U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40777909

Date: JUL. 08, 2026

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

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

The Petitioner, a professor, 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(b0(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 qualifies as an alien of extraordinary ability either as the recipient of a major, internationally recognized award, or that the Petitioner meets at least three of the ten initial regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). 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 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 sustained acclaim and the recognition of his or her achievements in the field through 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 sufficient qualifying 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).

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 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 a Master of Science degree in 2002 and a Doctor of Philosophy in 2012 both in international relations from the [redacted] Nigeria. She states that she is a political science professor and researcher with more than 12 years of teaching and research experience. At the time of filing the petition, the Petitioner asserted that she was serving as a postdoctoral research fellow at the [redacted] in Washington, DC, where she was conducting research on the "role of women in preventing and countering violent extremism in Northeaster Nigeria." The Petitioner seeks to continue her research in the United States, focusing on conflict, conflict resolution, terrorism, counterterrorism, gender, and peacebuilding.

A. Evidentiary Criteria

Because the Petitioner has not indicated or demonstrated that she has received a major, internationally recognized award, she must instead satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner claimed to meet nine criteria: receipt of lesser nationally or internationally recognized prizes or awards (i); membership in associations (ii); published material about the alien (iii); judge of the work of others (iv); original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field (v); authorship of scholarly articles in the field (vi); display of the alien's work (vii); performed in a leading or critical role (viii); and high salary or remuneration (ix).

USCIS evaluated the claims the Petitioner made in the initial petition and in response to the request for evidence and concluded the Petitioner satisfied only one of the regulatory criteria, authorship of scholarly articles in the field. On appeal, the Petitioner contends that USCIS' decision lacked due diligence, misapplied the applicable law and policy, and was based on factual inconsistencies, misleading statements, and other errors. She further maintains that the evidence demonstrates she satisfies all nine regulatory criteria. While we may not discuss every document in the record, we have reviewed and considered each one. Based on our de novo review, we conclude the Petitioner has not demonstrated eligibility for this highly restrictive immigrant classification for the reasons we will discuss below.

1. Receipt 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 claims eligibility for this criterion based on formal recognition from educational institutions and social development organizations. Specifically, the Petitioner states that she has received several research grants from various organizations, including the [redacted], the [redacted], and the [redacted]. She also states that she has received institutional recognitions, including "Best Graduating Student," "Best Teacher," "Outstanding Research Paper," and "Outstanding Research and Presentation," and contends that these honors reflect "a high standard of achievement in the field and serve as strong indicator of national and international recognition."

The Service Center Operations (SCOPS) determined that the Petitioner did not satisfy this criterion because the evidence did not establish that the claimed prizes and awards are nationally or internationally recognized. On appeal, the Petitioner maintains that the organizations awarding these grants and recognitions are nationally and internationally recognized.

We disagree. The record does not demonstrate that the Petitioner's grants, fellowships, or institutional recognitions constitute nationally or internationally recognized prizes or awards for excellence in the field, as required by this criterion. Unlike awards such as the Nobel Prize which recognize demonstrated past achievements, grants and fellowships are often bestowed in response to applications by prospective recipients, who describe the research or project which they seek to undertake. Additionally, grants and fellowships generally support future research rather than recognize prior achievements for excellence in the field of endeavor. For example, the Petitioner submitted information regarding the [redacted], which provides funding for "a nine-month period" to "carry out full-time independent research" at the Center "in fulfillment of the proposal outlined in [the Petitioner's] application." The fellowship guidelines indicate that applications are evaluated based on factors such as the "significance of the proposed research," "the importance and originality of the project," relevance of the project to current policy issues, and the project's ability to resolve "a larger problem." These selection criteria demonstrate that the fellowship is awarded primarily on the merits of the proposed research and its potential for success, rather than the excellence of the applicants themselves.

Similarly, the Petitioner has not demonstrated that the institutional recognitions she received, including "Best Graduating Student," "Best Teacher," "Outstanding Research Paper," and "Outstanding Research and Presentation," constitute nationally or internationally recognized awards for excellence. Although these honors may reflect recognition within her employing institutions, the record does not establish that they are recognized beyond the awarding organizations or that they are nationally and internationally recognized.

Accordingly, the evidence does not demonstrate that the Petitioner meets this criterion.

2. Membership in Associations

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." In addition, the association must require "outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." Once membership in a qualifying association has been established, we determine whether the association requires those at the alien'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.

Relevant factors that may lead to a conclusion that the person's membership in the association(s) was not based on outstanding achievements in the field include, but are not limited to, instances where the person's membership was based solely on the following factors (by themselves or in the aggregate):

- A level of education or years of experience in a particular field;
- The payment of a fee or by subscribing to an association's publications; and
- A requirement, compulsory or otherwise, for employment in certain occupations, as commonly seen with union membership or guild affiliation for actors.

Id.

The Petitioner claims eligibility under 8 C.F.R. § 204.5(h)(3)(ii) based on her memberships in the Midwestern Political Science Association, the Athen Institute for Education and Research, the Nigerian Political Science Association, the Society for Peace Studies and Practice, the Teachers Registration Council of Nigeria, the International Association of Innovation Professionals, and the International Society for Research and Development. In support of her claim, the Petitioner submitted membership certificates, email correspondence, and informational materials regarding these organizations. SCOPS determined that the Petitioner did not satisfy this criterion because the evidence did not establish that the associations require outstanding achievements of their members as a condition of admission. On appeal, the Petitioner maintains that these organizations are globally recognized in the field and that her memberships are based on "exceptional achievements."

We disagree. The plain language of the regulation focuses not on the reputation or global recognition of the association itself, but on the organizations' membership requirements. To satisfy this criterion, a petitioner must demonstrate that membership is limited to individuals who have attained outstanding achievements in the field and that such achievements are evaluated by recognized national or international experts. The fact that an organization is well known or internationally recognized does not, by itself, establish that membership satisfies the regulatory requirements. Here the evidence does not demonstrate that any of the Petitioner's organizations restrict membership to individuals with outstanding achievements. The Petitioner's supporting documents demonstrate that the Petitioner is a member of these organizations. However, they do not demonstrate that admission or membership in these organizations are limited to individuals who have outstanding achievements in the field.

Accordingly, the evidence does not demonstrate that the Petitioner meets this criterion.

3. Published Materials

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires "[p]ublished 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." These materials must include "the title, date, and author of the material, and any necessary translation." *Id.* The published material should be about the alien and their work, rather than the alien's employer and its work (or about an organization and its work). Professional or major trade publications may be identified by their intended audience, while other major media and major trade publications should have elevated circulation or readership relative to other media in the field. *See generally 6 USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner submitted several articles to demonstrate eligibility for this criterion and claims that her research and its impact on "national development and peacebuilding efforts" have been featured in "widely circulated and respected Nigerian media outlets." She further states that she has been featured in international media and articles published on websites, including *accord.org.za*; *wilsoncenter.org*; *iprafoundation.org*; *hrfn.org*; *Amazon.com*; and *Goodreads*, as well as Nigeria's *Vanguard Newspaper*; *Eggonnews*; *Daily Sun Newspaper; The Sun; Daily Tribute*; and *Nigerian Tribune*. SCOPS determined that the Petitioner did not satisfy this criterion because the evidence did not establish that the published materials appeared in professional or major trade publications or other major media. On appeal, the Petitioner maintains that her submitted evidence demonstrates that the publications have significant national and international circulation and are recognized in the field of political science.

We disagree. To meet this criterion, the Petitioner must demonstrate that the published material is about her in professional or major trade publications or other major media and related to her work in the field for which classification is sought. Here, although the record contains copies of articles and circulation data and readership statistics for some articles, it does not sufficiently establish that publications qualify as professional publications, major trade publications, or other major media. Additionally, the Petitioner did not establish the significance or relevance of the readership statistics to show the major standing of the publications. *Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *5 (E.D. Wis. Nov. 4, 2024) (indicating that the failure to provide context to circulation figures makes it difficult to assess their significance). While some articles briefly mention the Petitioner and her research, the record does not sufficiently demonstrate that they constitute professional publications or major media within the meaning of the regulation.

For all these reasons, the Petitioner did not show she meets this criterion.

4. Participation as a Judge of the Work of Others

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. Examples of judging may include peer review for a scholarly journal, conference, or government research funding program or serving as a member of a Ph.D. dissertation committee. *Id.*

The Petitioner asserts that she satisfies this criterion based on her service as an editor-in-chief, editorial board member, peer reviewer, external examiner, panel discussant at academic conferences, as well as academic assessor, reviewer of research grant proposals, and evaluator of undergraduate and postgraduate students. In support of this claim, the Petitioner submitted letters, email correspondence, certificates reflecting her service on editorial boards, certificates identifying her as an external examiner or panel participant, and certificates recognizing her peer review activities. SCOPS determined that the Petitioner did not satisfy this criterion because the evidence did not sufficiently document the nature, scope, or context of the claimed judging activities. On appeal, the Petitioner contends that she submitted sufficient evidence demonstrating that she has judged the work of others, including invitation letters and emails requesting peer reviews, peer review certificates, documentation of her service on conference panels, and evidence that these activities occurred within her field of expertise.

We disagree. Although the record establishes that the Petitioner has participated in certain activities, the evidence does not sufficiently demonstrate that those activities satisfy the regulatory requirements. The submission of invitation emails, certificates of appreciation, or acknowledgements of service, standing alone, does not establish the extent or significance of the Petitioner's participation as a judge of the work of others. For example, while the Petitioner submitted evidence indicating that she served as a peer reviewer and editorial board member, the record does not sufficiently identify the specific documents, articles, or research proposals she reviewed, as well as the number of reviews completed or the role she played in the evaluation process. Additionally, although the Petitioner asserts that she served as an external examiner and academic assessor, the evidence does not sufficiently explain the duties associated with those positions or demonstrate that they involved the independent evaluation of the work of others within the meaning of the regulation. Similarly, the record lacks sufficient probative details such as when, where, and how the Petitioner judged the work of others and what criteria or methods the Petitioner used in the evaluation process.

The record also lacks sufficient evidence of the selection process for these roles or establishes that the Petitioner was chosen because of recognized expertise in the field.

For the reasons discussed above, the Petitioner has not established that she has met the requirements of this evidentiary criterion.

5. Original Scientific, Scholarly, Artistic, Athletic, or Business-related Contributions of Major Significance

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." A petitioner may show that their 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*, 4 F. Supp. 3d at 134-35. Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 USCIS Policy Manual F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner asserts that her career has been "dedicated to advancing peacebuilding, conflict transformation, and sustainable development through impactful academic research, public engagement, and institutional collaboration." According to the Petitioner, her research has "led to the creation of actionable knowledge and policies that influence both local communities and international platforms committed to social justice and peace." In support of this claim, the Petitioner relies on her peer-reviewed publications and asserts that they address "critical issues in conflict, conflict resolution, terrorism, counterterrorism, gender, and peacebuilding." She further states that her work has "introduced original theoretical frameworks and models for understanding resource-based conflict, youth engagement in peacebuilding, and the gendered dynamics of extremisms" and that her books "shaped the field related to conflict and political science education."

SCOPS determined that the Petitioner did not satisfy this criterion because the evidence did not establish that her contributions are of major significance in the field. Specifically, SCOPS found that the record did not demonstrate that the Petitioner's work has been "widely adopted recognized, or transformative." On appeal, the Petitioner contends that SCOPS "deliberately ignored" her evidence, including the citation history of her publications and emphasizes her contributions to the political science field through her work and her foundation for women's right and development.

We disagree. To meet this criterion, the Petitioner must establish not only that her work is original, but also that it has been of major significance in the field. The focus of the inquiry is not solely on whether the Petitioner has produced original research or professional accomplishments, but whether those contributions have had a demonstrable and significant impact on the field as a whole. Although the Petitioner submitted evidence of peer-reviewed publications, authorship of books, and citation of her scholarly work, such evidence does not, by itself, establish that her contributions are of major significance. Similarly, the Petitioner's assertions that she "introduced original theoretical frameworks and models" are not accompanied by objective evidence demonstrating that these frameworks have been widely adopted, incorporated into professional practice, relied upon by other researchers, or otherwise recognized as having substantially influenced the field. The record lacks sufficient evidence showing that her books have received widespread recognition within the field or remarkably impacted the field.

Moreover, although the Petitioner states that she has established a foundation, the record does not sufficiently establish that the creation of this foundation constitutes an original scholarly contribution of major significance to the political science field. While the Petitioner also submitted letters praising her work and her research skills, the record lacks specific examples demonstrating contributions of major significance.

Accordingly, the Petitioner has not demonstrated that she satisfies this criterion.

6. Performed in a 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 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. Evidence of a leading role should show that the alien was a leader for the claimed component, and a job title with matching duties may help to establish that a role was leading. For a critical role, evidence should show that the alien has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment. 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. *See generally 6 USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner claims that she satisfies this criterion based on service as a department head, participation on strategic and library committees, mentorship of graduate students, service as a conference panelist, contributions as an author and conference participant, and her roles as an editorial board member and peer reviewer. In support of this claim, the Petitioner submitted letters of support, appointment letters, and email correspondence describing her various professional activities. SCOPS determined that the Petitioner did not satisfy this criterion because the evidence did not establish that she performed in a leading or critical role for organizations with distinguished reputations. On appeal, the Petitioner maintains that she submitted sufficient evidence demonstrating her service as a department head, conference panelist, member of review boards, committee leader, and committee member.

We disagree. The regulation requires more than evidence that a petitioner held leadership titles or participated in important professional activities. Rather, the Petitioner must establish both that the organization possesses a distinguished reputation and that her role was leading or critical to the organization's success or essential functions. Although the record indicates that the Petitioner served as a department head and held various committee and editorial appointments, it does not sufficiently establish the significance of those roles within the respective organizations. The evidence does not describe the Petitioner's specific responsibilities, the scope of her authority, or how her performance materially influenced the organization's operations or achievements. Similarly, the Petitioner's service as a conference panelist, mentor, editorial board member, reviewer, or committee participant demonstrates professional involvement but does not, without additional evidence, establish that she performed in a leading or critical role for the organizations themselves. Moreover, the Petitioner has not submitted sufficient evidence to demonstrate that the organizations hold distinguished reputations.

Accordingly, the Petitioner has not demonstrated that she satisfies this criterion.

7. Display of the Alien's Work in the Field 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 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.gov/policy-manual. USCIS may consider non-artistic exhibitions or showcases as part of a properly supported claim of comparable evidence under 8 C.F.R. § 204.5(h)(4). *Id.* While *Merriam-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.*

The regulatory provision at 8 C.F.R. § 204.5(h)(4) provides petitioners the opportunity to submit comparable evidence to establish the person's eligibility, if it is determined that the evidentiary criteria described in the regulations do not readily apply to the person's occupation. *See generally* 6 USCIS Policy Manual F.2(B)(1), https://www.uscis.gov/policymanual. When evaluating such comparable evidence, officers must consider whether the regulatory criteria are readily applicable to the person's occupation and, if not, whether the evidence provided is truly comparable to the criteria listed in that regulation. *Id.*

The Petitioner asserts that her presentations at conferences should be considered to be comparable evidence under this criterion per the regulation at 8 C.F.R. § 204.5(h)(4). Specifically, the Petitioner asserts that she "actively participated in numerous academic and professional conferences," including conferences in the United States, United Kingdom, Italy, Greece, South Africa, Ghana, and Nigeria. She states that she has presented approximately "21 scholarly papers at reputable conferences, symposia, and academic forums" and has delivered more than "10" poster presentations. In support of this claim, she submitted conference certificates, programs, and letters from experts. SCOPS determined that the evidence did not satisfy the regulatory requirements because presentations at scientific conferences are not comparable evidence for the purposes of establishing eligibility under 8 C.F.R. § 204.5(h)(3)(vii). On appeal, the Petitioner argues that her participation in "more than 20 conferences spanning three continents," along with letters of recommendation, certificates of participations, and letters of appreciation, establish that she satisfies this criterion.

We disagree. The comparable evidence provisions at 8 C.F.R. § 204.5(h)(4) only applies where the criteria set forth in 8 C.F.R. § 204.5(h)(3) do not readily apply to the Petitioner's occupation. The Petitioner has not demonstrated that the existing regulatory criteria are inapplicable to her profession as a professor and researcher. Moreover, the Petitioner has not explained how the presentations of posters at conferences and forums are comparable to the display of art in a gallery or museum. As previously noted, the plain language of the criterion explicitly requires that the exhibitions or showcases be artistic in nature. *See Kazarian v. USCIS*, 596 F.3d 1115, 1122 (9th Cir. 2010) (affirming our decision that self-publication of a textbook, college lectures, and conference presentations did not constitute displays at artistic exhibits or showcases).

Accordingly, the Petitioner has not demonstrated that she satisfies this criterion.

B. Reserved Issue

We note the Petitioner claims she meets additional criterion related to high salary or other significantly high remuneration for services (ix). However, as noted above, the Petitioner's unsuccessful demonstration of her eligibility under the criteria we discuss means she cannot numerically meet the required number of at least three criteria out of the 10 available and the nine she claimed. Accordingly,

we need not address the Petitioner's claimed eligibility for the additional criterion. We, therefore, reserve that issue. *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).

C. Final Merits Determination

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we decline to reach and hereby reserve any final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. at 25.

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. Here, 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.").

For the reasons discussed above, the Petitioner has not demonstrated eligibility as an individual of extraordinary ability. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden here.

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.