U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43065281

Date: JUN. 04, 2026

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

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

The Petitioner 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.

USCIS denied the petition, concluding that the record did not establish that the Petitioner warranted a favorable determination in the case's final merits analysis. 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 immigrant visas available to individuals with 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, provided that the individual seeks to enter the United States to continue work in the area of extraordinary ability, and the individual'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 international recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that meets at least three of the ten criteria 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 evidence if they are 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).

II. ANALYSIS

The Petitioner seeks to continue his work in "supply chain and materials management for data-center infrastructure in the United States." He has not indicated or shown that he received a major, internationally recognized award, therefore, 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 he met six of these criteria. In response to the request for evidence, the Petitioner withdrew his claim relating to his receipt of awards for excellence in the field of the endeavor. 8 C.F.R. § 204.5(h)(3)(i). The Director determined that the Petitioner satisfied three of the criteria relating to published material, participation as a judge, and performing in a leading or critical role. 8 C.F.R. § 204.5(h)(3)(iii), (iv), and (viii). However, the Director ultimately determined that the totality of the evidence in the record did not warrant a favorable decision in a final merits determination.

On appeal, the Petitioner contends that the "Director's decision was legally deficient for failing to consider the entire record and disregarding highly probative evidence." He further states that the Director erred in not considering the "evidence under the rejected criteria" in their final merits determination. Here, we agree that the Director did not discuss evidence relating to the denied criteria in their final merits determination. However, upon review, we too conclude that the record does not sufficiently demonstrate that the Petitioner has sustained national or international acclaim and that he is among the small percentage at the very top of the field of endeavor in order to be eligible for classification as an individual of extraordinary ability. [1]

As the Petitioner has met the requisite initial evidentiary criteria we will evaluate whether he has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim and that he is one of the small percentage at the very top of the field of endeavor. [2] In a final merits determination, we analyze a petitioner's accomplishments and weigh the totality of the evidence to

[1] We concur with SCOPS and determine that the Petitioner satisfies three of the criteria; published material, participation as a judge, and performing in a leading or critical role. 8 C.F.R. § 204.5(h)(3)(iii), (iv), and (viii). Accordingly, he meets the minimum required number of criteria, and it is unnecessary that we make a decision regarding the additional criteria relating to membership and high salary. 8 C.F.R. § 204.5(h)(3)(ii) and (ix). We therefore reserve reaching a determination on the remaining criteria. *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).

[2] While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety.

determine if his successes are sufficient to demonstrate that he has extraordinary ability in the field of endeavor.[3] The record reflects that the Petitioner has a master of applied science degree in supply chain management from [redacted] and that at the time of filing, the Petitioner held the position of "Program Manager II" at [redacted].[4] The Petitioner submitted evidence regarding the following criteria: membership in an association, published material, participation as a judge, high salary, and leading or critical role; along with supplemental evidence in support of his extraordinary ability claim. However, in considering the totality of the evidence, the Petitioner has not demonstrated that his achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. 1990 U.S.C.C.A.N. 6710, 6739. Furthermore, the Petitioner has not 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)(3). 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 FR 30703-01, 30704. Here, the Petitioner has not established that he meets this very high standard.

On appeal, the Petitioner contends that the Director "disregarded highly probative evidence" of his membership in associations as it relates to a final merits determination. The Petitioner provided evidence of his membership with the Association for Supply Chain Management (ASCM) as a professional fellow. He asserts that the professional fellow level of membership "is awarded to an elite group of certified professionals. . . ." In addition, the Petitioner provided ASCM documents on the qualifications for professional fellow membership which includes specific certifications along with "a variety of activities, including presentations, published works, teaching engagements and participation in volunteer activities. . . ." The Petitioner contends that this is evidence of extraordinary ability as ASCM is ranked as the number one supply chain association worldwide and he maintains their highest membership level. In addition, the Petitioner asserts that membership requires sustained acclaim as they must qualify by contributing to the field through the professional activities described above. However, the record does not establish he has been recognized for his professional fellow membership in ASCM or that his membership resulted in sustained national or international acclaim or a career of acclaimed work. *See Donskoy v. USCIS*, 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 being a professional fellow with ASCM equates to having risen to the small percentage at the very top of the field of endeavor. The record, for instance, does not contain evidence indicating that he received national or international recognition based on his membership in ASCM. In addition, the Petitioner did not establish that he has distinguished himself from others in the field based on his membership in ASCM, gaining national or international attention or placing him among the upper echelon in his field.

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[3] *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. *See also* U.S. Citizenship and Immigration Services (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* 4 (Dec. 22, 2010) (Policy Memo), https://www.uscis.gov/ legal-resources/policy-memoranda (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established by a preponderance of the evidence the required high level of expertise of the immigrant classification).

[4] We note that his job title changed after filing to "Supply Chain Manager."

The Petitioner provided two media articles in support of the criteria under 8 C.F.R. § 204.5(h)(3)(iii). Further, he states that he provided two additional articles to support a final merits determination; however, the Director only discussed one article in their final merits determination. The record contains articles about the Petitioner published by *Forbes, Limon.kg*, [redacted] and various social media posts highlighting the Petitioner. While the published material indicates some success and experience in the field, the Petitioner did not establish that the media coverage is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor. For example, in the article titled, [redacted] *Limon.kg* conducts an interview with the Petitioner about how he chose his field of study, the application process to get into [redacted], interview tips when applying for jobs, and his experience working on a team. Although the article speaks to the Petitioner's experience in the field, this does not show, for instance, how the amount of his media coverage compares to others in his field who are among the very top. The Petitioner did not demonstrate how his press coverage reflects a career of acclaimed work in the field or his having achieved sustained national or international acclaim. *Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4 (D.D.C. June 8, 2021), *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (upholding plaintiff did not show his press coverage was indicative of a level of success consistent with being at the top of his field).

SCOPS determined that the Petitioner met the criteria for judging the work of others in his field, however, as it relates to a final merits determination, an evaluation of the significance of this 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. The Petitioner provided evidence of his participation as a judge for the [redacted] The Petitioner asserts that the competition is supported by leading global organizations and that his role as a judge shows he is an expert in his field as the event has historically had high caliber figures as judges. However, evidence of the acclaim of the competition and other judges does not contribute to a finding that the Petitioner has a career of acclaimed work in the field or that this is indicative of the required sustained national or international acclaim. 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 experience places him among that small percentage who have risen to the very top of the field of endeavor. *Joseph v. Dir. of Texas Serv. Ctr., United States Citizenship & Immigr. Servs.*, No. 4:22-CV-00973-SDJ-AGD, 2024 WL 1299065, at *6 (E.D. Tex. Mar. 12, 2024), *report and recommendation adopted*, No. 4:22-CV-00973-SDJ-AGD, 2024 WL 1289452 (E.D. Tex. Mar. 26, 2024), *aff'd*, No. 24-40249, 2025 WL 458001 (5th Cir. Feb. 11, 2025) (upholding plaintiff did not demonstrate his judging experience sets him apart from others in the field or places him among the small percentage who has risen to the top of the field of endeavor).

The Petitioner submitted supplemental evidence of original contributions, detailing his capstone project while at [redacted] The Petitioner conducted a research project for [redacted] entitled [redacted] The Petitioner provided evidence that [redacted] was ranked as the world's best [redacted] in 2024. In addition, he provided two opinion letters "corroborating [the] originality, implementation, and [the] major significance" of the project. The record reflects that [redacted] has implemented this research, however, the broader question in the final merits determination is whether

that contribution resulted in or contributed to the Petitioner achieving recognition that rises to the level of sustained national or international acclaim. *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 he garnered sustained national or international acclaim for his contributions, and his achievements have been recognized). For example, the letters in the record state that his research was original and replicable, but it does not compare the Petitioner's level of success among that small percentage who have risen to the very top of the field of endeavor and does not further demonstrate the Petitioner's sustained national or international acclaim.

The Petitioner contends that the Director erred by not considering evidence of his employment with [redacted] He contends that [redacted] ranks as the world's [redacted] and that [redacted] is a joint venture operated by [redacted] The Petitioner states that "[h]is record demonstrates that he has risen to the very top of the field of supply-chain management in two different hemispheres, first in Kazakhstan and subsequently in the United States, over a continuous 10-year period." His assertion is supported by evidence of each company's reputation. However, the Petitioner relies on the reputation of the companies to further his claim of extraordinary ability. The reputation of the employer is not sufficient evidence that the Petitioner has sustained national or international acclaim or is among the small percentage at the very top of the field of endeavor.

In addition, the Petitioner submitted recommendation letters from employers and those who are familiar with his work. However, the letters do not contain sufficient information to show that he is viewed by the overall field, rather than by a solicited few, among the upper echelon or that he 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. For example, in one letter written by A-P-, the author details his employment at [redacted] how he plays a "critical role in [their] division's success" and discusses various projects the Petitioner has worked on during his employment and the impact it has had on [redacted] In another letter written by M-S-, the Petitioner's supervisor at [redacted] the author highlights the Petitioner's "blend of technical expertise, strategic thinking, and leadership." Although the letters praise the Petitioner's leadership and work with each company, and reflect a successful career, the letters do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. Overall, while the letters of recommendation attest to the Petitioner's skills and accomplishments, they do not further establish his extraordinary ability when considered in the totality of the evidence. As stated above, the authors did not provide sufficient information to show that the Petitioner is viewed by the overall field, rather than by a solicited few, to be among the upper echelon or that he 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. 1:20-cv-991 (LMB/TCB), 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding that none of the plaintiff's letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim).

The Petitioner contends that his salary is indicative of his extraordinary ability in comparison to others with the title of supply chain manager, logistician, and material program managers. The Petitioner's Form W-2 from 2025 reflects a total compensation of $277,514. The Petitioner submits evidence that this is higher than the average of all three of these job titles. While the evidence confirms this assertion, the evidence does not, for example, establish how his earnings compare to others at the very top of the

field or other renowned supply chain managers, logisticians, or material program managers with his level of experience, or show 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). Further, even if the Petitioner's base salary was in the top 10 percent that is not adequate to show sustained acclaim on a national or international level. *Jafarov v. USCIS*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's salary in the top 10 percent of employees was not so impressive as to place him at the very top of the field of endeavor).

In evaluating the totality of the evidence, we acknowledge the Petitioner has worked for companies with high reputations, has spearheaded important projects, and has had success in his career. However, the record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. 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. *Price*, 20 I&N Dec. at 954 (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 383, 394 (5th Cir. 2002) (stating that extraordinary ability is such an elite level of accomplishment); *Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) (holding that extraordinary ability visas are known as "Einstein" visas, are extremely "coveted," and are "reserved for only the most talented" aliens"). 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. 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).

III. CONCLUSION

For the reasons discussed above, 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 who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.