U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40988577

Date: MAR. 11, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an investment officer in the financial industry, 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.

SCOPS denied the petition, concluding that although the record established that the Petitioner satisfied the initial evidentiary requirements, it did not establish, as required, that the Petitioner has sustained national or international acclaim and is an alien in the small percentage at the very top of the field. The matter is now before us on appeal under 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes immigrant visas available to aliens with extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. A petitioner must establish that these aliens seek to enter the United States to continue work in the area of extraordinary ability, and that their entry into the United States will substantially benefit the United States. The term "extraordinary ability" refers only to those aliens in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate international recognition of an alien's achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Or the petitioner can submit evidence that meets at least three of 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. If those

standards do not readily apply to the alien's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

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

II. ANALYSIS

The Petitioner earned a bachelor's degree in economics in Brazil in 1993, and has credentials as a chartered financial analyst. The Petitioner subsequently worked for several financial firms in Brazil including as Chief Investment Officer (CIO) of [redacted] from 2015 to 2021; as CIO of [redacted] from 2021 to 2024; and, most recently, as managing director of [redacted] Proprietary Desk and Treasury Department. The Petitioner stated that he seeks to work in [redacted], Florida, as a "CIO, Senior Investment Advisor, or Board-Level Strategic Consultant within U.S.-based investment firms, asset managers, family offices, or global banks."

A. Evidentiary Criteria

Because the Petitioner has not indicated or shown that he received 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 satisfied four of these criteria, summarized below:

- (i), Lesser nationally or internationally recognized prizes or awards;
- (iii), Published material about the alien in professional or major media;
- (viii), Leading or critical role for distinguished organizations or establishments; and
- (ix), High remuneration for services.

In response to a request for evidence (RFE), the Petitioner claimed to satisfy a fifth criterion:

- (v), Original contributions of major significance.

SCOPS concluded that the Petitioner had not satisfied the original contributions criterion, and the Petitioner does not contest that conclusion on appeal. Therefore, we consider that issue to be abandoned. Any ground of ineligibility that is not raised on appeal is waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

SCOPS concluded that the Petitioner had satisfied the four initially claimed criteria, relating to awards, published material, leading or critical roles, and high remuneration, and proceeded to a final merits determination, which we will discuss further below.

However, we disagree with SCOPS' conclusion related to one criterion. The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

The Petitioner submitted evidence showing that his employer, [redacted], won a number of industry awards during his tenure there. The Petitioner added: "According to USCIS policy guidance issued on October 2, 2024, team or institutional awards may be considered valid evidence for this criterion when the petitioner can demonstrate that the alien played a significant role in the achievements that led to the awards."

The above statement, however, does not accurately characterize the October 2024 policy guidance. That guidance stated that an update to the *USCIS Policy Manual* "[c]onfirms that USCIS considers *a person's receipt* of team awards under the criterion for lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor" (emphasis added).[1] The *USCIS Policy Manual* incorporates this guidance, while specifying: "Nothing precludes the person from relying on a team award, *provided the person is one of the recipients of the award.* The . . . focus should be on the person's receipt of the awards or prizes, as opposed to the employer's receipt of the awards or prizes" (emphasis added). *See, generally,* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. This guidance is consistent with the wording of the regulatory criterion, which requires "[d]ocumentation of *the alien's receipt* of . . . prizes or awards" (emphasis added), rather than the alien's involvement in award-winning projects or employment by award-winning entities.

In this instance, the evidence of record indicates that the awards went to the Petitioner's employer. The Petitioner did not submit evidence to show that he was a named recipient of the awards. In response to the RFE, the Petitioner submitted what appear to be [redacted] own press releases concerning some of the awards.[2] Even these self-sourced publications do not mention the Petitioner either as a recipient of the awards or as someone chiefly responsible for the accomplishments that led to the awards.

The Petitioner submitted letters from colleagues asserting that the Petitioner's leadership contributed to various awards. We note that one of these letters indicates that [redacted] received one of the awards "for 13 consecutive years." The Petitioner worked for [redacted] for considerably less than 13 years, and therefore [redacted] recognition began several years before the Petitioner worked for that company, indicating that factors apart from the Petitioner's management would have contributed to [redacted] success in at least some of the years.

We further note that the letters are from individuals who have worked with the Petitioner, rather than representatives of the awarding entities. These individuals are in a position to attest to the Petitioner's work for the company, but the Petitioner has not shown that they were privy to the awarding entities' decision-making process. Therefore, statements from the Petitioner's colleagues are not persuasive evidence that [redacted] received the awards specifically due to the Petitioner's work for the company.

---

[1] USCIS Policy Alert PA-2024-24, *Extraordinary Ability Criteria Clarification* 1 (Oct. 2, 2024), https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20241002-ExtraordinaryAbility.pdf.

[2] The information was published on the *NeoFeed* platform with the attestation "Presented by [redacted]" identifying [redacted] as the source of the published material. The articles are also tagged "Branded Content," further indicating the promotional nature of the articles.

Because the record does not establish that the Petitioner was a named recipient of prizes or awards, either individually or as part of a team, we withdraw SCOPS' conclusion that the Petitioner has satisfied the regulatory requirements of this criterion.

B. Final Merits Determination

Because the Petitioner submitted the required evidence to satisfy three of the initial criteria, we will evaluate whether he has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim and that he is one of the 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 a petitioner's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate that they have 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*, 596 F.3d at 1119-20.[3] In this matter, we determine that the Petitioner has not established eligibility.

In its final merits determination, SCOPS concluded that, while the Petitioner's evidence was sufficient to meet three or more of the initial evidentiary requirements at 8 C.F.R. § 204.5(h)(3)(i)–(x), that evidence did not meet the higher threshold of establishing sustained national or international acclaim and show that the Petitioner is among the small percentage at the very top of his field.

On appeal, the Petitioner states that he satisfied the initial criteria, and that SCOPS "improperly introduced novel requirements" into those criteria in the final merits determination. The Petitioner quotes a sentence, attributing it to 6 *USCIS Policy Manual* F.2: "Officers may not impose novel substantive or evidentiary requirements beyond those set forth in the regulations." The quoted phrase, however, does not appear in the current version of that chapter, nor did it appear in the version that was in effect at the time the Petitioner filed the appeal.[4]

Similar language does appear in the Ninth Circuit's *Kazarian* decision, but the context of that language is crucial. In *Kazarian*, discussing novel requirements beyond the regulations, the Ninth Circuit cited *Love Korean Church v. Chertoff*, 549 F.3d 749, 758 (9th Cir. 2008). The Petitioner cites this same decision repeatedly on appeal. But it is significant that *Love Korean Church* involved a petition for a special immigrant religious worker, which did not involve the two-step adjudicative process outlined in *Kazarian*. In *Kazarian*, the Ninth Circuit stated that USCIS cannot introduce novel requirements regarding the initial criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). But issues that "are not relevant to the antecedent procedural question of whether the petitioner has provided at least three types of evidence" nevertheless "might be relevant to the final merits determination of whether a petitioner is at the very top of his or her field of endeavor." *Kazarian v. USCIS*, 596 F.3d at 1121.

In this case, SCOPS properly discussed the issue of acclaim in the context of the final merits determination, after stating that the Petitioner had satisfied the basic requirements of the antecedent

[3] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established, by a preponderance of the evidence, the required high level of expertise for the immigrant classification).

[4] A similar phrase appears in 6 *USCIS Policy Manual*, *supra*, at E.7(E)(1), in a clause specifically dealing with bona fide job offers for Schedule A petitions.

evidentiary criteria. In this way, SCOPS' analysis is consistent with the two-step framework the Ninth Circuit outlined in *Kazarian*.

In the final merits determination, SCOPS acknowledged the awards documented in the record but concluded that the Petitioner "did not establish that his receipt of such awards compares to those in the upper echelon of his field" and "has not shown that the beneficiary received significant attention demonstrating his sustained national or international acclaim" resulting from those awards.

As noted above, we have concluded that the Petitioner has not shown that he, rather than his employer, received the awards documented in the record. We agree with SCOPS that the Petitioner did not show that the awards resulted in attention consistent with sustained national or international acclaim. We note that published articles about the awards do not name the Petitioner as a recipient, even promotional articles labeled as "branded content" attributed directly to his employer, [redacted].

Other published material in the record does focus on the Petitioner, as SCOPS recognized when it concluded that the Petitioner had met the requirements of 8 C.F.R. § 204.5(h)(3)(iii). SCOPS also determined, however, that the articles do not show that the Petitioner "received national or international acclaim from the published material," or that he "is recognized for being [in] that small percentage at the very top of the field."[5]

In this same way, we agree with SCOPS' determination that, while the Petitioner has documented leading or critical roles for distinguished organizations under 8 C.F.R. § 204.5(h)(3)(viii), the Petitioner has not established sufficient recognition beyond his employers, at the national or international level that the statute and regulations demand. Letters from the Petitioner's colleagues indicate that the Petitioner has played important roles within the various companies he has served, but by their nature, such letters attest to the Petitioner's reputation within particular organizations rather than in the broader field at a national or international level.

The Petitioner submitted an expert opinion letter from an associate professor at the [redacted]. That individual's academic specialty is marketing, and it is not readily apparent how this background gave the writer expertise relating to investment officers in the banking industry.

The minutes of a March 21, 2024 meeting of [redacted] board of directors show the results of officer elections. The minutes identify 1 chief executive officer; 3 vice-chief executive officers; 12 executive officers; and 54 officers. The Petitioner is one of the 54 individuals named in this lowest tier of officers. In this capacity, the Petitioner undoubtedly holds a position of considerable responsibility within [redacted]. But the Petitioner has not shown that this rank is either the cause or the result of sustained national or international acclaim.

The Petitioner has made claims that the record does not fully explain or support. For example, he served on an advisory committee of a Brazilian stock exchange known by the abbreviated name [redacted].

[5] SCOPS indicated that the Petitioner "was featured in [several articles from] the same publisher." The published materials in the record are from several different publications. A number of the articles appeared in the same online publication, [redacted] But the record indicates [redacted] is a major financial publication in Brazil. We will therefore not draw an adverse inference from evidence that the Petitioner has come to that publication's attention on numerous occasions.

The Petitioner stated: "As confirmed in an official communication from [redacted] Relationship Director . . . , this role was granted with the expectation that [the Petitioner] would contribute to high-level institutional discussions impacting Brazil's monetary and financial policy frameworks." The email message from a [redacted] official indicates that another individual, not fully identified, "contacted me to request that you be included as [redacted] representative on the [committee]." The message does not include any other information about the nature of the committee, the Petitioner's role on that committee, or the factors behind the Petitioner's invitation to participate. A [redacted] publication indicates that there are seven committees, and identifies the Petitioner as one of 22 members of one of those committees, but it provides no further information about that role.

The record demonstrates that the Petitioner holds a high-ranking and highly-paid position with a major financial institution in Brazil. This position has resulted in some media visibility, particularly in late 2023 when half of the eight submitted articles about the Petitioner were published. But the record as a whole does not establish that this visibility, and the Petitioner's success with his various employers, rise to the level of sustained national or international acclaim that the statute and regulations demand.

We therefore agree with SCOPS' overall conclusion that the Petitioner has not established eligibility.

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Meeting the initial evidentiary criteria does not suffice in this regard. *See Nagaiah v. Allen*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa.").

We have reviewed the record in the aggregate, concluding that it does not support the conclusion that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Visinscaia*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design"); *Hamal v. Dep't of Homeland Sec.*, 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.*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing *Kazarian,* 596 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 a degree of recognition of his work that rises to the level of sustained national or international acclaim and demonstrates 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 that the Petitioner 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 Petitioner has not demonstrated eligibility as an alien of extraordinary ability. We will therefore dismiss the appeal.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.