U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41695945

Date: MAR. 25, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a teacher, 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 the Petitioner did not satisfy at least three, as required, of the initial evidentiary criteria. The matter is now before us on appeal. 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). *See also Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) (holding that extraordinary ability visas are known as "Einstein" visas, are extremely "coveted," and are "reserved for only the most talented aliens"). 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 achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or 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).

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. U.S. Citizenship & Immigr. Servs.*, 596 F.3d 1115, 1119-20 (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. U.S. Citizenship & Immigr. Servs.*, 772 F. Supp. 2d 1339, 1346 (W.D. Wash. 2011), *aff'd*, 683 F.3d 1030 (9th Cir. 2012).

II. ANALYSIS

Because the Petitioner has not claimed or established his receipt of a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS determined the Petitioner met only two – judging under 8 C.F.R. § 204.5(h)(3)(iv) and scholarly articles under C.F.R. § 204.5(h)(3)(vi). On appeal, the Petitioner challenges SCOPS' unfavorable determination on four categories of evidence, including through comparable evidence.[1]

A. Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) requires "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." The Petitioner claims eligibility for this criterion based on:

- Honored Worker of Education of the Republic of Kazakhstan (2002)
- Acknowledgment from the Ministry of Education and Science of the Republic of Kazakhstan expressing gratitude for personal contribution (2013)
- Letter of Appreciation from the Ministry of Education and Science of the Republic of Kazakhstan (2014)
- Badge for Contributions to Science Development in the Republic of Kazakhstan (2016)

[1] 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)).

Although the Petitioner provided background information, such as the regulatory framework, government decrees, and incentive and award procedures, the Petitioner did not establish how such evidence reflects the national or international recognition for excellence in the field. The Petitioner, for instance, did not show that his education field views these government honors as nationally or internationally recognized prizes or awards for excellence. Moreover, the Petitioner did not demonstrate the acknowledgment of these accolades outside of the Kazakhstan government, to reflect national or international recognition for excellence in the field.[2] *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) (USCIS must focus on the recognition of the award, not its issuer); *see also Visinscaia v. Beers*, 4 F. Supp. 3d at 136; *Sun v. Jaddou*, No. 3:24-CV-01466-E, 2025 WL 1556944, at *4 (N.D. Tex. June 2, 2025) (upholding that the plaintiff did not establish the award demands the wider industry, either nationally or internationally).

Accordingly, the Petitioner did not establish he meets this criterion.

B. Contributions

The regulation at 8 C.F.R. § 204.5(h)(3)(v) requires "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field."[3]

The Petitioner argues:

> The Director already found that [the Petitioner] met:
>
> 1. Criterion 8 C.F.R. § 204.5(h)(3)(iii) – Authorship of scholarly articles in the field in professional or major publications
> 2. Criterion 8 C.F.R. § 204.5(h)(3)(iv) – Judging the work of others in the same or allied field.
>
> Both criteria necessarily confirm that the petitioner's research has achieved recognition within the professional community for its originality, merit, and influence.
>
> USCIS could not have approved authorship or judging without acknowledging that the field regards the petitioner's work as scientifically significant – otherwise he would not have been invited to serve as a reviewer or published in peer-reviewed journals relied upon by other researchers.
>
> Therefore, the denial of Criterion 2, despite approval of both the authorship and judging criteria, represents a logical and evidentiary inconsistency that undermines the decision's validity.

[2] *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual (indicating that relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to: the criteria used to grant the awards or prizes, the national or international significance of the awards or prizes in the field, the number of awardees or prize recipients, and limitations on competitors).

[3] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (stating that analysis under this criterion focuses on whether the person's original work constitutes major, significant contributions in the field).

At the outset, the regulation at 8 C.F.R. § 204.5(h)(3)(vi) relates to the authorship of scholarly articles rather than 8 C.F.R. § 204.5(h)(3)(iii), claimed by the Petitioner above, which pertains to published material about the alien and the work in the field. Regardless, we are not persuaded by the Petitioner's arguments. The Petitioner did not demonstrate that meeting the judging and scholarly articles criteria automatically shows eligibility for the original contributions criterion. Each criterion contains distinctive regulatory requirements. As indicated, the regulation 8 C.F.R. § 204.5(h)(3)(vi) requires "[e]vidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought" and the regulation at 8 C.F.R. § 204.5(h)(3)(vi) requires "[e]vidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media," while the regulation at 8 C.F.R. § 204.5(h)(3)(v) requires "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field."

Furthermore, the original contributions criterion contains a qualitative element whereas the judging and scholarly articles do not. Thus, simply making original contributions in the field does not satisfy the criterion unless those contributions are of major significance. In contrast, there are no qualitative elements for the judging or scholarly articles criterion, such as judging majorly significant events or authoring majorly significant scholarly articles. Accordingly, we are not persuaded that "USCIS could not have approved authorship or judging without acknowledging that the field regards the petitioner's work as scientifically significant." Again, the significance of an alien's judging or authorship is not an issue for evaluating the evidentiary criteria but for an evaluation of the totality of the evidence under a final merits determination. *See Kazarian*, 596 F.3d at 1119-20. For the same reasons, we are also not persuaded that judging the work of others or authoring scholarly articles automatically demonstrates the alien "has achieved recognition within the professional community for its originality, merit, and influence," as asserted by the Petitioner.

The Petitioner also contends that his publications and "presentations at global conferences further show that peers rely on his expertise – the clearest sign of ongoing professional validation." Publications and presentations are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "major significance." *See Kazarian v. USCIS*, 580 F.3d 1030, 1036 (9th Cir. 2009), *aff'd* in part, 596 F.3d 1115. Evidence that the person's work was funded, patented, or published, while potentially demonstrating the work's originality, will not necessarily establish, on its own, that the work is of major significance in the field.[4] Here, as discussed further below, the Petitioner has not shown that the field views any of his publications or academic presentations and conferences as original contributions of major significance in the field.

In addition, the Petitioner provided Google Scholar screenshots reflecting that his authored material received 349 citations. However, the Petitioner did not indicate whether he factored in any self-citations in determining these figures. Regardless, this criterion requires a petitioner to establish original contributions of major significance in the field. Thus, the burden is on the petitioner to identify the original contributions and explain how or why they are considered to be of major significance in the field. Here, the Petitioner did not demonstrate how his cumulative number of citations represents contributions of major significance in the field. Moreover, aggregate citation

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

figures tend to reflect a petitioner's overall publication record rather than identifying which research or findings, if any, the field considers to be majorly significant.

Further, the record reflects that his two highest cited articles garnered 87 and 74 citations, respectively. Again, the Petitioner did not indicate whether he factored in any self-citations in determining these figures. Nonetheless, the Petitioner contends that his two highest cited publications place him "within the top 3-5% of all research in STEM education" and "statistically rare and indicative of high influence." The Petitioner provided an article entitled, [redacted] 2022), where the authors "reached 3046 articles from 479 journals on the use of STEM in education" and provided citation figures, including "information on the 20 authors who published the most on the subject." The Petitioner did not show that the article is contemporaneous to his figures. Although the Google Scholar screenshots reflect his citation data since 2025, the Petitioner compares his figures to a 2022 article. In addition, while the article lists "The Most Influential Authors," the Petitioner is not mentioned among them even though he claims that his publications place him in the top 3-5%.

Likewise, the Petitioner also presented an article entitled, [redacted] (2025) where the authors analyzed STEM articles from 2014 to 2023. Again, the Petitioner did not demonstrate that the article is contemporaneous to his figures because his are based on data since 2025. Moreover, neither of the Petitioner's two highest cite articles are mentioned in "Table 3 An Overview of the top 10 articles sorted by total citations (TC) and total citations per year (TCP), respectively." We note that the highest cited article received 261 citations. Citation frequency, which is quantitative in nature, does not reveal the reasons for the citations, which involve a qualitative analysis. In other words, a high citation number might show that others in the field have noticed the Petitioner's work, but it does not confirm that he has made original contributions of major significance in the field. Without further information, the Petitioner did not demonstrate that his published materials or conference proceedings represent majorly significant contributions in the field. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that plaintiff did not provide evidence demonstrating that work has been widely cited); *Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *7-8 (E.D. Pa. Sept. 18, 2023) (upholding plaintiff did not demonstrate the number of citations received by his published articles reflect a level of interest in his work from relevant parties to meet this criterion); *Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *5 (N.D. Tex. Oct. 19, 2023) (finding the record contained little evidence that contextualized the number of citations the petitioner's work had received); *Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *7 (S.D.N.Y. Jan. 5, 2024) (finding the absence of detail about the actual impact of the petitioner's work and the limited citations his work had thus far received meant that he did not satisfy this criterion).[5]

The Petitioner also claims that "multiple experts confirmed the originality of [his] contribution, explaining how it differs from and improves upon prior pedagogical models." However, the

[5] *See also* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing an example that published research provoking widespread commentary on its importance from others working in the field, and documentation that is has been highly cited relative to others' work in that field, may be probative of the significance of the person's contributions to the field of endeavor).

referenced letters are not sufficiently persuasive. The letters generally highlight the Petitioner's work but do not elaborate and explain how his work is considered to be majorly significant. For example, S-N- indicated that the Petitioner's "trigonometry and physics textbooks have been incorporated into specialized programs for gifted children in Kazakhstan."[6] However, S-N- did not further discuss the claim or show how the Petitioner's textbooks have impacted or influenced the overall field in a majorly significant manner rather than limited to programs in Kazakhstan.

Similarly, R-F-C- stated that the Petitioner's "2014 publication on problem posing instruction immediately stood out for its methodological rigor and approach" and "work stands in that rare category where theory and practice are seamlessly integrated, making his contributions immediately valuable to practitioners." Although the letter praises the Petitioner's work and identifies various research and findings, R-F-C- did not elaborate and articulate how the field views the Petitioner's methodologies and approaches as contributions of major significance. He did not, for instance, explain how the Petitioner's work has affected the field in a majorly significant way. *See Visinscaia*, 4 F. Supp. 3d at 134 (finding the term "major significance in the field" can be reasonably interpreted to mean that there must be some impact "in the field as a whole"); *see also Hristov v. Roark*, No. 09-CV-2731, 2011 WL 4711885, at *11 (E.D.N.Y. Sep. 30, 2011); *Skokos v. United States Dep't of Homeland Sec.*, No. 209CV00193RLHPAL, 2010 WL 11538054, at *4 (D. Nev. Jan. 13, 2010), *aff'd sub nom. Skokos v. U.S. Dep't of Homeland Sec.*, 420 F. App'x 712 (9th Cir. 2011).

Detailed letters from experts in the field explaining the nature and significance of the person's contribution may also provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Submitted letters should specifically describe the person's contribution and its significance in the field and should set forth the basis of the writer's knowledge and expertise. *Id.* Here, the letters point to the Petitioner's work but do not demonstrate how the field views it as original contributions of major significance in the field, such as widespread impact or influence. *See Gadhave*, 2023 WL 6931334, at *5 (finding testimonial letters contained mostly general, conclusory statements about the value of the petitioner's research without explaining in detail specific ways in which his contributions have already been widely applied or replicated to serve the industry); *Jafarov*, 2024 WL 69056, at *8 (finding the petitioner's testimonial evidence spoke largely in generalities and did not evidence the tangible impact of his work in the field); *Noroozi v. Napolitano*, 905 F. Supp. 2d 535, 544 (S.D.N.Y. 2012) (upholding reference letters with limited detail on petitioner's satisfaction of regulatory criterion insufficient to form the basis for required evidence).

Finally, the Petitioner claims that "[u]nder his methodology, students won 1 gold, 2 silver, and 5 bronze medals at the [redacted]. The Petitioner submitted a chart listing names of students, awards, and [redacted] year, a document entitled, [redacted] and an award certificate for a gold medal for Y-H-. However, the documentation does not support the Petitioner's claims that he taught the claimed students or was responsible for their medals.

[6] Although we discuss a sampling of letters, we have reviewed and considered each one in the record.

The record does contain an award certificate for a gold medal for D-A-, and a letter from D-A- who indicated that his "silver medal at the 2005 [redacted] was a direct result of the problem-solving frameworks and physical intuition that [the Petitioner] instilled in me." However, the Petitioner did not establish how D-A-'s [redacted] silver medal constitutes a majorly significant contribution in the field. The Petitioner did not show the impact of his teachings or frameworks beyond D-A-, as well as any of his other students, in the wider field. *See Kinuthia v. Rosenberg*, No. CV 17-10255-LTS, 2018 WL 1243955, at *6 (D. Mass. Mar. 8, 2018), *aff'd sub nom.*, *Kinuthia v. Velarde*, No. 18-1244, 2019 WL 11671989 (1st Cir. July 3, 2019), *cert. denied*, 140 S. Ct. 2643, 206 L. Ed. 2d 714 (2020) (upholding petitioner's model has not been widely applied in the field or any impact beyond the local project).

For the reasons discussed above, considered both individually and collectively, the Petitioner did not demonstrate he satisfies this criterion.

C. Roles

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) requires "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." USCIS determines whether the person has performed in a leading or critical role for an organization, establishment, or a division or department of an organization or establishment. For a leading role, USCIS looks at whether the evidence establishes that the person is (or was) a leader within the organization or establishment or a division or department thereof. A title, with appropriate matching duties, can help to establish that a role is (or was), in fact, leading. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). For a critical role, USCIS looks at whether the evidence establishes that the person has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment. *Id.*

The Petitioner claims eligibility for this criterion based on "Head of Physics Department, [redacted]." The Petitioner submitted a letter from K-K-, vice president of [redacted] who briefly stated that the Petitioner "was responsible for developing and coordinating the physics curriculum, supervising the work of teachers within the lyceum network, and preparing students for national and international [redacted]." However, K-K- did not further elaborate and provide details regarding any of the Petitioner's responsibilities. Letters from persons with personal knowledge of the significance of the person's leading or critical role can be particularly helpful in making this determination, so long as the letters contain detailed and probative information that specifically addresses how the person's role for the organization, establishment, division, or department was leading or critical. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Without specific information, K-K-'s generalized letter lacks probative value in demonstrating the Petitioner's leading or critical role for the physics department or [redacted]. *See Agrawal*, 2025 WL 2879217, at *21 (finding that testimonial letters are not particularly valuable unless the letters specifically address how the role was leading or critical).

The Petitioner also argues his eligibility based on "Dean of Faculty of Engineering, [redacted]." The Petitioner initially offered a letter from S-O-, director of human resources for [redacted] who briefly indicated that the Petitioner's "current position is Dean of Faculty of Engineering and Natural Sciences Department, Faculty of Engineering and Natural Sciences." Besides listing his job title, S-O- did not discuss the Petitioner's job responsibilities or explain how he contributed to the

successes or achievements of the engineering department or [redacted]. In the RFE response, the Petitioner provided a letter from D-G-, executive deputy rector at [redacted], who sufficiently described the Petitioner's leading role as dean within the engineering department. Although D-G- provided particulars about the Petitioner's role and accomplishments for the engineering department, the letter makes broad references to his position and achievements as they relate to his leading or critical role for [redacted]

Regardless, the Petitioner did not demonstrate that the engineering department or [redacted] enjoys a distinguished reputation. USCIS determines whether the organization or establishment, or the department or division for which the person holds or held a leading or critical role, has a distinguished reputation.[7] The relative size or longevity of an organization or establishment is not in and of itself a determining factor but is considered together with other information to determine whether a distinguished reputation exists.[8] Further, Meriam-Webster's online dictionary defines "distinguished" as "marked by eminence, distinction, or excellence" or "befitting an eminent person."

Initially, the Petitioner offered a screenshot from [redacted] reflecting [redacted] earned a ranking of [redacted] out of [redacted] universities in Kazakhstan and a screenshot from [redacted] showing a ranking of [redacted] universities in Kazakhstan. However, the Petitioner did not contextualize the rankings or establish how such rankings demonstrate the distinguished reputation of [redacted]. *See Aravamuthan v. Jaddou*, No. 3:23-CV-01412-N, 2025 WL 1708126, at *8 (N.D. Tex. June 17, 2025) (upholding that being ranked fifth out of six automobile startups did not establish being marked by eminence, distinction, or excellence). In fact, the [redacted] screenshot indicates [redacted] toward the bottom compared to the other Kazakhstan universities. Furthermore, because the evidence made no mention of the [redacted] engineering department, the Petitioner did not show that the engineering department enjoys a distinguished reputation. *See Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. CV RDB-23-2251, 2024 WL 1374794, at *6 (D. Md. Apr. 1, 2024) (upholding plaintiff's evidence did not support a finding of a distinguished reputation for the organization).

In the RFE response, the Petitioner presented material from [redacted] reflecting various figures and metrics for [redacted] For instance:

> Computing and Software Engineering
> B057 – Information Technologies
> 6B06102 Computer Science
>
> [redacted]
> Almaty Region
>
> - Indicators of the quality of the educational program (24%) – 0.56
> - Achievements of the educational program (16%) – 0.26
> - General indicators of higher education institution (weight 11%) – 0.26
> - Career prospects of graduates (49%) – 2.17

[7] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[8] *Id.*

Final Score: 3.25.2026

Employment rate (%) – 91%
Average job search duration (in months) – 2.21

Again, the Petitioner did not contextualize these numbers or explain how they represent [redacted] or the engineering department's distinguished reputation. Without further information reflecting the significance of these statistics, the Petitioner did not show that [redacted] or the engineering department possesses a distinguished reputation. The Petitioner also submitted documentation of the accreditation of [redacted] and various degree programs. However, the Petitioner did not demonstrate how being accredited or authorized to operate a higher education institution or offering degrees also establishes that SDU or the engineering department has a distinguished reputation. *See Tapia v. Jaddou*, No. 8:23-CV-813-CEH-AAS, 2025 WL 2780815, at *5 (M.D. Fla Sept. 30, 2025) (upholding that being an accredited university is not enough to fulfill the requirement of a distinguished reputation).

For the reasons discussed above, the Petitioner did not establish he fulfills this criterion.

D. Salary

The regulation at 8 C.F.R. § 204.5(h)(3)(ix) 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."[9] As evidence of his salary, the Petitioner submitted the previously discussed letter from K-K- who claimed that "[the Petitioner's] monthly salary was approximately 1.600 USD based on the exchange rate at that time." However, the Petitioner did not offer any supporting evidence, such as paystubs, payroll records, or tax documentation to corroborate his monthly salary. Moreover, the letter does not reflect the Petitioner's specific foreign amount, nor does it indicate what foreign exchange was used and when the exchange rate was applied to show "at the time." As such, the Petitioner did not offer probative evidence to establish his monthly salary as the head of the physics department at [redacted]

Furthermore, the Petitioner did not present sufficient comparable salary information to demonstrate that he commanded a high salary in relation to other university department heads. Instead, the Petitioner submitted average monthly salaries for secondary school teachers and principals in Kazakhstan and salaries of public employees in Kazakhstan, including school principals, deputy principals, and university teachers. The Petitioner did not compare his monthly salary to other university department heads rather than to secondary school teachers and principals and university teachers. *See Matter of Price*, 20 I&N Dec. 953, 955 (Assoc. Comm'r 1994) (considering a professional golfer's earnings versus other PGA Tour golfers); *Skokos,* 420 F. App'x at 713-14 (finding salary information for those performing lesser duties is not a comparison to others in the field); *Grimson v. INS*, 934 F. Supp. 965, 968 (N.D. Ill. 1996) (considering NHL enforcer's salary versus other NHL enforcers); *Muni v. INS*, 891 F. Supp. 440, 444-45 (N. D. Ill. 1995) (comparing salary of NHL defensive player to salary of other NHL defensemen).

Accordingly, the Petitioner did not show he meets this criterion.

[9] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (instructing that USCIS determines whether the person's salary or remuneration is high relative to the compensation paid to others working in the field).

E. Comparable Evidence

The regulation at 8 C.F.R. § 204.5(h)(4) states that "[i]f the above standards do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility." This regulatory provision provides petitioners the opportunity to submit comparable evidence to establish the person's eligibility, if it is determined that the evidentiary criteria described in the regulations do not readily apply to the person's occupation.[10] When evaluating such comparable evidence, officers must consider whether the regulatory criteria are readily applicable to the person's occupation and, if not, whether the evidence provided is truly comparable to the criteria listed in that regulation.[11]

The Petitioner argues that the regulation at 8 C.F.R. § 204.5(h)(3)(vii), which requires "[e]vidence of the display of the alien's work in the field at artistic exhibitions or showcases," does not readily apply to his occupation and his "oral presentation, publication, and invited participation at international conferences" should be considered as comparable evidence under the regulation at 8 C.F.R. § 204.5(h)(4). Although we agree that the display criterion does not apply to the occupation of an educator or teacher, we have already considered the evidence under 8 C.F.R. § 204.5(h)(3)(v). In fact, the Petitioner's brief specifically lists his "International Academic Presentations and Conference Participation Showcasing Pedagogical Innovation" under his original contribution argument. Moreover, the Petitioner's presentations may be more applicable for consideration as comparable evidence under the scholarly articles criterion at 8 C.F.R. § 204.5(h)(3)(vi).

For these reasons, the Petitioner did not demonstrate eligibility for comparable evidence under the display criterion.

III. CONCLUSION

The Petitioner did not establish eligibility for any of the categories of evidence discussed above, including through comparable evidence. 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. Because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that he is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also 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."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *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).

[10] *See generally* 6 USCIS Policy Manual, *supra*, at F.2(B)(1).
[11] *Id.*

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, with each considered as an independent and alternate basis for the decision.

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.