U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42200929

Date: MAY. 11, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, an audio engineer, 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(b0(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish that the Petitioner qualifies as an alien of extraordinary ability either as the recipient of a major, internally recognized award, or that the Petitioner meets at least three of the ten initial regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

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

I. LAW

Section 203(b)(1)(A) of the Act makes visas available to immigrants with extraordinary ability if:

i. the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,

ii. the alien seeks to enter the United States to continue work in the area of extraordinary ability, and

iii. the alien's entry into the United States will substantially benefit prospectively the United States.

The term "extraordinary ability" refers only to those aliens in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). 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 his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient 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 alien is among the small percentage at the very top of the field of endeavor. *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 Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner is an audio engineer who claims to possess over 10 years of experience working in film and television post-production in Turkey, specializing in premixing and re-recording. He states that he has worked on high-profile projects that streamed on [redacted] He also asserts that he has expertise in "blending dialogue and directing audio team" and plans to bring his "unique artistic vision and technical mastery to the United States." He seeks to "advance the field of audio engineering through his active work on high-level productions."

A. Evidentiary Criteria

Because the Petitioner has not indicated or demonstrated that he has received a major, internationally recognized award, he must instead satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner claimed to meet eight criteria: receipt of lesser nationally or internationally recognized prizes or awards (i); published material about the alien (iii); judge of the work of others (iv); original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field (v); authorship of scholarly articles (vi); display of work in the field at artistic exhibitions or showcases (vii); performed in a leading or critical role (viii); and high salary or remuneration (ix). SCOPS evaluated the claims the Petitioner made in the initial petition and in response to the request for evidence and concluded the Petitioner satisfied three criteria, published material, judge of the work of others, and leading or critical role. SCOPS also considered the totality of the evidence in a final merits determination and concluded the Petitioner did not establish that he is among the small percentage at the very top of his field of endeavor.

On appeal, the Petitioner claims to meet all eight criteria. He contends that SCOPS misapplied the *Kazarian* framework, issued a conflicting decision, and focused on individual analysis of each criterion rather than reviewing the evidence as a whole in the final merits determination. The Petitioner also contends that SCOPS cited to *Matter of Ho* in its decision without providing sufficient notice. *See Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

B. Final Merits Determination

As the Petitioner has established that he meets the requisite initial evidence, we will evaluate whether he has demonstrated, by a preponderance of the evidence, that he has sustained national or international acclaim and is one of the small percentage at the very top of the field of endeavor, and that his achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze the Petitioner's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has 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.

As previously noted, the Petitioner contends on appeal that SCOPS failed to conduct a proper final merits analysis. Nonetheless, we exercise *de novo* review of all issues of fact, law, policy, and discretion. *See Matter of Christo's, Inc.*, 26 I&N Dec. 537. This means that we look at the record anew and are not required to defer to findings made in the initial decision. Furthermore, our decision may address new issues that were not raised or resolved in the prior decision.

While we may not discuss every document in the record, we have reviewed and considered each one. Based on our de novo review, we conclude the Petitioner has not demonstrated eligibility for this highly restrictive immigrant classification for the reasons we will discuss below.

The Petitioner maintains that he has "demonstrated sustained national and international acclaim and is among the small percentage who have risen to the very top of the field of sound engineering." He asserts that the record demonstrates he "operates at the pinnacle of a highly specialized field, that his work is recognized by peers, institutions, and the national industry, and that his influence extends beyond individual projects into the development of the field itself." However, the record, in the aggregate, does not support the conclusion that he has shown the required acclaim and recognition, or otherwise shown that he is one of the small percentage of individuals who have risen to the very top of the field of endeavor. *See* Section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2).

The Petitioner asserts that he has held a critical role as a senior audio engineer for a company with a distinguished reputation. He explains that his responsibilities extend beyond mixing sounds to ensure that "sound is not just heard but felt." He also emphasizes his collaboration with "dialogue editors, artists, and technicians and assistants" to provide clear direction and ensure his work aligns with the "creative vision." He further asserts that his contributions have resulted in a "20-30%" cost savings and reduced the risk of delays, failed quality checks, or rejections by platforms due to non-compliance with audio standards. Although SCOPS determined that the Petitioner has met the regulatory criterion, it concluded that he has not demonstrated gaining national or international attention or placing him among the upper echelon in his field because of his critical roles.

On appeal, the Petitioner contends that SCOPS improperly focused on whether this criterion alone established that he is at the top of his field, rather than considering it as part of the overall record demonstrating sustained acclaim. He further contends that he is employed by [redacted] one of the [redacted] Turkey, and that his role as a senior audio engineer supports his eligibility under this criterion and reflects his extraordinary ability.

The Petitioner also argues that SCOPS improperly relied on *Matter of Ho*, in concluding that his IMDb listing included television series for time periods before the Petitioner was born. He maintains that he was denied a meaningful opportunity to respond because this issue was raised, for the first time, in SCOPS' decision. He explains that his IMDb listing "lists all versions of a production…associated with the original release year."

However, upon de novo review, we agree with SCOPS that the Petitioner has not demonstrated by a preponderance of the evidence, that he has sustained national or international acclaim and is among the small percentage at the very top of the field of endeavor.

The Petitioner submitted expert opinion and support letters to corroborate his claim. For instance, he submitted a letter that describes him as "an indispensable and highly critical professional." Another author states that the Petitioner's "technical and creative decisions" have "a direct impact on the overall quality of the production and the audience's experience." A third letter highlights the Petitioner's "solution-oriented mindset, technical mastery, and leadership skills," asserting that these qualities have played "a decisive role" in the company's success and that many projects would not have succeeded without his involvement. Additionally, another letter characterizes the Petitioner as a leader in his field and an experienced audio engineer, noting that he is consistently assigned to the "highest-budget and most-watched productions," which the author claims demonstrated the Petitioner's "critical role within the company."

While the record demonstrates that the Petitioner performs a central and influential role within his company, it does not include documentation that ties the Petitioner's leading or critical roles for his previous and current employers to recognition in his field for accomplishments garnering sustained national or international acclaim. For instance, the evidence is insufficient to demonstrate that the Petitioner's work drew attention from the field beyond the accolades and resulted in national or international acclaim. 8 C.F.R. § 204.5(h)(3). The Petitioner also has not offered sufficient evidence showing that the field or the public had taken notice of his work, or that the field has accepted, adopted, or otherwise widely implemented processes he had created.

The Petitioner states that his work has been "publicly exhibited through his creative leadership in numerous award-winning film and television productions" because as a senior audio engineer he was "directly responsible for designing the auditory dimension of critically acclaimed projects" that were publicly released. In support, the Petitioner submitted expert letters and his IMDb profile. However, the record does not demonstrate that the Petitioner's displayed work distinguishes him as one of that small percentage who has risen to the very top of the field. Moreover, the Petitioner did not show how the number of his displayed work compared with those of others at the very top of the field.

The Petitioner asserts that he commands a high salary or other significantly high remuneration for his services compared with others in his field, as defined at 8 C.F.R. § 204.5(h)(3)(ix). Specifically, he states that his earnings are approximately three times higher than the national average, which he claims places him among the "highest-paid individuals." He further indicates that he supplements his income through freelance audio engineering and dialogue editing services for leading production houses. In support of this claim, the Petitioner submitted letters describing him as possessing a "high level of expertise in his field and extensive experience in numerous prestigious projects." The authors characterize him as "a highly sought-after sound engineer in the industry" who commands strong

compensation. The record also includes supporting documentation, such as insurance registration and service record determination from the Social Security Institution of Turkey, salary data, and letters indicating the Petitioner's earnings. SCOPS determined that the record did not show that said remuneration was a result of having national or international acclaim or being one of that small percentage who has risen to the very top of the field of endeavor.

Here, the evidence suggests that the Petitioner earns compensation above that of some of his peers and has developed a reputation as a skilled professional. However, the documentation does not sufficiently demonstrate that the Petitioner's compensation reflects sustained national or international acclaim or that he is among the small percentage at the very top of his field of endeavor in review of the totality of the evidence.

The record includes published materials about the Petitioner. Specifically, the Petitioner submitted printouts of online articles from *haberglobal.com.tr, sondakika.com, haberler.com,* and *haberaktuel.com*, all published between [redacted] 2025. SCOPS determined that the evidence did not demonstrate that the "overall press coverage reflects a level of success consistent with being among" the small percentage of individuals who have risen to the very top of the field. SCOPS further concluded that the limited number and short timeframe of the media reports do not establish a sustained record of acclaimed work or recognition at a very high level. On appeal, the Petitioner contends that SCOPS imposed an "undefined or heightened evidentiary burden beyond the regulation itself" by requiring that media coverage alone independently prove a career of acclaim.

However, although the Petitioner's published materials indicate that he has received some media attention, the coverage is limited in both scope and duration and does not demonstrate sustained recognition over time. The Petitioner also did not establish that such reporting is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor, has achieved sustained national or international acclaim, or has a career of acclaimed work. The Petitioner, for instance, did not show how the amount of his media coverage compares to others in his field who are among the very top. Furthermore, the Petitioner has not demonstrated how the published materials reflect a career of acclaimed work in the field in review of the totality of the evidence. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the lack of press about the plaintiff was not consistent with national or international acclaim). Also, *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, supra*) (affirming USCIS' finding that a petitioner did not show that "his press coverage is indicative of a level of success consistent with being" at his field's top).

The Petitioner asserts that he received the 2025 [redacted] award, which he stated is organized by [redacted] and represents one of Turkey's most prestigious platforms for recognizing individual technical contributions in music, media, and sound. In support, the Petitioner submitted a letter, a photograph of himself holding a trophy, and materials describing the event. The Petitioner further claims that he has played "a central role in the success of numerous award-winning film and television productions," contributing through sound design and mixing. He contends that motion picture and television productions in which he played a critical role have received prestigious awards and "reflect genuine distinction in the field and constitute formal recognition of excellence."

However, the Petitioner has not demonstrated that the awards place him among that small percentage at the very top of his 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). Here, the record does not show that the Petitioner's awards garnered him sustained national or international acclaim.

Regarding the Petitioner's original contributions to the field, and in the context of a final merits determination, the Petitioner asserts that he has made contributions of major significance, particularly "within cinematic and television sound post-production." He emphasizes that by "designing and implementing bespoke audio workflows that seamlessly blend dialogue restoration, [automated dialogue replacement], environmental ambience, and musical scoring, [he] has redefined the standards for sonic realism and emotional precision in screen media." The Petitioner further states that his contributions are "distinguished by their originality, field-specific utility, and institutional adoption." He also claims that his "innovations have been adopted by leading production houses, affirmed through national awards, and cited in expert evaluations as transformative to the creative process." In support of these claims, the Petitioner provided recommendation letters from experts in the field. SCOPS determined that the Petitioner failed to demonstrate that his work is "recognized as being at the level of one of that small percentage who have risen to the very top of their field."

Here, regardless of whether the evidence establishes the regulatory criterion of original contributions of major significance, the evidence is insufficient to demonstrate that the Petitioner's contributions are indicative of sustained national or international acclaim. The evidence also does not demonstrate that his work has been widely recognized beyond his immediate professional circles or that it has positioned him among the small percentage of individuals who have risen to the very top of the field of endeavor.

Although the Petitioner provided support letters, the record does not contain sufficient information to establish that the Petitioner is viewed by the overall field, rather than by a solicited few, to be among the upper echelon or that he has garnered recognition on a national or international scaled, consistent with being among the small percentage at the very top of the field of endeavor. *Mishra v. Richardson*, No. 1:20-cv-991 (LMB/TCB), 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding that none of the plaintiff's letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim). Moreover, while the letters highlight the Petitioner's work, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Bodhankar v. USCIS*, No. 1:19-CV-706 (MAD/CFH), 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the submitted letters failed to establish the plaintiff's contributions resulted in significant acclaim).

With respect to the authorship of scholarly articles, the Petitioner asserts that he has published columns in national media and authored several articles intended for industry experts and professionals. He states that these works address "complex technical and strategic challenges" and should be considered comparable evidence of his extraordinary abilities. In support, the Petitioner submitted copies of articles that he authored between April and June 2025, in his capacity as an audio engineer, along with documentation confirming that his work was published. SCOPS determined that the Petitioner's publication record, comprised primarily of articles published within the six months preceding the filing

of the petition, did not demonstrate a career of acclaimed work or sustained national or international acclaim. Additionally, SCOPS concluded that the evidence did not establish that the Petitioner's authorship reflects being among the small percentage at the very top of his field. On appeal, the Petitioner contends that SCOPS applied an incorrect legal standard, asserting that he has submitted "evidence of authored articles published" in recognized media outlets, which he contends meets the regulatory requirement.

However, here again, regardless of whether the evidence satisfies the regulatory criterion, it does not demonstrate that these publications have had a significant impact on the field or received widespread national or international recognition. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *23 (D. Neb. Sept. 12, 2025) (upholding USCIS' finding that "the evidence does not demonstrate that the research reported in [the petitioner's] articles has made an impact on the field sufficient to provoke widespread commentary throughout the [field] or major press describing her or her contributions"). Furthermore, the Petitioner's publications do not establish sustained acclaim, as all of them were published within a three-month period in 2025. *See* section 203(b)(1)(A)(i) of the Act (stating that the requested immigrant visa category requires "sustained national or international acclaim"). The relatively recent and limited nature of the publication record does not establish a sustained history of influential authorship.

Additionally, the Petitioner did not demonstrate that this small number of publications is reflective of a career of acclaimed work, sustaining national or international acclaim, or being among the small percentage at the very top of the field. The Petitioner, for instance, did not show the significance of his authorship or how his publication record compares to others who are viewed to be at the very top of the field. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the Petitioner did not show the significance of authorships to reflect that he is among the small percentage at the very top of the field).

The Petitioner states that he served as a jury member for the 2025 [redacted], which he describes as Turkey's prestigious event integrating cinematic arts with the world of sports. He asserts that the festival is internationally recognized for showcasing innovative "national and international sports-themed film productions" and "widely regarded as one of Istanbul's foremost cultural platforms for creative excellence." He further claims that his selection as a judge was "based on his artistic vision, industry contributions, and professional expertise in audio and sound design." In support, the Petitioner submitted materials about the event, as well as an invitation letter and a letter of appreciation. SCOPS determined that, although the Petitioner met the regulatory requirement for this criterion, the record did not contain sufficient evidence to establish that his selection as a judge was based on his being among the top of his field or that such service reflects sustained national or international acclaim. On appeal the Petitioner argues that SCOPS applied an incorrect standard by requiring his judging experience to independently demonstrate sustained acclaim. He contends that his role as a judge should instead be considered as part of the totality of the evidence.

The record confirms that the Petitioner participated as a judge at a professional event. However, the evidence does not demonstrate that the Petitioner's selection and service as a judge reflect recognition of him as one of the leading experts in the field, as opposed to a qualified professional with relevant experience. *See Joseph v. Dir. of Texas Serv. Ctr., USCIS*, No. 24-40249, 2025 WL 458001, at *4 (5th Cir. Feb. 11, 2025) (upholding USCIS' finding that a petitioner did not establish that his judging of

others' work "set [him] ... apart from others in the field" or established "a career of acclaimed work"). Considering the totality of the evidence, the record does not establish that the Petitioner has achieved sustained national or international acclaim or that he is among the small percentage of individual who have risen to the very top of his field of endeavor.

The record contains independent advisory opinions and support letters from individuals who have collaborated with the Petitioner, supervised him, or worked alongside him. These letters consistently praise the Petitioner's extensive knowledge and experience, his commitment to mentoring young professionals, and his contributions to the field through the sharing of his knowledge. The authors also highlight the Petitioner's proficiency with advanced spectral editing tools, dynamic equalization, technical acumen, preserving dialogue clarity, managing dynamic range, and reinforcing vocal presence. One author describes the Petitioner's "mastery of sound engineering" as "an art form that significantly enhances the storytelling process." Another author characterizes the Petitioner's approach to sound engineering as "exceptionally meticulous and innovative." A third author emphasizes the Petitioner's "commitment to continuous improvement and his willingness to share knowledge" as unique qualities that makes the Petitioner "stand out from other audio engineers."

Although the letters provide high praise for the Petitioner's work, they do not sufficiently establish that he is among the small percentage at the very top of his field. The record lacks sufficient independent and objective evidence demonstrating that his contributions and reputation have been widely recognized across the field at a national or international level. The Petitioner asserts that industry experts have confirmed his technical skills and that his premix structures have been adopted across multiple studios and applied in productions that air on national broadcasters and global platforms. He further contends that the record "contains substantial, independent, and field-wide evidence" that his "methodologies have influenced industry practice, shaped award-winning productions, and filled critical skill gaps identified by official sector reports." However, the submitted evidence does not sufficiently demonstrate the extent of this influence or establish that his work has had a significant impact across the broader field.

While the letters and supporting documentation reflect that the Petitioner is a highly skilled and respected professional, the record does not show that his achievements rise to the level of sustained national or international acclaim required to establish extraordinary ability. In addition, the record does not contain sufficient information and explanation to show that he is viewed by the overall field, rather than by a solicited few, among the upper echelon or that he has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[1] 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 383, 394 (5th Cir. 2002) (stating that extraordinary ability is such an elite level of accomplishment); *Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X,

[1] *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).

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"). In this case, the Petitioner has not shown the significance of his work is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. 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 he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

Although the Petitioner himself and his support letters emphasized his extraordinary ability in his field, the record is insufficient to demonstrate sustained acclaim in order to qualify for an immigrant visa under this classification. The totality of the evidence does not demonstrate that the Petitioner has garnered a level of recognition for expertise in his field that would be expected from an individual at the top of his field. Accordingly, the record, as a whole, does not demonstrate eligibility for the benefit sought. 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 FR 30703-01, 30704. Here, the Petitioner has not established that he enjoys a career that meets this very high standard.

III. CONCLUSION

The Petitioner has submitted the required initial evidence that meets at least three of the ten categories of evidence listed under 8 C.F.R. § 204.5(h)(3)(i)-(x). As a result, we have provided the type of final merits determination referenced in *Kazarian*, 596 F. 3d at 1119-20. Based on our review of the record as a whole, we conclude that the record, in the aggregate, does not support a conclusion that the Petitioner has established the acclaim and recognition required to be classified as an alien of extraordinary ability in his field.

The Petitioner seeks a highly restrictive visa classification, intended for individuals at the top of their respective fields. Here, he has not shown that his accomplishments rise to the required level of sustained national or international acclaim, or that it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* Section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner is one of the small percentage of individuals who have risen to the very top of the field of endeavor. *See* Section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated eligibility to be classified as an alien of extraordinary ability in his field. The appeal will be dismissed for the above stated reasons.

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.