U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38379046

Date: JUL. 18, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a chief executive officer (CEO), seeks classification 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*.

SCOPS denied the petition, concluding that the record did not establish the Petitioner has a one-time achievement (that is, a major internationally-recognized award) or meets at least three of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3). 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

To establish eligibility as an individual of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that the petitioner's achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that 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).

A petitioner can demonstrate that they meet the initial evidence requirements for this immigrant visa classification through evidence of a one-time achievement (that is, a major, internationally recognized award). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. § 204.5(h)(2),(3).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the alien possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022).

II. ANALYSIS

The Petitioner is the CEO for a wholesale vehicle parts supply company in Russia. He intends to develop a user-friendly online catalog of parts in the United States for trucks, buses, and motorcycles.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he received 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). SCOPS concluded that the Petitioner met only one of the eight evidentiary criteria for which he submitted evidence. Specifically, SCOPS determined that the Petitioner has commanded a high salary or other significantly high remuneration in relation to others in the field.[1] On appeal, the Petitioner asserts he meets the evidentiary criteria relating to:

- Receipt of lesser or nationally or internationally recognized prizes or awards for excellence
- Memberships in associations in the field in which classification is sought which require outstanding achievements of their members as judged by recognized national or international experts in the field
- Published material about the Petitioner relating to his work in the field
- Participation as a judge of the work of others in the same or an allied field of specialization
- Original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field

[1] We will not address whether the Director correctly made this finding, as a positive finding would not result in the Petitioner meeting at least three of the regulatory categories of evidence. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

- Authorship of scholarly articles in the field in professional or major trade publications or other major media
- Performance in a leading or critical role for organizations with a distinguished reputation

For the reasons discussed below, the Petitioner has not demonstrated he meets at least three of the regulatory categories of evidence.[2]

1. Evidence 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 receiving awards that celebrate excellence in automotive design, engineering, and customization. He refers to his second-place award in the [redacted] category at the 2018 [redacted] in [redacted] for his work on the [redacted] car and claims this is a testament to his exceptional skills in restoring and customizing Soviet-era vehicles. He also refers to his first-place award in the custom paint category at the same event for his work on the [redacted] car. The record includes pictures of these awards and certificates with his name on it. He claims that the [redacted] is Russia's leading event dedicated to custom vehicle culture, it has been featured in [redacted] and [redacted] and the awards are based on rigorous evaluation criteria. The record does not establish that the awards the Petitioner received are nationally or internationally recognized. The record includes a few paragraphs about the [redacted] from its website, and the website references it being mentioned by [redacted] and [redacted] However, there is no evidence that the awards won by the Petitioner were discussed in these publications or any other evidence that the awards are nationally or internationally recognized. The record includes an expert opinion letter from T-H-[3] who asserts that the Petitioner's awards are intrinsically tied to his professional endeavors as a business leader, as his projects were executed through exceptional leadership, strategic planning, and artistic ingenuity integrated with business objectives. A review of this evidence does not establish that his awards are in his field of endeavor. The awards relate to customizing cars, but his field of endeavor is vehicle parts supply. T-H-'s arguments do not establish that customizing cars is in the Petitioner's field of endeavor.

Finally, the Petitioner mentions a letter from a commercial vehicle seller in Russia acknowledging that his company provides outstanding customer service. However, this is not an award or prize.

Accordingly, the Petitioner did not show he satisfies this criterion.

[2] While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety.
[3] We use initials to protect identities.

2. Evidence of Membership in Associations Requiring Outstanding Achievements of Members

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.

The Petitioner asserts that his membership in the [redacted] qualifies under this criterion. The record includes a certificate of membership, information about the [redacted] and a letter from the chair of the [redacted] The Petitioner asserts that he was awarded membership based on his outstanding leadership and achievements in the business field; and the organization's constitution and bylaws require members to meet stringent criteria, including having significant professional accomplishments, an evaluation by an expert panel composed of nationally and internationally recognized authorities in business and entrepreneurship, and evidence of business innovation, financial success, and industry influence.

SCOPS mentioned that [redacted] membership was granted to the Petitioner's company in Russia. However, the [redacted] membership certificate reflects that it was issued to the Petitioner. The [redacted] chair states that the [redacted] is the oldest interregional public organization of heads of enterprises and businessmen of Russia. Therefore, the Petitioner has shown membership in an association in the field for which classification is sought, which includes his role as a businessman. However, the Petitioner has not shown the membership requires outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields. The [redacted] chair states they have rigorous membership criteria, inviting only those entrepreneurs with exemplary reputations, established enterprises, and demonstrable business success; eligible companies must employ full-time staff, make significant contributions to their professional industry, or develop innovative business methods; and the Petitioner was invited to join in recognition of his outstanding leadership and achievements with his wholesale vehicle parts company. The record does not include evidence of the individuals who review prospective members' applications and whether they are recognized as national or international experts in their disciplines or fields. Furthermore, the record does not include the [redacted] constitution, bylaws, or similar records which provide the criteria to be a reviewer. As such, the Petitioner has not established the qualifications required of the review panel members and whether they are national or international experts in their disciplines or fields.

Accordingly, the Petitioner did not show he satisfies this criterion.

3. Published Material About the Petitioner

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 claims that the record includes articles and reports from reputable industry-specific and mainstream media sources highlighting his professional achievements, leadership, and influence in the field. The Petitioner refers to his coverage in [redacted], which he claims to be a leading publication in the transportation industry. He states that the first article documented his role in facilitating the entry and distribution of buses in Russia and the second one documented his crisis management during the COVD-19 pandemic. We note that the first article does not mention the author, as required by 8 C.F.R. § 204.5(h)(3)(iii), and the second one is written by the Petitioner.

He mentions that he was featured multiple times in [redacted], one of Russia's most respected and widely circulated newspapers, and the articles highlight his leadership in corporate social responsibility via philanthropic efforts. The record does not include evidence of these articles. Regardless, the claimed articles do not relate to his work in the wholesale vehicle parts supply industry. Next, he states that [redacted], a well-regarded charity, issued a report documenting his company's charitable donations. The letter from [redacted] is not published material about him in a professional or major trade publication or other major media relating to his work in the wholesale vehicle parts supply industry.

He mentions that his leadership in automative customization and the spare parts industry was featured in [redacted], an online publication. The referenced article includes the title, date, and author. The record does not establish this is a professional or major trade publication as it is a general news source. The Petitioner submits Similar Web information showing 74,500 estimated visits per month and 609,973 per year. These figures do not establish that [redacted] online is major media. Additionally, the article focuses on the Petitioner's customization of cars and briefly mentions the success of his vehicle parts company. In fact, the title of the article includes the Petitioner's name and "[redacted]" The record does not include sufficient evidence to establish the article relates to his work in the wholesale vehicle parts supply industry.

Accordingly, the Petitioner did not show he satisfies this criterion.

4. Participation as a Judge of Others' Work

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) calls for "evidence 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 he has served as a judge at multiple prestigious automotive industry events, where he was formally designated to assess and evaluate entries based on industry standards,

innovation, and craftsmanship. The general director of the [redacted] states that the Petitioner was invited to be the chairman of the judging committee alongside other automotive industry experts for the 2021 [redacted]. However, the record does not include evidence that the Petitioner actually participated in the [redacted] as a judge of the work of others. Furthermore, the custom auto industry is not the same or an allied field of specialization for which classification is sought.

Accordingly, the Petitioner did not show he satisfies this criterion.

5. Original 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 he has made substantial, widely recognized contributions to the automotive industry, particularly in automotive customization and spare parts distribution. The petition before us is based on the Petitioner's extraordinary ability in the field of business, specifically the wholesale vehicle parts supply industry. Therefore, we will address his claims based on this field. He states that his company has introduced innovative solutions in spare parts distribution, and his work has directly contributed to the accessibility and affordability of spare parts. While the record includes evidence that the Petitioner has a successful business, he has not provided evidence of any innovative solutions of major significance in his field or otherwise shown business-related contributions of major significance in his field.

Accordingly, the Petitioner did not show he satisfies this criterion.

6. Authorship of Scholarly Articles

The regulation at 8 C.F.R. § 204.5(h)(3)(vi) calls for "evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." In academia, a scholarly article reports on original research, experimentation, or philosophical discourse, is generally peer reviewed, and may be published in professional or scientific journals or conference presentations. In other fields, a scholarly article should be written for others having profound knowledge in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

To determine whether the publication qualifies as a professional or major trade publication or other major media, we consider such relevant factors as the circulation or readership relative to other media in the field and the intended audience (for professional journals). *Id.*

The Petitioner asserts that he has made substantial intellectual contributions through his article "[redacted]" which was published in [redacted]. He states that [redacted] is a widely recognized trade publication focused on the transportation and logistics industries, and its readership consists of industry executives, decision makers, and experts who rely on the publication for industry trends, economic analysis, and business strategies.

The article written by the Petitioner discusses the lack of bus drivers in Russia and its negative effects. As such, it is not an article related to the field of wholesale vehicle parts supply. Additionally, the Petitioner has not provided supporting evidence establishing that articles in [redacted] are intended for others having profound knowledge in his field. Finally, the Petitioner has not established that [redacted] qualifies as a professional or major trade publication or other major media. He provides inconsistent information about its circulation, with one document showing 30,000 and another showing 43,000, and he does not provide evidence of circulation or readership relative to other media in the field.

Accordingly, the Petitioner did not show he satisfies this criterion.

B. Final Merits Determination

Although the Petitioner claims eligibility for an additional criterion on appeal, relating to performance in a leading or critical role for organizations with a distinguished reputation, we need not reach this additional ground. As the Petitioner cannot fulfill the initial evidentiary requirement of meeting at least three of the criteria under 8 C.F.R. § 204.5(h)(3), the identified reasons for denial are dispositive of the appeal. We therefore reserve the Petitioner's appellate arguments regarding this additional evidentiary criterion. *See INS v. Bagamasbad*, at 25. In addition, because the Petitioner has not met the initial evidence requirement for this classification, as he has not submitted evidence of a one-time achievement or that he meets at least three of the evidentiary criteria under 8 C.F.R. § 204.5(h)(3), we need not provide the type of final merits determination referenced in *Kazarian,* 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

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.