U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37868994

Date: MAY 6, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a business manager and entrepreneur, 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.

Service Center Operations (SCOPS) denied the petition. SCOPS found that the Petitioner met the category's evidentiary requirements but, in a final merits determination, concluded that he did not demonstrate his claimed extraordinary ability in the business field. On appeal, the Petitioner contends that SCOPS overlooked and undervalued evidence.[1]

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 he did not meet the requisite minimum number of evidentiary requirements. We will therefore dismiss the appeal.

I. LAW

To qualify for this 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.

[1] On his Form I-290B, Notice of Appeal or Motion, the Petitioner indicated that he would submit a written brief, additional evidence, or both within 30 days of the appeal's filing. As of this decision's date, we have not received any additional submissions in this matter. We will therefore review the petition based on the Petitioner's "Appeal Statement," which accompanied the Form I-290B.

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 lesser evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[2]

If a petitioner meets either evidentiary standard and the requirements of section 203(b)(1)(A)(ii), (iii) of the Act, U.S. Citizenship and Immigration Services (USCIS) must then make a final merits determination. To merit approval, the record – as a whole – must establish a petitioner's "sustained national or international acclaim" and recognized achievements placing them among the small percentage at their field's very top. *See Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step extraordinary ability analysis "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and His Field

The record shows that the Petitioner, an Egyptian native and Canadian citizen, received an interdisciplinary doctoral degree from a Canadian university. Over a 14-year period, he managed a portfolio for a U.S. real estate company, directed a Canadian bank in [redacted], and served as a senior management analyst for a technology company. In 2010, he founded a Canadian healthcare services company that launched a U.S. subsidiary. Also since 2010, the Petitioner says that he has served as a member of another Canadian bank's board of directors.

Now in the United States, the Petitioner states his intent to expand operations of companies he recently established in this country. The firms offer medical spa, eyebrow design, massage therapy, and holistic beauty services.

B. The Evidentiary Requirements

To satisfy evidentiary criteria, the Petitioner's documentation must objectively meet the parameters of the applicable regulatory descriptions. *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 in 8 C.F.R. § 204.5." *Kazarian v. USCIS*, 596 F.3d 1015, 1121 (9th Cir. 2010).

The record supports SCOPS' findings that the Petitioner did not meet the following evidentiary requirements:

- Membership in associations in his field requiring outstanding achievements of their members;
- Participation as a judge of other's work in the same or an allied field; and
- Original contributions of major significance in his field.

See 8 C.F.R. § 204.5(h)(3)(ii), (iv), (v).

[2] 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).

SCOPS' concluded that the Petitioner satisfied these three evidentiary criteria:

- Receipt of lesser nationally or internationally recognized awards for excellence in his field;
- Performance in a leading or critical role for organizations with distinguished reputations; and
- Commandment of a high salary or significantly high remuneration relative to others in the field.

8 C.F.R. § 204.5(h)(3)(i), (viii), (ix). For the following reasons, we disagree.

1. Lesser Nationally or Internationally Recognized Awards for Excellence

This criterion requires "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 204.5(h)(3)(i).

When adjudicating this requirement, USCIS first determines if a petitioner – as opposed to their employer, for example – received prizes or awards. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 1. If so, the Agency then determines whether the awards are for excellence in the applicable field and nationally or internationally recognized. *Id.*

The Petitioner submitted evidence of six awards. Copies of certificates for four of them – a 2000 [redacted]" award; a 2020 [redacted] of the Year award; and a 2021 [redacted] – state their issuance to the healthcare company the Petitioner founded in Canada. The regulation requires "[d]ocumentation of the *alien's receipt*" of awards. 8 C.F.R. § 204.5(h)(3)(i) (emphasis added). "The description of this type of evidence in the regulation indicates that the focus should be on the person's receipt of the awards or prizes." 6 *USCIS Policy Manual* F.2(B)(1), Criterion 1. The four certificates show that the company – not the Petitioner – received the awards. The four certificates therefore do not meet this evidentiary requirement. *See Hristov v. Roark*, No. 09-CV-2731, 2011 WL 4711885, at *7 (E.D.N.Y. Sept. 30, 2011) (affirming our decision that awards did not satisfy this criterion where they did not "name[] the plaintiff as the award recipient").

Also contrary to the criterion's requirements, the record does not establish the issuance of the [redacted] award "for excellence in the field." The certificate states "Philanthropy awards," suggesting that the award honors charitable – rather than business – activities. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183-84 (D.N.J. 2021) (upholding our decision that an award requiring treatment of topics that raise awareness and promote "human value and human rights protection" did not "constitute an award for excellence in the field of cinematography").

The two remaining awards – a 2006 [redacted] Award and an [redacted] award – cite the Petitioner. But the record does not demonstrate their issuance "for excellence in the field." The 2006 award states its issuance "for [redacted]." [redacted] award states "Happy 1st Anniversary" but does not state its basis. *See Krasniqi*, 558 F. Supp. at 183 ("The nature of the award must be, and was not proven.")

Further, the Petitioner has not demonstrated that any of the awards received national or international recognition. In response to SCOPS' request for additional evidence, the Petitioner asserted that the [redacted] has "International Impact." He stated: "Like many international awards, the [redacted] symbolizes excellence, conferring prestige on its recipients, a valued recognition across industries worldwide." But the record does not support the Petitioner's assertion. A copy of the award's terms and conditions describes the honor as the result of a "prestigious competition that aims to: Recognize outstanding businesses for their achievements and excellence." But the record lacks independent, objective evidence of the award's national or international recognition. *See Krasniqi*, 558 F. Supp. 3d at 183 (requiring a petitioner to submit "sufficient evidence from sources besides the [issuing organization] itself that would be probative of national or international recognition").

For the foregoing reasons, the Petitioner did not submit documentation of his receipt of nationally or internationally recognized awards for excellence in his field. We will therefore withdraw SCOPS' contrary finding.

2. Performance in a Leading or Critical Role

To meet this requirement, a petitioner must submit "[e]vidence that [they] ha[ve] performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii).

USCIS first determines whether a petitioner has performed in a leading or critical role for an organization, establishment, or a division or department of an organization or establishment. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 8. A leading role means that a petitioner is (or was) a leader within the organization, establishment, division or department. *Id.* In contrast, a critical role means that a petitioner "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.*

Next, USCIS determines whether the organization, establishment, department, or division for which a petitioner holds or held a leading or critical role has a distinguished reputation. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 8. In this context, the word "distinguished" means "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Distinguished*, Merriam-Webster Online Dictionary, www.merriam-webster.com. Relevant factors include not only an organization's relative size or longevity but also other information such as the scale of its customer base or relevant media coverage. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 8.

The Petitioner claimed that evidence of his former roles as a portfolio manager, bank director, and senior analyst met this criterion. He submitted letters from his former employers confirming his experience. The letter from a Canadian bank demonstrated his performance in a leading role, stating that he hired, trained, and supervised a 20-member team at the bank's office in [redacted]. But the letters from his other two former employers do not explain how he performed in a leading or critical role. *See Noroozi v. Napolitano*, 905 F. Supp. 2d 535, 544 (S.D.N.Y. 2012) (finding that "letters, while descriptive of a highly selective process to achieve membership on the Iranian table tennis team, simply do not describe, in any detail, how Noroozi performed in a 'leading or critical role'"); *see*

generally 6 *USCIS Policy Manual* F.2(B)(1), Criterion 8 (requiring "detailed and probative information that specifically addresses how the person's role for the organization, establishment, division, or department was leading or critical"). The Petitioner listed accomplishments at his former employers. But the record lacks supporting evidence that these achievements demonstrate his performance in a leading or critical role.

The record establishes the Petitioner's leading role in the Canadian and U.S. companies that he founded. But the record lacks evidence that either these companies or the Canadian bank he worked for in [redacted] have distinguished reputations. The Petitioner described his former employers as "renowned national and international companies" and stated that the companies he founded "play a vital role in the healthcare field, providing quality services and contributing to the workforce in hospitals and care centers across Canada and the United States." But the record lacks supporting evidence that the companies have distinguished reputations. The Petitioner submitted documentation about the Canadian company he founded, including copies of its incorporation documents and social media screenshots. But these materials do not demonstrate the firm's purported distinguished reputation. *See Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *8 (E.D. Wis. Nov. 4, 2024) ("Successful businesses can be expected to have satisfied customers and the positive esteem of peers. But it takes more to have a 'distinguished reputation.'")

The Petitioner has not submitted documentation of his performance in leading or critical roles for organizations with distinguished reputations. We will therefore withdraw SCOPS' contrary finding.

3. Commandment of a High Salary or Significantly High Remuneration

This criterion 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(h)(3)(ix).

The Petitioner submitted an April 2024 statement from accountants indicating that, in fiscal year 2024, he earned $147,000 (US).[3] He also provided online information from a search engine stating that the average CEO salary in Canada is $183,118 (US), with average additional cash compensation of $47,624 (US).

The evidence shows the Petitioner's receipt of less than the average CEO salary in Canada. He therefore did not submit documentation that he received a high salary or significantly high remuneration relative to others in his field. We will therefore withdraw SCOPS' contrary finding.

C. The Final Merits Determination

The Petitioner has not met any of the requested category's ten evidentiary requirements. He therefore does not qualify as an alien with extraordinary ability. Even if his evidence met the requisite minimum number of criteria, he would not merit a favorable final merits determination.

[3] The record does not indicate when the 2024 fiscal year started or ended. Also, although the statement identifies both signatories as "accountants," the Petitioner submitted a separate statement from one identifying herself as a "bookkeeper." He submitted evidence that the other signatory is an accountant.

To establish final eligibility, the Petitioner must demonstrate that he has sustained national or international acclaim and that his achievements have been recognized in his field, establishing him among the small percentage who has risen to the field's very top. *See generally* 6 *USCIS Policy Manual* F.2(B)(2). We must consider any potentially relevant evidence in the totality, even if it does not fit a regulatory evidentiary requirement or was not submitted as comparable evidence. *Id.*

The Petitioner's burden of proof includes explaining evidence's significance and how it demonstrates his sustained national or international acclaim and recognition in his field. *Id.* The petition's approval or denial stems from the evidence's type and quality. *Id.*

SCOPS found the Petitioner to be "knowledgeable and competent" in the business field. But SCOPS concluded that the record lacks sufficient evidence of acclaim and recognition establishing him among the small percentage at his field's very top.

On appeal, the Petitioner contends that SCOPS undervalued: the [redacted] Award issued to the Canadian company he founded; his original contributions in the healthcare sector; his roles in prominent organizations; and his position on a Canadian bank's board of directors.

SCOPS described the 2000 [redacted] Award as "noteworthy" but ultimately insufficient to show acclaim and achievement meriting the petition's approval. As previously discussed, the certificate does not indicate its issuance to the Petitioner, and the record does not explain how the award demonstrates his acclaim or his achievements' recognition in the field. Thus, the record supports SCOPS's finding that the certificate does not establish the Petitioner's extraordinary ability in the field.

SCOPS recognized the Petitioner's service in "several high-level management roles" but ultimately found insufficient evidence "showing how [he] excelled at said roles and how [he] separated himself from others in the field holding similar roles." SCOPS stated: "One can be a successful entrepreneur as well as hold significant roles with reputable establishments and still not have national or international acclaim or be at the very top of their field of endeavor."

The record supports SCOPS's finding. Although the Petitioner served in high-level management roles, the record lacks evidence that he received acclaim or recognition in these roles sufficient to reflect extraordinary ability in the field. Letters from his former employers state his titles, duties, employment dates, and, in some cases, his salaries. But the letters do not indicate his outstanding performance in these roles. The Petitioner states purported accomplishments during his tenures with these former employers. But the record does not sufficiently support the claimed achievements. *See* section 203(b)(1)(A)(i) of the Act (requiring "extensive documentation" of a petitioner's acclaim and their achievements' recognition).

SCOPS acknowledged the Petitioner's membership on the Canadian bank's board of directors, describing his ascent to the position as "an accomplishment." But SCOPS found the directorship evidence insufficient to meet the extraordinary ability standard.

We agree. As proof of his claimed bank directorship, the Petitioner submitted a copy of a 2010 membership certificate from a Canadian limited liability company (LLC). The certificate indicates

that he owns 99% of the LLC. But the certificate does not identify him as a member of the LLC's board of directors, assuming it has one. Also, the Petitioner provided online information about the bank's purported Indian parent company. The information, however, identifies the bank as the parent's "wholly owned subsidiary." If the Petitioner owns 99% of the bank, it would not be the parent's wholly owned subsidiary. Thus, the record does not establish the bank's relationship to its purported parent or the Petitioner's claimed position on its board of directors. *See Marllantas, Inc. v. Rodriguez*, 806 F. App'x 864, 869 (11th Cir. 2020) (quoting *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988)) ("USCIS properly placed the burden on 'the petitioner to resolve any inconsistencies in the record by independent objective evidence'").

The Petitioner submitted five recommendation letters on his behalf. But these letters also fall short of demonstrating acclaim and recognition in the field. Two of the letters are from pastors. While these documents reflect positively on the Petitioner's activities and character, they have little value in establishing his claimed extraordinary ability in business.

Two of the remaining three recommendation letters – one from a bank vice president and the other from the CEO of a consulting company – contain identical language. Both letters state that the Petitioner's "resume aligned with his extensive professional practical experience, with an important track record of success that I have witnessed, are a solid indication that he will serve the national interest of the United States now and in the future." The documents' identical language suggests that their signatories did not individually write them, casting doubt on their authenticity and credibility. *See Hamal v. U.S. Dep't of Homeland Sec.*, No. 19-2534, 2021 WL 2338316, at *4 n.3 (D.D.C. June 8, 2021), *aff'd*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (finding that identical language in letters suggests that they "were all prepared by the same person and calls into question the persuasive value of the letters' content"). Also, the letters' conclusions that the Petitioner would serve the United States' national interest do not demonstrate his extraordinary ability in business.

The Petitioner also submitted an expert opinion letter, which concluded that he has extraordinary ability in the field of "Entrepreneurship and Business Management in the healthcare services sector in Canada." But the letter – from a U.S. professor of management, marketing, and entrepreneurship – bases its conclusion, in part, on the prospective economic impact of the Petitioner's U.S. business ventures. To establish extraordinary ability, a petitioner must already have received acclaim and recognition of their achievements. *See* section 203(b)(1)(A)(i) of the Act (stating that a qualifying alien has extraordinary ability "which *has been demonstrated* by sustained national or international acclaim and whose achievements *have been recognized* in the field through extensive documentation") (emphasis added); *see also* 8 C.F.R. § 103.2(b)(1) (requiring a petitioner to demonstrate eligibility "at the time of filing the benefit request"). Thus, the expert letter – even when combined with other evidence of record – does not demonstrate the Petitioner's claimed extraordinary ability in his field.

In sum, the record contains insufficient evidence of sustained national or international acclaim and recognition of achievements sufficient to establish the Petitioner among the small percentage at his field's very top.

III. CONCLUSION

The Petitioner has not met the requested category's requisite minimum number of evidentiary requirements. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.