U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40639544

Date: JULY 8, 2026

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

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

The Petitioner, an analyst of the global Middle East region, requests classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

U.S. Citizenship and Immigration Services (USCIS) denied the petition. The Deputy Associate Director of Adjudications for Service Center Operations found that the Petitioner met the requested category's initial evidentiary requirements. But, in a final merits determination, the Director concluded that the Petitioner did not demonstrate sufficient acclaim or recognition to establish his claimed extraordinary ability in his field. On appeal, the Petitioner claims that the Director overlooked and misanalysed evidence.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we agree with the Director that the Petitioner did not establish himself as one of the small percentage at his field's top. We will therefore dismiss the appeal.

I. LAW

To qualify for the requested immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability" in the sciences, arts, education, business, or athletics;
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the country as a permanent resident.

Section 203(b)(1)(A)(i-iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

Unless a petitioner received "a major, international recognized award," they must satisfy at least three of ten initial evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[1] If a petitioner meets either evidentiary standard and the requirements at sections 203(b)(1)(A)(ii), (iii) of the Act, USCIS must then make a final merits determination. To merit final approval, the record – as a whole – must establish a petitioner's receipt of sustained national or international acclaim and recognized achievements placing them among the small percentage at their field's very top. *See Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step inquiry to be "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and His Field

The record shows that the Petitioner, a Yemeni native and citizen, received bachelor's and master's degrees in Arabic language and literature from a Tunisian university and a doctoral degree in translation studies from a French university. He began his professional career in Yemeni's education ministry. He has since served in various roles at educational and government institutions, including as dean of an arts and humanities college at a Yemeni university and [redacted] Forced to leave Yemen in 2015 because of a civil war in the country, he now serves as an adjunct professor of French, Arabic, linguistics, and cultural studies at U.S. universities.

The Petitioner stated that, throughout his career, he has spoken on panels and participated in "roundtable" discussions with diplomats, academics, and Middle East specialists. He said that he has lectured lawmakers, students, and policy experts at leading organizations and universities around the world and has written extensively on Middle East affairs. He stated:

> If given the opportunity, I will continue to work as a Middle East Analyst and contribute to the field in the United States. My understanding of this particularly nuanced field has important implications for U.S. foreign and domestic policy-making and will be of great value to this country.

The record supports the Director's findings that the Petitioner met three evidentiary criteria by submitting evidence of his:

- Participation as a judge of others' work in his or an allied field;
- Authorship of scholarly articles in his field; and
- Performance in a leading or critical role for organizations with distinguished reputations.

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

See 8 C.F.R. § 204.5(h)(3)(iv), (vi), (viii). We will next review the Director's final merits determination.

B. Final Merits Determination

To establish final eligibility, the Petitioner must demonstrate his receipt of sustained national or international acclaim and recognition of his achievements in his field sufficient to show that he is one of that small percentage who has risen to his field's very top. *See generally* 6 *USCIS Policy Manual* F.2(B)(2). Congress intended classification as an alien with extraordinary ability to reflect a "career of acclaimed work in the field." *See* H.R. Rep. No. 101-723, at 59 (Sept. 19, 1990).

Under USCIS policy:

> [t]he petitioner must provide sufficient context ... to establish the person's extraordinary ability in the totality of the circumstances. This means that the petitioner must explain the significance of the submitted evidence, and how it demonstrates that the person has achieved sustained national or international acclaim and recognition in their field of expertise.

6 *USCIS Policy Manual* F.2(B)(2). We must consider, in the aggregate, any potentially relevant evidence of record, even if it does not fit one of the regulatory criteria or was not presented as comparable evidence. *Id.*

1. Awards

The Petitioner submitted evidence of his receipt of the [redacted] Award from the French Republic in 2001. On appeal, the Petitioner asserts that "[t]his one-time achievement of a major internationally-recognized award is the equivalent in Middle East studies [to] the Pulitzer Prize [in] journalism."

The Petitioner provided a copy of a 2002 Yemeni newspaper article congratulating him on his receipt of the award. Written by a professor of international law, the article praises the Petitioner's development of the French department at the Yemeni university where he and the law professor worked.

The Director interpreted the article to indicate the Petitioner's receipt of the award based on his work at the university's French department. The Director therefore found that "this award does not appear to be an award [for] recognized excellence in the field of Middle East analysis."

On appeal, the Petitioner does not deny that the award stems from his work at the university's French department. Rather, he argues that his knowledge of French language and culture supports his work as a Middle East analyst. He states:

> Several countries of the Middle East and North Africa[,] particularly those formerly colonized by France[,] use French language as the main language of instruction in

> schools and colleges or widely use it in their diplomacy and commerce. ... Studying the impact of French culture and colonial legacy is of utmost importance.

The Petitioner adds:

> While it is acknowledged that political and economic analysis forms a core part of Middle East scholarship, it is critical to recognize that language and culture are not peripheral, rather, they are foundational. [The Petitioner]'s fluency in Modern Standard Arabic, English and French, three of the most widely used languages in the region, combined with proficiency in more than five Arabic dialects, makes him uniquely qualified to engage directly with diverse sources, regional media, and population groups without reliance on intermediaries. This multilingual fluency provides direct access to nuanced, often unfiltered political discourse and cultural expression. It also enables cross-border comparative analysis, especially relevant in a region shaped by linguistic variation and colonial legacies.

We do not doubt that the Petitioner's knowledge of French language and culture helps him in his work as a Middle East analyst. But he has not demonstrated that the award honored him for excellence in his claimed field of Middle East analysis. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 184 (D.N.J. 2021) (upholding our finding that "this award honors the Petitioner for her contributions to the promotion of human rights, it does not on its face constitute an award for excellence in the field of [her stated expertise].")

The Act and regulations require the Petitioner to demonstrate acclaim and recognition *in his field*. *See* section 203(b)(1)(A)(i) of the Act (requiring acclaim and recognition of achievements "in the field"); 8 C.F.R. § 204.5(h)(3) (requiring acclaim and recognition "in the field of expertise"); *see generally* 6 *USCIS Policy Manual* F.2(B)(2) ("To establish eligibility, the petition must demonstrate that the person has sustained national or international acclaim and that their achievements have been recognized *in the field of expertise*.") (emphasis added). Thus, the record does not demonstrate that the Petitioner's award garnered him acclaim and recognition in the relevant field.

2. Membership in Associations

The Petitioner submitted evidence of his purported membership in a handful of associations. The evidence indicates, for example, that he served on: the editorial board of an encyclopedia about Arab and Muslim figures in literature and science; a regional committee of an association of French-speaking universities and research institutions; and the executive board of a Yemeni foundation for cultural and political development.

The Petitioner, however, has not demonstrated that these memberships relate to his stated field of Middle East analysis. *See* section 203(b)(1)(A)(i) of the Act (requiring acclaim and recognition of achievements "in the field"); *see also Mussarova v. Garland*, 562 F. Supp. 3d 837, 846 (C.D. Cal. 2022) (finding that a water polo coach could not meet this criterion through her membership as an Olympic athlete because she never participated in the Olympics as a water polo coach and never coached an Olympic team). Also, the record does not indicate that the Petitioner's memberships have garnered him much acclaim or recognition. *See Hamal v. United States Dep't of Homeland Sec.*,

No. 21-5160, 2023 WL 1156801, at *3 (D.C. Cir. Jan. 31, 2023) ("Hamal's evidence of membership …, while demonstrating his professional stature, … did not establish the exceptional level of distinction required for this extraordinary-ability visa.")

3. Published Materials About the Petitioner

The Petitioner submitted evidence that, between 2013 and 2022, nine online publications, videos, or podcasts mentioned him. Two of these media – a podcast about immigration through the eyes of his teen-aged son and a news report on a gathering to remember victims of terrorism in Paris, France – did not mention his work in his field. The remaining media reported on his participation in conferences and roundtable discussions regarding the Middle East.

The record shows that the publications garnered the Petitioner some acclaim and recognition in his field. But he has not demonstrated that this level of media attention places him among the small percentage at his field's very top. *See Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4 (D.D.C. June 8, 2021), *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, *supra* (affirming our finding that the Plaintiff failed to show that "his press coverage is indicative of a level of success consistent with being" at the top of his field); *see generally* 6 *USCIS Policy Manual* F.2(B)(2) ("The petitioner must provide sufficient context … to establish the person's extraordinary ability in the totality of the circumstances.") Thus, the publications, alone, do not demonstrate his claimed extraordinary ability in the field of Middle East analysis.

4. Judge of Others' Work

The Petitioner submitted evidence that he served as the chief editor of an academic journal at a Yemeni university and reviewed others' scholarly articles for an international journal. He also stated that he served as chief editor of a Yemeni encyclopedia, and that, as chair of the French department at the university, he judged scholarly articles for publication and academic promotion.

The Petitioner, however, has not sufficiently demonstrated that these judging activities garnered him acclaim or recognition. *See* section 203(b)(1)(A)(i) of the Act (requiring demonstrated acclaim and recognition "in the field"); *Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *23 (D. Neb. Sept. 12, 2025) (upholding USCIS' finding that "the petitioner has not shown how the beneficiary has judged to such an extent, or at a high enough level, that her judging surpasses the majority of the field and places her in the top echelons of anesthesiology and pain management").

5. Original Contributions

The record shows that the Petitioner has made original contributions to his field of Middle East analysis. He has published articles, spoken at numerous conferences, and lectured at various universities and institutions around the world. The Petitioner, however, has not demonstrated that these contributions generated acclaim and recognition sufficient to place him among the small percentage at his field's top. *See Joseph v. Dir. of Texas Serv. Ctr., USCIS*, No. 24-40249, 2025 WL 458001, at *4 (5th Cir. Feb. 11, 2025) (affirming USCIS' finding that the petitioner's evidence of original contributions did not demonstrate sustained national or international acclaim); *see generally*

6 *USCIS Policy Manual* F.2(B)(2) ("The petitioner must provide sufficient context ... to establish the person's extraordinary ability in the totality of the circumstances.")

The Petitioner submitted recommendation letters from professors, a former U.S. ambassador to Yemen, and Yemen's former foreign minister. The letters praise the Petitioner as a knowledgeable expert on Middle Eastern affairs, in general, and Yemen, in particular. The letters also describe his expertise as relevant to current affairs in the region.

The letters, however, do not explain the Petitioner's place or rank within his field. *See Bodhankar v. USCIS*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) ("Letters written on Plaintiff's behalf describe Plaintiff's contributions to the field as original and unique, yet they fail to establish that they resulted in significant acclaim."); *see generally* 6 *USCIS Policy Manual* F.2(B)(2) ("The petitioner must provide sufficient context ... to establish the person's extraordinary ability in the totality of the circumstances.") Also, the letters indicate that all their authors have worked with the Petitioner. "It is generally expected that one whose accomplishments have garnered sustained national or international acclaim would have received recognition for their accomplishments well beyond the circle of their personal and professional acquaintances." *Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021); 6 *USCIS Policy Manual* F.2(B)(3). Thus, the Petitioner's contributions to his field, alone, do not establish his claimed extraordinary ability.

6. Authorship of Scholarly Articles

The Petitioner claims to have written more than 100 books and scholarly articles. But the record indicates that most of these writings do not relate to Middle East analysis but rather to other fields, such as: education; translations; literature; and history.

Regarding the Petitioner's writings on Middle East analysis, he has not placed their number of citations or the ranking of the journals or publications in which they appeared in context with those of others in his field. *See Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (affirming USCIS' decision that the petitioner "did not establish that his authorships reflect[] that he is among the small percentage at the very top of his field"); *see generally* 6 *USCIS Policy Manual* F.2(B)(2) (stating that a high rate of citations or publications in high-ranked journals may indicate extraordinary ability). The Petitioner's authorship of scholarly articles, alone, therefore does not place him among the small percentage at his field's top.

7. Display of Work

The Petitioner submitted evidence that he has lectured about the Middle East at numerous international conferences. As we previously indicated, these activities garnered him some acclaim and recognition. But he has not demonstrated that this acclaim and recognition place him among the small percentage at his field's top. *See Hamal*, 2023 WL 1156801, at *2 ("Hamal did not show 'that his plays brought praise from critics, drew notable crowds, raised attendance, or were responsible for the success or standing of the event;'") *see generally* 6 *USCIS Policy Manual* F.2(B)(2) ("The petitioner must provide sufficient context ... to establish the person's extraordinary ability in the totality of the

circumstances.") Thus, display of the Petitioner's work, alone, does not establish his claimed extraordinary ability in his field.

8. Leading or Critical Role for Organizations

The Petitioner submitted evidence that he has played a critical role for distinguished institutions. He served as [redacted] to the United Nations Educational, Scientific and Cultural Organization (UNESCO). In this role, he served on UNESCO's executive body, organized a large international meeting (the [redacted]) in [redacted] and helped draft a convention to protect and promote diversity in cultural expression. The Petitioner also served as the [redacted] foreign affairs ministry.

These activities garnered the Petitioner some acclaim and recognition. But he has not demonstrated his receipt of enough praise from these activities to place him among the small percentage at his field's top. *See generally* 6 *USCIS Policy Manual* F.2(B)(2) ("The petitioner must provide sufficient context ... to establish the person's extraordinary ability in the totality of the circumstances.") Thus, the critical roles he has played for distinguished organizations, alone, do not establish his claimed extraordinary ability in his field.

Considering all the evidence in the aggregate, the record identifies the Petitioner as a talented and knowledgeable Middle East analyst, educator, and writer. He met the requested category's initial evidentiary requirements and demonstrated his receipt of some acclaim and recognition in his stated field of Middle East analysis. But, even considering the evidence in the aggregate, the Petitioner has not established himself among the small percentage at the field's top.

Congress intended to set "a very high standard" for aliens of extraordinary ability, reserving this immigrant visa category "for that small percentage of aliens who have risen to the very top of their field of endeavor." Proposed Rule for Employment-Based Immigrants, 56 Fed. Reg. 30703, 30704 (July 5, 1991). Considering the evidence as a whole, the Petitioner has not established his claimed extraordinary ability in his field. *See Amin*, 24 F.4th 383, 386 ("[G]iven the lofty bar for extraordinary ability classifications, we cannot say that the agency acted arbitrarily when it determined that [a petitioner] was not 'extraordinary' but merely very good."); *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (holding that even athletes performing in their sports' premier leagues do not automatically meet the extraordinary ability standards).

III. CONCLUSION

The Petitioner met the initial evidentiary requirements for the requested immigrant visa classification. But he did not demonstrate acclaim and recognition sufficient to place him among the small percentage at his field's top.

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.