U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43257999

Date: JUNE 25, 2026

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

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

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

U.S. Citizenship and Immigration Services (USCIS) denied the petition. The Acting Associate Director of Service Center Operations concluded that the Petitioner met two of ten initial evidentiary requirements – one less than needed for a final merits determination. On appeal, the Petitioner contends that she satisfied an additional requirement by submitting evidence of high salary or significantly high remuneration for her services in relation to others in her field. *See* 8 C.F.R. § 204.5(h)(3)(ix).

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that she has satisfied the required number of evidentiary criteria. But, because she has not established acclaim or recognition sufficient to place her among the small percentage at her field's top, we will dismiss the appeal.

I. LAW

To qualify for the requested immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability" in the sciences, arts, education, business, or athletics;
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the country as a permanent resident.

Section 203(b)(1)(A)(i-iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

Unless a petitioner received "a major, international recognized award," they must satisfy at least three of ten initial evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[1] If a petitioner meets either evidentiary standard and the requirements at sections 203(b)(1)(A)(ii), (iii) of the Act, USCIS must then make a final merits determination. To merit final approval, the record – as a whole – must establish a petitioner's receipt of "sustained national or international acclaim" and recognized achievements placing them among the small percentage at their field's very top. *See Kazarian v. USCIS*, 596 F.3d 1115, 1119-20 (9th Cir. 2010) (describing a two-step, adjudicatory process); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and Her Field

The record shows that universities in the Petitioner's native country of China awarded her a bachelor of science degree in microbial pharmaceutics and a master of business administration degree. She has worked in the Chinese pharmaceutical and medical nutrition industries for about 35 years.

For the past 16 years, the Petitioner has served as a vice president of market access and director of government affairs at a medical nutrition company that makes specialized liquid nutrients delivered directly into patients' stomachs and small intestines. In these closely related roles, she has primary responsibility for market access work, which involves securing regulatory approval, payer coverage, and favorable insurance reimbursements for products. She also manages product pricing and maintaining products on reimbursement lists. She stated:

> I build the evidence and pathways for payers and hospitals to adopt new therapies, including health economics and outcomes research and real-world evidence to support coverage decisions. In practice, this has meant translating scientific nutrition and medicines into reimbursable, scalable clinical use.

The Petitioner stated that, if allowed to immigrate to the United States, she plans to form a business here. Using $500,000 that she previously invested in an unsuccessful immigrant investor petition under section 203(b)(5) of the Act, she said she would establish a business that would provide "market-access strategy and execution services that help U.S. biopharmaceutical, medical-nutrition, and medical-technology firms enter China and other high-growth emerging markets." She stated: "By pairing U.S. scientific leadership with practical market-access execution, [her proposed business] will contribute to U.S. exports and the broader life-sciences economy while operating to the highest standards of compliance and transparency."

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

B. The Evidentiary Criteria

The record does not indicate – nor does the Petitioner claim – her receipt of a major internationally recognized award. She must therefore meet at least three of the ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i-x).

The record supports the Director's findings that the Petitioner successfully submitted evidence of:

- Published materials about her and her work in her field; and
- Her performance in a leading or critical role for organizations with distinguished reputations.

See 8 C.F.R. § 204.5(h)(3)(iii), (viii).

We will now review the Petitioner's claim that she also submitted evidence of her commandment of a high salary or other significantly high remuneration for her services. *See* 8 C.F.R. § 204.5(h)(3)(ix).

"[T]he regulations regarding this preference classification are extremely restrictive." *Kazarian*, 596 F.3d at 1120 (citation omitted). The Petitioner's evidence must objectively meet the parameters of the applicable regulatory description. *See generally* 6 *USCIS Policy Manual* F.2(B). "[N]either USCIS nor [the] AAO may unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5." *Kazarian*, 596 F.3d at 1121 (citation omitted).

The criterion that the Petitioner claims to have met requires "[e]vidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field." 8 C.F.R. § 204.5(3)(ix).

The Petitioner submitted documentary evidence from her current employer in China. The materials indicate that the employer paid her annual salary amounts of: 2,137,485.23 CNY (Chinese yuan) in 2022; 2,331,574.90 CNY in 2023; and 2,484,467.29 CNY in 2024. She also provided copies of salary surveys for China and the United States.

Under USCIS policy:

> Officers evaluate persons working outside of the United States based on the wage statistics or comparable evidence relevant to the applicable work location, rather than by simply converting the salary to U.S. dollars and then viewing whether that salary would be considered high in the United States.

6 *USCIS Policy Manual* F.2(B)(1), Criterion 9. Thus, we will disregard the salary surveys for the United States.

The initially submitted salary survey for China, dated in 2025, indicates that the average "manager market access" with at least 18 years of experience earned 343,736 CNY a year, or about $55,500. *See* XE, "Exchange Rate and Currency Converter Tool," www.xe.com/en-nz/currencyconverter. As the record indicates that the Petitioner's 2024 salary is almost seven times higher that amount, she argues that she has submitted evidence of a high salary in relation to others in her field.

The Petitioner, however, has not demonstrated that the occupation described in the salary survey relates to her job. The survey's second page contains a "job description" of a manager market access. The description states the job's duties as "[r]esearch conditions in local, regional, national, or online markets. Gather information to determine potential sales of a product or service, or plan a marketing or advertising campaign." Thus, the salary survey describes a market research analyst or marketing specialist position. *See* U.S. Bureau of Lab. Stats., "Occupational Employment & Wage Statistics Profiles," https://data.bls.gov/oesprofile (stating that market research analysts and marketing specialists "[r]esearch conditions in local, regional, national, or online markets. Gather information to determine potential sales of a product or service, or plan a marketing or advertising campaign"). The record does not indicate that the Petitioner's job involves marketing or sales, and she has not explained how the described job relates to hers. Thus, the salary survey does not sufficiently correspond to the Petitioner's job and therefore does not demonstrate her claimed high salary in her field. *See Xia v. Miller*, No. 3:20-CV-01468-JR, 2021 WL 5817324, at *7 (D. Or. Nov. 18, 2021) ("Inherent in plaintiff's burden 'to provide appropriate evidence' of a higher salary is the need to explain how the information [s]he supplies provides a relevant, appropriate, and fair comparison."); *see generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 9 (stating that, when comparing a petitioner's documented remuneration with compensation listed in a survey, the occupation's description may be a relevant consideration).

In response to the Director's request for additional evidence (RFE), the Petitioner submitted additional salary surveys for China that better correspond to her job. For example, a 2023 survey states that "deputy general director[s] or above" in the "market access" sections of "government affairs" departments of large life sciences companies in China made from 1,000,000 CNY to 2,000,000 CNY a year.[2] The record shows that, in 2023, the Petitioner received an annual salary of 2,331,574.90 CNY, above the compensation range listed in the survey. Her evidence therefore indicates that she received a high salary in relation to others in her field. Also, a 2025 salary survey reports that directors of government affairs in the Chinese pharmaceutical and biotechnology industries earned from 800,000 CNY to 1,800,000 CNY a year. With this compensation range, too, the record shows that the Petitioner's salary exceeded the range.

The Petitioner submitted evidence that she has commanded a high salary in relation to others in her field. We will therefore withdraw the Director's contrary finding.

The Petitioner has met three evidentiary criteria. USCIS must therefore make a final merits determination on her petition. *See* 8 C.F.R. § 204.5(h)(3); *Kazarian*, 596 F.3d at 1119-20. As the Director did not make such a finding, we will make one now.

C. Final Merits Determination

To establish final eligibility, the Petitioner must demonstrate that she has received sustained national or international acclaim and recognition of her achievements in her field sufficient to show that she is one of that small percentage who has risen to the field's very top. *See generally* 6 *USCIS Policy Manual* F.2(B)(2). Congress intended classification as an alien with extraordinary ability to reflect a "career of acclaimed work in the field." *See* H.R. Rep. No. 101-723, at 59 (Sept. 19, 1990).

[2] The survey lists salary rates in "RMB/000," indicating Chinese renminbi, or yuan, in the thousands.

Under USCIS policy:

> [t]he petitioner must provide sufficient context … to demonstrate that the evidence meets the relevant criteria and to establish the person's extraordinary ability in the totality of the circumstances. This means that the petitioner must explain the significance of the submitted evidence, and how it demonstrates that the person has achieved sustained national or international acclaim and recognition in their field of expertise.

Id. We must consider, in the aggregate, any potentially relevant evidence of record, even if it does not fit one of the regulatory criteria or was not presented as comparable evidence. *Id.*

1. Published Materials About the Petitioner

The Petitioner submitted copies of five published articles about her and her work. Two of the articles merely quote or mention her. But three of them significantly focus on her and her job. In her RFE response, she stated that "the mainstream media coverage of [her] … demonstrates her sustained national acclaim in the industry."

We agree that the published materials about the Petitioner garnered her some national acclaim and recognition. But, contrary to her statement, the record does not indicate that the articles appeared in "mainstream media." Rather, the record indicates that professional publications in the health field published the articles. Also, the articles were published between 2022 and 2025. They therefore do not reflect "*sustained* national … acclaim," *see* section 203(b)(1)(A)(i) of the Act (emphasis added), or a "*career* of acclaimed work in the field." *See* H.R. Rep. No. 101-723, at 59 (emphasis added).

Further, the Petitioner has not established that three published articles about a person and their work reflect a "career of acclaimed work in the field." *See 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) (affirming our finding that a petitioner did not show that "his press coverage is indicative of a level of success consistent with being" at the top of his field). Thus, the published materials about the Petitioner, alone, do not demonstrate her claimed extraordinary ability in her field.

2. Performance in a Leading or Critical Role

The Petitioner provided evidence that she has played leading and critical roles for her current employer, including advocating to get an enteral nutritional product on China's list of essential medicines for the first time and obtaining broader reimbursement of medical nutrition products. She also contends that, before joining her current employer, she held leading and critical roles for pharmaceutical companies. She stated: "These leadership roles at prominent institutions with distinguished reputations demonstrate [her] sustained national acclaim in the field."

We agree that the Petitioner's leading and critical roles have garnered her some national acclaim and recognition. She demonstrated that she has represented her current employer before government officials, signed off on research and development projects for her employer, and attended fora and

conferences on the company's behalf. But the Petitioner has not demonstrated that the acclaim and recognition she received places her among the small percentage at her field's very top. The record lacks independent evidence explaining her place within her field as a whole. *See Joseph v. Dir. of Texas Serv. Ctr., USCIS*, No. 24-40249, 2025 WL 458001, at *4 (5th Cir. Feb. 11, 2025) (affirming USCIS' finding that the petitioner did not demonstrate that "the impact of his work has risen to the level where it places him at the very top of the field;" *see also* 6 *USCIS Policy Manual* F.2(B)(2) ("In all cases, the petitioner must provide sufficient context ... to establish the person's extraordinary ability in the totality of the circumstances.")

The Petitioner provided recommendation letters from others in her field, including a former hospital pharmaceutical director, a university director of clinical nutrition, and a former official of China's food and drug administration. The letters praise the Petitioner's expertise in policy research and development and her professionalism and integrity in advocating for reimbursement of medical nutrition. But the letters do not place her achievements in context within her field. The letters therefore do not demonstrate her claimed positioning among the small percentage at the field's top. *See* 6 *USCIS Policy Manual* F.2(B)(2) ("In all cases, the petitioner must provide sufficient context ... to establish the person's extraordinary ability in the totality of the circumstances.")

Also, the recommendation letters indicate that their authors have worked professionally with the Petitioner. "It is generally expected that one whose accomplishments have garnered sustained national or international acclaim would have received recognition for their accomplishments well beyond the circle of their personal and professional acquaintances." *Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021); 6 *USCIS Policy Manual* F.2(B)(3).

3. Commandment of a High Salary

The Petitioner's high salary reflects recognition of her achievements in her field. But we do not find her compensation, alone, sufficient to demonstrate her claimed extraordinary ability. *See Hamal*, 2023 WL 1156801 at *2 ("[T]he Department well explained its conclusion that salary evidence alone was insufficient to establish Hamal as a singularly exceptional artist due to the other gaps in his evidence.")

In sum, the record identifies the Petitioner as a talented and knowledgeable executive in the pharmaceutical and medical nutrition fields. She met the requested category's initial evidentiary requirements and demonstrated her receipt of some national acclaim and recognition in her field. But, even considering the evidence in the aggregate, the Petitioner has not established herself among the small percentage at her field's top.

Congress intended to set "a very high standard" for aliens of extraordinary ability, reserving this immigrant visa category "for that small percentage of aliens who have risen to the very top of their field of endeavor." Proposed Rule for Employment-Based Immigrants, 56 Fed. Reg. 30703, 30704 (July 5, 1991). Considering the evidence as a whole, the Petitioner has not established her claimed extraordinary ability in her field. *See Amin v. Mayorkas*, 24 F.4th 383, 386 ("[G]iven the lofty bar for extraordinary ability classifications, we cannot say that the agency acted arbitrarily when it determined that [a petitioner] was not 'extraordinary' but merely very good."); *Matter of Price*, 20 I&N Dec. 953,

954 (Assoc. Comm'r 1994) (holding that even athletes performing in their sports' premier leagues do not automatically meet the extraordinary ability standards).

III. CONCLUSION

The Petitioner satisfied the requested category's initial evidentiary criteria. But she has not demonstrated her claimed place among the small percentage at her field's very top. We will therefore affirm the petition's denial.

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.