U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42218797

Date: JUNE 02, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a marketing and communications director in the field of digital marketing, requests classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203 (b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition, concluding that although the Petitioner satisfied three initial evidentiary criteria for this classification, she did not show as required her sustained national or international acclaim and demonstrate that she is among the small percentage at the very top of the field of endeavor. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

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

I. LAW

An alien is eligible for the extraordinary ability classification if he or she has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and his or her achievements have been recognized in the field through extensive documentation; he or she seeks to enter the United States to continue work in the area of extraordinary ability; and his or her entry will substantially benefit prospectively the United States. Section 203(b)(1)(A) of the Act.

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 a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit

this evidence, then the petitioner must provide documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) to (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 the petitioner 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, 1119-20 (9th Cir. 2010); *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 does not claim a one-time achievement, such as a major, internationally recognized award. So, she must provide evidence of meeting at least three of the evidentiary criteria contained at 8 C.F.R. § 203.5(h)(3)(i)-(x). The Petitioner claimed eligibility for the classification based on the following criteria:

- 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));
- documentation of her 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)).
- published material about her in professional or major trade publications or other major media, relating her work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. (8 C.F.R. § 204.5(h)(3)(iii)).
- participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought (8 C.F.R. § 204.5(h)(3)(iv);
- evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field. (8 C.F.R. § 204.5(h)(3)(v)).
- authorship of scholarly articles in the field, in professional or major trade publications or other major media (8 C.F.R. § 204.5(h)(3)(vi);
- performance in a leading or critical role for organizations or establishments that have a distinguished reputation (8 C.F.R. § 204.5(h)(3)(viii)); and
- evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field." (8 C.F.R. § 204.5(h)(3)(ix)).

SCOPS issued a request for evidence (RFE) to the Petitioner, concluding that whilst she met the criteria contained at 8 C.F.R. § 204.5(h)(3)(viii), she had not demonstrated by a preponderance of the evidence that she met the remaining criteria she claimed.

The Petitioner timely responded to the RFE. SCOPS subsequently issued its decision and concluded the Petitioner met the following criteria:

- 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));
- documentation of her 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));
- published material about her in professional or major trade publications or other major media, relating her work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. (8 C.F.R. § 204.5(h)(3)(iii));
- participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought (8 C.F.R. § 204.5(h)(3)(iv); and
- evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field." (8 C.F.R. § 204.5(h)(3)(ix)).

SCOPS concluded the Petitioner did not meet the criteria contained at 8 C.F.R. § 204.5(h)(3)(v) and 8 C.F.R. § 204.5(h)(3)(vi) concerning evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field and her authorship of scholarly articles in the field, in professional or major trade publications or other major media respectively. SCOPS also concluded the Petitioner did not meet the criteria contained at 8 C.F.R. § 204.5(h)(3)(viii). And, in the final merit's determination, SCOPS determined the Petitioner did not demonstrate that she is one of that small percentage who have sustained national or international acclaim to have risen to the top of her field of endeavor.

We conclude like SCOPS that the Petitioner meets the criterion contained at 8 C.F.R. § 204.5(h)(3)(iv) concerning participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought. But, upon our de novo review, we conclude unlike SCOPS that the Petitioner meets the criterion contained at 8 C.F.R. § 204.5(h)(3)(vi) concerning authorship of scholarly articles in the field and will withdraw SCOPS' conclusion to the contrary.

We also disagree with SCOPS' conclusions that the Petitioner demonstrated eligibility under the criteria contained at 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), and (ix) and withdraw them. And we further conclude like SCOPS that the Petitioner did not demonstrate eligibility under the criteria contained at 8 C.F.R. § 204.5(h)(3)(v) and (viii). [1] We also affirm SCOPS' final merits determination. So, for the below reasons, we will dismiss the Petitioner's appeal.

[1] SCOPS concluded in the RFE that the Petitioner met the criterion contained at 8 C.F.R. § 204.5(h)(3)(viii) before reversing itself in its decision. Upon our de novo review, we conclude the Petitioner does not meet this criterion for the reasons contained in this decision.

A. *"Documentation of the alien'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 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.

USCIS determines whether the award is a lesser nationally or internationally recognized prize or award which the person received for excellence in the field of endeavor. *See generally* 6 *USCIS Policy* Manual, *supra*, at F.2(B)(1). 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 awards or prizes, the national or international significance of the awards or prizes in the field, the number of awardees or prize recipients, and limitations on competitors. *See generally* 6 *USCIS Policy* Manual, *supra*, at F.2(B)(1).

The Petitioner stated that she submitted "distinct awards… – some received directly by [her] and others as part of recognized teams" in furtherance of her claim to the criterion. The Petitioner received three awards in her individual capacity. The Petitioner won a [redacted] in her individual capacity as "Mentor/Coach of the Year" in the marketing/public relations/social media category at the [redacted] in 2022. The Petitioner also won two '[redacted] organized by the [redacted] in the category of general marketing - viral campaign and podcast features – [redacted] in 2021 and 2023 respectively.

The Petitioner asserts the [redacted] is recognized nationally or internationally because it received over 1,500 nominations from more than 70 countries over a two-month judging period. But the record does not explain how a number of nominations is indicative of national or international recognition. And the evidence in the record does not explain the criteria used to grant the [redacted] or a limitation on competitors. Moreover, the Petitioner claimed she is an extraordinary marketing and communications director in the field of digital marketing. But the [redacted] she received is for mentoring or coaching and not for excellence as a marketing and communications director in the field of digital marketing. So, we cannot conclude that the [redacted] is an award in her field.

Similarly, the [redacted] the Petitioner won for podcast features – [redacted] in 2023 is not in the Petitioner's field of leadership in marketing and communications in the field of digital marketing. And, whilst the general marketing – viral campaigns category of the Petitioner's second [redacted] may fall within the Petitioner's field, the evidence does not support that the [redacted] is nationally or internationally recognized for excellence in the Petitioner's field. The Petitioner claimed the [redacted] is nationally or internationally recognized because it attracts "entries from global leaders in marketing, web design, and digital innovation, including Microsoft, Netflix, Havas, The Walt Disney Company, McCann, and the National Gallery of Art." But the record does not establish that such entries are indicative of a limitation on competitors that would describe national or international recognition. The Petitioner also avers that the [redacted] composition as "an invitation only body of more than 500 industry leaders" ensures that

the awardee "judging reflects world-class professional standards." The evidence in the record described three different tiers of , and the Petitioner asserted that selections were made after a "rigorous ten-point evaluation system" imposed by jurors who are "leading figures [that] assess innovation, execution and impact." But the record does not indicate that the composition of the judging body for the demonstrates its national or international recognition or that it is awarded for excellence in the Petitioner's field.

The Petitioner also claimed she won additional awards as a part of "recognized teams" in prior employment positions. Nothing precludes a person from relying on a team award to claim eligibility under this criterion. However, the person must establish that she is one of the recipients of the award. *See generally* 6 *USCIS Policy* Manual, *supra*, F.2(B)(1). Moreover, such qualifying awards generally include team awards where each member receives a trophy, certification, or medal; appears on the podium or stage; or is specifically named in the awarding organization's announcement of the award selection. Examples include members of a musical group who receive an award and relay team members who appear together on the medal podium. Mere acknowledgment from the award recipient does not constitute receiving the award from the awarding authority. *See generally* 6 *USCIS Policy* Manual, *supra*, at F.2(B)(1). .

a private bank operating in Turkey, won several awards when it employed the Petitioner. The Petitioner claimed project received three in the best new product or service of the year – financial services, best new product or service of the year – electronic commerce solution, and product development/management department or team of the year. She also claimed designation as a most as judged by the along with its receipt of in the most initiative and recognition as a finalist in the most category supported her claim to the criterion.

The Petitioner contends that in the category of future of work: borderless organization and customer experience bolster her claim of eligibility under this criterion. And she asserts that the ranking by out of Turkey's 50 most innovative companies undergirds her claim to this criterion.

But the Petitioner has not persuasively demonstrated that she is a recipient of any of the above described awards or recognitions received by her former employers and/or their apps. The Petitioner is not specifically credited or named in the announcements for the awards and has not received an individual award or citation as part of awards bestowed upon or

During the period of the Petitioner's employment, received several in different categories for its and marketing campaigns. It also won a as the The Evidence in the record in the form of a partial translation of the indicates the is bestowed for "highlighting the role of effective creativity in marketing efforts within

the advertising and marketing industries and rewarding the achievements of all teams contributing to the creative world." We note the Petitioner appeared on stage to receive the [redacted] on behalf of [redacted] But the evidence in the record does not indicate if the criteria for the award listed in the partial translation is analogous to attainment of a level of excellence in the Petitioner's field. Additionally, the evidence in the record does not describe the recognition the [redacted] enjoys and if it is on a national or international level.

So, for all the reasons discussed above, we conclude that the Petitioner does not meet this criterion and withdraw SCOPS' conclusion to the contrary.

B. "*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 regulation at 8 C.F.R. § 204.5(h)(3)(ii) requires "[d]ocumentation of the alien's membership in associations in the field for which 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."

USCIS determines if the association for which the person claims present or past membership requires that members have outstanding achievements in the field as judged by recognized experts in that field. *See generally* 6 *USCIS Policy* Manual, *supra*, at F.2(B)(1). . The petitioner must show that membership in the association requires outstanding achievements in the field for which classification is sought, as judged by recognized national or international experts. *See generally* 6 *USCIS Policy* Manual, *supra*, at F.2(B)(1). Relevant factors that may lead to a conclusion that the person's membership in the association(s) was not based on outstanding achievements in the field include, but are not limited to, instances where the person's membership was based solely on the following factors (by themselves or in the aggregate): a level of education or years of experience in a particular field; the payment of a fee or by subscribing to an association's publications; and a requirement, compulsory or otherwise, for employment in certain occupations, as commonly seen with union membership or guild affiliation for actors. *See generally* 6 *USCIS Policy* Manual, *supra*, at F.2(B)(1).

The Petitioner claimed membership as a fellow of [redacted] and a member of [redacted] The Petitioner submitted a copy of a document certifying the Petitioner's election to fellow level membership in [redacted] She also submitted a copy of the [redacted] and describing its objectives. The record also contains selected pages from [redacted] bye-laws outlining the six avenues for admittance as a fellow of [redacted] To support her membership in [redacted] the Petitioner submitted a copy of a social media post on an unknown portal welcoming the Petitioner to membership within [redacted] her biography as it appears on [redacted] website, and copies of printouts from [redacted] membership webpages.

The Petitioner claims she was admitted as a fellow of [redacted] based on her provision of "15 years' experience at a sustained senior level dealing with strategic marketing issues (generalist or specialist) including ten years at, or close to, Board level influencing

organizational decision making." So, a level of years of experience in the field is the basis of the Petitioner's admittance to [redacted] as a fellow. The requirement of a level of education or years of experience in a particular field does not demonstrate a requirement of outstanding achievements for admittance as a fellow. *See generally* 6 *USCIS Policy Manual*, supra, at F.2(B)(1).

Moreover, we note an inconsistency with respect to how [redacted] admits fellows and other members. The bye-laws provide that "The Board will have complete discretion in determining whether any person may be admitted to membership of the institute." But other evidence in the record consisting of printouts of [redacted] website describing the responsibility of members of the Board of Directors do not specify that the Board of Directors considers and admits individuals to membership. And frequently asked questions on [redacted] membership website state that applications for graded membership in [redacted] are "assessed by [a] dedicated applications team" who will "confirm [the] membership grade" and process the membership submission "within five working days" of application. *See* [redacted] Setting aside the question of whether fellowship in [redacted] requires outstanding achievement, the record does not contain material, relevant, or probative evidence that admittance as a fellow in [redacted] is judged by recognized national or international experts in their disciplines or fields or by "dedicated applications team" of unknown composition. So, we conclude that election and admittance as a fellow of [redacted] does not support the Petitioner's claim to this criterion.

We also conclude that the Petitioner's membership in [redacted] does not support her claim to this criterion. The evidence in the record indicates that membership in [redacted] is for "[m]arketers who want to make a difference and an impact" and "[p]eople who are passionate about the marketing industry." Additionally, membership applicants from [redacted] are limited to individuals with "8+ years of management experience." The requirement of a level of education or years of experience in a particular field does not demonstrate a requirement of outstanding achievements for admittance as a member of [redacted] *See generally* 6 *USCIS Policy Manual*, supra, at F.2(B)(1). So, there is no requirement for outstanding achievements of prospective members.

And the record does not contain any evidence that admittance to membership is regulated by recognized national or international experts in the field. The evidence in the record indicates that a membership "application will be processed and activated by our team." The record does not identify the members of this team. The Petitioner asserts that "[t]he [redacted] ..oversees U.S. membership [and] includes global executives [who are] accomplished marketing leaders with decades of experience shaping global strategy and communications for major organizations." However, the evidence in the record only identifies the members of the board and fellows of the organization. The evidence does not specify any duties or responsibilities imposed upon the members of the board or fellows, such as judging the achievements of prospective members to determine if the achievements are outstanding. So, we conclude the Petitioner's membership in [redacted] does not bolster her claim to eligibility under this criterion.

For all the reasons discussed above, we conclude that the Petitioner does not meet this criterion, and we withdraw SCOPS' conclusion to the contrary.

C. *"Published 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. Such evidence shall include the title, date, and author of the material, and any necessary translation." 8 C.F.R. § 204.5(h)(3)(iii).*

To fulfill this criterion, the Petitioner must demonstrate there is published material about her in professional or major trade publications or other major media, as well as the title, date, and author of the material. The published material should be about the alien and his or her work, rather than the alien's employer and his or her work (or about an organization and its work). Professional or major trade publications may be identified by their intended audience, whereas 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*, *supra*, at F.2(B)(1).

The Petitioner's claim to eligibility under this criterion is grounded in her contention that she has been featured in national and international media outlets for her leadership in marketing innovation and entrepreneurship. However, the evidence in the record does not support her claim of eligibility under this criterion.

The Petitioner initially submitted purported articles appearing in several portals, such as Wired, Demimoren News Agency (DHA), [redacted] newspaper, Haberturk, Webrazzi, MediaCat, Egirisim, GritDaily, Ekonomi Duniya, Paradergi, Branding Turkiye, and Campaign Turkiye. The Petitioner's initial submission contained partial translations and some web traffic data and circulation data for the media outlets in which the published articles appeared. In response to the RFE, the Petitioner resubmitted "selected representative examples" of the evidence in the form of materials appearing in Wired, DHA, and [redacted] newspaper with full translations and referred to her initial petition for "the complete compilations of media coverage, circulation data, and certified translations."

We observe the materials described in Haberturk, Webrazzi, MediaCat, Egirisim, GritDaily, Ekonomi Duniya, Paradergi, Branding Turkiye, and Campaign Turkiye are only accompanied by partial translations. The regulations require any non-English material be accompanied by a certified translation in English documenting that it is a true and accurate translation. *See* 8 C.F.R. § 1003.33. A partial translation cannot accurately convey the nature of an article and whether it is about the Petitioner and her work because it lacks context. We conclude the record does not establish the materials described in Haberturk, Webrazzi, MediaCat, Egirisim, GritDaily, Ekonomi Duniya, Paradergi, Branding Turkiye, and Campaign Turkiye constituted published material about the Petitioner in the absence of the required full translation.

The Petitioner submitted a full translation of the article appearing in Wired magazine. The article appearing in Wired magazine on [redacted] 2024, is not about the Petitioner and her work. *See Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *4 (D. Neb. Mar. 10, 2025) (finding the regulation and USCIS policy clearly intend for evidence under this criterion to say something substantive about the petitioner and her work). The Petitioner's appearance in the article is a single

quote related to her "experiment[ation] with AI to rework posts originally written in Turkish, her first language." *See Nelson v. U.S. Citizenship & Immigr. Servs.*, No. CV 21-10334-LTS, 2022 WL 20583561, at *5 (D. Mass. June 15, 2022) (upholding articles that only cited or quoted the petitioner are not about him). The article does identify or otherwise discuss the Beneficiary specifically or attribute any specific contributions or achievements to her. The article generally discusses the use of artificial intelligence in generating viral LinkedIn posts. It does not appear that the article is about the Petitioner and her work. *See Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *4 (D. Neb. Mar. 10, 2025) (finding the regulation and USCIS policy clearly intend for evidence under this criterion to say something substantive about the petitioner and her work). *See also Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *4 (N.D. Tex. Oct. 19, 2023) (upholding articles only citing, quoting, or referencing the beneficiary do not qualify as about a petitioner). So, we conclude the article appearing in Wired magazine is not published material about the Petitioner and her work.

The Petitioner submitted a full translation of the article appearing in DHA. The article appearing in DHA mentioned the [redacted] and identified the Petitioner as co-founder of the app in the context of a broader discussion about Turkey's online shopping market. A person and that person's work need not be the only subject of the published material; published material that covers a broader topic but includes a substantial discussion of the person's work in the field and mentions the person in connection to the work may be considered material about the person relating to the person's work. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). However, the DHA article does not contain a substantive discussion about the Petitioner and her work in its broader discussion about Turkey's online shopping market. Instead, the article featured the Petitioner's quotes about the nature of the online shopping market and general consumer trends in Turkey. As the article did not substantively discuss the Petitioner and the [redacted] contributions in its broader discussion of Turkey's online shopping market, we conclude the article appearing in DHA is not published material about the Petitioner and her work.

The Petitioner submitted a full translation of the article appearing in [redacted] newspaper. The article appearing in [redacted] newspaper appears to be about the Petitioner and her collaborative work with another author to publish a [redacted]' The article discussed the Petitioner's meeting with her co-author, how the two authors' expertise complemented one another, and their opinions on marketing tools and techniques. However, the evidence does not persuasively demonstrate that [redacted] newspaper is a professional or major trade publication or other major media. USCIS determines whether the publication qualifies as a professional publication, major trade publication, or major media publication. *See generally* 6 *USCIS Policy* Manual, *supra*, at F.2(B)(1). . Examples of qualifying media may include, but are not limited to: professional or major print publications (newspaper articles, popular and academic journal articles, books, textbooks, or similar publications) regarding the person and the person's work; professional or major online publications regarding the person and the person's work; and transcripts of professional or major audio or video coverage of the person and the person's work. *See generally* 6 *USCIS Policy Manual*, supra, at F.2(B)(1). Evidence may include documentation such as print or online newspaper or magazine articles, popular or academic journal articles, books, textbooks, similar publications, or a transcript of professional or major audio or video coverage of the person and the person's work. *See generally* 6 *USCIS Policy Manual*, supra, at F.2(B)(1).

The evidence supporting [redacted] newspaper's circulation or readership does not adequately describe matters such as the points we describe in the *USCIS Policy Manual* to determine if a media outlet is a professional or major trade publication or other major media. The Petitioner provided web traffic and circulation data that standing in isolation from any comparative information about other websites or portals, did not sufficiently demonstrate that [redacted] newspaper enjoyed a relative circulation, readership, or viewership which reached the level of major media or could be considered a professional or major trade publication.

So, we conclude the Petitioner's submitted evidence does not support her claim of eligibility under this criterion and withdraw SCOPS' conclusion to the contrary.

D. *"Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v).*

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 his or her 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 v. Beers*, 4 F. Supp. 3d 126, 134-35 (D.D.C. 2013). Relevant evidence 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.
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

The Petitioner claims her development of a framework she coined the [redacted] and an artificial intelligence powered platform named [redacted] are original contributions of major significance to her field. She further claims eligibility under this criterion based on publication of [redacted] which she co-authored. She also claims she made contributions in the form of digital payment and health apps introduced by [redacted] during periods of her employment with them respectively.

In support of her claims, the Petitioner submitted a slide deck and screen shots describing the [redacted] She also submitted samples of media coverage presentations about [redacted] She provided a letter from the publisher of [redacted] and media supporting the felicitation of the [redacted] The record also contains documentation describing the [redacted] and [redacted] and Facebook powered payment processes.

We conclude the record does not support the Petitioner's claim to this criterion. We note that the evidence in the record does not persuasively establish that the [redacted] and

[redacted] are creditable to the Petitioner. [redacted] founder [redacted] and an investment partner at [redacted] states the Petitioner developed the [redacted] as a framework and methodology through [redacted] an entity she co-founded. But the record does not contain evidence to corroborate [redacted] claims. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20-21 (D. Neb. Sept. 12, 2025) (upholding that nowhere in the USCIS Policy Manual does it state that notice from others working in the field is in itself probative evidence). The slide decks and screenshots in the record do not materially, relevantly, or probatively describe the funding, patents, or published nature of the [redacted] such that we can ascertain if it is work credited to the Petitioner, the Petitioner's original work, or if it has garnered major significance in the Petitioner's field.

And, whilst we note that the [redacted] were developed and introduced during the Petitioner's employment with [redacted] and [redacted] respectively, the record does not contain any material, relevant, or probative evidence to demonstrate that the apps were the Petitioner's original work. And, in so far as the original work is not the app but the marketing campaigns supporting the introduction of the app, the evidence in the record does not demonstrate how the campaigns would be considered original contributions to the marketing field as a whole as demonstrated by, for example, widespread adoption. Nor is there sufficient evidence to describe the level of significance to the field of marketing as a whole attributable to the marketing campaigns. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that it must be objectively demonstrated that the field considers the work to be majorly significant).

Testimonial letters and letters of support can support a petitioner's claim of original contributions of major significance with details about how the petitioner's original work has been significant in his or her field. But the contents of the testimonial letters or advisory opinions in the record do not preponderantly demonstrate that the Petitioner's original contributions are of major significance. In general, the testimonial letters the Petitioner submitted express an effusive appreciation of the Petitioner's competent undertaking of her chosen or assigned projects. And the testimonial letters or advisory opinions do not establish how the Petitioner's contributions, even when successful, well received, and competent, are original contributions to her field and the hold significance the supporters or employers who championed the Petitioner's projects and initiatives. So, we conclude the Petitioner has not demonstrated eligibility for the claimed criterion.

E. *"Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." 8 C.F.R. § 204.5(h)(3)(vi).*

USCIS determines whether the person has authored scholarly articles in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. As defined in the academic arena, a scholarly article reports on original research, experimentation, or philosophical discourse. It is written by a researcher or expert in the field who is often affiliated with a college, university, or research institution. Scholarly articles are also generally peer reviewed by other experts in the field of specialization. In general, it should have footnotes, endnotes, or a bibliography, and may include graphs, charts, videos, or pictures as illustrations of the concepts expressed in the article. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). For other fields, a scholarly article should be written for

learned persons in that field. Learned persons include all persons having profound knowledge of a field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

Unlike SCOPS, we conclude the Petitioner's authorship of [redacted] in the [redacted] as well as another article she wrote that appeared in an academic journals, such as [redacted] are scholarly articles because they report on original research, experimentation, or philosophical discourse. And we further conclude upon de novo review that the journals and books in which the Petitioner's scholarly articles appear are professional publications. So, we conclude the Petitioner has met this criterion and we will withdraw SCOPS' conclusion to the contrary.

F. "*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 claimed she held a leading and critical role as founder and marketing/communications director at [redacted] She also claimed she had held critical roles as marketing communications manager at [redacted] co-founder and CEO at [redacted] digital marketing manager at [redacted] and digital generation banking, head of marketing and sales at [redacted]

The criterion at 8 C.F.R. § 204.5(h)(3)(viii) requires "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." A leading role may be demonstrated by evidence that establishes the individual is or was a leader within an organization or establishment, or a division or department thereof. An alien may fulfill a critical role in an organization or establishment, or a division or department thereof under this criterion. And a critical role may encompass a supporting role. But the evidence must establish that the alien's contributions through the critical or supporting role are 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." *See generally* 6 *USCIS Policy* Manual, *supra*, at F.2(B)(1). .

As a founder and marketing/communications director at [redacted] and cofounder and CEO at [redacted] the Petitioner has demonstrated that she held leading roles. However, the record does not contain sufficient evidence to establish that [redacted] enjoy distinguished reputations. The relative size or longevity of an organization or establishment is considered together with other information to determine whether a distinguished reputation exists. Other relevant factors for evaluating the reputation of an organization or establishment can include the scale of its customer base or relevant media coverage. And for a startup business, evidence that the business has received significant funding from government entities, venture capital funds, angel investors, or other such funders commensurate with funding rounds generally achieved for that startup's stage and industry, as a positive factor regarding its distinguished reputation.

In support of [redacted] distinguished reputation, the Petitioner submitted screenshots from [redacted] website, documentation demonstrating [redacted] collaborations with other entities, [redacted] social media marketing and marketing about [redacted] documents evidencing [redacted] news mentions, a letter from [redacted] co-founder and a letter from [redacted] chief executive officer of [redacted]

The evidence in the record states [redacted] was formed in 2022. But the evidence in the record does not materially, relevantly, or probatively describe if its reputation has reached a level of distinguishment. For example, the screenshots from [redacted] website do not describe what, if any, funding the Petitioner's newer enterprise has garnered and, if it has solicited any funding, what the sources are. Furthermore, [redacted] marketing materials, as contained in the record, do not highlight any scale of its customer base. And, whilst the record contains some media mentions and coverage of [redacted] the coverage is not material, relevant or probative to a determination of whether [redacted] enjoys a distinguished reputation.

Similarly, the promotional materials of [redacted] contained in the record do not persuasively demonstrate any scale of the [redacted] customer base. And the evidence in the record does not showcase how [redacted] receipt of a [redacted] is reflective of [redacted] reputation versus something akin to a recognition of a certain positive level of achievement as a business. Additionally, the evidence of media coverage of the [redacted] and its presence at [redacted] does not discuss facts pertinent to demonstrate [redacted] distinguished reputation, such as for example [redacted] funding or funding sources.

As stated above, for a critical role, USCIS looks at whether the evidence establishes that the person 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. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). A supporting role may be considered critical if the person's performance in the role (or was) important. It is not the title of the person's role, but rather the person's performance in the role that determines whether the role is (or was) critical. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

We note that, on their face, the job titles for the positions the Petitioner stated she occupied appear advanced or important. However, the Petitioner's supporting evidence, consisting mainly of letters from co-workers and employment verification evidence, does not outline the specific duties and objectives of the Petitioner's position. Whilst the letters mentioned contributions the Petitioner made to the employers over the course of her employment, it is not plainly evident that the contributions mentioned elevated the Petitioner's role to one of criticality or leadership. And, the record does not contain other evidence, such as a line and block chart, that could further outline how the Petitioner was positioned at the organizations she was employed at, or a division or department therein, permitting her to more likely than not function in a significantly important manner. Consequently, we conclude the Petitioner has not occupied leading or critical roles at the organizations she identified and has not established her eligibility under this criterion.

G. "*Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.*" *8 C.F.R. § 204.5(h)(3)(ix).*

In order to satisfy this criterion, the Petitioner must show that the person's salary or remuneration is high relative to the compensation paid to others working in the field. *See generally* 6 *USCIS Policy* Manual, *supra*, at F.2(B)(1). . USCIS determines whether the USCIS does not interpret the phrase "has commanded" to mean that the person must have already earned such salary or remuneration in order to meet the criterion. Rather, a credible contract or job offer showing prospective salary or remuneration may establish that the person has been able to command such compensation. *See generally* 6 *USCIS Policy* Manual, *supra*, at F.2(B)(1).

Evidence regarding whether a petitioner's compensation is high relative to what of others working in the field can include compensation surveys and organizational justifications so long as the description of the occupation matches, the validity of the survey is credible and reliable, and the location, currency, and salary rate being measured are comparable. *See generally* 6 *USCIS Policy* Manual, *supra*, at F.2(B)(1).

In support of her commanded salary, the Petitioner initially submitted paystubs from [redacted] with a printout from Indeed.com describing the average base salary for marketing managers in Puerto Rico. The Petitioner also submitted paystubs with translation from [redacted] accompanied by an employment verification letter and 2019 salary analysis survey from Michael Page describing marketing director/manager duties and a determined range for salary in the position in Turkish lira.

The regulatory requirement that the commanded salary be high "in relation to others in the field" is interpreted as allowing comparisons to those employed in the same occupation at a similar level. *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering a professional golfer's earnings versus other PGA Tour golfers); *see also Skokos v. U.S. Dept. of Homeland Sec.*, 420 F. App'x 712, 713-14 (9th Cir. 2011) (finding salary information for those performing lesser duties is not a comparison to others in the field); *Grimson v. INS*, 934 F. Supp. 965, 968 (N.D. Ill. 1996) (considering NHL enforcer's salary versus other NHL enforcers); *Muni v. INS*, 891 F. Supp. 440, 444-45 (N. D. Ill. 1995) (comparing salary of NHL defensive player to salary of other NHL defensemen).

We conclude the evidence in the record does not demonstrate that the Petitioner's compensation is high relative to others in her field. The webpage Indeed.com describes the annual salary for marketing managers. But the Petitioner held the position of marketing communications manager at [redacted] It is not sufficiently evident from the evidence whether the webpage from Indeed.com relates to positions performing duties of a marketing manager or a marketing communications manager because the Indeed.com webpage does not contain a sufficiently detailed job description. Nor has the Petitioner submitted an adequately detailed job description for her employment at [redacted] to act as points of reference or comparison.

The Petitioner submitted a letter from [redacted] chief executive officer board member at [redacted] stating the TL 303,000 that she earned during her employment with [redacted] is "higher compensation compared to others in her field." And she submitted 2019 salary analysis survey from Michael Page describing marketing director/manager duties and a determined range for salary in the position in Turkish lira. The Petitioner's salary exceeded the high end of the range. However, the survey data including the job description relates to those marketing directors/ managers who report to other marketing directors. [redacted] letter does not describe the Petitioner's position with [redacted] so we are not able to determine if the survey data applies to the position the Petitioner occupied with [redacted]

So, we are unable to determine if the Petitioner's salary is high compared to others working in the field.

H. Final Merits Determination

The Petitioner did not meet the evidentiary standard and the requirements of section 203(b)(1)(A)(ii), (iii) of the Act. So, we are not required to make a final merits determination. But, as the Petitioner's appeal contends that she has sustained acclaim and will substantially benefit the United States of America prospectively as a permanent resident, we will conduct a final merits determination. Upon our de novo review of the record we conclude that, even if the Petitioner had established that she met the evidentiary standard and the requirements of section 203(b)(1)(A)(ii), (iii) of the Act, we would nonetheless conclude she did not demonstrate eligibility for the classification because the evidence does not indicate she is one of the small percentage at the very top of her field of endeavor.

In a final merits determination, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if her successes are sufficient to by a preponderance of the evidence demonstrate that she has extraordinary ability in the field of endeavor through sustained national or international acclaim, that she is one of the small percentage at the very top of the field of endeavor, and that her achievements have been recognized in the field through extensive documentation. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010).

The record as a whole does not demonstrate that the Petitioner's achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). As stated above, the Petitioner claims to have received several awards in her individual capacity. She also claims awards received by her previous employers for apps, campaigns, or other initiatives the employer undertook during her period of employment with them. But the record does not indicate that the receipt of the commendations the Petitioner presented, either individually for herself or for her employers, reflects sustained acclaim in her field nationally or internationally such that we can ascertain if she has risen to the level of the small percentage of individuals at the very top of the field of endeavor.

The Petitioner's membership in [redacted] is not supported with evidence that sustained national or international acclaim or a career of acclaimed work is supported by entry into the memberships. *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 did not demonstrate how her memberships reflected that she was amongst the small percentage who has risen to the very top of the field of endeavor. The record does not contain evidence indicating that she received national or international recognition based on her memberships. In addition, the Petitioner did not establish that she has distinguished herself from others in the field based on her memberships, gaining national or international attention or placing her among the upper echelon in her field.

Regarding the Petitioner's service as a judge of the work of others, an evaluation of the significance of her experience is appropriate to determine if such evidence indicates the required extraordinary

ability for this highly restrictive classification. *See Kazarian,* 596 F. 3d at 1121-22.[2] The Petitioner listed several occasions where she served in a judging capacity and so met the plain language of the criterion. However, the Petitioner did not establish that these judging opportunities contribute to a finding that she has a career of acclaimed work in the field or indicate her sustained national or international acclaim. The Petitioner did not show, for example, how her judging experience compares to others at the very top of the field. Without evidence that sets the Petitioner apart from others in his field, such as evidence that she has a consistent history of reviewing or judging recognized, acclaimed experts in her field, the Petitioner has not shown that her narrow judging experience places her 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. The record reflects the Petitioner presented evidence showing that she has published a book and articles in scholarly journals. But the Petitioner did not show the significance of her authorships or how her 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 (S.D.N.Y. Jan. 5, 2024) (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). And the Petitioner provided no citation history or other evidence of the influence of her written work so that we could evaluate the impact and recognition that her publications have had on the field and whether such influence has been sustained. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the Petitioner did not show the significance of authorships reflecting that he is among the small percentage at the very top of the field).

The Petitioner provided recommendation letters generally praising her and her work. But the letters do not contain sufficient information and explanation to show the Petitioner made original contributions of major significance such that the Petitioner is viewed by the overall field, rather than by a solicited few, among the upper echelon or that she has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor. *Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding the plaintiff submitted letters only from people within his circle of professional acquaintances, and none of the letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim). Although the letters highlight the Petitioner's talents and responsibilities, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (finding the plaintiff's work for organizations did not result in national or international acclaim). Moreover, the Petitioner did not establish that her roles received widespread acclaim from the field, drew significant attention from the greater field, or the overall field view her among the leading individuals in the field.

[2] *See also generally* 6 *USCIS Policy Manual*, *supra*, at 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).

See Hamal v. U.S. Dep't of Homeland Sec., No. CV 19-2534 (RC), 2021 WL 2338316, at *4, *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (upholding plaintiff did not contextualize his work at an organization demonstrating recognition by the field as being significantly important or viewed as unusually influential). Furthermore, the Petitioner did not show that she attracted a level of attention from her work that places her among that small percentage at the very top of the field or those enjoying a career of acclaimed work.

The Petitioner claimed her role at her previous employers as well as roles at entities she founded or co-founded as evidence of her leading and critical role in organizations or establishments with distinguished reputations. But the evidence in support consisted mainly of verification of her employment with the institution and some background information about the institution she was employed with. She also submitted several letters which described her completion of employment objectives in complimentary manner. But the Petitioner did not adequately identify where her individual role fit in within the organizational structure or hierarchy of the individual entities such that we could identify if that role demonstrated any sustained acclaim in her field.

And the submitted documentation does not reflect that the Petitioner has somehow impacted the field through her work demonstrating attention at a level commensurate with those at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). In addition, the Petitioner's evidence does not distinguish her performance in her role to demonstrate that it reflects a "career of acclaimed work in the field." H.R. Rep. No. 101-723 at 59.

The record, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. 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. USCIS has long held that even athletes performing at the major league level do not automatically meet the statutory standards for classification as an individual of "extraordinary ability." *Matter of Price*, 20 I&N Dec. at 954. Whilst the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, we find the record insufficient to demonstrate that she has sustained national or international acclaim and is among the small percentage at the top of her field. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2).[3]

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an alien 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 who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings

[3] As the Petitioner has not demonstrated her extraordinary ability under section 203(b)(1)(A)(i) of the Act, we need not consider whether she intends to continue working in the area of extraordinary ability under section 203(b)(1)(A)(ii).

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.