U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41750742

Date: MAR. 10, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an enterprise architect, 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.

Service Center Operations (SCOPS) denied the petition, concluding that although the record establishes that the Petitioner satisfied at least three of the ten initial evidentiary criteria, as required, the totality of the evidence did not show, in a final merits determination, that the Petitioner has received 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 recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation.

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010). (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

A. Evidentiary Criteria

Because the Petitioner has not claimed or established receipt of a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i) — (x). The Petitioner initially claimed to have met eight criteria:

- (i), receipt of lesser nationally or internationally recognized prizes or awards for excellence;
- (ii), membership in associations which require outstanding achievements of their members;
- (iii), published material about the individual in professional or major media;
- (iv), participation as a judge of the work of others;
- (v), original contributions of major significance to the field;
- (vi), authorship of scholarly articles in the field in professional or major trade publications or other major media;
- (viii), leading or critical role for distinguished organizations or establishments; and
- (ix), commanded a high salary or other significantly high remuneration in relation to others in the field.

SCOPS determined that the Petitioner met four of these claimed evidentiary criteria: membership in associations in the field which require outstanding achievements of their members; participation as a judge of the work of others; authorship of scholarly articles; and commanding a high salary relative to others. While SCOPS discussed and provided analysis to why the Petitioner did not establish that he has made original contributions of major significance to the field or that he has had a leading or critical role for distinguished organizations, SCOPS did not analyze or discuss whether the Petitioner

established his receipt of lesser nationally or internationally recognized prizes or awards for excellence, or whether he has been the subject of published material in professional or major media. In a final merits determination, SCOPS concluded that the Petitioner did not show that he has garnered sustained national or international acclaim and that his achievements have been recognized in the field of endeavor, demonstrating he is one of that small percentage who has risen to the very top of the field. Because SCOPS concluded that the Petitioner has established three of the initial criteria, on appeal we will review the totality of the evidence in the context of a final merits determination below.[1]

B. Final Merits Determination

On appeal, the Petitioner contends that SCOPS erred by not finding that the record established the Petitioner's original contributions of major significance, that he has had a critical role in distinguished organizations, that he has received nationally or internationally recognized prizes or awards, or that he has been the subject of published material about his work. The Petitioner also asserts that SCOPS erred in its final merits determination by placing too much emphasis on whether his recognition has been "long standing," that SCOPS erred by "devaluing" the initial criteria that were established, and by considering the categories of evidence in isolation rather than in totality.

As indicated above, we will evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim,[2] that he is one of that small percentage at the very top of the field of endeavor, and that his achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has 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.[3] In this matter, we determine the Petitioner has not shown his eligibility.

The Petitioner is an enterprise architect, with a specialization in cloud-native and custom application development. He is currently employed as a cloud center of excellence (COE) leader at [redacted] where he states that he has led large-scale architecture and modernization programs for Fortune 500 client companies. Prior to his current position, he worked on enterprise platform architecture at other U.S. companies such as [redacted]. The Petitioner states that he intends to continue his work as an expert in enterprise architecture, specializing in cloud-native and custom application development. He claims to have extraordinary ability in the field of enterprise architecture.

As an initial matter, we consider the Petitioner's claim that SCOPS erred by "devaluing" the initial regulatory that the Petitioner met in its final merits determination. The Petitioner claims that, after finding that the Petitioner established some of the initial regulatory criteria, SCOPS "strips these findings of probative weight by revisiting and diminishing" in a way inconsistent with the prior

[1] *See generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policymanual.

[2] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(A)(1) (stating the definition of sustain is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time").

[3] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (instructing that USCIS officers should consider the petition in its entirety to determine eligibility according to the standard: sustained national or international acclaim and the achievements have been recognized in the field of expertise, indicating that the person is one of that small percentage who has risen to the very top of the field of endeavor).

determination. For example, the Petitioner notes that SOCPS found that the Petitioner has judged the work of others as a peer reviewer, but in the final merits determination, finds that carries limited significance due to its recency and the small number of reviews completed. The Petitioner claims that this approach is inconsistent with *Kazarian*.

The Petitioner's claim relies on a mischaracterization of *Kazarian* and USCIS policy. In determining whether a petitioner has established extraordinary ability, we use a two-step analysis to evaluate the evidence. *See Kazarian v. USCIS*, 596 F.3d at 1119-20.[4] As described in the *USCIS Policy Manual*, the evidence evaluated in the first step analysis is also reviewed in the second step, where the officer must determine whether the person is one of that small percentage of the who has risen to the very top of the field of endeavor, and that the person has sustained national or international acclaim.[5] Objectively meeting the regulatory criteria in the first step does not establish that the person in fact meets the requirements for classification as a person with extraordinary ability.[6]

Therefore, SCOPS' analysis, in a final merits determination, as to whether the evidence—including evidence that demonstrates initial regulatory criteria—shows that the Petitioner meets the requirements for classification as a person with extraordinary ability, is a proper application of this framework. In fact, the *USCIS Policy Manual* provides the following example that relates to judging:

> Participating in the judging of the work of others in the same or an allied field of specialization alone, regardless of the circumstances, should satisfy the regulatory criteria in the first step of the analysis. However, the second step requires the officer to evaluate the person's participation to determine whether it was indicative of the person being one of that small percentage who have risen to the very top of the field of endeavor and enjoying sustained national or international acclaim.[7]

This analysis is not, as the Petitioner claims, "devaluing" the regulatory criteria of the first step in the second step's final merits determination. Rather, this analysis reflects the proper analysis in which the officer, at step one, determines only if the evidence objectively meets the regulatory criteria and, at step two, considers whether the evidence in its totality demonstrates sustained national or international acclaim.

The Petitioner also asserts that SCOPS erred by finding that not all of the claimed initial regulatory criteria were established, by placing too much emphasis on whether his recognition has been "long standing," by considering the categories of evidence in isolation rather than in totality, and by using an elevated standard of proof. Overall, the Petitioner contends that the record establishes that he has risen to the top of the field.

However, in considering the totality of the evidence, the Petitioner has not demonstrated that his achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. 1990 U.S.C.C.A.N. 6710, 6739. Furthermore, the Petitioner has not shown that he has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). The commentary

[4] *See also generally* 6 *USCIS Policy Manual, supra*, at F.2(B).
[5] *See id.*
[6] *See id.*
[7] *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1).

for Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required for lesser classifications. 56 Fed. Reg. 30703, 30704. For the reasons discussed below, we conclude that the Petitioner has not established that he enjoys a career that meets this very high standard. *See Amin v. Mayorkas*, 24 F.4th 383, 386-87 (5th Cir. 2002) (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

First, regarding the Petitioner's contributions to the field, the Petitioner asserts that he has conceived, designed, and led the architecture for large scale platforms at [redacted] and other companies. Relatedly, the Petitioner claims that he has had critical roles at distinguished organizations such as [redacted] The Petitioner claims that SCOPS erred by finding that his contributions related primarily to specific client projects, rather than to the field, and similarly that his roles were not leading or critical. In support of the Petitioner's contributions and roles at these organizations, the Petitioner provided recommendation letters, background information about the companies, organizational charts, and role descriptions.

The Petitioner claims that these support letters describe how these platforms "address previously unresolved or inefficient problems" and provided "measurable outcomes." The Petitioner asserts on appeal that because his employer's Fortune 500 client companies have adopted these platforms, they have become "reference models" that are indicative of major significance to the field. The Petitioner also asserts that the evidence demonstrates that his roles were critical because he was the "primary technical authority" that executive leadership relied on, that he had "significant decision-making authority," and that client companies identify him as "the architect of record for key systems" and that he managed projects with high stakes. Finally, the Petitioner asserts that the evidence in the record demonstrates that his contributions have been continually recognized by clients, partners, professional associations, media outlets, and that this is demonstrative of sustained national or international acclaim.

For example, regarding his current position at [redacted] the Petitioner submitted a recommendation letter from K. D.,[8] a prior supervisor at [redacted] who describes one of the Petitioner's most notable initiatives as developing a digital cloud platform solution that provided a "unified, centralized database" for one of the company's clients that significantly improved the client's ability to plan, track, and forecast IT assert requirements across their enterprise. Another letter of support, from S. W., the Petitioner's current supervisor, reiterates that the digital cloud platform that the Petitioner created is a significant innovation that has become a "cornerstone for many client solutions." S. W. states that the Petitioner's contributions "are critical not only to [redacted] success but to the advancement of our industry as a whole." The Petitioner also provided a partial organizational chart for [redacted] showing that he leads development teams and liaises with [redacted] client partners. Additionally, the Petitioner provided evidence of presenting at an industry conference, in which he spoke about developing this digital cloud platform for use at [redacted] one of [redacted] clients.

The Petitioner also provided a recommendation letter from R. T., an employee of [redacted] confirming that the Petitioner, in his role at [redacted] worked with [redacted] to update its rental application platform. R. T. describes the platform in which the company processes

[8] We use initials to protect individuals' privacy.

reservations, payments, and rental rewrites for its commercial and consumer clients as relying on "legacy systems" that were "increasingly inflexible, difficult to scale, and heavily reliant on manual processes." R. T. states that the Petitioner was "entrusted to lead this critical initiative" and asserts that the Petitioner's "leadership and technical expertise were central to its success."

Regardless of whether the evidence establishes the regulatory criteria of original contributions of major significance or leading or critical roles at distinguished organizations, we conclude that this evidence is not sufficiently persuasive to demonstrate that the Petitioner's contributions are indicative of sustained national or international acclaim. Although the Petitioner provided some additional documentary evidence, such as company profile information and evidence of a speaking engagement at a conference, the Petitioner relies primarily on letters of support. The letters generally highlight the Petitioner's work and state the author's opinion that the Petitioner is a talented enterprise architect. In describing the Petitioner's work, the letters, at most, indicate that the Petitioner is a competent, respected figure within the field.[9]

However, they do not contain sufficient information and explanation to show that the Petitioner is viewed by the overall field, rather than by a solicited few, to be among the upper echelon or that he has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor. *Mishra v. Richardson*, No. 1:20-cv-991 (LMB/TCB), 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding that none of the plaintiff's letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim). Although the letters highlight the Petitioner's work, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Bodhankar v. USCIS*, No. 1:19-CV-706 (MAD/CFH), 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the submitted letters failed to establish the plaintiff's contributions resulted in significant acclaim).

Additionally, although the Petitioner documented his high salary with [redacted] in 2025, the Petitioner did not establish that he commanded earnings commensurate with sustained national or international acclaim. The Petitioner did not show that his wages are tantamount to an individual who is among that small percentage at the very top of the field of endeavor. The Petitioner provided evidence that his 2025 salary is equivalent to a "high" salary for his location for computer and information systems managers, based on the U.S. Department of Labor's "CareerOneStop" data which separates wages into low, median, and high categories. He did not demonstrate, however, how his earnings compare to enterprise architects at the very top of the field, or that he has received notoriety or attention based on his earnings, setting himself apart from others in the field or placing him in the upper echelon. *See id.* (finding that the plaintiff's high salary was not so high as to indicate that he has risen to the very top of the field).

Regarding the Petitioner's memberships in associations, he provided evidence that he is a senior member of the Institute of Electrical and Electronics Engineers (IEEE), that he is a member of the Forbes Technology Council, and that he is a Distinguished Fellow in the [redacted] SCOPS concluded that the IEEE senior membership demonstrated his membership in an

[9] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3).

association which requires outstanding achievements of its members, but that the other memberships did not qualify.

We conclude that these memberships are not reflective of garnering sustained national or international acclaim. Regarding the IEEE membership, the evidence shows that it requires at least five years of "significant performance" in the field, as indicated by achievements or contributions such as publishing books or papers, developing courses, or acting as a team lead or engineer in charge. The information about Forbes Technology Council shows that there are eligibility requirements, such as being employed at a company that generates at least $1 million in annual revenue or has received $1 million in funding, but the membership appears to primarily be a paid networking platform that allows individuals to create a profile and publish articles. Moreover, the record shows that the Petitioner has only been a member of each of these associations since 2025. The Petitioner has not explained how these qualifications are reflective of acclaim consistent with this highly restrictive classification. *See, e.g., Nagaiah v. Allen*, 784 F. Supp. 3d 798, 820 (E.D. Pa. 2025) (upholding that the petitioner's IEEE membership did not show extraordinary ability because the eligibility requirements were not stringent enough and IEEE senior membership did not reflect sustained national or international acclaim).

Regarding media coverage about himself, the Petitioner offered three articles, published in [redacted] and [redacted] of 2025, from online publications [redacted] The [redacted] articles describe the Petitioner's education and work experience and claim that his work has been important to the field. The [redacted] article is an announcement of the selections for the [redacted] Awards," in which the Petitioner is named as being "Highly Commended."

The Petitioner claims that the record shows "sustained" attention from platforms that reach "broad audiences" within the business and technology communities. The record does not support these claims. All three of these articles were published in [redacted] of 2025. Additionally, the website analytics provided by the Petitioner show that the 3 websites on which these articles appear received, respectively, 30,000 total visits; 145,000 total visits; and 350,000 total visits in May 2025. The [redacted] which received the most total visits, was ranked at 2,084 in its industry of "finance" for the month. [redacted] which had the fewest total visits, ranked at 5,934 in its industry of "social networks and online communities." The record does not show that these levels of website traffic and ranking constitute a "broad audience" and does not show that this limited press coverage, occurring over a period of two months, reflects a career of acclaimed work in the field or the very high standard to present extensive documentation. While this published material may indicate some attention to the Petitioner and his work, the Petitioner did not establish that such reporting is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor, has achieved sustained national or international acclaim, or has a career of acclaimed work. The Petitioner, for instance, did not show how the amount of his media coverage compares to others in his field who are among the very top. *See Bodhankar v. USCIS*, 2020 WL 777211, at *5 (finding the lack of press coverage about the plaintiff was not consistent with national or international acclaim).

As noted above, the Petitioner provided evidence that he was named as "Highly Commended" in the "Technology Consultancy" category at the "[redacted]" The record does not demonstrate that this award has national or international recognition, nor that it is reflective of a career

of sustained national or international acclaim. The Petitioner provided promotional materials from *TechnologyMagazine.com* promoting the awards ceremony and describing the different award categories. However, the record does not demonstrate how the broader professional community viewed this recognition. *See Visinscaia v. Beers,* 4 F. Supp. 3d at 136 ("Without evidence of how a larger audience viewed Plaintiff's awards, there was no way for the agency to evaluate whether those awards were recognized widely enough to satisfy this criterion.")

Even if we were to consider this as some recent recognition of the Petitioner's work from the field, the Petitioner did not demonstrate how this single recognition indicates sustained national or international acclaim or a career of acclaimed work in the field. The Petitioner did not establish that he has received awards indicative of the upper echelon in the field. Here, the Petitioner did not show the significance of the award or how it places him among that small percentage at the very top of 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. U.S. Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31. 2023) (upholding that plaintiff did not contextualize his awards throughout his career to show sustained national or international acclaim).

Regarding the Petitioner's service as a judge of the work of others, an evaluation of the significance of his experience is appropriate to determine if such evidence indicates the required extraordinary ability for this highly restrictive classification. *See Kazarian v. USCIS*, 596 F. 3d. at 1121-22.[10] The record shows that the Petitioner completed approximately 18 journal reviews for 3 different journals, all completed in [redacted] of 2025. However, the Petitioner has not provided evidence to demonstrate that he received acclaim, attention, or recognition from his service as a judge or peer reviewer that would be indicative of the Petitioner being of that small percentage who has risen to the very top of the field. We are not persuaded that these few instances of peer review service, completed recently, are representative of one who is among that small percentage who has risen to the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2).

Likewise, authorship and publication of scholarly articles do not automatically place one at the top of the field. The record shows that the Petitioner published two articles in the [redacted], one in [redacted] and in [redacted] 2025, and two Forbes articles as a Forbes Technology Council member, in [redacted] 2025. The Petitioner did not provide evidence of citations of any scholarly work. The Petitioner did not demonstrate that this small number of publications is reflective of a career of acclaimed work, sustaining national or international acclaim, or being among the small percentage at the very top of the field. The Petitioner, for instance, did not show the significance of his authorship or how his publication record compares to others who are viewed to be at the very top of the field. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the Petitioner did not show the significance of authorships to reflect that he is among the small percentage at the very top of the field).

The Petitioner asserts that SCOPS erred by considering each type of evidence and considering whether it demonstrates eligibility standing alone, rather than considering the totality of the evidence

[10] *See also generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1) (providing that the second step requires USCIS to evaluate the person's judging participation to determine whether it was indicative of the person being of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

cumulatively. But considering the record as a whole, including the evidence discussed above, we conclude that it does not establish the Petitioner's eligibility for the benefit sought.[11] Here, the Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *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 visas are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with a career of acclaimed work in the 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 he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

We have reviewed the entirety of the record, including those items of evidence which are not specifically analyzed in this decision. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the Petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir.1992); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993).

III. CONCLUSION

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

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.

[11] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence).