U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41704249

Date: MAY 7, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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 although the Petitioner satisfied at least three of the initial evidentiary criteria, as required, she did not show her sustained national or international acclaim and demonstrate she is among the small percentage at the very top of the field of endeavor. 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,
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> (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
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> (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

A. Evidentiary Criteria

In her "Autobiographical Statement," the Petitioner claims eligibility "as a Mortgage Industry Innovator and Financial Strategist" and indicates that she is "eager to further leverage my expertise in mortgage and lending to make a meaningful impact on the real estate and constructions markets."

Because the Petitioner has not claimed or established her receipt of a major, internationally recognized award, she 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 five of the nine claimed categories of evidence. However, for the reasons discussed below, our de novo review of the record shows that the Petitioner only fulfills two criteria.

1. Awards

SCOPS determined that the Petitioner satisfied this criterion. However, for the reasons discussed below, we will withdraw that determination. 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." USCIS determines whether the award is a lesser nationally or internationally recognized prize or award which the person received for excellence in the field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. 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. *Id.*

The Petitioner claims eligibility for this criterion based on her receipt of the [redacted] for [redacted] from the National Association of Mortgage Brokers (NAMB). Her appellate brief asserts that the "title of Best Mortgage Broker of [redacted] represents the organization's highest national distinction, conferred upon a single individual from among thousands of licensed professionals across the United States." However, the Petitioner's evidence contradicts the brief's assertions. Counsel's unsubstantiated assertions do not constitute evidence. *See, e.g., Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998) ("statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight"). According to NAMB's material, the Petitioner is listed among over 50 other individuals who received [redacted] in [redacted] rather than by "a single individual." Furthermore, the Petitioner submitted an article from NAMB's website indicating that [redacted] "is considered the highest honor" rather than [redacted] The Petitioner must resolve these inconsistencies in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

In addition, the Petitioner did not demonstrate that her [redacted] award qualifies as a nationally or internationally recognized prize or award for excellence in the field. The Petitioner submitted screenshots from NAMB's website reflecting self-nomination to "set yourself apart from the crowd and get recognized." However, the Petitioner did not establish how nominating oneself for the purpose of getting recognized constitutes the field's recognition of a national or international prize or award for excellence. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183-84 (D.N.J. 2021) (upholding requiring a merit-based award because the regulation requires excellence in the field of endeavor).

Further, although the screenshots from NAMB state that [redacted] is "chosen from those applicants who are current state-licensed loan originators and who have demonstrated excellence in their field," the Petitioner did not offer evidence to explain NAMB's meaning of "excellence in their field," nor did the Petitioner show national or international recognition in the field beyond NAMB. *See 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, takes notice of it). In addition, the Petitioner did not demonstrate how an award bestowed to a multitude of individuals and is lesser than the "Mortgage Professional of the Year" qualifies as a recognized award for excellence. *See Denisov v. Wiemann*, No. 3:04-CV-0529-N, 2006 WL 8437057, at *2 (N.D. Tex. Aug. 15, 2006) (finding petitioner's receipt of a first-degree certificate in which there were 104 other recipients "diminishes the prestige of the petitioner's prize").

The Petitioner also points to articles posted on timesla.com and gazeta.com.ua that reported the Petitioner's receipt of [redacted] Notwithstanding the fact that the gazeta.com.ua article lists the Petitioner as the author, she did not show that the minimum level of coverage mentioning her receipt of the NAMB [redacted] award in two articles reflects national or international recognition for excellence in the field. In addition, as discussed further below under the published material criterion, the Petitioner did not demonstrate that the award commands widespread major media attention, indicative of a nationally or internationally award for excellence.

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See Negro-Plumpe v. Okin, No. 2:07-CV-820-ECR-RJJ, 2008 WL 10697512, at *2 (D. Nev. Sept. 9, 2008) (upholding awards mentioned in a major German newspaper insufficient to establish the national or international recognition).

The Petitioner also initially claimed eligibility for this criterion based on two separate awards: 1) [redacted] and 2) "Leading Innovator in the Mortgage Sector – Leaders – 21" [redacted] Specifically, the Petitioner argued:

> Order of Ivan Mazepa – National Ukrainian Honor
> In [redacted] [the Petitioner] was individually awarded the [redacted] by the Government of Ukraine. This is one of Ukraine's highest national honors, conferred upon individuals who have made outstanding contributions to the nation's economic and infrastructural development. The award specifically recognizes excellence in the fields such as economic leadership, innovation, and public impact.
> [The Petitioner] received this award for her exceptional leadership in advancing Ukraine's construction sector, including her innovative financial strategies that enabled the successful completion of large – scale infrastructure projects. This award is limited in number and conferred selectively, demonstrating both its exclusivity and national significance.
>
> [redacted]
> [The Petitioner] was also honored by [redacted] as a [redacted] in the Mortgage Sector. This award is granted to individuals who have introduced groundbreaking innovations and exhibited leadership that significantly influences their professional field.
> The recognition reflects [the Petitioner's] development of proprietary fraud detection technology and her pioneering contributions to client – centric mortgage solutions. [redacted] awards are presented selectively to professionals recognized for innovation and impact across international markets.

However, in response to SCOPS' notice of intent to deny (NOID), the Petitioner indicated that [redacted] is the name of the Assembly of Business Circles an international public organization who granted me the award for the [redacted]." Thus, the Petitioner received the "[redacted] from [redacted] (Assembly of Business Circles). The Petitioner did not explain why she would initially assert that she won two separate awards, with different descriptions and requirements for each one. *See Ho*, 19 I&N Dec. at 591-92 (inconsistencies in the record must be resolved with independent, objective evidence).

Regardless, the Petitioner did not establish that the [redacted] qualifies as a nationally or internationally recognized prize or award for excellence in her field. The Petitioner submitted evidence from [redacted] indicating the Petitioner's receipt of the award, including a letter claiming that "[t]he [redacted] is a generally recognized national award that honors leadership, patriotism and social contribution," as well as background information and selection criteria from [redacted] However, the Petitioner did not demonstrate recognition of the [redacted] as a national or international award for excellence in her field outside of [redacted] Further, the Petitioner did not show that her "Mortgage Industry Innovator

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and Financial Strategist" field views the [redacted]" as a national or international award for excellence. *See Visinscaia*, 4 F. Supp. 3d at 136 (finding that without evidence reflecting how a larger audience viewed the plaintiff's awards, there was no way to evaluate whether those awards were recognized widely enough to satisfy the awards criterion).

Moreover, similar to NAMB's [redacted] award, the Petitioner references her self-authored gazeta.com.ua article, an article from timesla.com, as well as a u-news.com.ua article, which indicate her receipt of the [redacted]" Although the u-news.com.ua asserts that the award is "a state award," the record does not support this claim; the record reflects the award is issued by [redacted] rather than a state award issued by the Government of Ukraine. In fact, the [redacted] letter indicates "On the letterhead of the Private Enterprise," and, as indicated above, the Petitioner's NOID response referred to [redacted] as "an international public organization." *See Ho*, 19 I&N Dec. at 591-92 (inconsistencies in the record must be resolved with independent, objective evidence). Notwithstanding, the Petitioner did not show the level of coverage that mentions her receipt of the [redacted] award in three articles, one of which is self-authored, reflects the national or international recognition for excellence in the field. While she offered evidence of three other individuals who also received the [redacted]' none of whom appear to be in her field, the Petitioner did not demonstrate that her mortgage brokerage field recognizes this award as a national or international award for excellence.

Finally, the Petitioner claimed eligibility for this criterion based on receipt of the [redacted] – National Mortgage Professional Magazine [NMPM] [redacted]" Specifically, the Petitioner asserted that "[i]n [redacted] [the Petitioner] was recognized as one of the [redacted] Winners by [NMPM], a prominent publication that celebrates transformational leaders in the lending industry." In support, the Petitioner provided a photograph of a plaque of her [redacted] Award reflecting "AS PUBLISHED IN: MYMORTGAGEMINDSET.COM. [redacted] and screenshots from mymortgagemindset.com listing the [redacted] winners, including the Petitioner. However, the evidence does not support the Petitioner's assertion that the award "was recognized . . . by [NMPM]."

In her RFE response, the Petitioner stated that "[t]he [redacted] is presented annually by the [redacted] a respected and well-established organization within the U.S. mortgage industry," and [redacted] operates the professional platform [redacted] Then, in her NOID response, the Petitioner returned to her original claim that her "receipt of the [redacted] was announced in [NMPM], ensuring national exposure within the industry." She submitted a mediakit screenshot from NMPM's website and screenshots from [redacted] The Petitioner, however, did not offer evidence from NMPM to support her claims that the magazine announced or recognized the awards; the Petitioner's evidence indicates coverage on [redacted] Even the appellate brief continues to claim that the Petitioner "received the [redacted] from [NMPM], a major U.S. trade publication," which is not supported by the record. *See S-M-*, 22 I&N Dec. at 51 ("statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight"); *see also Ho*, 19 I&N Dec. at 591-92 (inconsistencies in the record must be resolved with independent, objective evidence).

Furthermore, her NOID response asserted "[a]ccording to NMP's published guidelines, recipients are selected based on: demonstrated leadership and innovation; significant contributions to the mortgage sector; positive impact on clients, communities, and the industry as a whole." However, the Petitioner did not reference any submitted documentation to support these eligibility assertions.

Nevertheless, the Petitioner did not establish that the [redacted] qualifies as a nationally or internationally recognized prize or award for excellence in the field consistent with this regulatory criterion. Although the Petitioner offered screenshots from [redacted] and [redacted] regarding two other individuals who received the awards, the evidence reflects internal business or marketing documentation rather than widespread media coverage representing national or international recognition of a prize or award for excellence.

For all the reasons discussed above, the Petitioner did not establish she meets this criterion. Accordingly, we withdraw SCOPS' favorable determination.

2. Memberships

SCOPS determined that the Petitioner did not meet this criterion, and we agree with that conclusion. The regulation at 8 C.F.R. § 204.5(h)(3)(ii) requires "[d]ocumentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields."

The Petitioner claimed eligibility for this criterion based on membership with NAMB and submitted a membership certificate indicating that she subscribes to the code of ethics and best lending practices guidelines set forth by NAMB. In addition, the Petitioner provided NAMB's bylaws reflecting several types of memberships, such as professional membership, associate membership, corporate membership, and honorary membership. The Petitioner's membership certificate does not indicate which membership she holds with NAMB. Nonetheless, the Petitioner's RFE response referenced "professional" several times. According to the bylaws:

- Mortgage Professional: The term "Mortgage Professional" shall apply to any person who meets the definition of a Branch Manager, Mortgage Broker/Mortgage Lender or Mortgage Loan Originator ("MLO") as defined in these bylaws.
- Professional Membership. Membership in this classification shall be open to any individual who meets the definition of a Mortgage Professional as described in these Bylaws . . . .
- Application for Membership. Membership in the Association does not require membership in a State Affiliate. However, membership requires an applicant to complete an application for membership and agrees to comply with the Association's Code of Ethics, Standards of Best Practices, Ethics and Professional Standards Review Process, Bylaws, and Policy & Procedures.

The petitioner must show that membership in the association requires outstanding achievements in the field for which classification is sought, as judged by recognized national or international experts. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Here, the Petitioner did not establish that NAMB's professional membership requires outstanding achievements as a condition for membership. Rather, membership is open to any person who meets the definition of a mortgage professional and

adheres to ethics, standards, and practices. *See Nelson v. U.S. Citizenship & Immigr. Servs.*, No. CV 21-10334-LTS, 2022 WL 20583561, at *5 (D. Mass. June 15, 2022) (finding membership based on professional qualifications and enthusiasm, but nowhere specifies what kind of outstanding achievement in the field is required, does not meet this criterion); s*ee also Aravamuthan v. Jaddou*, No. 3:23-CV-01412-N, 2025 WL 1708126, at *4 (N.D. Tex. June 17, 2025) (upholding plaintiff did not show that outstanding achievements are required of its members as a minimum requirement for membership).

Furthermore, the Petitioner did not demonstrate that membership is judged by recognized national or international experts in their fields, as required. According to the bylaws, "[t]he Membership Committee shall be composed of no fewer than five (5) members in good standing with the Association." Here, the membership committee requires members to be in good standing with NAMB rather than comprised of recognized national or international experts. *See Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. CV RDB-23-2251, 2024 WL 1374794, at *5 (D. Md. Apr. 1, 2024) (upholding plaintiff's documentation did not reflect recognized national or international experts determine qualifications for membership).

The Petitioner also claimed eligibility based on membership with the [redacted]. She provided a photograph of a plaque from [redacted] for [redacted]. The record reflects that her company, [redacted] and not the Petitioner, is a member of [redacted]. The regulation at 8 C.F.R. § 204.5(h)(3)(ii) requires "[d]ocumentation of the *alien's* membership" (emphasis added). Further, the Petitioner did not show that membership with [redacted] requires outstanding achievements. Besides the plaque photograph, the Petitioner submitted a [redacted] "Welcome" letter and "About Us" screenshots from [redacted] website regarding background information about the organization. None of the documents indicate any of [redacted] membership requirements, let alone reflect that [redacted] requires outstanding achievements as a prerequisite for membership, as judged by recognized national or international experts. *See Tapia v. Jaddou*, No. 8:23-CV-813-CEH-AAS, 2025 WL 2780815, at *3 (M.D. Fla Sept. 30, 2025) (finding USCIS' explanation reasonable that plaintiff did not submit sufficient evidence demonstrating the organizations require outstanding achievements of their members and membership as judged by experts in the field).

Accordingly, the Petitioner did not establish she satisfies this criterion.

3. Published Materials

SCOPS determined that the Petitioner fulfilled this criterion. However, for the reasons discussed below, we will withdraw that determination. The regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires "[p]ublished material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation."

Initially, the Petitioner provided screenshots of articles posted on realtytoday.com, minfin.com, mortgage-bankrates.com, usinsider.com, ceoweekly.com, nyweekly.com, and entertainmentpost.com. The Petitioner did not provide the author's name for the minfin.com article, and we note SCOPS indicated in the RFE that the articles from ceoweekly.com and nyweekly.com reflected "branded

content."[1] Regardless, the Petitioner did not include any information about the websites in order show they qualify as professional or major trade publications or other major media. USCIS determines whether the publication qualifies as a professional publication, major trade publication, or major media publication. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). In evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership (for major trade publications and other major media). *Id.* In her RFE response, the Petitioner did not provide any further information about these websites besides resubmitting the same articles and screenshots. *See Hristov v. Roark*, No. 09-CV-2731, 2011 WL 4711885, at *10 (E.D.N.Y. Sept. 30, 2011) (finding the record contained "no evidence beyond the four corners of the articles" that the newspapers were major); *see also Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. CV RDB-23-2251, 2024 WL 1374794, at *5 (D. Md. Apr. 1, 2024) (upholding the plaintiff did not submit sufficient evidence to establish the material qualified as professional or major trade publications or other major media). As such, the Petitioner did not establish that the websites qualify as professional or major trade publications or other major media, as required under this regulatory criterion.

The Petitioner did offer three additional website articles in her RFE response from u-news.com.ua, timesla.com, and [redacted] (self-authored), discussed under the awards criterion above. Accompanying the articles, the Petitioner submitted screenshots from SimilarWeb reflecting various metrics and figures, such as the 7,393 global rank, 1,360 country rank, and 7.1 million visits for timesla.com; the 27,381 global rank, 305 country rank, and 2.9 million visits for u-news.com.ua; and the 20,771 global rank, 252 country rank, and 3.4 million visits for [redacted] However, the Petitioner did not contextualize the significance, if any, of these analytics and numbers to show the major status of any of these websites. *See Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *5 (E.D. Wis. Nov. 4, 2024) (indicating that the failure to provide context to circulation figures makes it difficult to assess their significance); *Krasniqi*, 558 F. Supp. 3d at 185 (finding argument that internet-accessible outlets by their nature have a worldwide reach substantially undermines any reasonable interpretation of "major"). Without further explanation through documentation, the Petitioner did not show that the articles occurred in major trade publications or other major media.[2]

For the reasons discussed above, the Petitioner did not show her eligibility for this criterion. Accordingly, we withdraw SCOPS' favorable determination.

4. Judging

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) 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." SCOPS determined that the Petitioner met this criterion, and the record sufficiently supports that the Petitioner meets the plain language of this evidentiary criterion.

[1] The articles contain the following disclaimer: "This article features branded content from a third party. Opinions do not reflect the opinions and beliefs of CEO [redacted]."

[2] The Petitioner did not claim, nor does the record reflect, that the websites qualify as professional publications.

5. Contributions

SCOPS determined that the Petitioner did not meet this criterion, and we agree with that conclusion. 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." Analysis under this criterion focuses on whether the person's original work constitutes major, significant contributions in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

The Petitioner argues eligibility based on "[h]er creation of [redacted], a proprietary software platform that automates mortgage-fraud detection, reduced discrepancies by 30 percent across [redacted] multi-state operations and has been independently adopted by [redacted]." The record contains a letter from D-B-[redacted] who claimed that he has "seen the tool implemented in numerous loan files submitted by brokers working with our platform, and in several cases, it has prevented fraudulent or altered documents from reaching underwriting or funding." In addition, the record includes a letter from R-M-[redacted] who indicated that [redacted] has become a valuable tool in our practice" and "I believe should be widely adopted across our profession." In addition, the Petitioner references the previously discussed articles posted on timesla.com, u-news.ua, and [redacted] which quote D-B- and R-M-, and her receipt of the [redacted].

Here, the Petitioner did not establish that [redacted] qualifies as an original contribution of major significance. The letters do not contain sufficient information demonstrating that [redacted] has been widely utilized in the overall field, has impacted or influenced the field in a majorly significant manner, or otherwise constitutes a contribution of major significance. 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. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). While the letters praise the fraud tool, the Petitioner did not show how the limited usage by two businesses shows its effect in a majorly significant manner in the greater field. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that the authors of the letters failed to specifically describe how the contributions have been implemented throughout the field or provoked widespread public commentary in the field). In addition, the Petitioner did not demonstrate how three recent articles reflect widespread press coverage consistent with a contribution of major significance in the field.

Likewise, the Petitioner asserts that she "restructured a fragmented $1.93 million loan into a $6.43 million comprehensive financing package for developer [redacted]" and "[t]his restructuring model was later replicated in two additional projects, confirming adoption beyond a single transaction." However, the Petitioner did not contextualize the significance, if any, of her restructuring work for [redacted] in the overall field. The Petitioner, for instance, did not show the impact of her involvement beyond [redacted]. Although she claims that her restructuring model "was later replicated in two additional projects," the Petitioner does not further elaborate or reference evidence to corroborate her assertions. *See S-M-*, 22 I&N Dec. at 51 ("statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight"). Regardless, the Petitioner did not demonstrate how replication in two other projects reflects widespread adoption in the field rather than being limited to the Petitioner's own work or to others with whom she has worked.

See Amin v. Mayorkas, 24 F.4th 383, 394 (5th Cir. 2022) (finding evidence must demonstrate the petitioner's work has been widely adopted or replicated by industry actors unaffiliated with him).

Similarly, the Petitioner claims that "she developed a brokerage model integrating proprietary technology, compliance systems, and inclusive lending products that expanded access to financing in underserved communities and secured formal partnerships with over 100 financial institutions." Although she references agreements with mortgage institutions provided with the initial filing, the evidence does not support her claim that she secured formal partnerships with over 100 financial institutions. In fact, the Petitioner offered brokerage agreements with only 6 lending companies.[3] *See S- M-,* 22 I&N Dec. at 51 ("statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight").

And while a letter from M-K-, a licensed real estate broker, briefly indicates that the Petitioner "has successfully structured and funded mortgage deals that traditional lenders would not touch," the letter does not further explain how the Petitioner's mortgage deals have been majorly significant in the field. Further, the Petitioner did not show how her company's "selection as exclusive financing partner for a 3,800 home-development in Texas," affects the greater field in a majorly significant manner. In fact, the record does not show whether any of the 3,800 homes have been built or if [redacted] brokered any of the homes.[4] *See Karim v. Allen*, No. 21-CV-2861-WJM-KLM, 2023 WL 4624896, at *7 (D. Colo. July. 19, 2023) (finding plaintiff must demonstrate that she has already made contributions of major significance in the field). Here, the Petitioner has not established the substantial impact or influence of her work in the overall field beyond the limited home development project in Texas or individualized mortgage deals. *See Visinscaia*, 4 F. Supp. 3d at 134 (D.D.C. 2013) (finding evidence must include "specific information relating to the impact" of the plaintiff's work in the field as a whole).

The Petitioner also indicates that she was formally retained by [redacted] to evaluate a tax assessment notice it received by the Main Department of the State Tax Service in [redacted] Ukraine. According to a letter from A-K-, director of [redacted] the Petitioner's review helped get most of its penalty cancelled. However, the Petitioner did not demonstrate how her assistance with a single Ukrainian business reflects an original contribution of major significance in the field. Here, the Petitioner did not show any impact of her work outside of [redacted]. *See Sun*, 2025 WL 1556944, at *5 (upholding that the plaintiff did not provide specific evidence showing a major impact on the field as a whole).

Finally, for the first time on appeal, the Petitioner contends that she "has made original scholarly contributions of major significance through her work as an expert peer reviewer for multiple international academic institutions" and submits evidence recognizing her participation in the review process for journals and conferences. However, the Petitioner did not demonstrate how her judging instances constitute contributions of major significance in the field. The Petitioner did not establish how her judging has impacted the field in a majorly significant way rather than performing routine

[3] [redacted]

[4] The Petitioner submitted project pricing proposals and other preliminary financing and construction agreements.

reviews for journals and conferences. *See Agrawal*, 2025 WL 2879217, at *20 (upholding that it must be objectively demonstrated that the field considers the work to be majorly significant).

For the reasons discussed above, considered both individually and collectively, the Petitioner did not show she fulfills this criterion.

6. Scholarly Articles

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." SCOPS determined that the Petitioner met this criterion, and the record sufficiently supports that finding.

7. Roles

SCOPS determined that the Petitioner did not meet this criterion, and we agree with that conclusion. 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 argues her roles with [redacted] reflect her eligibility for this criterion. Although the record contains sufficient evidence relating to her leading or critical roles as owner, chief executive officer, and sole employee at [redacted] the Petitioner did not show that she performed such leading or critical roles at [redacted]

As it relates to [redacted] the Petitioner references a letter from S-B-, former director of production at [redacted], who claimed that as a senior mortgage loan originator, the Petitioner developed and implemented a comprehensive training program for her team and that "within six months, the team experienced a 31% increase in production, directly attributable to her leadership and strategic vision." However, the letter does not elaborate further, nor does it discuss the organizational structure of [redacted] including the number of teams, how the Petitioner's role as a senior mortgage loan originator compared to the roles of other employees, or how the 31% increase in the team's production was significantly important to [redacted] 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). Here, the letter contains broad statements without specific, detailed information establishing a leading or critical role. *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); *see also Aravamuthan*, 2025 WL 1708126, at *7 (finding USCIS reasonably discredited the letters because they did not discuss the plaintiff's position in the overall organizational hierarchies); *Kumar*, 2024 WL 1374794, at *6 (upholding plaintiff's letters did not provide specific information about his duties).

Regarding [redacted] as discussed under the original contributions criterion, the letter from A-K- indicated the Petitioner assisted the company in reviewing a tax assessment notice. However, the Petitioner did not establish how being retained for a brief instance to resolve a tax issue demonstrates her leading role for [redacted] Moreover, although A-K- thanked the Petitioner for her services, the letter also does not show that her role rose to the level of a critical one consistent with this regulatory criterion. *See Gangasani v. Wilkinson*, No. CV H-20-2124, 2022 WL 2047374, at *2 (S.D. Tex. Jun. 6, 2022) (upholding USCIS decision that letters limited the plaintiff's role to the project rather than to the company); *see also Visinscaia*, 4 F. Supp. 3d at 134 (upholding the lack of sufficient detail regarding the plaintiff's role at an organization did not show he could satisfy this criterion on the basis of the letter alone).

In addition, similar to the original contributions criterion, the Petitioner claims for the first time on appeal that she "has performed a critical role for internationally recognized academic organizations that rely on expert review to determine publication eligibility." The evidence recognizes her participation in the review process for journals and conferences without demonstrating her performance in a leading or critical role. The Petitioner did not show that she served in a leading capacity or that her judging contributed in a way that was of significant importance to the organizations. Moreover, the Petitioner claims that "USCIS has long accepted editorial and peer-review authority as evidence of a 'critical role,' because reviewers function as gatekeepers who determine whether research enters the scientific record." However, the Petitioner did not offer any corroborating evidence or reference any material to support her assertions. *See S-M-*, 22 I&N Dec. at 51 ("statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight").

And while she demonstrated the role portion of this criterion for [redacted] the Petitioner did not establish that [redacted] enjoys a distinguished reputation. Merriam-Webster's online dictionary defines "distinguished" as "marked by eminence, distinction, or excellence" or "befitting an eminent person." *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). The Petitioner argues that '[redacted] 100-institution lender network" meets the distinguished reputation standard. Notwithstanding that she did not offer independent, objective evidence to support this claim, the Petitioner did not show how partnering with other lending institutions establishes [redacted] distinguished reputation. Further, the Petitioner did not show, for example, how [redacted] sets itself apart from other mortgage brokerage companies, the significance of its customer base size, or that it received widespread media coverage rather than a few recent articles contained in the record, as previously discussed. Relevant factors for evaluating the reputation of an organization or establishment can include the scale of its customer base or relevant media coverage. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1); *see also Kumar*, 2024 WL 1374794, at *6 (upholding plaintiff's evidence did not support a finding of a distinguished reputation for the organization); *Branski*, 2024 WL 4678939, at *8 (finding successful businesses can be expected to have satisfied customers and the positive esteem of peers, but it takes more to have a distinguished reputation).

Further, even though she did not establish her leading or critical roles for the other organizations, the Petitioner also did not reference evidence that would point to the reputations of any of these organizations, let alone distinguished ones. *See Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *5 (D. Neb. Mar. 10, 2025) (finding that beyond conclusory statements, the plaintiff provided little evidence that was truly illustrative of the organizations for which she directly worked).

Accordingly, for all these reasons, the Petitioner did not show she satisfies this criterion.

8. Salary

SCOPS determined that the Petitioner met this criterion. However, for the reasons discussed below, we will withdraw that determination. 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." USCIS determines whether the person's salary or remuneration is high relative to the compensation paid to others working in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

As evidence of her compensation, the Petitioner submitted [redacted] audited financial statements ending December 2024; her 2024 Schedule C (Form I-140), Profit or Loss From Business; and her Form 1099-NEC, Nonemployee Compensation. In addition, she provided a letter from R-A-M-, certified public accountant, indicating that the Petitioner is the sole owner and managing member of [redacted] and all net income of [redacted] is treated as her personal income. As comparable evidence, the Petitioner offered salary documentation for a wide range of occupations, such as loan officers, chief executives, managing directors, financial managers, and general and operations managers.

However, the Petitioner earned her income as a proprietor of a mortgage broker business. The Petitioner did not compare her income as a mortgage broker company owner to other mortgage broker company owners. *See Xia v. Miller*, No. 3:20-CV-01468-JR, 2021 WL 5817324, at *6 (D. Or. Nov. 18, 2021), *report and recommendation adopted*, No. 3:20-CV-01468-JR, 2021 WL 5825999 (D. Or. Dec. 6, 2021) (finding plaintiff must show that salary reports reflect an apples to apples, rather than an apples to oranges, comparison); *see also Matter of Price*, 20 I&N Dec. 953, 955 (Assoc. Comm'r 1994) (considering a professional golfer's earnings versus other PGA Tour golfers); *Denisov*, 2006 WL 8437057, at *4 (finding the petitioner did not provide figures for the compensations of other artists doing similar work); *Tapia,* 2025 WL 2780815, at *6 (upholding that plaintiff's comparable evidence does not relate to his specific occupation).

Because the Petitioner did not establish that she commanded a high salary or other significantly high remuneration for services in relation to other mortgage broker company owners, we withdraw SCOPS' favorable determination.

9. Commercial Successes

SCOPS determined that the Petitioner did not meet this criterion through comparable evidence, and we agree with that conclusion. The regulation at 8 C.F.R. § 204.5(h)(3)(x) requires "[e]vidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette,

compact disk, or video sales." And the regulation at 8 C.F.R. § 204.5(h)(4) allows 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." 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. *See generally* 6 USCIS Policy Manual, *supra*, at F.2(B)(1).

The Petitioner argues that "the proper inquiry is not whether the [Petitioner] sold concert tickets or recordings, but whether she demonstrated commercial performance in her field equivalent to the level of success contemplated by the regulation – i.e., revenue generation, profitability, and market dominance measurable through objective financial data." As evidence, the Petitioner references [redacted] $332,531 total revenue for 2024 and the 3,800 home-development project in Texas "representing a projected contract value in excess of $19 million through 2029." But under the commercial successes criterion, simply offering receipts or sales is insufficient unless a petitioner establishes that those receipts or sales qualify as commercially successful. The mere fact that a person has recorded and released musical compilations or performed in theatrical, motion picture, or television productions would be insufficient, in and of itself, to meet this criterion. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Likewise, in order to demonstrate that the Petitioner's evidence is truly comparable to the commercial successes criterion, the Petitioner must establish that [redacted] revenue and/or the home-development project is analogous to commercial successes. Here, the Petitioner did not contextualize the significance of [redacted] revenue or projected contract value of the home project. The Petitioner did not show that a mortgage brokerage company's revenue of $332,531 represents "success" in the field, such as compared to other mortgage brokerage companies, or that a "projected contract value" for an anticipated projected that may never be realized can also be considered a "success." *See Joseph v. Dir. of Texas Serv. Ctr., United States Citizenship & Immigr. Servs.*, No. 24-40249, 2025 WL 458001, at *4 (5th Cir. Feb. 11, 2025) (finding prospective success is not comparable to actual commercial success that the regulations require).

Accordingly, the Petitioner did not establish her eligibility for this criterion through comparable evidence.

10. Summary

The Petitioner demonstrated eligibility for only two of the nine claimed criteria. Therefore, the Petitioner did not meet the regulatory requirement of at least three criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x). Regardless, we will evaluate the totality of the evidence below since SCOPS conducted a final merits determination.

B. Final Merits Determination

We will next evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, her sustained national or international acclaim,[5] she is one of the small percentage at the very top of the field of endeavor, and her achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze an individual's accomplishments and

[5] *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").

weigh the totality of the evidence to determine if her successes are sufficient to demonstrate 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.[6] In this matter, we determine the Petitioner has not shown her eligibility.

According to her "Autobiographical Statement," the Petitioner began her professional career at [redacted] (Ukraine) in 2015, reviewing loan applications. After traveling to the United States, she worked for [redacted] from 2018 – 2020 as a part-time operating manager. From 2019 – 2021, she provided services as a loan officer and senior loan officer at [redacted]. Then from 2021 – 2022, she worked as a mortgage broker at [redacted] In 2022, she started [redacted][7]

Considering the totality of the evidence, the Petitioner has not demonstrated that her 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. Nor has the Petitioner shown that she has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3). The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of 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. Here, the Petitioner has not established that she enjoys a career that meets this very high standard. *See Amin*, 24 F.4th at 386-87 (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

As it relates to her [redacted], all of which she received within approximately one year prior to the filing of the petition, although they may show some very recent recognition of her work, the Petitioner did not demonstrate how they indicate sustained national or international acclaim or a career of acclaimed work in 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. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (upholding plaintiff did not contextualize his awards throughout his career to show sustained national or international acclaim). Moreover, the Petitioner did not establish that she received awards indicative of the upper echelon in the field. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding awards by a national organization does not necessarily establish national or international acclaim). Here, the Petitioner did not show the significance of the awards in the field and how they place her among that small percentage at the very top of the field. *See Donskoy v. United States Citizenship & Immigr. Servs.*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *5 (N.D. Cal. Nov. 11, 2021) (finding that what matters for the purpose of the visa classification is whether the award brought the petitioner individual acclaim).

[6] *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).

[7] The record does not contain evidence corroborating her employment claims with [redacted] nor did she show her receipt of any acclaim from her work with these organizations.

Regarding her recent NAMB membership, Petitioner did not show how this membership resulted in sustained national or international acclaim or a career of acclaimed work. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that if the petition is not accompanied by any recent evidence, the length of time since membership may be a consideration for whether the person has sustained acclaim in the final merits determination); s*ee also Donskoy*, 2021 WL 5240224, at *5 (upholding the petitioner's membership did not demonstrate the requisite level of achievement or sustained acclaim to establish extraordinary ability).

Moreover, the Petitioner did not demonstrate how her NAMB membership, which appears to be common among the mortgage brokerage field, reflects that small percentage who has risen to the very top of the field of endeavor. *See Bodhankar*, 2020 WL 777211, at *5 (finding organizations that admit such a high number of members was not consistent with the proposition that membership was limited only to those who have reached the very top of the field). The record does not contain evidence indicating that she received national or international recognition based on her membership with NAMB. In addition, the Petitioner did not establish that she has distinguished herself from others in the field based on her NAMB membership, gaining national or international attention or placing her among the upper echelon of mortgage brokers. *See Hamal*, 2023 WL 1156801, at *3 (finding although the petitioner's membership demonstrated his professional stature, it did not "establish the exceptional level of distinction" required for the extraordinary ability visa).

Similar to the recentness of her eligibility claims indicated above, the Petitioner's media coverage also occurred within approximately one year of filing the petition, with her three most recent articles occurring within a few weeks. The Petitioner did not demonstrate how this represents sustained national or international acclaim and a career of acclaimed work in the field. While the published material, which includes articles reflecting self-authorship and self-provided information, indicates some attention to her and her work, the Petitioner did not establish that such reporting on various websites is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor. *See Hamal*, 2021 WL 2338316, at *4, *aff'd*, 2023 WL 1156801 (upholding plaintiff did not show his press coverage was indicative of a level of success consistent with being at the top of his field). The Petitioner, for instance, did not show how the amount of her media coverage compares to others in her field who are among the very top. *See Price*, 20 I&N Dec. at 955-56 (holding an alien with extraordinary ability in athletics received widespread major media coverage for his ability). Again, the Petitioner did not demonstrate how her nominal press coverage of approximately 10 articles reflects a career of acclaimed work in the field. *See Bodhankar*, 2020 WL 777211, at *5 (finding only a few of the publications mention the plaintiff's accomplishments).

As it pertains to her judging experience, the Petitioner provided evidence of her 2024 review of a journal article for *Futurity Economics & Law* in her NOID response. In addition, she submitted a purported letter from E-K-, who claimed to be from the Federal Emergency Management Agency (FEMA) asserting that the Petitioner evaluated and reviewed "federally guaranteed disaster-recovery loans under FHA 203(h) and 203(k) programs." However, the letter does not include a signature or a date and is not on FEMA letterhead (or any letterhead). Without such critical information, the letter contains no probative value and will not be assigned any evidentiary weight. On appeal, and as mentioned under the contributions criterion, for the first time the Petitioner presents additional judging instances – member of conference review teams from 2022 – 2024 and reviewer of 13 articles for two journals since 2023.

Here, the Petitioner did not establish that her approximate dozen journal article reviews since 2023 and three conference reviews from 2022 – 2024 contribute to a finding that she has a career of acclaimed work in the field or is indicative of the required sustained national or international acclaim. *See 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).; *see also Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *10 (S.D.N.Y. Jan. 5, 2024) (finding the recency of the petitioner's judging events did not show a career of acclaimed work in the field).

Furthermore, the Petitioner did not demonstrate, for example, how her judging experience compares to others at the very top of the field or the significance of her journal and conference reviews. *See Agrawal*, 2025 WL 2879217, at *23 (upholding that plaintiff did not show how she judged to such an extent, or at a high enough level, that her judging surpasses the majority of the field and places her in the top echelon of the field). Moreover, the Petitioner did not offer information about the journals or conferences to show their status or standing in the field. *See Hamal*, 2023 WL 1156801, at *2 (finding the petitioner did not provide needed context for his judging experience and the response to his work). In addition, the Petitioner did not establish, for instance, that she garnered wide attention from the field based on her judging instances. Without evidence that sets the Petitioner apart from others in her field, the Petitioner has not shown that her judging experience places her among that small percentage who has risen to the very top of the field of endeavor. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the petitioner did not offer evidence of a consistent history of completing a substantial number of review requests relative to others, serving in editorial positions for distinguished journals or publications, or chairing technical committees for reputable conferences); *see also Joseph*, 2025 WL 458001, at *4 (upholding plaintiff's judging did not set him apart from others in the field or a career of acclaimed work).

Likewise, authorship and publication do not automatically place one at the top of the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that the second step requires USCIS to evaluate the person's publications to determine whether it is indicative of being one of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim); *see also Nagaiah v. Allen*, 784 F. Supp. 3d 798, 820 (E.D. Pa. 2025) (upholding that authorships of scholarly articles did not automatically place the petitioner at the top of his field). The record reflects the Petitioner presented evidence showing that she authored three 2024 articles and one 2023 article. The articles discuss mortgages, lending, construction, and fraudulent financial issues in the United States; yet the articles were published in Indonesian and Polish journals. Nonetheless, the Petitioner did not demonstrate that her minimal, recent publication record is consistent with having a career of acclaimed work, sustaining national or international acclaim, and being among the small percentage at the very top of her field. The Petitioner, for instance, did not show the significance of the number of her authorships or how her publication record compares to others who are viewed to be at the very top of the field. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding it reasonable for USCIS to focus on the fact that a publication record of six publications over seven years inconsistent with a career of acclaimed work and sustained national or international acclaim).

Further, the Petitioner did not demonstrate that her authorships garnered attention such that she would be among the top of her field or that she has been recognized throughout her field, garnering sustained national or international acclaim. While the Petitioner offered evidence from researchgate.net that her articles have been cited a total of 28 times, she did not establish that such citations place her among the very top of the field. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (upholding the Petitioner did not show the significance of authorships reflecting that he is among the small percentage at the very top of the field).

In addition, the Petitioner did not establish that her contributions in creating [redacted] restructuring a loan for [redacted] being selected to be a financing partner for a 3,800 home-development, and conducting a financial audit for [redacted] garnered her national or international acclaim. Besides a handful of recent website articles, a few letters, and an obscure Ukrainian award, the Petitioner did not show recognition for her professional achievements consistent with being among that small percentage at the very top of the field. *Donskoy*, 2021 WL 5240224, at *6 (finding the Petitioner did not establish that he garnered sustained national or international acclaim for his contributions and his achievements have been recognized); *see also Joseph*, 2025 WL 458001, at*4 (upholding plaintiff did not demonstrate his contributions reflected sustained national or international acclaim through extensive documentation).

Likewise, the Petitioner did not demonstrate that her role as a proprietor of [redacted] and her other roles with [redacted] brought widespread attention in her field, garnering sustained national or international acclaim and a career of acclaimed work. *See Agrawal*, 2025 WL 2879217, at *24 (upholding that plaintiff's evidence fails to describe how she has garnered sustained national or international reputation through her roles); *see also Bodhankar*, 2020 WL 777211, at *5 (finding the plaintiff's work for organizations did not result in national or international acclaim); *see also Nagaiah*, 784 F. Supp. 3d at 820 (upholding the lack of objective documentary evidence to show the petitioner's roles with former employers led to sustained national or international acclaim). Further, the Petitioner did not establish that her work at or with these organizations resulted in any noticeable impact or influence throughout her field. *See Hamal*, 2021 WL 2338316, at *4, *aff'd*, 2023 WL 1156801 (upholding plaintiff did not contextualize his work at an organization demonstrating recognition by the field as being significantly important or viewed as unusually influential). Even her personal accomplishment of recently starting, owning, and operating her own business is not sufficient without evidence, beyond a few recent awards and media coverage, to show recognition at a level among the upper echelon in her field. *See Churyumov v. U.S. Citzenship & Immigr. Servs.*, No. 2:18-CV-00841-RAJ, 2019 WL 5802041, at *3 (W.D. Wash. Nov. 7, 2019), *aff'd*, No. 2:18-CV-00841-RAJ, 2019 WL 5802041 (W.D. Wash. Nov. 7, 2019) (upholding that success of one business does not equate to national or international acclaim); *see also Joseph*, 2025 WL 458001, at *4 (upholding plaintiff's leading role in a successful company does not necessarily demonstrate a sustained career or the impact of his work has risen to the level where it places him at the very top of the field).

Regarding her business income as a mortgage broker company owner, the Petitioner did not establish that she received earnings commensurate with sustained national or international acclaim. The Petitioner did not show that her income was tantamount to an individual who is among that small percentage at the very top of the field of endeavor. She did not demonstrate, for example, how her earnings compare to others at the very top of the field or other renowned mortgage broker company owners, or that she received notoriety or attention based on her salary separating herself from others

in the field or placing her in the upper echelon. *See Bodhankar*, 2020 WL 777211, at *5 (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). Moreover, the Petitioner did not establish that she consistently earned high wages throughout her career rather than providing income from only 2024. *See Jafarov*, 2024 WL 69056, at *9 (finding the failure to show consistent high wage earnings did not reflect sustained national or international acclaim and a single year's, or even a few years', worth of salary data unlikely to satisfy this requirement); *see also Nagaiah*, 784 F. Supp. 3d at 820 (upholding that the record did not show the Petitioner's earnings were so high as to indicate that he is one of that small percentage at the top of his field, or that his salary was reflective of sustained acclaim). Furthermore, the Petitioner did not show that [redacted] revenue placed it among the top mortgage broker companies, or that she received national or international acclaim from [redacted] financial success.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[8] 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. *Price*, 20 I&N Dec. at 954 (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*, 2025 WL 815087, at *1 (indicating that EB-1 visas are intended to be available to only an exceedingly small amount of individuals with extraordinary ability); *Chivukula v. Allen*, No. 3:22-CV-0381-S, 2023 WL 4504601, at *9 (N.D. Tex. May 1, 2023) (holding that extraordinary ability requires a stringent standard); *Denisov*, 2006 WL 8437057, at *4 (finding a very exacting and narrow visa category); *Joseph*, 2025 WL 458001, at *1 (stating an EB-1 visa is the most difficult type of employment visa to obtain); *Kazarian*, 596 F.3d at 1120 (finding that by design, the extraordinary ability classification is "extremely restrictive").

In this case, the Petitioner has not shown that the significance of her work is indicative of the required sustained national or international acclaim or 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 she is among the small percentage at the top of her field. *See* 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an individual 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

[8] *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).

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.