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2002) (stating that extraordinary ability is such an elite level of accomplishment); *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"). In this case, the Petitioner has not shown the significance of his work is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is

insufficient to demonstrate that he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

**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 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.