U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40776713

Date: JULY 16, 2026

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

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

The Petitioner, a managing director in the financial services risk management field, 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.

USCIS denied the petition, concluding that although the Petitioner satisfied at least three of the initial evidentiary criteria, as required, after conducting a final merits determination, he did not show his sustained national or international acclaim and demonstrate that he 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)(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). *See also 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"). 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 achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or 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 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 claims eligibility for this classification based on his achievements as a professional and managing director in the financial services risk management field. The record indicates that he has worked for [redacted] since March 2024 as a managing director. Prior to working for [redacted] the Petitioner was employed as the head of risk management, then later as a managing director of [redacted] between 2017 to 2023. He also previously held positions as a credit portfolio manager, credit analyst, risk analyst, e-channels operations officer, and operations analyst for various banks in Nigeria.

A. Evidentiary Criteria

Because the Petitioner has not claimed or established his receipt of a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner claimed to have satisfied seven of the ten criteria pertaining to receipt of lesser recognized awards or prizes, membership, published materials, judging, authorship, leading or critical role, and salary at 8 C.F.R. § 204.5(h)(3)(i)-(iv), (vi), (viii), and (ix).

Service Center Operations (SCOPS) determined that the Petitioner met six of his seven claimed criteria for receipt of lesser recognized awards or prizes, published materials, judging, authorship, leading or critical role, and salary. However, they found that the Petitioner did not meet the criterion of membership. Because they found the Petitioner met at least three of the ten evidentiary criteria though, they conducted a final merits determination. In doing so, SCOPS concluded that the record did not demonstrate the Petitioner's sustained national or international acclaim and that his achievements have been recognized in the field of endeavor, demonstrating he is one of that small percentage who has risen to the very top of the field. Therefore, they denied the petition.

On appeal, the Petitioner contends that he satisfies the criterion of membership and that the evidence in the aggregate establishes his eligibility as an individual of extraordinary ability. We need not determine whether the Petitioner satisfies this additional evidentiary criterion because the appeal

hinges on the final merits determination.[1] Therefore, we will evaluate the totality of the evidence based on the documentation presented to SCOPS in the context of the final merits determination below.

B. Final Merits Determination

As indicated above, we will evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, their sustained national or international acclaim, that they are among the small percentage at the very top of the field of endeavor, and that their achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has 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.

On appeal, the Petitioner argues that SCOPS misapplied the standards for making a final merits determination, did not apply the correct preponderance of the evidence standard, and issued a decision that lacked a reasoned explanation for its conclusions. The Petitioner contends, among other things, that his lead roles inside institutions "verified as industry leaders" and evidence that his work informed national policy and market-level outcomes "squarely supports the finding that he is among a 'small percentage at the top' of his field."

Upon review of the record, however, we agree with SCOPS' conclusion that the Petitioner has not established his eligibility. While the evidence may demonstrate the Petitioner's noteworthy accomplishments, it does not establish that he is an individual of extraordinary ability who has sustained national or international acclaim, and demonstrated that he is among the small percentage at the very top of the field of endeavor.

Regarding the Petitioner's service as a judge of the work of others, the Petitioner points to his peer review work, including for the Journal of the Association of International Graduate Students (JAIGS) and the Risk Theory Society, as well as for the Editorial Board of Risk Manager Magazine. While he argues that we should treat such roles as "strong indicators of recognition by peers who are 'national or international experts," as noted in SCOPS' decision, participation in the peer review process, even when it involves reputable journals or conferences, does not automatically result in a finding that the petitioner has sustained national or international acclaim at the very top of their field. Here, the Petitioner has not shown the context of his judging activities, for example, how his peer review or judging experiences compare to those of others at the very top of his field, nor is there evidence that his involvement as a judge resulted in widespread attention from the field. *See Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801, at *2 (D.C. Cir. Jan. 31, 2023) (finding the petitioner did not provide needed context for his judging experience and the response to his work).

The record also does not show that the journals that invited the Petitioner to serve as a peer reviewer reserve those invitations for those who are at the top of the field or otherwise enjoy standing in the field consistent with sustained national or international acclaim. This context is relevant, as reviewing manuscripts for journals that select peer review based on subject matter expertise would not provide

[1] *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).

strong support for the petition. While the journals that invited the Petitioner to perform reviews may seek to rely on subject matter experts for this purpose, possessing expertise in a field is a lower threshold than enjoying sustained acclaim in the field. Without sufficient evidence that sets the Petitioner apart from others in his field, he has not established that his judging experience places him among that small percentage who has risen to the very top of the field of endeavor. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *23-24 (D. Neb. Sept. 12, 2025) (upholding that plaintiff did not show how she 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 echelon of the field); *see also Joseph v. Dir. of Texas Serv. Ctr., United States Citizenship & Immigr. Servs.*, No. 4:22-CV-00973-SDJ-AGD, 2024 WL 1299065, at *6 (E.D. Tex. Mar. 12, 2024), *report and recommendation adopted*, No. 4:22-CV-00973-SDJ-AGD, 2024 WL 1289452 (E.D. Tex. Mar. 26, 2024), *aff'd*, 2025 WL 458001 (upholding plaintiff did not demonstrate his judging experience sets him apart from others in the field or places him among the small percentage who has risen to the top of the field of endeavor).

As it pertains to his written work, the Petitioner states that the record includes his scholarly and professional publications, such as his articles published in the International Journal of Research in Business and Social Science, as well as his industry related articles published in NICA's Credit Manager magazine. He also claims that his "expert contributions" were incorporated into a national white paper on financial inclusion. Of note, however, the record reflects that these articles were published in 2025. Publication in one year does not indicate sustained acclaim over the course of the Petitioner's almost 15-year-long career. Moreover, the Petitioner submitted little evidence that his articles have been cited by others in his field or have otherwise impacted his field in a manner commensurate with sustained national or international acclaim as a managing director at the very top of his field. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the Petitioner did not show the significance of authorships reflecting that he is among the small percentage at the very top of the field).

Likewise, the Petitioner claims that the documents showing his press and profile coverage from outlets such as Forbes Switzerland, Guardian Nigeria, The Credit Manager Magazine, Punch Newspaper, CIO Views Magazine, and The Nation Newspaper establish his reputation and public recognition within the profession. He claims that these documents show his achievements have been widely recognized in the field and amplifies his "top-level profile in his field." But again, the record reflects that these articles were published in 2020, 2024, and 2025. While these articles may show that the Petitioner garnered some limited media attention over those three years, the Petitioner did not establish that such a level of fairly minimal reporting is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor, has achieved sustained national or international acclaim, or has a career of acclaimed work. *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*, 2023 WL 1156801 (upholding plaintiff did not show his press coverage was indicative of a level of success consistent with being at the top of his field).

The record further shows that the Petitioner received the [redacted] Award in 2024 and The [redacted] Award from the [redacted] in 2024. He contends that such awards "are probative of reputation among leading practitioners." But the record lacks sufficient evidence of the significance of these awards to establish that the awards

contribute to, or are otherwise indicative of, the Petitioner's inclusion among the small percentage at the very top of his field. The Petitioner did not, for example, show how these awards are viewed by the broader field. Additionally, the Petitioner has not demonstrated how receiving only two awards, both of which were received in 2024, establishes the sustained national or international acclaim necessary for this classification.

The Petitioner also argues that his 2024 memberships with the Institute of Management Consultants (IMC), the National Institute of Credit Administration (NICA), and Chartered Risk Management Institute (CRMI) are "expert-judged and achievement-gated signals of distinguished standing." However, he has not contextualized the significance of such memberships. *See id.* (upholding plaintiff did not contextualize his membership to demonstrate sustained national or international acclaim). Furthermore, the Petitioner did not show how these recent memberships result 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 *6 (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 how this membership reflects that small percentage who has risen to the very top of the field of endeavor. For example, the Petitioner did not explain how these memberships place him among the prestigious executives of his field. The record contains little evidence indicating that he received national or international recognition based on his memberships. The Petitioner also did not establish that he has distinguished himself from others in the field based on these memberships, gaining national or international attention or placing him among the upper echelon in the field. *See Hamal*, 2023 WL 1156801, at *3 (finding the petitioner did not establish the associations limit membership to renowned directors).

The Petitioner contends that his salary at [redacted] is indicative of his extraordinary ability in comparison to others in his field. While he claims his "CEO-level remuneration sits at or above the uppermost tier of compensation for comparable roles in his market," the Petitioner has not demonstrated that his wages are tantamount to an individual who is among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2); *Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding that the plaintiff's high salary was not so high as to indicate that he has risen to the very top of the field); *Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's salary in the top 10 percent of employees was not so impressive as to place him at the very top of the field of endeavor). For example, the Petitioner did not compare his wages to others who are viewed to be among the very top of his field of endeavor. *See* 8 C.F.R. § 204.5(h)(2)(ix) (requiring evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field). While the evidence, including his offer letter, bank statements, and tax documents show [redacted] pays him a high salary, the Petitioner also did not establish that he earns a level of compensation commensurate with sustained national or international acclaim. *See* section 203(b)(1)(A) of the Act. Furthermore, the Petitioner did not show, for example, that he received notoriety or attention based on his earnings to demonstrate sustained acclaim.

While the Petitioner provided support letters that summarized his work and contributions as evidence of his leading or critical role in distinguished organizations, they also do not contain sufficient

information and explanation to show that the Petitioner is viewed by the overall field, rather than by a solicited few, as being among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). Further, the Petitioner did not establish that he has made impactful or influential contributions in the greater field reflecting a career of acclaimed work in the field, garnering the required sustained national or international acclaim. Here, the letters describe the Petitioner's work with his former employers without showing how they rise to a level of major significance in the greater field and represent an individual who has garnered sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. While the Petitioner's reference letters indicate his professional accomplishments, they do not show how his roles resulted in widespread acclaim from his field, that he drew significant attention from the greater field, or that the overall field considers him to be at the very top of the field of endeavor. For example, he presents a letter written by [redacted], Executive Director of Business Development at [redacted] Limited. While the letter discusses the Petitioner's accomplishments with the company and asserts that the Petitioner "has already made significant contributions in risk management and product development in the financial services industry," it offers little details about these contributions or how the Petitioner otherwise has sustained acclaim or is viewed by the overall financial services risk management field as being among the small percentage at the very top of the field.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. The Petitioner has not demonstrated that his achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. 1990 U.S.C.C.A.N. 6710, 6739.[2] 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 (BIA 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, 394-95 (5th Cir. 2022) (recognizing that extraordinary ability is "such an elite level of accomplishment"); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visas are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, the Petitioner has not shown the significance of his work is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. 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 he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of

[2] 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).

extraordinary ability. The appeal will be dismissed for the above stated reasons.

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.