U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42777576

Date: MAY 11, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner is a business management specialist who 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 that the record did not establish that the Petitioner had a major, internationally recognized award, nor did she demonstrate that she met at least three of the ten regulatory criteria. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

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

I. LAW

To establish eligibility as an alien of extraordinary ability, a petitioner must establish that he or she:

- Has extraordinary ability in the sciences, arts, education, business, or athletics;
- Seeks to enter the United States to continue work in his or her area of extraordinary ability; and that
- His or her entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that the petitioner's achievements have been recognized in the field. Section 203(b)(1) of the Act. The implementing regulation further states that the term "extraordinary ability" refers only to those aliens in "that small percentage who have risen to the very top of the field of endeavor." A petitioner can demonstrate that he or she meets the initial evidence requirements for this immigrant visa classification through evidence of a one-time achievement (that

is, a major, internationally recognized award). If such evidence is unavailable, then he or she must alternatively provide evidence that he or she meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. §§ 204.5(h)(2),(3).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the alien possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Amin v. Mayorkas*, 24 F.4th 383, 394 (5th. Cir. 2022).

II. ANALYSIS

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. §§ 204.5(h)(3)(i)–(x). SCOPS decided that the Petitioner satisfied the criterion relating to published material about the Petitioner and judging at 8 C.F.R. § 204.5(h)(3)(iii) and (iv) but did not satisfy the remaining claimed criteria relating to leading or critical role and a high salary at 8 C.F.R. §§ 204.5(h)(3)(viii) and (ix), respectively. After reviewing all the evidence in the record, we conclude that the Petitioner has not demonstrated eligibility for this highly restrictive immigrant classification. While we may not address each piece of evidence individually, we have reviewed and considered each one.

1. "Evidence 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).

To meet this criterion, the Petitioner must establish that her 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). Evidence relevant to demonstrating high remuneration may include: (1) tax returns, pay statements, or other evidence of past salary or remuneration for services, (2) contract, job offer letter, or other evidence of prospective salary or remuneration for services, and (3) comparative wage or remuneration data for the person's field, such as geographical or position appropriate compensation surveys. *Id.* Evidence regarding whether the person's compensation is high relative to that of others working in the field may include: (1) geographical or position appropriate compensation surveys and (2) organizational justifications to pay above the compensation data. *Id.*

SCOPS determined that the Petitioner did not establish that she has earned a high salary or significantly high remuneration in comparison with those performing similar work as chief executive officers in the field of hospitality during the same time. On appeal, the Petitioner restates the same arguments and contends that she qualifies for this criterion.

To establish that the Petitioner satisfies this criterion, she submitted, in relevant part: a letter from the chief financial officer of [redacted], dated December 8, 2025, that indicated she is

working with the company since April 2023 in the position of chief executive officer and draws a monthly salary of Georgian Lari (GEL) of $20,000. She also provided an excerpt from paylab entitled, "Top Management Salary for position Chief Executive Officer in Georgia." The Petitioner also submitted an online article from Pedersen & Partners entitled, "[redacted]"

We acknowledge the survey and article submitted in support of this criterion but the Petitioner did not identify the methodology used to collect, verify, or analyze the data from them. The Petitioner has not demonstrated how the survey and article defined the relevant occupational category, geographic scope, level of experience, or type of employer included in the comparison group. Nor does the record establish that the data specifically pertains to chief executive officers within the hospitality industry, rather than broader management or executive positions across multiple industries. Without evidence showing that the comparison group is sufficiently tailored to similarly situated hospitality executives, the survey and article have little probative value.

While the Petitioner documented her annual income by submitting a letter from the chief financial officer, she has not provided sufficient objective earnings data showing that she has earned a "high salary" or "significantly high remuneration" in comparison with those performing similar work as a chief executive officer in the field of hospitality during the same time period. *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering a professional golfer's earnings versus other PGA Tour golfers); *see also 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 a NHL defensive player to salary of other NHL defensemen).

The record lacks geographical or position appropriate compensation surveys, organization justifications to pay above the compensation data, or other sufficient evidence to establish that her compensation is high relative to that of others working in her field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). Accordingly, the Petitioner does not satisfy this criterion.

2. We Reserve the Remaining Claimed Criterion

We conclude that although the Petitioner satisfies two criteria, she does not meet the criteria regarding relating to a high salary or significantly high remuneration. While she also argues for one additional criterion on appeal relating to leading or critical role at 8 C.F.R. § 204.5(h)(3)(viii), it is unnecessary that we make a decision on this additional ground because she cannot numerically meet the required number of criteria. As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3), we reserve this issue. *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). It is also unnecessary that we provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119–20.

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-mentioned reasons, with each considered as an independent and alternate basis for the decision. The Petitioner has not shown that she qualifies for classification as an individual of extraordinary ability under section 203(b)(1)(A) of the Act. The appeal will be dismissed for the above stated reasons. In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. 799, 806 (AAO 2012). Here, that burden has not been met.

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.