U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37874158

Date: MAY 15, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a singer and composer, seeks classification under the employment-based, first preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition. SCOPS concluded that the Petitioner did not demonstrate his receipt of a major internationally recognized award or his satisfaction of any of the requested category's ten alternate evidentiary requirements. On appeal, the Petitioner contends that SCOPS' decision lacked "detailed analysis" and overlooked evidence.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude the he met two alternate evidentiary criteria regarding his receipt of lesser nationally or internationally recognized awards and his work's display at artistic exhibitions or showcases. But, because he did not satisfy the requisite minimum number of three alternate requirements, we will dismiss the appeal.

I. LAW

To qualify for this immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability in the sciences, arts, education, business, or athletics;"
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the country as an immigrant.

Section 203(b)(1)(A)(i)-(iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). Unless a petitioner received "a major, international recognized award," they must satisfy at least three of ten lesser evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[1]

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

II. ANALYSIS

A. Receipt of a Major Internationally Recognized Award

A petitioner can meet this category's evidentiary requirements by submitting "evidence of a one-time achievement (that is, a major, international recognized award)." 8 C.F.R. § 204.5(h)(3). As an example of a qualifying one-time achievement, Congress cited the Nobel Prize. H.R. Rep. No. 101-723 (I & II) (1990), *reprinted in* 1990 U.S.C.C.A.N. 6710, 6739; *see generally* 6 *USCIS Policy Manual* F.2(B).

The Petitioner contends that his 2015 [redacted] Award as [redacted] constitutes "a major internationally recognized accolade." He submitted copies of: photographs showing the award with his name on it and him holding the award; an online news article about the 2015 awards; and online information from the awards' issuer.

SCOPS found that the Petitioner's award did not meet the one-time achievement requirement. On appeal, he argues that he received the prize in Germany at the awards' first ceremony outside [redacted] He states that a jury selected him for the prize based on album sales and online popularity. The issuing foundation's information describes the organization as "a multinational membership-based association . . . dedicated to improving the quality of life and the cultural condition for Central Asian, Caucasian and Middle East music and its makers." The information states that the foundation broadcast the 2015 awards show "to North and South America, Europe, the Middle East, Central Asia, India, reaching an estimated worldwide audience of one billion viewers in over 75 countries."

The Petitioner's evidence does not demonstrate the requisite "major" nature of his 2015 [redacted] Award. The record indicates that the foundation exclusively issues its awards to musicians from Central Asia, Caucasia, and the Middle East. The geographical limitation indicates that the awards lack the global scope and recognition of a major accolade like the Nobel Prize. Also, the issuer's information states the awards' founding in 2004. Their relatively short history indicates that they lack the major recognition needed to qualify for the one-time achievement criterion. Moreover,

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

the record lacks evidence, for example, that the Petitioner's award attracted widespread international media coverage, interest from the general public, or attention comparable to other major, globally recognized awards.

The Petitioner's evidence does not establish his receipt of a major international recognized award. We will therefore affirm SCOPS' finding regarding this criterion.

B. The Alternate Evidentiary Requirements

SCOPS found that the Petitioner did not meet any of the ten alternate evidentiary requirements – three less than needed for a final merits determination. *See* 8 C.F.R. § 204.5(h)(3). On appeal, the Petitioner contends that he satisfied the following six criteria:

- Receipt of lesser nationally or internationally recognized awards for excellence in his field;
- Participation as a judge of others' work in the field;
- Original contributions of major significance in the field;
- Display of his work at artistic exhibitions or showcases;
- Performance in a leading or critical role for organizations with distinguished reputations; and
- Commercial successes in the performing arts.

See 8 C.F.R. § 204.5(h)(3)(i), (iv), (v), (vii), (viii), (x).

Before SCOPS, the Petitioner argued that he also submitted evidence of published materials about himself in the field. *See* 8 C.F.R. § 204.5(h)(3)(iii). His appeal, however, omits that claim. He therefore has effectively waived that issue. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)) (waiving ineligibility grounds not raised on appeal).

To meet additional criteria, the Petitioner's evidence must objectively satisfy the parameters of the applicable regulatory descriptions. *See generally* 6 *USCIS Policy Manual* F.2(B). "[N]either USCIS nor [the] AAO may unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5." *Kazarian v. USCIS*, 596 F.3d 1115, 1121 (9th Cir. 2010) (citation omitted).

1. Lesser Nationally or Internationally Recognized Awards

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

When adjudicating this requirement, USCIS first determines if a petitioner – as opposed to their employer, for example – received prizes or awards. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 1. If so, the Agency next determines if the awards honored excellence in the applicable field and have national or international recognition. *Id.*

Besides evidence of his 2015 [redacted] Award, the Petitioner submitted documentation of his receipt of several other music prizes, including: a 2018 [redacted] award for [redacted]" and "[redacted]" awards from: a 2014 [redacted] festival; the 2014 [redacted]

Awards; and a 2016 contest organized by a Tajikistan government ministry. The Petitioner contends: "The awards demonstrate national and international recognition, are supported by credible documentation, and affirm [his] excellence in the field of music."

The Director found insufficient evidence that the Petitioner's awards have national or international recognition. As previously indicated, however, the foundation that issued his 2015 [redacted] Award indicates that it broadcast the awards ceremony to more than 75 countries. Thus, the information indicates that the Petitioner's award for excellence in his field received international recognition. Evidence also indicates his receipt of [redacted] Awards for excellence in his field in prior years. The record demonstrates that these prior awards also have international recognition.

The Petitioner submitted evidence of his receipt of internationally recognized awards for excellence in his field. We will therefore withdraw SCOPS' contrary finding.

2. Judge of Others' Work

To meet this requirement, a petitioner must submit "[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." 8 C.F.R. § 204.5(h)(3)(iv).

The Petitioner submitted a copy of an acknowledgement certificate from a Tajikistani television channel. The certificate recognizes him "for his effective work as a member [of] the jury of the television contest [redacted]."

SCOPS found the undated certificate insufficient to meet this criteria, faulting the Petitioner for omitting evidence of "an official invitation" to serve as a judge in his field. SCOPS stated: "There is no objective evidence in the record that the [Petitioner] has been invited to judge the work of others in the field [or] . . . that [he] actually participated in judging . . . the work of others."

The Petitioner argues that, although the acknowledgement certificate lacks a date, "the document is nonetheless credible evidence of [his] participation in judging the work of others in his field." As a juror on the TV show, he contends that he assessed "the performances and contributions of participants in the music field." He states: "USCIS' emphasis on the absence of supporting materials like invitations or correspondence overlooks the practical realities of artistic events in some regions, where documentation standards may differ." He contends that the Agency's discounting of the acknowledgement certificate "disregards the context in which these events occur and imposes an unreasonable burden on the petitioner."

We agree that, to meet this evidentiary standard, the Petitioner need not necessarily submit a copy of an invitation to judge others' work. But his evidence does not sufficiently demonstrate that he judged others' work in his or an allied field. The record does not explain the nature of the TV show for which he judged, its date, whom he evaluated, or on what basis. We appreciate that some supporting materials regarding his judging activities may be nonexistent or unavailable. But the Petitioner has not explained why he could not provide basic evidence or information regarding the TV show and the evaluated performers. *See Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *7 (E.D. Pa.

Sept. 18, 2023) ("Ultimately, if USCIS cannot identify who or what [a petitioner] judged, then the agency's denial was correct and should be affirmed.")

The Petitioner's evidence does not establish his judging of others' work in his or an allied field. We will therefore affirm SCOPS' finding on this evidentiary requirement.

3. Original Contributions of Major Significance

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

USCIS first determines whether a petitioner made original contributions in their field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 5. The Agency next considers whether the original contributions are of major significance to the field. *Id.*

The Petitioner submitted recommendation letters and copies of media articles, diplomas, certificates, and acknowledgments. He contends that these materials "collectively support the claim that [he] has made original contributions that have substantially influenced the music field in Tajikistan and beyond." He cites evidence of his participation in public cultural events, including performances at government-sponsored shows and international festivals that have received commendations from Tajikistan's ministry of culture and other government entities. He also states that his compositions "merge traditional Tajik melodies with modern musical techniques" and "have received widespread acclaim for their innovation and ability to resonate with diverse audiences." He claims that "[t]his originality in composition has elevated Tajik music and inspired other artists in the region."

The record, however, supports SCOPS' finding of insufficient evidence of the purported major significance of the Petitioner's contributions. Letters praise his vocal and song-writing abilities and state his general popularity and cooperation with state institutions. But his evidence does not adequately explain the claimed importance of his work to his field.

"Detailed letters from experts in the field explaining the nature and significance of the person's contribution may . . . provide valuable context for evaluating the claimed original contributions of major significance," 6 *USCIS Policy Manual* F.2(B)(1), Criterion 5. Here, however, the letters on behalf of the Petitioner are brief, vague, conclusory, and do not explain how his original work has significantly influenced his field. One letter from an official of Tajikistan's culture ministry describes the Petitioner's "contributions to the development of Tajik culture and the arts" as "invaluable." But the letter does not provide examples of such contributions or explain their purported worth. *See Soni v. United States*, No. 11-2431, 2016 WL 4154137, at *5 (D.N.J. Aug. 2, 2016) (discounting "[c]onclusory statements" about the value of a petitioner's contributions as insufficient).

The Petitioner has not submitted evidence that his original contributions to his field have major significance. We will therefore affirm SCOPS' finding regarding this evidentiary criterion.

4. Display of Work at Artistic Exhibitions or Showcases

To meet this requirement, a petitioner must submit "[e]vidence of the display of the alien's work in the field at artistic exhibitions or showcases." 8 C.F.R. § 204.5(h)(3)(vii).

USCIS first determines whether the displayed work constitutes a petitioner's work product. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 7. If so, the Agency then considers whether the venues – including virtual venues – that displayed the work were artistic exhibitions or showcases. *Id.* In this context, the term "exhibition" ordinarily means "a public showing (as of works of art, objects of manufacture, or athletic skill)." *Exhibition*, Merriam-Webster Online Dictionary, www.merriam-webster.com; *see generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 7.

SCOPS found that "the petitioner did not submit any specific evidence" to meet this evidentiary requirement. On appeal, the Petitioner contends that the record shows that his work "has been prominently featured in significant cultural and artistic events, which qualify as artistic exhibitions or showcases under the plain language of the criterion."

To the extent SCOPS found this criterion to limit qualifying evidence to the visual arts, we agree with the Petitioner that the regulation's plain language does not support the exclusion of performing arts. *See Kazarian*, 596 F.3d at 1121 (barring USCIS from imposing "novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5").

The Petitioner submitted copies of certificates and acknowledgements documenting his musical participation in cultural events and his performances at artistic "showcases," such as concerts, music award ceremonies, and TV programs. Thus, he satisfied this criterion by submitting evidence of his work's display at artistic showcases. We will therefore withdraw SCOPS' contrary finding.

5. Performance in a Leading or Critical Role

This criterion requires "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii).

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

Next, USCIS considers whether the organization, establishment, department, or division for which a petitioner holds or held a leading or critical role has a distinguished reputation. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 8. In this context, the word "distinguished" means "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Distinguished*, Merriam-Webster Online Dictionary, *supra*. Relevant factors include not only an organization's relative size

or longevity but also other information such as the scale of its customer base or relevant media coverage. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 8.

The Petitioner relied on the recommendation letters on his behalf and evidence supporting them. He stated that the letters show that "I play an important critical role in the development of my country's culture and art, in the promotion of common cultural values, and the discovery and development of young talents."

SCOPS found that the Petitioner's evidence documented neither his performance in a leading or critical role nor an organization's distinguished reputation. SCOPS stated: "The letters did not provide the detailed and probative information that specifically addresses how the [Petitioner]'s role for the organization or establishment was leading or critical."

On appeal, the Petitioner contends that the recommendation letters establish him "as a leading figure in shaping and executing key cultural programs" that have "lasting impacts on Tajikistan's cultural development and have garnered him international recognition." He states his "involvement in the planning and execution of high-profile cultural events" where "his performances were met with widespread acclaim" and received acknowledgements from Tajikistan government officials. He describes his role as "both hierarchical and functional, as indicated by the letters of recommendation and supporting evidence." He states that "[h]is responsibilities encompassed organizing and leading events, mentoring young talent, and executing performances that aligned with the strategic goals of the organizations."

The record, however, does not support the Petitioner's contentions. As previously indicated, a letter from an official of Tajikistan's culture ministry describes the Petitioner's "contributions to the development of Tajik culture and the arts" as "invaluable." The letter also states that he "demonstrates a strong sense of responsibility towards his work and community obligations" and "contributed to the preparation of concert programs." But the letter lacks details about his contributions and does not explain how he led an organization or significantly contributed to the outcome of its activities. *See Noroozi v. Napolitano*, 905 F. Supp. 2d 535, 544 (S.D.N.Y. 2012) ("These letters . . . simply do not describe, in any detail, how [the petitioner] performed in a 'leading or critical role.'")

A letter from the general director of a Tajikistani government concert tour states the Petitioner's cooperation with the organization and his participation as a "solo-vocalist" in state and international cultural events. The letter states: "He is distinguished among his colleagues by high professionalism, punctuality, [and] responsibility." Another letter from a television station states that the Petitioner has "worked closely with the state institutions." But these letters also lack sufficient details to explain how the Petitioner led an organization or significantly contributed to the outcome of its activities. *See Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *7 (E.D. Wis. Nov. 4, 2024) ("USCIS reasonably concluded that, as to the ultimate question, it cannot simply take an [organization]'s word for it that [a petitioner]'s role was leading or critical.")

"This is one criterion where letters from persons with personal knowledge of the significance of [a petitioner]'s leading or critical role can be particularly helpful to officers in making this determination." 6 *USCIS Policy Manual* F.2(B)(1), Criterion 8. But the letters must "contain detailed and probative information that specifically addresses how the person's role for the organization,

establishment, division, or department was leading or critical." *Id.* The letters on the Petitioner's behalf lack detailed and probative information explaining his leading or critical role for an organization. The letters neither state his responsibilities, establish his place within an organization, indicate an organization's goals, nor confirm his claimed "mentoring [of] young talent." The Petitioner therefore has not submitted evidence of his performance in a leading or critical role.

Also, the Petitioner describes the Tajikistan culture ministry and a media company that provided a recommendation letter for him as "distinguished organizations known for their contributions to the arts and media sectors in Tajikistan." But, as SCOPS found, the record lacks sufficient evidence that an organization for which the Petitioner performed a leading or critical role has a distinguished reputation. The record lacks evidence regarding organizations' activities, goals, hierarchies, sizes, longevity, or media coverage. The evidence therefore does not establish that any of the mentioned organizations have distinguished reputations. *See Soni*, 2016 WL 4154137 at *5 (stating that "a dearth of supporting evidence is an appropriate reason for USCIS to discount [a petitioner]'s conclusory statements").

The Petitioner did not provide evidence of his performance in a leading or critical role for organizations with distinguished reputations. We will therefore affirm SCOPS' finding regarding this evidentiary requirement.

6. Commercial Successes in the Performing Arts

To meet this requirement, a petitioner must submit "[e]vidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales." 8 C.F.R. § 204.5(x).

> [T]he 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. The evidence must show that the volume of sales and box office receipts reflect the person's commercial success relative to others involved in similar pursuits in the performing arts.

6 *USCIS Policy Manual* F.2(B)(1), Criterion 10.

The Petitioner contends that the record demonstrates his "significant achievements and recognition in his field, as evidenced by media coverage, [online] platform recognition, intellectual property protections, and sustained public acclaim."

As SCOPS found, however, "the evidence in the record did not meet the requirements for this criterion." This criterion specifically requires evidence of commercial successes "*as shown by box office receipts or record, cassette, compact disk, or video sales*." 8 C.F.R. § 204.5(x) (emphasis added). The Petitioner did not submit any evidence of such receipts or sales or compare them to those of other performing artists. *See Sarin v. United States*, No. 2:22-CV-07498-SVW-JS, 2023 WL 5667531, at *11 (C.D. Cal. July 27, 2023) ("'As shown by' in the regulatory language indicates that the subsequent list is not a list of examples, but is rather an exclusive list.") Nor did the Petitioner assert "comparable evidence" by showing that this criterion's standards do not "readily apply" to his

occupation. *See* 8 C.F.R. § 204.5(h)(4); *see generally* 6 *USCIS Policy Manual* F.2(B)(1), Comparable Evidence (" [I]f a petitioner demonstrates that a particular criterion does not readily apply to the person's occupation, the petitioner may submit evidence that is of comparable significance to that criterion.")

Contrary to the applicable regulation's plain language, the Petitioner did not submit evidence of "box office receipts or record, cassette, compact disk, or video sales" or assert "comparable evidence." Thus, he did not meet this evidentiary requirement. We will therefore affirm SCOPS' finding regarding this criterion.

C. Final Merits Determination

The Petitioner met two alternate evidentiary criteria. But he demonstrated neither his receipt of a major internationally recognized award nor satisfaction of the requisite minimum number of alternate evidentiary requirements. We therefore need not reach and hereby reserve consideration of his arguments regarding a final merits determination. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

III. CONCLUSION

The Petitioner did not meet the requested immigrant visa category's evidentiary criteria. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.