U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43219055

Date: JUNE 24, 2026

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

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

The Petitioner, a financial portfolio strategist, 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 although the Petitioner established that he satisfied the initial evidentiary requirements, he did not demonstrate his sustained national or international acclaim and that he 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

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

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

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

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

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the 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 categories listed at 8 C.F.R. § 204.5(h)(3)(i)-(x) (including items such as awards, published material in certain media, and scholarly articles). If an evidentiary standard under 8 C.F.R. § 204.5(h)(3)(i)-(x) does not "readily apply" to a petitioner's occupation, the petitioner may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

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, 1121 (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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (upholding USCIS' two-step review process as "consistent with the governing statute and regulation").

II. ANALYSIS

The Petitioner claims eligibility for this classification as an individual of extraordinary ability in the field of finance, in particular portfolio strategy, investor education, and securities innovation. He indicates that he has worked for more than twenty years with [redacted], a financial investment firm in Canada. Since 2008, he has been a portfolio strategist for the firm's online discount brokerage, [redacted], providing portfolio strategy and investor education to self-directed investors through the brokerage's platform initially known as [redacted] and currently known as [redacted].

The Petitioner has not indicated or established that he has received a major, internationally recognized award. He claimed to have met six of the initial regulatory criteria, namely:

- memberships in associations;
- published materials about the individual;
- original contributions of major significance;
- authorship of scholarly articles;
- leading or critical roles; and
- high salary or renumeration in relation to others.

8 C.F.R. § 204.5(h)(3)(ii), (iii), (v), (vi), (viii) and (ix).

USCIS determined that the Petitioner fulfilled three of the claimed criteria but concluded in a final merits determination that he did not establish his sustained national or international acclaim in the field or show that he is one of that small percentage at the very top of that field and denied the petition accordingly.

On appeal, the Petitioner asserts that he meets the additional initial criteria claimed beyond the three he was granted.

For the final merits determination, the Petitioner provides two alternative arguments. In the first instance, the Petitioner cites a district court decision, *Mukherji v. Miller*, No. 4:24-CV-3170 (D. Neb. Jan. 28, 2026), in which the court objected to USCIS' reliance on *Kazarian* to justify its use of the final merits determination as the basis for dismissing an appeal. We disagree with the Petitioner's reliance on this non-precedent decision to argue that our decision was incorrect to conduct a final merits determination.

In contrast to the precedential authority of the case law of a United States circuit court, we are not bound to follow a decision of a United States district court. *See Matter of K-S-*, 20 I&N Dec. 715 (BIA 1993). Moreover, while we may consider the court's reasoning when it is properly before us, unpublished opinions are not considered binding precedent. *See Suchite-Salguero v. Att'y Gen. United States*, 147 F.4th 355, 359-60 (3d Cir. 2025) ("[W]e have cautioned over and over again that non-precedential opinions carry little to no weight for future cases."); *Wang v. Holder*, 569 F.3d 531, 538 n.5 (5th Cir. 2009); *cf. Matter of K-S-*, 20 I&N Dec. at 719 (considering the reasoning of district court decisions). Notably, the *Mukherji* decision was issued by a district court in Nebraska. Whereas, in the present case, the petition was denied at the Texas Service Center, outside the jurisdiction of the Nebraska court that decided *Mukherji*. In addition, the two-step adjudication process is an interpretive rule that does not violate the Administrative Procedure Act, nor is it a legislative rule. *Nagaiah v. Allen*, 784 F. Supp. 3d 798, 810 (E.D. Pa. 2025); *Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *12 (D. Neb. Sept. 12, 2025); *Etsy, Inc. v. Jaddou*, No. 4:22CV3022, 2023 WL 3689555, at *23 (D. Neb. May 25, 2023) (citing *Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 96 (2015).

In the alternative, the Petitioner argues that the totality of the evidence clearly supports his sustained national or international acclaim in the field and that he is one of that small percentage at the very top of his field.

Upon de novo review, the Petitioner has not demonstrated he meets at least three of the initial evidentiary criteria, as discussed below. In addition, he has not demonstrated his sustained national or international acclaim and that he is among the small percentage at the very top of his field.[1]

A. Evidentiary Criteria

1. "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).

For the reasons discussed below, we agree with USCIS' conclusion that the Petitioner did not meet this criterion.

[1] While we may not discuss every document submitted, we have reviewed and considered each one.

To demonstrate that membership in an association meets this criterion, a petitioner must show that the association requires outstanding achievement as an essential condition for admission to membership, and that such achievements are judged by recognized experts in the field. Membership requirements based on employment in a certain occupation, minimum education or experience, or payment of dues or fees do not satisfy this criterion as such requirements do not constitute outstanding achievements. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.

To meet the criterion, the Petitioner submitted evidence he earned the title of fellow with the Canadian Securities Institute (CSI) in 2015. He emphasizes that CSI fellowship has more professional requirements than a general CSI membership, in that CSI fellowship requires the endorsement of either an existing fellow or a supervisor, along with other requirements, including minimum work experience; certain course completions; application fees; ethics commitment; trademark licensing agreement; and industry community contributions to maintain the fellowship credential. The record includes documents explaining the requirements for CSI fellowship, including the CSI Designations Report 2024, the 2023-2024 annual report for the Canadian Investment Regulatory Organization, and an informational summary about CSI from *Wikipedia*.

The Petitioner argues that the USCIS Policy Manual specifically states that a fellow membership, like his CSI fellowship, qualifies as membership under the criterion. *Id.* We disagree with the Petitioner's interpretation of the USCIS Policy Manual. The USCIS Policy Manual provides examples of associations which *may* qualify to meet the criterion, including examples of fellowships with certain organizations and institutions. *Id.* However, the USCIS Policy Manual clearly states that a petitioner "must show that in order to obtain that level of membership, recognized national or international experts judged the [petitioner] as having attained outstanding achievements in the field for which classification is sought." *Id.*

While the evidence indicates a CSI fellow has requirements in addition to the CSI general membership, the record does not reflect a CSI fellow designation has a requirement of outstanding achievement, as judged by recognized national or international experts in his field. For instance, while CSI fellows are required to obtain an endorsement from either an existing CSI fellow or the applicant's supervisor, the record does not indicate that such endorsement is contingent on CSI fellow applicants having outstanding achievement as judged by recognized national or international experts in their field. Moreover, the other CSI fellow requirements do not reflect a requirement of outstanding achievement, as judged by recognized national or international experts in the field.

For these reasons, the Petitioner has not demonstrated meeting this criterion.

2. "Published material about the alien in professional or major media 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).

USCIS stated that the Petitioner met this criterion. Upon de novo review, we conclude that the Petitioner has not met the requirements for this criterion.

The Petitioner relies on several articles to meet this criterion. Some of the submitted articles, however, are not about the Petitioner and his work in the field. For instance, the three articles published in *Globe and Mail* mainly discuss online brokerage platforms and provide summaries of multiple platforms, including [redacted] online brokerage, [redacted]. Two of the *Globe and Mail* articles have a single statement that the Petitioner manages [redacted], while the third *Globe and Mail* article does not mention the Petitioner. The articles do not report on the Petitioner and his work or otherwise reflect published material about him and his work consistent with this regulatory criterion. *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); *see also Joseph v. Dir. of Texas Serv. Ctr., United States Citizenship & Immigr. Servs.*, No. 24-40249, 2025 WL 458001, at *3 (5th Cir. Feb. 11, 2025) (upholding USCIS' determination that an article about a house being built did "not make the article about" the petitioner).

In addition, the Petitioner submitted foreign language articles and English translations of excerpts of articles. The Petitioner is required to submit a copy of the foreign documents accompanied by a full English language translation. *See* 8 C.F.R. § 103.2(b)(3). Here, the Petitioner has not submitted full English language translations of the foreign language articles published in *Le journal de Montréal*, *La Presse*, and *Le Soleil*. While the English translation excerpts of the articles mention the Petitioner and include quotes from him, without the full English translation of the articles, we are unable to determine that the published materials are about the Petitioner and his work in the field.

Moreover, the article published in *La Presse* does not include the regulatory required author of the article. *See Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. CV RDB-23-2251, 2024 WL 1374794, at *5 (D. Md. Apr. 1, 2024) (upholding plaintiff's evidence did not include the required title, date, or author). Without an author, the article does not meet the regulatory requirement of the criterion.

In addition, while the Petitioner provided his own summaries about the circulation and readership of the publications, *Le journal de Montréal*, *La Presse*, and *Le Soleil*, the record does not include independent evidence corroborating that any of the publications is a professional or major media trade publication or other major media, as required under the regulation. Unsupported assertions have no evidentiary value and are insufficient to establish a filing party has satisfied their burden of proof. *See Matter of Mariscal-Hernandez*, 28 I&N Dec. 666, 673 (BIA 2022).

The Petitioner submitted a foreign language article with a full English translation for one of the articles published in *Le Soleil* titled '[redacted]" While the article is about the Petitioner and his work in the field, the Petitioner did not submit evidence about the publication. Other than his statements indicating that the publication is French-language daily newspaper in Quebec, he did not

submit independent evidence to support his assertions and show the publication is a professional or major media trade publication or other major media, as required under the regulation. *See id.*

In addition to articles, the Petitioner provided conference programs and marketing promotional material about the conferences. The conference programs and marketing material include summaries of the Petitioner's photograph, professional information, and the topics the Petitioner would be presenting at the conferences as a representative of his employer. However, to meet the criterion, published material should be about the person, relating to the person's work in the field, and not just about the person's employer and the employer's work or about another organization and that organization's work. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). In addition, marketing materials created for the purpose of selling the person's products or promoting the person's services are not generally considered to be published material about the person, including objective content about the person in major print publications that the person or the person's employer paid for. *Id.* Here, the information in the conference programs and promotional materials are not about the Petitioner but instead are about the conferences and promote the Petitioner as representing his employer. Moreover, the conference programs and marketing materials do not qualify as professional or major media trade publications or other major media, as required under the criterion. Last, the conference materials do not include a title, date, and author, as required under the regulation.

For the reasons discussed, the Petitioner has not established meeting this criterion. We withdraw USCIS' findings to the contrary.

3. "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).

For the reasons discussed below, we agree with USCIS' conclusion that the Petitioner did not meet this criterion.

To meet this criterion, a petitioner must first demonstrate making original contributions in the field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). In addition, a petitioner must show the original contributions are of major significance to the field. *Id.* The criterion focuses on whether a petitioner's original work constitutes major, significant contributions to 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. *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134-35 (D.D.C. 2013). 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).

To meet the criterion, the Petitioner claims his operation of the two [redacted] platforms, [redacted] and [redacted] are original business-related contributions which materially altered

how professional-grade investment analysis was delivered to self-directed investors. These products, he asserts, were introduced to depart from prevailing Canadian brokerage practices for retail investors and have been recognized as significant contributions in his field. For instance, he points out that [redacted] a personal finance columnist at *The Globe and Mail*, emphasized in a 2009 article that [redacted] was [redacted] "most innovative move," to delivering investment guidance to retail investors. In another article published in 2013, [redacted] singled out [redacted] for its innovation and meaningful departure from routine industry practices.

The articles, however, do not mention the Petitioner and his original contributions to his field based on [redacted] or [redacted]. In addition, while the Petitioner asserts that the [redacted] model was popularized by major media, such as CNBC Investing Club, he does not provide evidence to support his assertions. Unsupported assertions have no evidentiary value and are insufficient to establish a filing party has satisfied their burden of proof. *See Matter of Mariscal-Hernandez*, 28 I&N Dec. at 673. Based on a [redacted] publication by [redacted], the Petitioner claims to have created and led both platforms. However, the [redacted] publication and other evidence in the record do not indicate that the Petitioner created the platforms. We acknowledge that the Petitioner has been the main portfolio strategist for the [redacted] portfolios, which includes educating its investors. However, the record does not show that his work with [redacted] and [redacted] are original contributions to his field, but instead are contributions to his employer, [redacted]. In addition, the Petitioner has not demonstrated that his work with [redacted] and [redacted] has been widely implemented throughout his field, remarkably impacted or influenced his field, or otherwise risen to a level of major significance. *See Visinscaia v. Beers*, 4 F. Supp. 3d at 134-35.

For these reasons, the Petitioner has not demonstrated meeting this criterion.

4. "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 determined that the Petitioner met this criterion based on him having authored two business papers and several financial reports. Upon de novo review, we conclude that the Petitioner has not met the requirements for this criterion.

This criterion contains multiple evidentiary elements the Petitioner must satisfy through the submission of evidence. The first element is that the Petitioner is an author of scholarly articles in his field. We consider these articles to fall within two distinct areas. One area is within the academic arena in which a scholarly article reports on original research, experimentation, or philosophical discourse. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(l). It is written by a researcher or expert in the field who is often affiliated with a college, university, or research institution. *Id.* 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. *Id.* The second area lies outside of the academic arena in which a scholarly article should be written for learned persons in that field. *Id.* Learned persons include all persons having profound knowledge of a field. *Id.*

The second evidentiary element of this criterion is that the scholarly articles appear in one of the following: (1) a professional publication, (2) a major trade publication, or (3) in a form of major media.

Regarding the medium in which the articles appear, the Petitioner should establish that for major media the publication's circulation statistics are high relative to similar publications and that for professional journals the publication's intended audience. *Id.*

In support of this criterion, the Petitioner submitted materials he authored for [redacted] as part of his role for the portfolio strategy group. The Petitioner provided foreign language documents and English translations of excerpts from [redacted]' "Strategie Plus" documents from 2003 and 2004 which include the Petitioner's commentary about the U.S. equities portfolio. In addition, he submitted foreign language documents and English translations of [redacted] reports for [redacted] from 2017, 2018, and 2020. In the reports, the Petitioner discusses stock valuations, investment analyses, and portfolio management decisions. The Petitioner also submitted screenshots stating they reflect him hosting multiple [redacted] podcasts for [redacted], emphasizing he has authored and presented approximately 25 podcast episodes per week, approximately 1,000 episodes annually, and over 5,000 episodes since its launch five years ago.

While the Petitioner claims the materials meet the criterion based on being scholarly articles written for learned persons in his field, evidence in the record contradicts his assertions. The evidence indicates that the Petitioner authored the commentary and hosted podcasts for [redacted] clients, instead of for learned persons in the field, including persons having profound knowledge of his field. *Id.* A letter from L-D- of [redacted] states the Petitioner authored the commentary and hosted podcasts "specifically for advanced, self-directed investors and were relied upon to interpret economic conditions, evaluate securities, and inform portfolio decisions." Moreover, the Petitioner did not provide evidence demonstrating the Petitioner's commentary appears in professional publications, major trade publications, or major media. *Id.* While he claims the [redacted] documents and [redacted] podcasts are professional publications, the evidence indicates that the documents are [redacted] publications for [redacted] and its clients, instead of for professionals with profound knowledge of his field.

In addition, the Petitioner submitted foreign language documents with English language translations of articles published in *Le Journal Economique*. Two articles are authored by the Petitioner and provide financial investment analysis. The Petitioner, however, did not include independent evidence about *Le Journal Economique* to determine whether the articles he authored are for learned persons in that field, and that the articles appeared in a professional publication, a major trade publication, or in major media.

The Petitioner claims the stock report commentary he authored for [redacted] was republished for external dissemination by major financial media, including Michael Campbell's online publication, *MoneyTalks*, and the World Outlook Financial Conference. However, the Petitioner only submitted screenshots of a portion of two posts authored by him on the *MoneyTalks* website. The posts titled '[redacted]' and '[redacted]' only include a few paragraphs and are not the complete posts. Without further evidence, we are unable to determine whether either of the posts is written for learned persons in the field.

For the reasons discussed, the Petitioner has not established meeting this criterion. We withdraw USCIS' findings to the contrary.

5. Reserved Criteria

The Petitioner asserts that he meets eligibility for two additional criteria relating to leading or critical roles and high salary. 8 C.F.R. § 204.5(h)(3)(viii) and (ix). Because the Petitioner has not fulfilled any of the remaining evidentiary criteria, he cannot fulfill the initial evidentiary requirement of meeting three criteria under 8 C.F.R. § 204.5(h)(3). We, therefore, need not determine whether he meets the requirements of the criteria for leading and critical roles and high salary. Accordingly, we will reserve these issues. *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).

B. Final Merits Determination

While we have concluded that the Petitioner has not fulfilled the initial evidentiary requirement of three criteria, and thus need not provide the type of final merits determination referenced in *Kazarian v. USCIS*, 596 F.3d at 1119-20, we will nonetheless consider the issue of the Petitioner's qualification under that standard, as it is the focus of both USCIS' decision and the appeal. We have reviewed the record in the aggregate and agree with USCIS that the Petitioner has not established eligibility as a person of extraordinary ability.

In a final merits determination, we analyze the Petitioner's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian v. USCIS*, 596 F.3d at 1119-20. Because extraordinary ability is an elite level of accomplishment whose recognition necessarily entails a judgement call, it cannot be established through meeting at least three of the evidentiary criteria alone. *See Amin v. Mayorkas*, 24 F.4th at 394-395. The final merits determination is the ultimate statutory inquiry of whether the applicant has extraordinary ability, as demonstrated by a preponderance of the evidence, his sustained national or international acclaim, he is one of the small percentage at the very top of the field of endeavor, and his achievements have been recognized in the field through extensive documentation.

Here, we review the record focusing on the broader issue of sustained acclaim rather than the narrower focus of the initial criteria. We have considered evidence related to membership in associations; published materials about himself; original contributions of major significance in the field; authored scholarly articles; leading or critical role; and high salary in relation to others. We agree with the Petitioner that his evidence should be viewed in the context of the entire record, rather than in isolation. But we agree with USCIS that this evidence does not consistently show his 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).

For membership in associations, the Petitioner submitted evidence he is a fellow with CSI. The Petitioner, however, did not show how his title of fellow with CSI resulted in sustained national or international acclaim or reflects that small percentage who has risen to 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 earning the title of fellow with CSI. In addition, while evidence indicates that earning a fellowship with CSI requires a minimum amount of professional experience,

an endorsement from either an existing fellow or supervisor, and completing coursework, amongst other requirements, the Petitioner did not establish that he has distinguished himself from others in the field based on him being a fellow with CSI, gaining national or international attention or placing him among the upper echelon in his field.

Regarding published material about the Petitioner, he submitted several articles. As discussed above, a few articles are not about the Petitioner and his work in the field, but instead mainly discuss the [redacted] platform, [redacted], with the Petitioner being briefly mentioned or quoted in a portion of the articles. The Petitioner did not show that his overall press coverage is indicative of a level of success consistent with being among that small percentage who has risen to the very top of his field of endeavor. Further, the Petitioner did not establish that the limited media reporting reflects a career of acclaimed work in his field.

For original contributions of major significance in his field, the Petitioner emphasizes that his original business-related contributions for creating and leading the [redacted] platforms, [redacted] and [redacted], materially altered how professional-grade investment analysis was delivered to self-directed investors. He claims his success with the nationally recognized platforms shows his career of acclaimed work in his field. Although the letter from L-D- recognizes and values the Petitioner's portfolio strategy work for the platforms and [redacted] the Petitioner has not provided evidence establishing that he created the platforms and that his original contributions based on his work for the platforms extend beyond his employer and reflect a career of acclaimed work in his field gaining national or international attention or distinguishing himself from others in the field. While articles published in *The Globe and Mail* discuss [redacted] as [redacted] "most innovative move," to delivering investment guidance to retail investors, the articles and other evidence in the record discuss the platforms and do not discuss the Petitioner or recognize that he has distinguished himself from others in his field as having a career of acclaimed work or distinguishing himself from others in his field to consider him among that small percentage at the very top of his field of endeavor.

The publication of articles for learned persons in his field does not automatically place one at the top of the field.[2] Here, although the Petitioner presented evidence to show that he authored portfolio strategy commentary for [redacted] financial documentation and publications, including its stock reports, [redacted], and [redacted] reports; authored articles for *Le Journal Economique*, and authored posts for Michael Campbell's *MoneyTalks*, he has not demonstrated that this publication record is consistent with having a "career of acclaimed work" or qualifies for this "very high standard." *See* H.R. Rep. No. at59 and 56 Fed. Reg. at 30704. He did not establish that his authorship of the commentary for [redacted] reports, articles for *Le Journal Economique*, and posts for Michael Campbell's *MoneyTalks* is reflective of being among the small percentage at the very top of his field of finance, in particular portfolio strategy, investor education, and securities innovation. *See* 8 C.F.R. §204.5(h)(2).

[2] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (providing that publications should be evaluated to determine whether they were indicative of being one of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

Moreover, the citation history or other evidence of the influence of his publications can be an indicator to determine the impact and recognition that his work has had on the field and whether such influence has been sustained. For example, numerous independent citations for an article authored by a petitioner may provide solid evidence that his or her work has been recognized and that others have been influenced by the work. Such an analysis at the final merits determination stage is appropriate pursuant to *Kazarian v. USCIS*, 596 F.3d at 1122.

Here, the evidence does not show what impact or influence the Petitioner's publications, hosting podcasts, and presenting at conferences have had on others in his field and whether any influence has been sustained. The Petitioner has not provided independent evidence that his work authoring, hosting podcasts, and presenting at conferences for [redacted] has been used as a reference beyond [redacted] and its client investors. Moreover, the Petitioner did not provide evidence about the circulation and influence of his publications in *Le Journal Economique* and *MoneyTalks* or of the [redacted] podcasts he hosted in order to determine whether his work has been recognized or influenced others in his field. For his conference presentations, the Petitioner has not provided detailed information about these events to understand whether his presentations and appearances show he has a career of acclaimed work in his field gaining national or international attention or distinguished himself from others in his field. The Petitioner has not established that his work has been widely cited or utilized, and, therefore, sufficient to demonstrate a level of interest in his field commensurate with sustained national or international acclaim. *See* section 203(b)(1)(A) of the Act. Further, the Petitioner did not show the application of his written or presented work by the field and that it represents attention at a level consistent with being among small percentage at the very top of his field. *See* 8 C.F.R. § 204.5(h)(2).

For leading or critical role, the record reflects that the Petitioner submitted evidence for his role as sole portfolio strategist for five financial portfolios with [redacted]. In this role, the Petitioner provided evidence about his work managing the portfolios and being the public-facing spokesperson at conferences, speaking engagements, and with the online platforms, [redacted] and [redacted]. He provided a letter from L-D- of [redacted] emphasizing that the Petitioner has been the public-facing person to investors for the platforms for over twenty years and that [redacted] values his technical knowledge, experience, and dedication to [redacted] and its investors. We acknowledge that record shows that the Petitioner has held a significant role for [redacted]. However, the Petitioner did not establish that his role with [redacted] is reflective of, or has resulted in, widespread acclaim from his field or that he is considered to be at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2).

The record lacks other independent evidence, such as news articles or other relevant materials, demonstrating that the field has widely recognized the Petitioner's roles or contributions to [redacted] in a manner that evidences a "career of acclaimed work." As mentioned above, while articles highlight the Petitioner being the portfolio strategist for [redacted], most of the articles and excerpts of articles submitted include brief mentions of the Petitioner being the portfolio strategist or quotes about his portfolio strategy advice. However, the evidence does not show that his role and achievements with [redacted] have garnered influence in his field or place him among "that small percentage who have risen to the very top of the field of endeavor." *See* 8 C.F.R. § 204.5(h)(2); *see also 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).

The Petitioner also claims that his extraordinary ability is reflected in his annual compensation as a portfolio strategist. He argues that his salary from 2018 to 2024 has been well above the national average and well above the average his area of Quebec, emphasizing his most recent salary for 2024 at CDN $144,172.25 as a portfolio strategist for [redacted]. However, the Petitioner only provided limited comparison data for 2025 for multiple roles in the field of finance, namely financial consultants, financial analysts, and portfolio managers. The Petitioner submitted wage data information from the Government of Canada stating the wages for financial consultant, financial analyst, and portfolio manager in the capital-national region of Quebec for 2025 had high benchmark salary of CDN $127,999 per year. The wage data also indicates a low of CDN $28.85 per hour (or CDN $60,008 per year), median of CDN $42.56 per hour (or CDN $88,524.80 per year), and high of CDN $61.54 per hour (CDN $128,003.20 per year). While the Petitioner's 2024 salary at CDN $144,172.25 as a portfolio strategist is higher than the reported wage data for multiple finance-related roles for 2025, it does not reflect the Petitioner is at the top of his field as a portfolio strategist.

He also submitted independent surveys from Glassdoor Canada for the year 2025 indicating that the median salary in 2025 for financial analysts at CDN $64,000 and for portfolio manager at CDN $91,000. For Quebec, Glassdoor survey indicates that the salaries for financial advisors, financial analysts, and portfolio managers range from CDN$70,000 to $120,000 with an average of CDN $91,000. He did not explain or provide evidence about how these occupations compare to his work as a portfolio strategist for [redacted]. Moreover, he did not provide any comparison data for the years 2018 to 2024, the years he submitted his income tax earning statements. While the evidence shows that he received a salary in 2018 to 2024 for [redacted], he did not establish that he receives salary or remuneration that is "significantly high" or that his earnings are comparable to those of individuals at the very top of the field.

The record as a whole, 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. *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,"); *Visinscaia v. Beers*, 4 F. Supp. 3d at131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design"); *Hamal v. Dep't of Homeland Sec. (Hamal II)*, No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021), *aff'd*, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *see also Hamal v. Dep't of Homeland Sec. (Hamal I)*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing *Kazarian v. USCIS*, 596 F.3d at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 918 (N.D. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for visa as a baseball coach).

Here, 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" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate the Petitioner has garnered national or international acclaim in the field, and he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2). The record does not contain sufficient evidence establishing the Petitioner among the upper echelon in his field.

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an alien of extraordinary ability. The appeal will be dismissed for the above stated reasons.

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.