U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38599443

Date: JUL. 30, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a supermodel, 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.

SCOPS denied the petition, concluding that the record did not establish that the Petitioner qualifies as an individual of extraordinary ability either as the recipient of a one-time achievement that is a major, internationally recognized award, or as someone who initially satisfied at least three of the ten required regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). 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,
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> (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
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> (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 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 maintains that she is an internationally recognized supermodel and has garnered recognition and awards over the last 15 years for her work in modeling.

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

- (i), Lesser nationally or internationally recognized prizes or awards;
- (ii), Membership in associations;
- (iii), Published material about the alien in professional or major media;
- (iv), Participation as a judge of the work of others;
- (viii), Leading or critical role for distinguished organizations or establishments.

SCOPS determined that the Petitioner met the criteria relating to judging the work of others, and performing a leading or critical role for organizations, but that she had not satisfied any of the other claimed criteria. On appeal, the Petitioner maintains that she meets three of the criteria in which SCOPS found in the negative, specifically receipt of an award, membership in associations, and published material. After reviewing all of the evidence in the record, we agree with SCOPS that the Petitioner has satisfied the judging the work of others criterion. However, for the reasons discussed below, the record does not reflect that the Petitioner demonstrated her eligibility for the performing a leading role for organizations criterion. We conclude the record does not support a finding that the Petitioner satisfies the requirements of at least three criteria.

Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(viii).

The Petitioner contends that she fulfills this criterion based on her critical role as a model at [redacted] because she was featured in magazines such as [redacted] and [redacted] and was included in advertisements for [redacted] and [redacted] She asserts that she "helped the organization in building a more distinguished reputation, attracting a wider client base, creating extensive industry connections, and making it more influential and visual in the competitive fashion industry."

Regarding a critical role, the evidence must demonstrate that a petitioner has contributed in a way that is of significant importance to the outcome of the organizations or establishment's activities. It is not the title of a petitioner's role, but rather the performance in the role that determines whether the role is or was critical. *Id.* The founder of [redacted] explained that in her work with the organization the Petitioner "achieved outstanding performance at [redacted] becoming a model for renowned international brands such as [redacted] and [redacted] However, the letter does not provide specific details explaining her duties or showing how she contributed to the success or improved standing of the organization, nor does this letter indicate that the Petitioner is featured more than other models to explain how the Petitioner brought success to the organization.[1]

The employment verification letter indicates that the Petitioner's role at the [redacted] is critical because she helped to build a more distinguished reputation and attracted a wider client base. This evidence lacks an explanation as to the Petitioner's specific impact on the organization as whole such as but not limited to, information on increased revenues resulting from the Petitioner's work. There is also no evidence that the Petitioner's role ranks her above other models, or that her impact on the organization is more significant than other models.

As such we disagree with SCOPS' decision and withdraw the conclusion that the Petitioner meets this criterion.

Documentation of the individual's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i).

The Petitioner provided evidence that she won the [redacted] in 2010 and the [redacted] award in 2010. In 2015, she was awarded a certificate of honor for the [redacted] and Top Ten Fashion Model at the [redacted] in 2015, and in 2013 she was awarded the Top Ten Fashion Model also at the [redacted] SCOPS acknowledged the Petitioner's receipt of these awards but determined that she did not provide sufficient evidence to establish that the awards are nationally or internationally recognized prizes or awards for excellence. In reaching this conclusion, SCOPS observed that the media coverage of the

[1] *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 10 (stating that letters from individuals with personal knowledge of the significance of a petitioner's leading or critical role can be particularly helpful in making this determination as long as the letters contain detailed and probative information that specifically addresses how the role for the organization or establishment was leading or critical).

awards did not support the Petitioner's claim that these awards were nationally or internationally recognized.

Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to, the criteria used to grant the prizes or awards, the national or international significance of the prizes or awards in the field, and the number of awardees or prize recipients as well as any limitations on competitors. *See generally*, 6 *USCIS Policy Manual* F.2 Appendix, https://www.uscis.gov/policy-manual (providing guidance for evaluating evidence in support of the criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x)). Prior to denying the petition, SCOPS issued a request for evidence (RFE), advising the Petitioner that these factors would be considered, and allowing her an opportunity to submit evidence such as the criteria used to grant the awards, national or international media coverage of the awards, information regarding the pool of nominees or competitors for the award, and any other relevant information.

Although the Petitioner characterizes these awards as being based on excellence in her field, the Petitioner received the [redacted] when she was 17 years old, at the start of her career. The record indicates that awardees are recognized based on body measurement, interview questions and answers in swimsuits, and comprehensive evaluation of the contestants' body shape and expression. However, the record lacks evidence that the Petitioner was awarded this based on excellence in the field, particularly given that according to the scoring system for this competition, the top "10 models with the highest scores will be awarded the honorary title of [redacted] regardless of their final rankings." Further, as indicated by the Petitioner, it is considered a "launching pad" for the next generation of models. The description of the criteria does not offer support to the Petitioner's claim that the award is nationally recognized for excellence.

After winning the [redacted] contest in 2010, the Petitioner won the [redacted] award in the same year. Dozens of models from ten Asian countries compete in this event and are evaluated based on physical attributes, cultural quality, artistic appreciation, performance skills and creative talent. To demonstrate the significance of this event, the Petitioner submitted evidence of an article from Sohu Entertainment and modelschool.com. However, the record lacks support that a national or international audience knew of the issuance of these awards as there is no evidence of the scope of these media outlets. See *Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 182 (D.N.J. 2021) (finding the regulation requires that the petitioner provide evidence of national or international recognition).

The Petitioner also received the [redacted] in 2015, and the [redacted] in 2013 and 2015 at the [redacted] awards ceremony. Both limitations on competitors and the criteria used to grant a prize or award are relevant considerations when evaluating the national significance of an award and whether a given award is a nationally recognized prize for excellence. Here, the evidence reflects that the pool of potential nominees for the [redacted] is limited to the [redacted] contests and is affiliated with member organizations, undermining the claimed national recognition and significance of the award in the field. The evidence indicates that the [redacted] has adopted guidelines for rating efforts but does not detail the criteria for the granting of awards other than describing basic eligibility such as being a professional model or a student majoring in modeling, not having a criminal record, not having a history of breaching contracts and submitting tax clearances. Regarding assessment for the [redacted] the guidelines indicate that

there are "rankings of models from the Arts Committee Voting Process (specific vote numbers will not be disclosed)" but the record does not indicate the ranking criteria.

After considering evidence regarding the nature of the modeling events, the scope of the media coverage, the limitations on candidates or nominees for the award, and the method of selecting winners, we agree with the Director that the Petitioner's evidence does not establish that she received an internationally or nationally recognized award or prize for excellence in her field. Accordingly, we conclude that she did not meet the criterion at 8 C.F.R. 204.5(h)(3)(i).

> *Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.* 8 C.F.R. § 204.5(h)(3)(ii).

The Petitioner claims eligibility for this criterion based on membership with the Professional Models Committee of the [redacted] In order to satisfy this criterion, the Petitioner must show that membership in the association is based on being judged by recognized national or international experts as having outstanding achievements in the field for which classification is sought.[2]

On appeal, the Petitioner refers to the letter submitted in response to the request for evidence (RFE) from [redacted] Vice Chairman of the [redacted] that to become a member of the [redacted] the candidate must have "significant influence in the business area of the Association". The Vice Chair further notes that to become an honorary member a model, "must have a significant influence within the modeling sector, be committed to the development of the modeling and fashion industries, play a pivotal role in establishing standards and leveling systems for models, and contribute to maintaining market order and fair competition in the fashion model industry." The Petitioner then lists the members of the council and the standing council and clarifies that these members must approve the membership of others and they are nationally recognized in the fashion and allied industries.

Although this letter mentions benchmarks that models must meet in order to become a member of the [redacted] several of these requirements are unclear or lack specificity, and the letter does not indicate whether one or all of them must be met by a fashion model. For instance, the letter does not explain what it means to be committed to the development of the modeling industry, or what level of success is needed to play a pivotal role in establishing standards and leveling systems for models. Also, the meaning of "maintaining market order and fair competition in the fashion model industry" is not apparent. Although the Petitioner did submit the Articles of Association for the [redacted] the articles, other than stating that members must be approved by the Council or Standing Council, do not articulate how the [redacted] requires members to have outstanding achievements as judged by national experts.

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[2] *See* USCIS Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14* 6 (Dec. 22, 2010), https://www.uscis.gov/policymanual/HTML/PolicyManual.html (providing an example of admission to membership in the National Academy of Sciences as a Foreign Associate that requires individuals to be nominated by an academy member, and membership is ultimately granted based upon recognition of the individual's distinguished achievements in original research).

Further, she indicates that membership in [redacted] is open to individuals meeting the specific requirements and applicants must submit a membership application form along with supporting materials such as identification proof, educational background, proof of professional achievements, award certificates, employment proof or business license. Final decisions on membership are decided by the board or executive council. However, the Petitioner did not demonstrate that attaining a minimum amount of professional experience rises to a level of "outstanding achievements" consistent with this regulatory criterion.[3] Here, the Petitioner did not establish that [redacted] membership requires outstanding achievements of its members.

For the reasons discussed above, the Petitioner did not establish that she meets this criterion.

III. CONCLUSION

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. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that they are 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*, -- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and 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).

For the reasons discussed above, the Petitioner has not demonstrated eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.

[3] *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 7 (instructing that relevant factors that may lead to a conclusion that the alien's membership in the associations was not based on outstanding achievements in the field include where the alien's membership was based solely on a level of education or years of experience in a particular field).