U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37823575

Date: JULY 14, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a general manager and master hairstylist in the field of hairstyling, 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.

Service Center Operations (SCOPS) denied the petition, concluding that, while the record established that the Petitioner satisfied three of the ten initial evidentiary criteria, as required, it did not demonstrate that she has sustained national or international acclaim and is among the small percentage at the top of her field. 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 ten alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). The Petitioner initially claimed to have met five criteria relating to membership, published materials, original contributions, artistic display, and leading or critical role under 8 C.F.R. § 204.5(h)(3)(ii),(iii),(v),(vii), and (viii), respectively.

SCOPS determined that the Petitioner satisfied three of the initial evidentiary requirements relating to published materials, artistic display, and leading or critical role, but did not meet the criteria she also claimed to satisfy relating to membership in an organization and original contribution of major significance in the field for which she sought classification at 8 C.F.R. §§ 204.5(h)(3)(ii), (v). Because the Petitioner has shown that she satisfies the minimum requirements of at least three criteria, we will evaluate the totality of the evidence, including that relating to membership and original contribution, in the context of a final merits determination, discussed below.

B. Final Merits Determination

The Petitioner intends to continue to work as a hairstylist, hair expert, and master hair colorist in the United States. As discussed further below, the Petitioner has been the subject of published material relating to her work, has displayed her own artistic materials, and has served in a leading or critical role. On appeal, the Petitioner asserts that her "renowned achievements have been praised by major media, attested to by experts, and established by documentary evidence." She contends that SCOPS did not consider the totality of the evidence in its final merits determination and instead conducted a fragmented analysis that isolated each piece of evidence without evaluating its cumulative impact, which disregards the interconnected nature of the evidence. The Petitioner reiterates that the evidence, when considered collectively, demonstrates her sustained national and international acclaim and her standing at the top of her field by a preponderance of the evidence.

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, her sustained national or international acclaim,[1] that she is one of the small percentage at the very top of the field of endeavor, and that her achievements have been recognized in the field through extensive documentation. In this matter, we determine the Petitioner has not shown her eligibility.

In considering the totality of the evidence, the Petitioner has not demonstrated that her 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 she 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 she enjoys a career that meets this very high standard.

The Petitioner provided published material from several professional or major trade publications relating to her and her work. Although the three articles covered her and discussed her work, the Petitioner did not demonstrate that such press coverage is consistent with the sustained national or international acclaim necessary for this highly restrictive classification. *See* section 203(b)(1)(A) of the Act. The article published by [redacted] about blonde hair trends quotes the Petitioner and refers to her as [redacted] The article published by [redacted] about the [redacted] discusses the Petitioner's background, education, and participation at specific events, and refers to her as "a reference in the fashion and beauty industry." The article published by [redacted] about hair coloring tips quotes the Petitioner promoting a specific product and

[1] *See generally* 6 *USCIS Policy Manual* F.2(A)(1), https://www.uscis.gov/policy-manual (noting that, 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.")

refers to her as a "hair expert." The Petitioner asserts on appeal that the articles' descriptions of her as an "expert" and "reference" in her field are sufficient to establish her eligibility. However, while each of the articles reference the Petitioner and generally indicate that she is an expert in her field, they do not specifically demonstrate that she has sustained national or international acclaim and that she is among the small percentage at the very top of her field. *See* 8 C.F.R. § 204.5(h)(2). For instance, she does not explain or show how the media coverage she received in these three articles compares to others in her field who are among the very top such that her nominal press coverage reflects a career of acclaimed work in the field or a very high standard to present more extensive documentation than that required. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the lack of press about the plaintiff was not consistent with national or international acclaim).

The Petitioner also provided evidence that her work product was on display at an artistic showcase. The Petitioner's work product was displayed at a [redacted] showcase event, whose website indicates is a live event that features hand-selected independent artists in creative genres, such as hair and makeup artistry.[2] According to the Petitioner, the [redacted] organization exclusively invites and selects only the most renowned artists who demonstrate extraordinary skill, innovation, and influence in their field, which is in itself indicative of acclaim as only a limited number of exclusive professionals gain an opportunity to participate. However, the Petitioner has not provided information from the [redacted] organization outlining their selection process or the exclusivity of participation, particularly within the hair and makeup artistry genre. Further, the Petitioner did not show the prestige or level of recognition that this showcase enjoys or demonstrate how displaying her work at this showcase reflects that she is among the small percentage who has risen to the very top of her field. For instance, she has not shown that displaying her work product at the [redacted] showcase garnered attention in a manner consistent with sustained national or international acclaim. Furthermore, according to the Frequently Asked Questions on the [redacted] organization's website,[3] artists must comply with a "showcase fee" in order to participate in [redacted] showcase events, which can be offset by selling tickets to the event or paying the difference in the predetermined cost if ticket sales do not cover it all. Paying a fee to participate in an artistic showcase raises questions about whether the organization's selection process is based on an artist's national or international acclaim and is not consistent with the claimed exclusivity of the showcase with participation being reserved only for those at the very top of their field. Here, while the Petitioner's work product was displayed at the showcase event, without additional information, the Petitioner has not demonstrated that such a display specifically shows that she has sustained national or international acclaim and that she is among the small percentage at the very top of her field.

The Petitioner provided letters from previous employers discussing her service in a leading or critical role in their salons as a hairdresser. The letter from [redacted] described the Petitioner as an expert who brought many customers to the salon due to her reputation for spectacular artistic creations and who achieved high sales figures for marketed products in the salon. The letter also indicated that the Petitioner stood out among other employees and invested her time to provide them with additional instruction. The letter from [redacted] described the Petitioner as an extraordinarily skilled and dedicated hairdresser who was sought out by many clients and made a big impact on the salon's customer base, revenues, and in customer satisfaction. The letter also indicated

[2] The Petitioner provided a one-page print-out of the [redacted] Community page from the [redacted] organization's website.
[3] *See* [redacted] (July 9, 2025).

that the Petitioner was responsible for managing salon assistants and was instrumental in streamlining salon operations. While these letters show that the Petitioner has garnered some recognition from her employers and clientele, they are not sufficient to establish that her work as a hairstylist (hairdresser) has received widespread and significant acclaim in her field or that the overall field views her among the small percentage of hairstylists at the top of 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).

The Petitioner also provided certificates issued to the Petitioner for course completions. A 2023 certificate issued by the [redacted] indicates that the Petitioner completed the course *Master Coiffeur in Color with a Toal Couse Load of 64 Hours*; a 2016 certificate issued by the [redacted] indicates that the Petitioner is a certified *Pro Fiber Expert*; and an undated certificate issued by [redacted] indicates that she is a *Master Coiffeur*. While these certificates show that the Petitioner has completed courses and has been certified, and even if this satisfied the criterion relating to membership in an organization in the field for which she sought classification, the Petitioner did not show how this membership or certification 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 that her membership or certification reflects that small percentage who have risen to the very top of her field. The record, for instance, does not contain evidence indicating that she received national or international recognition based on this membership or certification. In addition, the Petitioner did not establish that she has distinguished herself from others in the field based on her membership or certification, gaining national or international attention or placing her among the upper echelon in her field.

The Petitioner also provided an expert opinion letter praising her work and contributions to the field. In the expert opinion letter, F-A-V- indicated that the Petitioner created and embraced an original beauty idea for hair straightening and curling effects throughout bleaching treatments. She stated that "the implications of [the Petitioner's] original idea are of major significance" as it is exactly the new beauty standard people aspire to. The Petitioner then indicated that the articles published by [redacted] and [redacted] and the before and after photos she submitted displaying her work as a hairstylist also show her original contributions to the field. However, as discussed above, the published articles do not demonstrate that the Petitioner has sustained national or international acclaim and that she is among the small percentage at the very top of her field. Further, the expert opinion letter does not contain sufficient information and explanation to show that the Petitioner is viewed by the overall field, rather than by a solicited few, among the upper echelon or that she has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of her field. Although the expert opinion letter highlights the Petitioner's talents, it does 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 her work is indicative of the required sustained national or international acclaim or 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 she is among the small percentage at the top of her 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.