U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41806537

Date: MAR. 17, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a badminton player, seeks classification as an individual 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 the record did not establish that the Petitioner qualifies as an individual of extraordinary ability either as the recipient of a one-time achievement that is a major, internationally recognized award, or as someone who initially satisfied at least three of the ten required regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). 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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

Despite addressing the Petitioner's five originally claimed criteria in the denial, SCOPS determined that the Petitioner did not timely respond to a previously issued request for evidence (RFE) and therefore declined to "specifically address[]" the evidence submitted with the response. SCOPS stated that the RFE response was due on July 25, 2025, but that it was not received until July 28, 2025. However, the Petitioner presents evidence on appeal indicating that its response was delivered and picked up on Friday, July 25, 2025, even though USCIS records show that the response was date stamped as having been received on July 28, 2025, which was a Monday. Although SCOPS indicated that the RFE response was considered and was found to have "little probative value," the analysis in the denial is nearly identical to the one contained in the RFE. It is therefore unclear whether the evidence submitted in response to the RFE was adequately considered.

Notwithstanding the noted error, the record as presently constituted does not indicate that the Petitioner has satisfied at least three of the ten required regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x).

Accordingly, we will remand the matter for SCOPS to consider the entirety of the record, including the timely submitted RFE response and the evidence submitted on appeal. If SCOPS determines after consideration of the record that the petition should be denied, it should issue a new decision listing the grounds for the denial and adequately explaining the deficiencies in the evidence. *See* 8 C.F.R. § 103.3(a)(1)(i); *see also Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that a decision must fully explain the reasons for denying a motion to allow the respondent a meaningful opportunity to challenge the determination on appeal).

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