U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38256872

Date: JUL. 10, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a banking and finance executive, seeks first preference immigrant classification as an individual of extraordinary ability. *See* section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can show their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not satisfy at least three of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). This matter is before us on appeal, which we review de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). The Petitioner must establish his eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). 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 this country 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.

"Extraordinary ability" refers only to those 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 regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, an alien can show sustained acclaim and the recognition of achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or qualifying documentation that satisfies at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x) (including awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial regulatory 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).

II. ANALYSIS

The Petitioner intends to work in the banking industry, particularly as a financial technologist in the "fintech" sector. He claims that he has previously worked as a banker and manager of a local bank branch and also worked as a director of fintech companies developing electronic payment systems. Because the Petitioner has not indicated or established receipt of a major, internationally recognized award, he must satisfy at least three of the ten regulatory criteria. On appeal, he reasserts that his documents satisfy four regulatory criteria—namely, published material about himself relating to his work; that he made original contributions of major significance in the field; he performed a leading or critical role in an organization with a distinguished reputation; and he commanded a high salary or other significantly high renumeration in the field. 8 C.F.R. § 204.5(h)(3)(iii), (v), (viii), and (ix).

Of the four regulatory criteria the Petitioner claimed to have met, SCOPS found that the record showed he has met only one at 8 C.F.R. § 204.5(h)(3)(ix) by demonstrating that he has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.[1]

We conclude that the evidence does not demonstrate that the Petitioner has met at least three of the four regulatory criteria he claims, including those pertaining to published material about himself in professional or major trade publications or other major media relating to his work in the field of banking and finance, 8 C.F.R. § 204.5(h)(3)(iii), and original contributions of major significance in the field, 8 C.F.R. § 204.5(h)(3)(v).

To satisfy the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(iii), the Petitioner must provide sufficient evidence of "[p]ublished material about [himself] in professional or major trade publications or other major media, relating to [his] work in the field for which classification is sought." "Such evidence shall include the title, date, and author of the material, and any necessary translation." *Id.*

The Petitioner's appeal brief addresses three online articles he submitted below which he asserts constitutes published material about himself that satisfy the initial evidentiary criterion as set forth in 8 C.F.R. § 204.5(h)(3)(iii): a 2017 '[redacted]' article, a 2018 '[redacted]' article, and a 2018 '[redacted]' article. These online articles are not sufficient to satisfy the regulatory criterion.

As SCOPS correctly determined, the 2017 '[redacted]' online article, titled [redacted] does not list the author, mention the Petitioner, or otherwise specifically discuss him or his work. The 2018 '[redacted]' online article, titled [redacted] also does not list the author, as required by the plain language of 8 C.F.R. § 204.5(h)(3)(iii), and it is about the two companies' launch of a digital payment system. Although it briefly mentions the Petitioner in passing as [redacted] representative who "confirmed" the launch and commented that the payment system was being tested and subscriptions were being sought at the time in Uzbekistan, it is *not about* him or his involvement or work in the field of banking and finance for which he seeks this classification. On appeal, he does not address these evidentiary deficiencies SCOPS noted below. Further, both of the above articles appear to have been promotional or marketing materials, rather than substantive material about the Petitioner and his specific work in the field. *See generally* 6 *USCIS Policy Manual* F.2(B),

[1] However, on appeal, the Petitioner mistakenly asserts that SCOPS erred in finding that he failed to meet this criterion at 8 C.F.R. § 204.5(h)(3)(ix).

https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2 (stating that marketing materials created for the purpose of selling the person's products or promoting the person's services are not generally considered to be published material about the person). The third 2018 '[redacted]' article lists an author and includes a photograph of the Petitioner with his name and title "director of [redacted]" But this article only discusses [redacted] theft-detecting payment system the company's "professional staff" developed and it does not discuss the Petitioner or his work. *Id.* (providing examples of documents that may be submitted and noting that they should be about petitioners and their work).

Additionally, the Petitioner does not dispute SCOPS' finding that he did not submit objective evidence that the online articles were published in professional or major trade publications or other major media to satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(iii). *See also* 6 *USCIS Policy Manual*, *supra*, at F.2(B) (noting that when assessing this issue, relevant evidence may include, for professional and major trade publications, the intended audience; and, for major trade publications and other major media, the relative circulation, readership, or viewership). The Petitioner's attorney in the appeal brief generally asserts that the three websites that published the articles are "reputable," "widely read media sources" and "rank among Uzbekistan's leading news and information providers," which qualify as professional or major trade publications or other major media in Uzbekistan. Counsel's assertions, however, are not evidence. *See Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988) (citation omitted). Counsel's statements must be supported with independent evidence, which the Petitioner concedes he did not provide. The Petitioner thus has not met the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(iii).[2]

For the next evidentiary criterion, as set forth in 8 C.F.R. § 204.5(h)(3)(v), the Petitioner must submit "[e]vidence of [his] original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." In assessing this regulatory criterion, USCIS first determines whether he has made *original* contributions in the field, and if so whether they were of "major significance in the field." 6 *USCIS Policy Manual*, *supra*, at F.(2)(B)(1). He maintains that he has made original contributions of major significance in banking and finance in Uzbekistan, particularly in the "fintech" sector by developing and expanding the country's electronic payment systems, implementing strategic financial management solutions, and modernizing banking operations that had a broad impact there on digital transactions, consumer engagement, as well as industry practices and innovation. In support of this assertion, and to meet the criterion at 8 C.F.R. § 204.5(h)(3)(v), he relies on three support letters and his work experience as Director of "[redacted]" (from 2019 to 2023) and "[redacted]" (From 2017 to 2019) and as General Manager of a "[redacted]" branch (From 2014 to 2017).[3]

SCOPS did not address whether the Petitioner has made *original* contributions in the field or banking and finance, but concluded that the record did not show that his contributions were of "major significance in the field" as regulation requires. We agree.

The Petitioner reiterates in his appeal brief that as [redacted] director, he led the development and implementation of a digital payment system in Uzbekistan and his innovations have fundamentally

[2] In response to a request for evidence (RFE), he submitted below two more online articles written in 2024, a year after he filed his Form I-140. As eligibility must be established at the time of filing of the benefit request, SCOPS did not give them any evidentiary weight. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971) (holding that an alien must establish eligibility at the time of filing and that taking additional actions to acquire necessary qualifications after the filing do not overcome the initial deficiency); *see also Matter of Izummi,* 22 I&N Dec. 169, 175-76 (Comm'r 1998). On appeal, the Petitioner does not address the 2024 online articles.

[3] The Petitioner's Form I-140 indicates he has been unemployed since his last B-2 nonimmigrant entry in January 2023.

reshaped financial institutions' approach to digital transactions; that his management strategies made his former employer [redacted] a leader in its sector; and that his modern banking operations for the [redacted] branch helped advance its innovative culture. However, the evidence does not support these assertions or otherwise show the Petitioner has made contributions of major significance in his field.

As an initial matter, he does not delineate or fully explain, and the record lacks evidence of, his specific involvement in the above claimed achievements and related impact in banking and finance which he asserts was significant. The record thus does not sufficiently inform us of his specific role in the claimed achievements or demonstrates that it is *his* achievement or contribution. For instance, the record does not contain any probative evidence, and the Petitioner does not specifically claim, that he himself developed and implemented the [redacted] payment system or created novel management and banking operations models that were adopted by any individual, entity, or industry, and widely used. Other than his and his counsel's assertions, the Petitioner has not submitted sufficient evidence of his own work of major significance related to digital payment systems, strategic financial management, and banking operations, areas which he claims to have significantly improved in Uzbekistan.

Even if the record showed that the claimed achievements were or resulted from his own original contributions, it does not establish their significance. A 2023 letter from Z-Z-[4], "Director of the [redacted] generally states that the Petitioner made a "great contribution to finance and banking" by creating the [redacted] brand within [redacted] and developing a digital payment system for the company, and also mentions his "unique vision," "leadership," and "tireless research and innovative thinking" that fundamentally improved digital transactions in Uzbekistan. However, this letter does not provide specific, detailed information explaining how the development of the digital payment system and creation of the [redacted] brand had influenced or impacted the field to demonstrate they are of major significance in the field. *See, e.g.*, *Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *8 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's testimonial letter mostly consisted of conclusory statements about the significance of his work and his potential). A letter from T-K-A-, [redacted]," highlights the reputation of [redacted] and its [redacted] brand, and discusses the Petitioner's director position from 2017 to 2019 that T-K-A- claims resulted in "innovations that have decisively impacted the fintech industry." But this letter too does not provide details as to the Petitioner's contributions and how they specifically affected the fintech industry, beyond the company and its clients. Further, although T-K-A- attests that the Petitioner *founded* [redacted] in 2017 and then assumed the Director position, publicly available sources clearly indicate that another person (F-M-) is the only founder of [redacted] that developed and launched the [redacted] payment platform. The Petitioner also did not submit any evidence he in fact founded or co-founded [redacted] a letter from F-M- himself, or any statement or documents directly from the company.

The remaining 2024 support letter from E-T-U-, [redacted] of the [redacted] emphasizes the prominence of [redacted] in Uzbekistan and its innovations, and discusses the Petitioner's work history at a branch location, starting in 2009 as a cashier, and how he became General Manager of the branch and excelled in that capacity from 2011 to 2017. Although E-T-U- praises the Petitioner as a former exemplary employee and generally claims that his vision and leadership have been critical in enhancing the bank's reputation in the financial industry, this letter

[4] We use initials to protect individuals' privacy.

similarly lacks detail as to how his contributions specifically impacted the banking industry as a whole, beyond the local bank branch and its clients.

The record also does not contain any objective and probative evidence that his former employers made an impact in their respective industries beyond their clientele specifically as a result of the Petitioner's contributions. Further, as SCOPS noted, apart from the three recommendation letters, the Petitioner did not provide any probative evidence that may objectively substantiate the claim that he has made original contributions of major significance in his field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.(2)(B)(1) (stating that when determining the issue of major significance, *detailed* expert letters explaining the nature and significance of the contributions may provide valuable context, *particularly where* there is corroborating evidence). Although he generally asserts that the above-referenced online articles also indicate major impact of his contributions, he does not explain how they specifically show his contributions were of major significance, and as discussed, the online articles either are marketing and promotional material and/or do not discuss the Petitioner's work and contributions to the field.

The record indicates that the Petitioner worked for a bank and fintech companies in Uzbekistan, he has been a productive employee, and he has held executive and managerial positions. However, the evidence does not demonstrate that the Petitioner's contributions were of major significance in banking and finance beyond his former employers and their clients in Uzbekistan, and the record therefore does not satisfy the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(v).

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring them to demonstrate "sustained national or international acclaim" and present "extensive documentation" to show their achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, the Petitioner claimed eligibility for four regulatory criteria, and his inability to meet the two outlined criteria means he necessarily has not met at least three of the threshold "initial evidence" criteria at 8 C.F.R. § 204.5(h)(3) as required. Thus, we cannot conclude that he is an alien of extraordinary ability and need not further analyze the merits under the Act. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, F.Supp.3d, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and herby reserve arguments as to the remaining regulatory criteria and any final merits determination in this matter. *See, e.g.*, *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to reach issues unnecessary to the ultimate decision).

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.