U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41966253

Date: JULY 9, 2026

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

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

The Petitioner, which describes itself as a "technology company," seeks to classify the Beneficiary as an individual of extraordinary ability in business. *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 aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. *Id.*

USCIS denied the petition, concluding that the record satisfies at least three of the 10 initial evidentiary criteria but it does not show sustained national or international acclaim and demonstrate that the Beneficiary is among the small percentage at the very top of the field of endeavor. 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) 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 a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of their 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 they must provide sufficient qualifying documentation that meets at least three of the 10 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 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).

II. ANALYSIS

The Petitioner, which describes the Beneficiary as an expert in the field of customer experience, intends to employ the Beneficiary as its "Sr. Director, Global Merchant Engagement and Growth, [redacted]

USCIS concluded that the record satisfies at least three of the initial evidentiary criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x); however, USCIS determined that the record does not show sustained national or international acclaim and demonstrate that the Beneficiary is among the small percentage at the very top of the field of endeavor. *See Kazarian*, 596 F.3d at 1119-20 (citing section 203(b)(1)(A) of the Act; 8 C.F.R. §§ 204.5(h)(2)-(3)).

Black's Law Dictionary defines "sustain" as "to support or maintain, especially over a long period of time" or "to persist in making (an effort) over a long period of time." *Sustain*, Black's Law Dictionary (11th ed. 2019).

As USCIS observed in its decision, evidence in this case pertaining to the respective criteria is limited to few instances, shortly before the Petitioner filed the Form I-140, Immigrant Petition for Alien Workers, in June 2025 and the evidence does not show that the Beneficiary has sustained national or international acclaim. For example, the Beneficiary was a finalist for one award in 2021 and she was included among 25 selectees for recognition in 2025.[1] The Beneficiary became a member of the Customer Experience Professionals Association in 2022 and a member of the [redacted] Development Council in 2024. The Petitioner purports that five documents in the record are published material about the Beneficiary, dated 2022, 2024, or undated.[2] The Beneficiary judged one event in 2022, one event in 2023, and one event in 2025. Evidence the Petitioner asserts pertains to the criterion at 8 C.F.R. § 204.5(h)(3)(v) is dated between 2023 and 2025. The record does not clearly establish the date range in which the Beneficiary has worked for any particular organization in any particular role, whether leading, critical, or otherwise, other than working for the Petitioner in the aforementioned

[1] The Beneficiary also was placed on one award shortlist in 2023, 2024, and 2025, respectively.
[2] Some of these documents are promotional materials, not qualifying published material about the Beneficiary.

role beginning at some uncertain point after an offer of employment dated November 21, 2024.[3] Similarly, the Beneficiary's salary or other remuneration the Petitioner asserts would be high in relation to others in the field would begin at that uncertain point after November 21, 2024.

Even setting aside the short proximity between the evidence and the Form I-140 filing date, the record also does not establish how the Beneficiary has established national or international acclaim that would place her among the small percentage at the very top of the field of endeavor as a result of receiving a small number of lesser awards, being a member of one professional association and one business development council, judging few events, being the subject of relatively limited media coverage, working for any given employer among its many other employees, or by virtue of salary or other remuneration she had just begun to receive.

More generally, the Petitioner does not establish characteristics of those at the very top of the field of endeavor, to contextualize information about the Beneficiary in the record. For example, the record does not elaborate on the number and types of awards that those at the very top of the field of endeavor have received, in order to contextualize the small number of awards the Beneficiary received or was shortlisted for shortly before she filed the Form I-140. As another example, the record does not show that the Beneficiary's membership in one professional association and one business development council is significant compared to the number and nature of association memberships that those at the very top of the field of endeavor hold, nor does it show that she has sustained acclaim—whether nationally or internationally—by virtue of her membership that began shortly before the Petitioner filed the Form I-140. Similarly, the record also does not show how the limited extent of media coverage about the Beneficiary compares to the extent of media coverage that individuals at the very top of the field of endeavor receive.

Relating to the Beneficiary's participation as a judge of the work of others, an evaluation of the significance of her 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 Petitioner did not establish that the Beneficiary's few, recent judging instances—for one event in 2022, 2023, and 2025, respectively—contributed to a finding that she has a career of acclaimed work in the field or indicative of the required sustained national or international acclaim. The Petitioner did not show, for example, how the Beneficiary's judging experience compares to others at the very top of the field. In addition, the Petitioner did not establish, for instance, that the Beneficiary garnered wide attention from the field based on her evaluation work.

Based on the foregoing, the record does not establish that the Beneficiary has sustained national or international acclaim and that she is among the small percentage at the very top of the field of endeavor. *See Kazarian*, 596 F.3d at 1119-20 (citing section 203(b)(1)(A) of the Act; 8 C.F.R. §§ 204.5(h)(2)-(3)).

[3] The record does not clearly establish, through objective evidence such as employment offer letters or paystubs, the date range in which the Beneficiary held—or would hold—any particular role with any particular entity other than the Petitioner. The record does not clearly establish when, after the November 21, 2024, offer of employment, the Beneficiary actually began working for the Petitioner.

III. CONCLUSION

The totality of the record does not support a conclusion that the Beneficiary has the acclaim and recognition required for the classification sought. *See Kazarian*, 596 F.3d at 1119-20. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). The Petitioner has not shown that the significance of the Beneficiary's work is indicative of the required sustained national or international acclaim or that it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. The record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field and that she is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act; *see also* 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 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.