U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43205417

Date: JUL. 27, 2026

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

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

The Petitioner, an educator, seeks classification as an alien 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 the Petitioner did not satisfy at least ten of the initial evidentiary criteria. 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 a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of his or her 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 he or she must provide sufficient 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 is an educator of Buryat descent, an indigenous ethnic group in the Russian Federation. She possesses the foreign equivalent of a master's degrees in education. She states that she has worked in primary education since 1990, primarily at [redacted], which she states is one of the largest and most well-equipped schools in its region of Russia. She held various positions at the school, including as a primary school teacher, as summer camp director, and as the head of the school's [redacted] of teachers, which worked to improve teaching practices and develop curriculum at the school. She states that throughout her career she has been dedicated to promoting education, culture, and the preservation of endangered languages and cultural traditions.

The Petitioner claims to have extraordinary ability in the field of primary education, pedagogical methodology, and curriculum development. She states that she seeks to continue her work in education through teaching, curriculum development, and the implementation of her educational methods in child-centered instructional settings consistent with her long-standing expertise in early learning and developmental pedagogy.

A. Evidentiary Criteria

Because the Petitioner has not claimed or established that she has received a major, internationally recognized award as defined at 8 C.F.R. § 204.5(h)(3), she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner claims to have established eight of these criteria, summarized below:

- (i), lesser nationally or internationally recognized prizes or awards for excellence in the field;
- (ii), membership in associations which require outstanding achievements of their members;
- (iii), published material about the individual in professional or major media;
- (iv), participation as a judge of others' work;
- (v), original contributions of major significance to the field;

- (vi), authorship of scholarly articles in the field in professional or major trade publications or other major media;
- (viii), leading or critical role for distinguished organizations or establishments; and
- (ix) high salary or other significantly high remuneration for services in relation to others.[1]

USCIS determined that the Petitioner met only two of the regulatory criteria: criterion (iv), relating to judging the work of others, and criterion (vi), relating to authorship of scholarly articles. USCIS therefore found that the Petitioner did not establish eligibility as an alien of extraordinary ability. On appeal, the Petitioner maintains that she has established eligibility for eight criteria.

Upon review of the record, we will not disturb USCIS' determination regarding judging the work of others or the Petitioner's authorship of scholarly articles. After reviewing the evidence, we conclude that the record does not reflect that the Petitioner meets the requirements of any additional criteria and therefore she does not meet at least three criteria. We will dismiss the appeal on that basis.

1. Lesser Nationally or Internationally Recognized Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) requires a petitioner to provide "[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 initially submitted numerous certificates, primarily issued by the local government or the school at which she was employed to establish eligibility under the criterion. Following USCIS' statement in the RFE that the record did not establish that these certificates, issued by these local organizations, were nationally or internationally recognized, the Petitioner narrowed her claim to three specific awards.

First, the Petitioner submitted a "merit certificate" from the [redacted] of the Russian Federation, for "significant successes" related to educational development. Second, the Petitioner relies on a certificate she received for the "district prize of the best teacher contest" of the "Priority National Project Education," issued by the Head of Administration in the [redacted] District of Russia. Finally, the Petitioner submitted claims that she was designated as a "laureate" at the [redacted] Festival '[redacted] 2020" related to a book project that she submitted in competition at the festival.

The Petitioner asserts that the [redacted] is the "central federal authority responsible for education nationwide" in Russian, and therefore this certificate should not be

[1] The Petitioner initially claimed to meet the criterion at 8 C.F.R. § 204.5(h)(3)(vii), relating to display of work in the field at artistic exhibitions or showcases. However, the Petitioner did not submit additional evidence related to this criterion or otherwise maintain her claim to eligibility under this criterion in response to USCIS' request for evidence (RFE). USCIS did not address this criterion in its decision. However, the Petitioner did not raise this issue on appeal and does not assert her eligibility under this criterion on appeal. We therefore consider this claim to be waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336, n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

considered "local recognition." Similarly, the Petitioner asserts that her district prize in the "best teacher contest" is part of a national education project that is "federally created, funded, and regulated," although it was issued by a local government. She submitted evidence of a presidential decree on "monetary incentives for the best teachers" in support of this claim.

While we acknowledge that the [redacted] is part of the Russian federal government and therefore a "national" level body, the plain language of the regulation requires the Petitioner to demonstrate that the prize or award received is nationally or internationally recognized. A national government agency's issuance of an award does not alone establish a prize's national recognition. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) ("[A]s reflected in the regulation's plain text, the focus is on the *award,* not the awarding organization.") (emphasis in original). The same is true of the Petitioner's district-level recognition as one of the "best teachers" in the national education project. The Petitioner must show how others beyond the federal ministry or local government administration view this award. *See Visinscaia v. Beers*, 4 F. Supp. 3d at 136 ("Without evidence of how a larger audience viewed Plaintiff's awards, there was no way for the agency to evaluate whether those awards were recognized widely enough to satisfy this criterion."). Because the Petitioner has not done so here, the Petitioner has not established that either the merit certificate or the best teacher prize are nationally or internationally recognized prizes or awards for excellence.

Finally, we conclude that the record also lacks sufficient evidence regarding the laureate designation the Petitioner claims to have received at the [redacted] 2020 festival. The Petitioner claims that this designation was received after an application process and competitive selection in the festival. The Petitioner submitted evidence of the festival organization and its bylaws, and evidence of her "certificate of participation" in the book competition in the "literary works dedicated to children" category at the festival. She also submitted a letter from the Ministry of Culture of the Republic of [redacted] (a part of the Russian Federation) which states that the Petitioner and her co-authors were declared the winner of the "children's literature" category at the festival for their book. Again, however, the record lacks information about the level of recognition for this prize. Here, the Petitioner has not established that the festival award is a nationally or internationally recognized award for excellence in her field of endeavor.

Accordingly, the Petitioner has not demonstrated that she satisfies this criterion.

2. Membership in Associations which Require Outstanding Achievements

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 claims eligibility under this criterion based on membership in the International Association of Academic and Teaching Professionals (IAATP) and the Association of Developmental

Education Specialists (MARO). The Petitioner contends that, contrary to USCIS' findings, the evidence in the record sufficiently demonstrates membership in these associations is "based on a substantive evaluation of her professional record" and that she therefore fulfills this criterion.

Regarding MARO, the record contains evidence of the Petitioner's membership in the association, the association's charter, and a letter from the secretary of the board of MARO regarding the Petitioner's admission as member. The charter states that the association is a non-profit organization created to protect the general and professional interests of specialists in the field of developmental education and that members may be "researchers, teachers, psychologists, methodologists, educators, and other individuals in the development and implementation of the theory and practice of developmental education." The letter from the MARO board secretary states that the Petitioner was accepted into the association "due to her many years of dedication to the community," including the development of educational methods and publication of textbooks and articles, among other work and recognition in the field.

On appeal, the Petitioner claims the letter from the board secretary confirms that she was accepted into the association "based on her documented professional achievements," and that admission was "not automatic or purely formal." The Petitioner claims the letter shows that "in the Petitioner's case, membership was granted on the basis of recognized professional accomplishments rather than mere participation."

We conclude that the record does not show the Petitioner's eligibility for this criterion based on her membership in MARO. As USCIS noted, the charter for MARO does not support the claim that outstanding achievements are required for membership, but rather that membership is "open" to members of the profession. The regulation states that the organization must "require" outstanding achievements of their members. 8 C.F.R. § 204.5(h)(3)(ii). The Petitioner's claim that membership was granted "in her case" based on her particular dedication does not demonstrate that the association requires outstanding achievements of its members. Moreover, the Petitioner has not shown that "years of dedication" in the field is equivalent to "outstanding achievements" as judged by "recognized national or international experts." *See* 8 C.F.R. § 204.5(h)(3)(ii). Indeed, when an individual's membership is based solely on years of experience in a particular field, this generally indicates that membership is not based on outstanding achievements in the field. *See generally* 6 *USCIS Policy Manual, supra.*

We also conclude that the Petitioner has not established eligibility for this criterion based on her membership in IAATP. Regarding IAATP, the Petitioner submitted evidence of her membership and a copy of the association's regulations. The regulations for IAATP describe the association as a non-profit, voluntary, independent, and international professional body dedicated to advancing the field of education. The regulations state that there are "categories" of membership, however the regulations do not enumerate or define these categories. The regulations further state that membership is open to individuals who have "achieved international recognition, distinction, and demonstrated excellence in the field of education."

Regarding the application process, the regulations state that applicants must provide evidence from a list of requirements, such as having had a leadership role at a distinguished institution, authoring books or journals, having a role as a peer reviewer, demonstrating academic influence through citations to

their work, receiving awards, fellowships, or honors for excellence in education, and making active contributions to equity, responsibility, or educational access. Finally, the regulations state that applications are reviewed by existing members of the association, who are "internationally recognized experts with significant contributions to education."

The Petitioner has not shown that the requirements for membership in IAATP reflect outstanding achievements, nor that this requirement is judged by recognized national or international experts. While we recognize that IAATP regulations mirror some of the language of 8 C.F.R. § 204.5(h), there is no additional information in the record about this association, its members, and how membership in the association is viewed by others in the field. Evidence that merely reiterates USCIS' definitions relating to this classification is generally not persuasive. *See generally* 6 *USCIS Policy Manual, supra* at F.2(B)(3) (discussing letters of support). The IAATP regulations on their own lack sufficient detail for us to determine the specific level of achievement required to gain membership and whether, therefore, the current members are, in fact, recognized national or international experts in the field. *See* 8 C.F.R. § 204.5(h)(3)(ii).

For these reasons, the Petitioner has not established that she fulfills this criterion.

3. Published Material about the Petitioner in Professional or Major Trade Publications

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." 8 C.F.R. § 204.5(h)(3)(iii). The published material should be about the individual and their work, rather than the individual'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, readership or viewership relative to other media in the field. *See generally* 6 *USCIS Policy Manual, supra* at F.2(B)(1).

The Petitioner claims to fulfil this criterion based on broadcast media coverage by the Chita regional branch of the All-Russian State Television and Radio Broadcasting Company. In support of this claim, the Petitioner submitted a letter from the Deputy Director-Head of the [redacted] The letter states that "Chita" aired a program on [redacted] 2024 about a new book for "extracurricular reading in the [redacted] language for grades 2, 3, and 4 of the [redacted] School (co-author: [the Petitioner])." Included with this letter the Petitioner submitted a document, several hundred pages long, that appears to be the text of a book that is not translated into English.[2]

This evidence does not establish that the Petitioner fulfils this criterion. First, the record contains insufficient evidence to determine whether the media coverage is about the Petitioner or her work. The Petitioner provided only this letter stating that a "spot" was run on this book; the Petitioner did

[2] Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation which the translator has certified is complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English. 8 C.F.R. § 103.2(b)(3).

not provide transcripts of the audio or video coverage. This impedes our ability to determine precisely the topic of the coverage and whether it is "about" the Petitioner or her work. *See generally* 6 *USCIS Policy Manual, supra* (stating that evidence of qualifying media may include "a transcript of professional or major audio or video coverage of the person and the person's work."). Even if we accept this letter as evidence that this broadcast segment occurred, the letter provides only general information about the segment that is not sufficient to establish that it is "about" the Petitioner and her work. For example, the letter does not state that the program was solely or primarily about the Petitioner's book, or whether other topics were the primary subject.

Second, the record does not show that this local broadcast qualifies as "major media." Although the Petitioner claims that this broadcast coverage was by a "regional branch" of the Russian state media, the Petitioner did not provide evidence to demonstrate the viewership of this affiliate. We cannot presume that any branch of the Russian state broadcast company constitutes major media, and the record lacks documentary evidence about the viewership of this broadcast network to determine whether this branch qualifies. Finally, the evidence does not provide an author's name. Although the Petitioner claims that "broadcast media does not always identify individual authors in the same manner as print publications," the requirement for an author is nevertheless a requirement of the plain language of the regulation and that requirement is not met here.

The evidence is not sufficient to demonstrate that this coverage was in "major media" and the letter is not sufficiently detailed to determine that it was "about" the Petitioner or her work. For these reasons, the evidence does not demonstrate that the Petitioner fulfills this criterion.

4. Original Contributions of Major Significance to the Field

The regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for evidence of an individual'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, supra.*

The Petitioner claims that she has developed and implemented a "defined pedagogical framework" that she calls the "Dialogue of Cultures" that is original and has been of major significance to the field. USCIS found that the record lacked evidence of this contribution's significance based, in part, on the lack of citations to the Petitioner's publications. The Petitioner objects to this conclusion on appeal, claiming that in the Petitioner's field of primary education, the significance is demonstrated not through "citation metrics," but through factors such as "implementation, adoption by other educators, institutional reliance," and "dissemination through approved educational materials."

The Petitioner states that her methodology integrates "bilingual instruction, cultural context, and dialog-based learning" and that it has been implemented in classrooms and "produced documented results." The Petitioner further states that her school leadership used her methodology in teacher training, and that it was used in a textbook series she co-authored and was approved for use in schools in the Petitioner's region of Russia.

In support of these claims, the Petitioner provided a paper she authored describing her "Dialogues of Culture" educational methodology, a letter of support from the director of the school at which the Petitioner was employed, and a letter from the Deputy Minister of the [redacted] in the Republic of [redacted]. The letter of support from the school director states that the Petitioner played a central role in developing and compiling teaching materials for an extracurricular reading program for the [redacted] language for grades two through four, and that this resulted in the teaching aid "[redacted]." The letter further states that the materials were approved by the "Federal State Educational Standard" and that the textbooks that were distributed to schools and libraries throughout the Republic of [redacted] in Russia. The letter from the Deputy Minister confirms that in 2018 textbooks were published based on the "Dialogue of Cultures" method to promote the development of the [redacted] language in primary schoolchildren.[3]

We agree with USCIS that the evidence is not sufficient to establish this criterion. Although the Petitioner provided evidence of her educational methodology for teaching the [redacted] language, that this methodology was employed at her school, and that the local government approved its use in textbooks for children, this does not sufficiently establish that this contribution is of major significance to the field. *See Goncharov v. Allen*, No. 3:21-CV-1372-B, 2022 WL 17327304, at *5 (stating that "[c]ourts have routinely affirmed agency decisions that held § 204.5(h)(3)(v) requires substantial influence beyond one's employers, clients, or customers); *see also Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Visinscaia v. Beers*, 4 F. Supp. 3d at 134; *Strategati, LLC v. Sessions*, No. 3:18-CV-01200-H-AGS, 2019 WL 2330181, at *6 (S.D. Cal. May 31, 2019).

The record does not show that the Petitioner's methodology has been impactful, that it has had widespread influence, or has otherwise been of major significance to the field. The Petitioner has not provided evidence of its use outside of the Republic of [redacted] in Russia. Additionally, although the record contains evidence of its use within the region in at least one school, it does not contain documentary evidence sufficient to establish that this use has resulted in an impact of "major significance." For these reasons, the record does not show that the Petitioner fulfills this criterion.

The record lacks evidence that the Petitioner's original contributions have major significance in her field. For these reasons, the Petitioner has not established that she fulfills this criterion.

[3] The Petitioner also provided additional evidence on appeal related to this criterion, which she claims establishes that her methodology has been implemented in the United States. Where a petitioner has been put on notice of a deficiency in the evidence and has been given an opportunity to respond to that deficiency prior to issuance of the adverse decision, new evidence will not be considered on appeal. *See Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988); *see also* 8 C.F.R. § 103.2(b)(11) (requiring the submission of all requested evidence together at one time). We will not, therefore, consider the Petitioner's newly submitted evidence on appeal.

5. Leading or Critical Role for Distinguished Organizations or Establishments

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for "evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." The role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. Evidence of a leading role should show that the alien was a leader for the claimed component, and a job title with matching duties may help to establish that a role was leading. For a critical role, evidence should show that the alien has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment. In determining whether the organization or establishment, or a department or division thereof, has a distinguished reputation, relevant factors include its size, longevity, scale of its customer base, and relevant media coverage. *See generally* 6 *USCIS Policy Manual, supra.*

The Petitioner claims that she fulfills this criterion based on various leadership roles, including as Head of the [redacted] teachers, at the [redacted]. The Petitioner submitted a letter from the school's "deputy director for educational work," describing her various roles at the school and contributions to the school, a letter from the chief accountant at the school, stating her job titles, job duties and income, and copies of her income tax return from 2010 to 2014. We conclude that the evidence is sufficient to demonstrate that she had a leading role at the school.

However, the evidence does not demonstrate that the school has a distinguished reputation. The Petitioner claims that the school qualifies as such because it is the "legal successor" to the first secular educational institution in the [redacted] region and because it has received awards and recognition in competitions. For example, the Petitioner submitted evidence that it was designated as a "laureate" in a competition called the "100 Best Schools of Russia," that it was awarded a "diploma" by the Russian [redacted] for implementing "innovative educational program," and that it received recognition from the '[redacted]" conference for a project titled "project for the development of an open information space in the context of the national culturological school" in 2008.

While these certificates show that the school has received some recognition from the [redacted] and received recognition in competitions, the Petitioner has not established that this amounts to a distinguished reputation. The record does not contain information about these competitions and awards sufficient to determine whether they are indicative of a distinguished reputation. Regarding the "100 Best Schools of Russia" competition, for example, although the Petitioner claims that the school won this contest, the document submitted is not clearly an award but instead is titled a "laureate diploma." The record does not establish whether this is acknowledgement of participation in this contest or a particular placement in the competition. Moreover, the record does not establish what this contest is, and whether winners of the contest are considered to have distinguished reputation.

Although the letter from the school's deputy director for educational work claims that the school has had significant longevity in the region, the Petitioner has not otherwise provided evidence of other

factors that would establish its distinguished reputation such as its size, scale of its student base, and relevant media coverage. *See generally* 6 *USCIS Policy Manual, supra.*

For these reasons, the Petitioner has not demonstrated that she fulfils this criterion.

6. High Salary or Other Significantly High Remuneration for Services

The regulation at 8 C.F.R. § 204.5(h)(3)(ix) calls for "evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field." USCIS found that the Petitioner did not establish this criterion because she provided evidence of her income tax statements from 2010 to 2014, but evidence of comparative salary data for different years, specifically 2014 and 2015.

On appeal, the Petitioner contends that this analysis places "undue weight on a technical mismatch" and that the comparative salary data should be considered a reasonable and probative basis for comparison.[4] We agree with USCIS that the evidence provided is not sufficient to establish this criterion.

The comparative salary data is from the 2016 Current Statistical Survey, a statistical review of social and economic data in Russia, which provides data for 2014 and 2015. It provides the "accrued average monthly nominal wages of employees of organizations," organized by industry. For the education industry it states the average wages for 2014 were approximately 26,000 rubles monthly and 27,000 rubles monthly for 2015. But comparative wage data should be appropriate to the individual's occupation and location to establish that their compensation is high relative to others working in the field. *See generally* 6 *USCIS Policy Manual, supra.* The Petitioner has not provided evidence particular to her specific occupation or location; instead, the data is national and averages wages for the entire education industry.

Because the Petitioner has not provided sufficient evidence demonstrating the salaries of others in her occupation, the Petitioner did not establish she commands a high salary in relation to others in his field.

B. Final Merits Determination

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that she is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability

[4] The Petitioner provided additional evidence on appeal which she claims establishes that additional salary data is not available and that the evidence provided is therefore the best evidence available. As stated above, we decline to consider the Petitioner's new evidence on appeal. *See Matter of Soriano*, 19 I&N Dec. at 766.

visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *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).

III. CONCLUSION

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