U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42509147

Date: JUN. 02, 2026

Appeal of Service Center Operations Decision

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

The Petitioner 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.

Service Center Operations (SCOPS) denied the petition, concluding the Petitioner satisfied the initial evidentiary requirements for this classification but did not establish, as required, that he has sustained national or international acclaim and is among the small percentage at the very top of his field. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes visas available to immigrants with extraordinary ability if:

(i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,

(ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and

(iii) the alien's entry into the United States will substantially benefit prospectively the United States.

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation.

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. at 376.

II. ANALYSIS

The Petitioner is a lead application developer at [redacted] New Jersey. In his statement of intent, he explained that he specializes "in the design and development of AI-powered workforce analytics platforms, enterprise software architectures, and advanced data visualization systems." He also explained that he plans "on continuing to enhance [Human Capital Management (HCM)] practices by creating novel and improved business intelligence (BI) solutions." The record indicates the Petitioner has a master's degree in computer science from [redacted]

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). The Petitioner initially claimed seven criteria relating to memberships, published materials, judging, contributions, scholarly articles, leading or critical role, and salary. SCOPS determined he satisfied three of the seven criteria relating to judging, scholarly articles, and salary. Therefore, SCOPS proceeded to do a final merits determination.

Given the structure of the regulations and the two-step analysis described in *Kazarian*, the satisfaction of three evidentiary criteria alone does not automatically or presumptively establish eligibility. In a final merits determination, we evaluate whether a petitioner has demonstrated, by a preponderance of

the evidence, their sustained national or international acclaim,[1] that they are among the small percentage at the very top of his field of endeavor, and that their achievements have been recognized in the field through extensive documentation. Therefore, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[2] Here, SCOPS concluded that, although the Petitioner met the initial evidence requirements, he did not show he garnered sustained national or international acclaim and that he is among that small percentage who have risen to the very top of the field.

On appeal, the Petitioner contends the record "[d]emonstrates sustained national acclaim through the convergence of industry adoption, commercial impact, peer selection, market compensation, and expert endorsement." He asserts SCOPS made procedural and legal errors in the decision. We evaluate the totality of the evidence, based on the documentation presented to SCOPS, in the context of the final merits determination. After reviewing the Petitioner's appellate claims and the remaining record, we agree with SCOPS that he has not shown sustained national or international acclaim or that he is eligible for this immigration benefit.

As a preliminary matter, the Petitioner has provided inconsistent information regarding his occupation. On the Form I-140, the Petitioner indicated his job title as "Lead Application Developer" and he explained that he is a leading expert in the field of software development. However, in response to SCOPS' request for evidence (RFE), he stated that he is a senior software engineer and he has sustained national and international recognition in the field of software engineering and enterprise systems architecture. Moreover, on appeal, the Petitioner states that he is an enterprise software architect. The Petitioner must resolve this ambiguity in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

As discussed further below, the Petitioner belongs to associations, authored material, conducted review work, made contributions, served in a critical role, and earned a salary for his work. However, in considering the totality of the evidence, the Petitioner has not demonstrated that his achievements to date reflect a "career of acclaimed work in the field" as contemplated by Congress at H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). Nor has he shown that he has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(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). Here the Petitioner has not established that he meets these very high standards. *See Amin v. Mayorkas*, 24 F.4th 386-87 (5th cir. 2022) (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

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[1] *See generally* 6 *USCIS Policy Manual* F.2(A)(1), https://www.uscis.gov/policy-manual (stating that the definition of "sustain" is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time").

[2] *See generally* 6 *USCIS Policy Manual* F.2(B)(2) (stating that USCIS officers should evaluate the evidence together when considering the petition in its entirety to determine if a petitioner has established by a preponderance of the evidence, the required high level of expertise required for this immigrant classification).

The Petitioner provided evidence of his memberships with the British Computer Society Fellowship (FBCS), Hackathon Raptors Fellowship, Forbes Technology Council, and the Institute of Electrical and Electronics Engineers (IEEE). However, the Petitioner does not show how his memberships resulted in sustained national or international acclaim or a career of acclaimed work. *See Donskoy v. United States Citizenship & Immigr. Servs.*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *5 (N.D. Cal. Nov. 11, 2021) (upholding the petitioner's membership did not demonstrate the requisite level of achievement or sustained acclaim to establish extraordinary ability).

Moreover, the Petitioner does not demonstrate how his memberships reflect that small percentage who have risen to the very top of the field of endeavor. For example, the Petitioner does not explain how the Forbes Technology Council membership, which requires applicants to have "at least $1M in annual revenue and/or" have "at least $1M in financing," places him among the upper echelon of his field. The record does not contain evidence indicating that he received national or international recognition based on his membership with any of these associations. In addition, the Petitioner did not establish that he has distinguished himself from others in the field based on his memberships, gaining national or international attention or placing him among the upper echelon in his field.

Regarding published materials, the Petitioner offered five articles he wrote for Forbes in 2025, which he states, "includes his expert commentary on matters directly related to his occupational field." He explained that the inclusion of his work in Forbes "constitutes public recognition of his professional impact and positions him among a select group of industry leaders whose perspectives shape contemporary discourse in technology and innovation." However, while the published material indicates some attention to him and his work, the Petitioner does not establish that such reporting is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor or has achieved sustained national or international acclaim. The Petitioner, for instance, does not show how his five articles published in [redacted] 2025, approximately six months prior to the filing of the instant petition, compares to other lead application developers among the very top of the field. Here, the Petitioner does not demonstrate how his published materials reflect a career of acclaimed work in the field or a very high standard to present more extensive documentation than that required.

Relating to the Petitioner's service as a judge of the work of others in his field, an evaluation of the significance of his experience is appropriate to determine if such evidence is indicative of the extraordinary ability required for this highly restrictive classification. *See Kazarian*, 596 F. 3d at 1121-22.[3] The record shows that the Petitioner served as a judge for the 2024 [redacted] 2024 [redacted], as well as a technical manuscript reviewer for several books for [redacted] and a peer reviewer for several journals and conferences in 2024 and 2025. However, the Petitioner does not establish that these judging instances contributed to a finding that he has a career of acclaimed work in the field or indicative of the required sustained national or international acclaim. The Petitioner does not show, for example, how his judging experience compares to others at the very top of the field. In addition, the Petitioner does not establish, for instance, that he garnered wide attention from the field based on

[3] *See also generally* 6 *USCIS Policy Manual* F.2(B)(1) (providing that the second step requires USCIS to evaluate the person's judging participation to determine whether it was indicative of the person being of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

his evaluation work. Moreover, participation in the peer review process does not automatically demonstrate that an individual has sustained national or international acclaim. Here, the Petitioner does not sufficiently explain the relevance of his judging occurrences. *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). Without evidence that sets the Petitioner apart from others in his field, such as evidence that he has a consistent history of reviewing or judging recognized, acclaimed experts in his field, the Petitioner has not shown that his two years of judging experience places him among that small percentage who has risen to the very top of the field of endeavor. *See Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801, at *2 (finding the petitioner did not show that he served as a judge of renowned directors as opposed to aspiring artists or the competitions were considered prestigious or attracted significant attention by the field).

Likewise, authorship and publication do not automatically place one at the top of the field.[4] The record reflects the Petitioner presented evidence showing that he published and presented his articles at conferences in 2024 and 2025. However, the Petitioner does not demonstrate that his publication record is consistent with having a career of acclaimed work, sustaining national or international acclaim, and being among the small percentage at the very top of his field. The Petitioner, for instance, does not show the significance of the number of his authorships or how his publication record compares to others who are viewed to be at the very top of the field. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding it reasonable for USCIS to focus on the fact that a publication record of six publications over seven years inconsistent with a career of acclaimed work and sustained national or international acclaim).

In support of his contributions, the Petitioner submitted copies of two patents for graphical user interface design, where he was one of several inventors for his employer's technology. The Petitioner also highlighted that he developed and designed several technologies for his employer, including [redacted] In addition, he provided press releases from his employer about its technologies. Although the evidence indicates the originality of his work, the Petitioner does not establish that his contributions garnered him national or international acclaim. For instance, the Petitioner does not establish that these technologies have made a major impact in the field of endeavor as a whole. Evidence that the person's work was funded, patented, or published, while potentially demonstrating the work's originality, will not necessarily establish, on its own, that the work is of major significance to the field. *See generally 6 USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. The Petitioner also noted that his work "has been cited 23 times by leading corporations" such as Google, Salesforce, Thomas Reuters, and Microsoft. However, the Petitioner does not provide context for these claims. For instance, the Petitioner does not show that being "cited 23 times by leading corporations" represents a person who is among the small percentage at the very top of the field or somehow reflects sustained national or international acclaim. *See Donskoy v. United States Citizenship & Immigr. Servs.*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *6 (N.D. Cal. Nov. 11, 2021) (finding the Petitioner did not establish that

[4] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that the second step requires USCIS to evaluate the person's publications to determine whether it is indicative of being one of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

he garnered sustained national or international acclaim for his contributions, and his achievements have been recognized).

In addition, the record includes six recommendation and reference letters, as well as three expert opinion letters. However, the letters are not sufficiently persuasive. The letters generally praise him and his work. For instance, K-B- states that the Petitioner's "work at [redacted] has had a profound impact on the company and our clients" and he is "confident that his contributions will continue to shape the future of HR technology." The letter from S-N- states that the Petitioner's "work on the Data Mashup, Tableau Data Connector and Power BI Connector projects has been innovative, impactful, and pivotal in enhancing [redacted] business intelligence offerings and driving revenue growth" and that his "deep technical expertise, leadership, and ability to deliver scalable and user-friendly solutions have made him an indispensable asset to [redacted]." The letter from B-W- also generally states that the Petitioner's "innovations have helped thousands of businesses gain deeper insights into their workforce, leading to better strategic decisions. Solutions developed by [the Petitioner] are directly contributing to over 88 Million USD annual revenue for [redacted] and its Data Solutions Division and over 55k thousand companies globally use his solution regularly." Moreover, the letter from R-N- concludes that the Petitioner "is one of the few pioneers who reshaped HCM data intelligence and business intelligence practices through the use of AI. His contributions have shown quantitative and qualitative impact across the industry and have become foundational to how companies conduct their operations." Letters that make general and expansive statements regarding the beneficiary and the beneficiary's accomplishments are generally not persuasive. *See generally 6 USCIS Policy Manual* F.2(B)(3).

Here, the letters do not claim, nor does the content show that the Petitioner achieved national or international acclaim from the field. Moreover, the letters do not demonstrate that the Petitioner has attracted a level of attention placing him at the very top of his field. In addition, the letters do not show that he has enjoyed a career of acclaimed work. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding testimonial letters were insufficient to establish his relative status in the field and do not compare him to others).

Finally, although the Petitioner documented his income as a lead application developer, he does not establish that he commanded earnings commensurate with sustained national or international acclaim. The Petitioner does not show that his wages are tantamount to an individual who is among that small percentage at the very top of the field of endeavor. He does not demonstrate, for example, how his earnings compare to others at the very top of the field or other renowned lead application developers or that he received notoriety or attention based on his salary separating himself from others in the field or placing him in the upper echelon. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (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).

III. CONCLUSION

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[5] Here, the Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Amin v. Mayorkas*, 24 F.4th at 394 (stating 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 visa 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. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

For the reasons discussed, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden here.

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.

[5] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence).