U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43202256

Date: JUNE 11, 2026

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

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

The Petitioner, a human resources (HR) manager, 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 that the record did not establish that the Petitioner had either received a major, internationally recognized award or satisfied at least three of ten initial evidentiary criteria, as required. The matter is now before us on appeal under 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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

Section 203(b)(1)(A) of the Act makes immigrant visas available to aliens 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. A petitioner must establish that the alien seeks to enter the United States to continue work in the area of extraordinary ability, and that their entry into the United States will substantially benefit the United States. The term "extraordinary ability" refers only to those aliens 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 an alien's achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Or the petitioner can submit evidence that meets at least three of ten lesser criteria or comparable evidence. *See* 8 C.F.R. § 204.5(h)(3)(i)–(x) and (4).

Once a petitioner has met the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international

acclaim and demonstrates that the alien 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).

The Petitioner's initial submission focuses on her work, starting in 2022, as executive director of business HR at [redacted]. Shortly after the petition's May 2025 filing date, the Petitioner began working for [redacted] as HR director for the North Asia Region.

Because the Petitioner has not indicated or shown 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 claimed to have satisfied six of these criteria, summarized below:

- (iii), Published material about the alien in professional or major media;
- (iv), Participation as a judge of the work of others;
- (v), Original contributions of major significance;
- (vi), Authorship of scholarly articles;
- (viii), Leading or critical role for distinguished organizations or establishments; and
- (ix), High remuneration for services.

USCIS concluded that the Petitioner met two of the criteria, pertaining to judging and leading or critical roles. On appeal, the Petitioner asserts that she also meets the other claimed criteria.

We take particular notice of the criterion at 8 C.F.R. § 204.5(h)(3)(iii), which calls for 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.

The Petitioner submitted English translations of two Chinese-language online articles, with background information about the publications in which they appeared. A translated [redacted] 2025 article from *China Enterprise News* indicates that the Petitioner "has played a key role" in "develop[ing] a new 'Human Resource Decision Management Model – [redacted]'" A second article, published in [redacted] 2025 on dicn.china.com.cn, features "a Dialogue with [the Petitioner]" concerning "the Innovation in Human Resources Management with Digital Transformation." The Petitioner submitted evidence including Chinese government materials about the publications.

USCIS acknowledged the Petitioner's evidence, but concluded: "the submitted published materials are not about the petitioner" because they do "not dive into the petitioner's works or provide specific details about the petitioner['s] works, innovative projects, or methodologies." USCIS also determined that the background materials do "not include the criteria or process used to determine the listed publishing entities rankings and readership or circulation." USCIS concluded that "the information submitted does not demonstrate that the petitioner has received the level of media attention or interest to rise to the very top of their field."

On appeal, the Petitioner disputes these conclusions. We agree with the Petitioner that the articles are about the Petitioner, relating to her work. The denial decision added requirements not found in the regulations. Also, the articles go into reasonable detail about the Petitioner's work, and quote the Petitioner about that work. The Petitioner also submitted sufficient evidence to establish that the articles appeared in major Chinese media.

We also agree with the Petitioner that the question of whether the media coverage places her at the top of her field is a matter for the final merits determination.

We will withdraw USCIS' decision, because that decision was based on the determination that the Petitioner had satisfied fewer than three of the initial evidentiary criteria. As noted above, where a petitioner meets these initial evidentiary requirements, USCIS then considers the totality of the material provided in a final merits determination and assesses 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*, 596 F.3d at 1115, and section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3). We will therefore remand the matter for USCIS to make the final merits determination in the first instance.

Because we have determined that the Petitioner satisfies a third initial criterion, we will not examine the remaining claimed criteria in depth. The satisfaction of three criteria is enough to proceed to a final merits determination. The final merits determination considers the totality of the evidence in the broader context of sustained national or international acclaim as required by the statute. Issues that "are not relevant to the antecedent procedural question of whether the petitioner has provided at least three types of evidence" "might be relevant to the final merits determination of whether a petitioner is at the very top of his or her field of endeavor." *Kazarian v. USCIS*, 596 F.3d at 1121. Considerations that might impermissibly amount to "a novel evidentiary requirement" within the narrow confines of an initial criterion nevertheless "might be relevant to a final merits determination." *Id.*

In rendering the final merits determination, USCIS may wish to consider certain factors when determining the extent of the Petitioner's recognition and acclaim. For example, USCIS can consider whether the publication of two articles about the Petitioner, a few weeks before the petition's filing date in June 2025, are strong evidence of the required level of recognition and sustained acclaim.

The Petitioner asserts that she developed a widely-implemented HR model. USCIS can consider whether the evidence shows implementation of this model outside of the company that employed the Petitioner. There is also the related but broader question of how widely the Petitioner has earned lasting recognition and sustained national or international acclaim outside of companies that have employed her.

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.