U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43141277

Date: JUN. 10, 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 alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

USCIS denied the petition, concluding the record did not establish, as required, that the Petitioner satisfied at least three of the ten initial evidentiary criteria for this classification. 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 aliens who demonstrate:

> (i) they have 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) they to enter the United States to continue work in the area of extraordinary ability, and
>
> (iii) their entry 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).

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 see also Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131–32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner is self-described as a "physician, public health expert and entrepreneur." She provided evidence that she received her degree in medicine from an Ethiopian university in 2018 and a Master of Public Health (MPH) from [redacted] in 2024. At the time of filing, she was enrolled as an MBA student at [redacted] The Petitioner's curriculum vitae indicates that she has worked as a clinical advisor for a healthcare technology company, as a managing director for a medical supply and healthcare consultancy company, as a clinical research assistant at the [redacted] and as founder and director of [redacted] She indicates that she intends to continue to design and implement healthcare systems and investment models that improve treatment of chronic diseases, integrate equitable technology, and expand access to healthcare for underserved communities.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that she received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). The Petitioner claims to meet five of those criteria.[1] USCIS determined that she met two criteria, based on evidence demonstrating that she has participated as a judge of the work of others in her field and authored scholarly articles in professional publications. The record supports USCIS' determination that she satisfied the criteria at 8 C.F.R. § 204.5(h)(3)(iv) and (vi).

On appeal, the Petitioner contends that USCIS failed to properly weigh evidence demonstrating that she also meets the criteria at 8 C.F.R. § 204.5(h)(3)(ii), (v), and (viii), relating to her memberships in associations in her field, her original contributions to her field, and her leading or critical roles with organizations or establishments that have a distinguished reputation.[2]

[1] At the time of filing, the Petitioner claimed eligibility under seven criteria; however, in response to USCIS' request for evidence, she withdrew her initial claim that she meets the requirements of the criteria at 8 C.F.R. § 204.5(h)(3)(i) and (ii), and she has not pursued these claims on appeal. Any ground of ineligibility that is not raised on appeal is waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

[2] On the Form I-290B, Notice of Appeal or Motion, the Petitioner stated she would submit a brief and/or additional

For the reasons discussed below, the Petitioner has not established that she meets at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x) and therefore has not demonstrated her eligibility as an alien of extraordinary ability.

1. Membership

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) calls for "documentation of the alien's membership in associations in the field for which classification is sought." In addition, the association must require "outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." Once membership in a qualifying association has been established, we determine whether the association requires those at the alien's level of membership to have attained outstanding achievements in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

In its decision, USCIS acknowledged that the Petitioner provided evidence of her membership in the American College of Physicians, the Forte Foundation, the American Public Health Association, and the Delta Omega Honorary Society in Public Health, as well as her membership on the board of directors for [redacted] USCIS concluded that the evidence did not show that membership in these associations requires outstanding achievements in the field for which classification is sought as judged by recognized national or international experts.

On appeal, the Petitioner asserts that USCIS "erred in disregarding my Delta Omega induction, which requires outstanding achievements." She does not contend that USCIS' conclusion was erroneous with respect to her remaining claims under this criterion; therefore, our focus will be on the Petitioner's membership in the Delta Omega Honorary Society in Public Health.[3]

The Petitioner initially provided a certificate confirming her election as a member of this society in 2022, and a letter from D-B-, an associate teaching professor at [redacted] who stated that her induction into Delta Omega serves as evidence that she has "distinguished herself as a top student." He described the society as "an honor extended to public health professionals demonstrating exemplary academic excellence."

The Petitioner's letter in support of her petition referred to Delta Omega Honorary Society's "official selection guidelines" noting that "chapters may induct no more than 20% of eligible graduate candidates, ensuring that only the most exceptional students and professionals are selected." She also referred to the society's website to support her claim that it inducts new members "through a highly selective process that assesses their outstanding performance and devotion to the field." She states that she was inducted in recognition of her 3.94 GPA in [redacted] MPH program, her

evidence to the AAO within 30 calendar days of filing the appeal. She filed the Form I-290B on February 17, 2026, and we have not received a supplemental brief or evidence to date. The record is considered complete as currently constituted.

[3] In her response to USCIS' request for evidence, the Petitioner emphasized that she sought to rely primarily on her membership in Delta Omega Honorary Society to satisfy this criterion. Nevertheless, we have reviewed the evidence relating to the Petitioner's other memberships and agree with USCIS that she did not submit evidence demonstrating those associations or organizations require prospective members to have outstanding achievements as judged by recognized national or international experts in the field as a condition for membership.

achievement of A+ grades in many courses, and her "public health leadership and research achievements."

In a request for evidence (RFE), USCIS advised that the record lacked objective evidence about the associations in which the Petitioner claimed membership and requested that she provide evidence such as the associations' constitutions or bylaws discussing the criteria for membership, as well as evidence that the individuals who review prospective members' applications are recognized national or international experts in their field.

In response, the Petitioner stated that membership in Delta Omega Honorary Society "is granted through an extremely competitive, invitation-only process that assesses exemplary academic excellence, professional commitment to public health, and demonstrable contributions to the field." She further stated that her membership demonstrates "direct external validation of the highest caliber of achievement" due to the society's "extreme selectivity."[4] The Petitioner claimed that her induction involved "a comprehensive evaluation that went beyond grades, detailing my academic accomplishments, leadership experiences, extracurricular involvements and future career plans in public health."

The only supplemental evidence the Petitioner provided with her RFE response was a letter from Y-M-, who wrote in her capacity as faculty advisor for [redacted] Delta Omega chapter. She stated that "[e]lection to membership is highly selective and is extended only by invitation to individuals who have distinguished themselves through outstanding achievements in public health scholarship, research, practice or service."

The Petitioner's response, however, did not include corroborating evidence from Delta Omega Honorary Society, such as the requested bylaws, constitution, or similar evidence, stating its requirements for membership and confirming that outstanding achievements in the field are an essential condition of membership at the Petitioner's level. Uncorroborated references to the association's website are insufficient to meet the Petitioner's burden of proof. Further, the Petitioner's response to the RFE did not address or document Delta Omega's membership selection process and therefore did not establish that the achievements of prospective members are judged by national or international recognized experts in the public health field. Without such evidence, the Petitioner has not met her burden to demonstrate that her membership in this honorary society satisfies the plain language of the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

2. Original Contributions

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 their contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major

[4] In support of this statement, she referred USCIS to review Exhibit 19 submitted with the initial petition, but that exhibit included only her membership certificate issued by Delta Omega.

significance. *See Visinscaia*, 4 F. Supp. 3d at 134-35. Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

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

The Petitioner previously claimed eligibility under this criterion based on: (1) her scientific research and scholarly publications; (2) her development of "an innovative healthcare financing solution for low-resource communities"; and (3) her adoption of "SIR models for pandemic management in congested, resource-limited settings."

USCIS concluded that the evidence did not show how or to what extent the Petitioner's contributions in these areas have impacted or influenced her field or have otherwise risen to the level of major significance.

On appeal, the Petitioner asserts that USCIS "failed to properly weigh evidence that my research is foundational and significant, as evidenced by its repeated inclusion in independent systematic reviews and meta-analyses." As the Petitioner's appeal does not refer to her "healthcare financing solution" or "SIR models for pandemic management," our discussion below will primarily focus on the Petitioner's published research and the significance of these contributions.[5]

The record includes the Petitioner's Google Scholar profile showing that she has published articles in *PLOS One*, *Ethiopian Journal of Health Sciences*, *Clinical Health Equity Research*, *Clinical Imaging*, and *African Journal of AIDS Research*. The Petitioner stated that these peer-reviewed journals are "widely recognized for their credibility and influence in their respective fields" and that "publication in these venues reflects the . . . significant relevance of my contributions to the advancement of public health research and practice." Her supporting evidence included a list of the "top publications" in health and medical sciences published by Google Scholar, which lists *PLOS One* at number seven. She also emphasized that the research she published in *Clinical Imaging* was selected for a poster presentation at the [redacted] which she characterizes as "the pinnacle of public health academia."

However, the Petitioner has not established that the publication of articles in highly ranked or popular journals, or the presentation of such work at reputable conferences, categorically demonstrates that the field considers the research and work to be an original contribution of major significance. *See Kazarian*, 580 F.3d 1030 (9th Cir. 2009), *aff'd in part,* 596 F.3d 1115 (9th Cir. 2010) (finding publications and presentations alone are not sufficient to demonstrate major significance). A publication's high ranking or impact factor reflects the publication's overall citation rate; it does not show an author's influence or the impact of their research on the field, such that we could conclude

[5] Although we will not discuss all evidence submitted in support of this criterion, we have reviewed the record in its entirety.

that every article published in a highly ranked journal is a contribution of major significance in the field. *See Venkatnarayan v. Jaddou*, No. 1:23CV256, 2024 WL 4008312, at *7 (M.D.N.C. Aug. 30, 2024), *report and recommendation adopted sub nom. Venkatnarayan v. Jaddou.*, No. 1:23-CV-256, 2024 WL 4267307 (M.D.N.C. Sept. 23, 2024) (upholding journal rankings did not show an author's influence or impact).

In addition, the Petitioner noted that her published articles have received 110 citations to date and emphasized that these citations reflect "the sustained relevance and influence of her work in public health." The Petitioner also asserted that her "ResearchGate metrics" underscore the relevance of her research. She submitted statistics from her ResearchGate member profile showing her "Research Interest Score" of 61.8 is higher than 55% of ResearchGate members and higher than 80% of members who first published in 2020. However, the Petitioner did not provide evidence from ResearchGate explaining the method used to calculate the Research Interest Score and the percentile figures provided. Without additional explanation, we cannot make an informed assessment of the significance of this data.

Generally, citations can serve as an indication that the field has taken interest in a petitioner's research or written work. Published research that has provoked widespread commentary on its importance from others working in the field and documentation showing that it has been highly cited relative to others' work in the field may be probative of the significance of a person's contributions. *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(1). However, aggregate citation figures tend to reflect a petitioner's overall publication record rather than identifying which research the field considers to be majorly significant. Therefore, neither the Petitioner's overall Google Scholar citation record nor her "Research Interest Score," which may be based on aggregate citations to her collective published work, are necessarily relevant to her eligibility under this criterion.

The Petitioner also claimed that two of her articles, including her 2021 article published in *PLOS One* and her 2023 article published in *Ethiopian Journal of Health Sciences*, which had 75 and 20 citations, respectively, were cited at a significantly higher rate than other articles published in the same journals. For example, she stated that "PLOS One has an average number of citations per document of 3.68 for articles published in 2021, based on the Cites per Document over two years reported by SCImago." Based on this information she stated that her 2021 article was cited at a rate "1,930% higher than the average for this journal or about 20 times the benchmark." She did not submit the cited information from SCImago to corroborate her statement, nor did she cite or provide any data regarding citation rates for publications in the broader field.

Even if supported with objective evidence, a comparison to baseline or average citation rates for a single journal is not indicative of a contribution of major significance in the field. A more appropriate analysis, for example, would be to compare the Petitioner's citations for individual articles to those of highly cited articles that the field regards as majorly significant, as well as factoring in other corroborating evidence. The Petitioner has not provided supporting evidence that provides this context or allows for such a comparison and therefore has not shown that citations to her individual articles are unusually high in the field or otherwise indicative of her eligibility under this criterion. Although her citations show that her research has received some attention from the field, the Petitioner did not establish that the citation numbers for any of her individual articles are indicative of their major significance.

In addition to the various metrics discussed above, the Petitioner contends that her research on non-communicable and chronic illnesses has "pioneered new methodologies and insights into disease management and patient care." She notes that the quality and relevance of her research is "validated by repeated inclusion in high-caliber systematic reviews and meta-analyses, confirming its foundational influence on clinical research, public health policy, and the formulation of resilient health strategies."

Specifically, she claims that her *PLOS One* article titled [redacted] was "central to an independent Scoping Review (in *Frontiers in Public Health*) and cited in a Systematic Review (in *IJERPH*), proving my research addressed global evidence gaps." In addition, the Petitioner stated that her 2023 article published in the *Ethiopian Journal of Health Sciences* was cited in "a Systematic Review and Meta-Analysis (in *Frontiers in Epidemiology*)" and added "an overlooked dimension to pandemic studies." She also referenced citations to her studies involving HIV patients in articles published in the *European Journal of Medical Research* and *Springer Nature*. Although the Petitioner highlights these claimed citations to her work in review articles as being particularly indicative of the major significance of her research contributions, she did not provide copies of the referenced review articles in support of her claim. Without supporting evidence, we cannot determine whether any of these articles cite the Petitioner's published work as being authoritative or otherwise viewed as being of major significance in the field. Further, the Petitioner's suggestion that the citation of her work in review articles automatically demonstrates its "foundational influence" or major significance in the field is not adequately supported in the record.

The Petitioner also emphasized that her research on the availability and accuracy of lung cancer screening information on U.S. health websites (published in *Clinical Imaging*) was "prominently featured in *Health Imaging*, a leading publication that covers innovations in medical imaging, informatics and healthcare data." The Petitioner noted that *Health Imaging* has over 25,000 subscribers and emphasized that the platform's "reach and influence within the U.S. medical community ensured that the findings received wide visibility among key decision-makers and practitioners." She suggested that this type of media recognition underscores the "broad impact of my research on cancer screening and digital health literacy."

Published materials about the significance of a person's original work can be relevant to demonstrating eligibility under this criterion, particularly when their published research has provoked widespread commentary on its importance from others working in the field. While the Petitioner's published research was highlighted in one publication, the author did not discuss the significance of the work, and the record lacks evidence that the *Clinical Imaging* article, which had two citations as of the date of filing, had otherwise provoked "widespread commentary." The Petitioner provided a reference letter from N-O-, a director at [redacted], who stated that her work on lung cancer screening is "widely read" and important because it used "bespoke scientific methods to uncover a potential key driver of lung cancer disparities." While N-O- described the Petitioner's research topic as "compelling" and as a "key consideration across the public health landscape," the record does not adequately support his statement that the research is widely read, show that the Petitioner's research has demonstrably influenced this sphere of public health, or indicate that it is otherwise regarded as a contribution of major significance in public health.

Detailed letters from experts in the field explaining the nature and significance of a person's contributions may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance. Here, the Petitioner's letters do not contain specific, detailed information explaining the unusual influence or high impact her research or work has had on the overall field to establish that it has been of major significance. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *8 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's testimonial letter mostly consisted of conclusory statements about the significance of his work and his potential).

The Petitioner also claimed she has made a "significant original contribution to the field of sustainable public health finance and community development" through her creation and implementation of "the [redacted] investment model." She stated that her model "provides a novel, consumer-centric mechanism for transforming Corporate Social Responsibility (CSR) and Environmental, Social and Governance (ESG) funding from fragmented . . . philanthropic endeavors into structured outcomes-driven public health and community programs." The Petitioner describes the growth of her company, [redacted] over a two-year period and the outcomes of its projects to improve accessibility to healthcare and targeted health interventions in southern Ethiopia, noting that the company has worked to deploy more than $100,000 to communities through its corporate partnerships.

A reference letter from J-K- praises the Petitioner's efforts to create "a replicable mechanism" for "enduring and outcomes-oriented investment," while a letter from O-K- describes the approach the Petitioner implemented at [redacted] as "a pivotal way and ingenious way to address longstanding criticisms of the traditional corporate sustainability model." While this and other reference letters praise the Petitioner's approach for its novelty and replicability, the record does not show that others have been influenced by the Petitioner's work with [redacted] or adopted the model in their own organizations or demonstrate that the approach has otherwise received recognition in the field.

The Petitioner also provides documentation relating to [redacted] its partners, and its projects to date, but the record does not demonstrate that she has made original contributions of major significance in the field through her leadership of this company. *See Goncharov v. Allen*, No. 3:21-CV-1372-B, 2022 WL 17327304, at *5 (stating that "[c]ourts have routinely affirmed agency decisions that held § 204.5(h)(3)(v) 'requires substantial influence beyond one's employers, clients, or customers); *see also Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134 (D.D.C. 2013); *Strategati, LLC v. Sessions*, No. 3:18-CV-01200-H-AGS, 2019 WL 2330181, at *6 (S.D. Cal. May 31, 2019).

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown that she has made original contributions of major significance in the field.

3. Leading or Critical Role

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for "evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." The role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. Evidence of a leading role should show that the alien was a leader for the claimed component, and a job title with matching duties may

help to establish that a role was leading. For a critical role, evidence should show that the alien has contributed in a way that is significantly important to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment. In determining whether the organization or establishment, or a department or division thereof, has a distinguished reputation, relevant factors include its size, longevity, scale of its customer base, and relevant media coverage. *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(1).

The Petitioner claimed that she has performed in a leading role as the founder of [redacted] and in critical roles as a member of the governing board of [redacted] and as a project lead for the digital health non-profit [redacted] In its decision, USCIS determined that the Petitioner demonstrated her performance in a leading role with [redacted] but did not provide objective evidence to demonstrate that the organization has a distinguished reputation. With respect to the Petitioner's claim that she has served in critical roles, USCIS concluded that the submitted documentation did not establish that she contributed to [redacted] or [redacted] in a way that was significant to their success or standing in the field.

On appeal, the Petitioner asserts that "USCIS erroneously found that I failed to establish the distinguished reputation of [redacted] and [redacted] or the leading nature of my roles, despite provided organizational hierarchies and impact data." Our evaluation of this criterion will therefore focus on the Petitioner's roles with these two organizations.

The record supports USCIS' determination that the Petitioner established her leading role as the founder of [redacted] At the time of filing, the Petitioner stated that, under her leadership, the organization has grown from a solo initiative to a 12-person team with eight business partners and has directed over $100,000 in contributions into low-resource communities.

However, the record does not contain sufficient evidence to demonstrate that [redacted] enjoys a distinguished reputation. The initial evidence included [redacted] certificate of formation and a July 2024 letter of appreciation from the South Ethiopia Regional State Health Bureau acknowledging its receipt of cash and medical equipment donations from "the [redacted] Program in collaboration with various commercial enterprises and charitable organizations." The Petitioner also provided printouts from [redacted] website, which describe the company as a [redacted] In response to USCIS' RFE, the Petitioner submitted [redacted] organizational chart and a 2023 performance report for one of its projects.

However, the Petitioner did not explain or show how the projects and services that [redacted] has executed to date have resulted in the company earning a distinguished reputation. *See Cuckic v. Jaddou*, No. 21-CV-8395 (JPO), 2023 WL 2586031, at *5 (S.D.N.Y. Mar. 21, 2023) (finding self-promotional material from the organization did not establish a sufficiently high reputation). She has not provided, for example, evidence about any significant funding, awards, media attention or other external recognition the organization has garnered to date, or other objective evidence that would support her claim that [redacted] has established a distinguished reputation. Rather, the evidence in the record simply provides an overview of the organization's purpose, projects and relatively brief history.

We have also considered evidence related to the Petitioner's membership on the board of [redacted] and conclude that she has not sufficiently supported her claim that she holds a leading or critical role with this non-profit entity.

The record includes evidence that she was invited to join the board for a two-year term in April 2025, five months prior to filing this petition. The Petitioner stated that her contributions as a board member are "critical to enhancing [redacted] Return on Investment (ROI) and leveraging my industry networks to promote the organization's cause, directly influencing the deployment of development capital and the successful execution of its community-led projects." She further claimed that her role is "not advisory, but one of strategic execution that guides the organization's highest-level investments and partnerships."[6]

Letters from individuals with personal knowledge of the significance of a petitioner's leading or critical role can be particularly helpful in USCIS' evaluation of eligibility under this criterion, if those letters contain detailed and probative information that specifically addresses how the person's role for the organization is leading or critical. *See generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Here, although the Petitioner claimed that she has performed a critical role for [redacted] she did not provide a letter from that organization explaining how she had already contributed in a way that is significantly important to the outcome of the organization's activities during her first few months in the position. It is not the title of a person's role, but rather the person's performance in the role that determines whether the role is critical. *See generally id.*

The Petitioner provided a copy of [redacted] "Guide for Board Members and Advisors" which describes their responsibilities and expectations. For example, board members, who are not compensated employees, are expected to introduce potential partners to the organization's executive director, post about the organization on social media, make financial donations and reach out to others for financial donations, work collaboratively within their assigned committees, provide guidance to the organization's team, attend quarterly board meetings, and educate themselves on the organization's mission and programs. This evidence does not corroborate the Petitioner's assertion that her position as a board member involves "strategic execution that guides the organization's highest-level investments and partnerships." As the Petitioner has not demonstrated that her role with [redacted] is leading or critical, we reserve discussion of whether the evidence in the record demonstrates that the organization has a distinguished reputation.

For all the reasons discussed, the Petitioner has not demonstrated that she satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(viii).

B. Final Merits Determination

While the Petitioner meets the judging and publication of scholarly articles criteria, she has not established that she meets a third criterion. Therefore, she has not met the initial evidence requirements and has not demonstrated her eligibility for classification as an alien of extraordinary

[6] In her curriculum vitae, the Petitioner lists her role with [redacted] among her "extracurricular activities and projects," and states that she provides "strategic advice on fundraising," as well as outreach, mentorship for community led incubators, and "sustainability training modules."

ability. Because this determination is dispositive of her appeal, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. We therefore reserve this issue. *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).

Nevertheless, we have reviewed the record in the aggregate and conclude that it does not support a conclusion that the Petitioner has established the sustained acclaim and recognition required for the classification 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. *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). The Petitioner has achieved some recognition for her published research and entrepreneurial endeavor, but she has not shown that the significance of her work is indicative of the required sustained national or international acclaim or that it is consistent with a career of acclaimed work in her 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 she is among the small percentage at the top of her field. *See* 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an alien of extraordinary ability. Accordingly, we will dismiss the appeal.

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.