U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42444468

Date: MAY 15, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a business management researcher, 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 the Petitioner satisfied the initial evidentiary requirements for this classification but did not establish, as required, that he has sustained national or international acclaim and is among the small percentage at the very top of his field. 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,

(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 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). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate 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 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation.

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. 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). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. at 376.

II. ANALYSIS

The Petitioner is a business management researcher in Germany. In his personal statement, he explained that his plan in the United States is "to join a research university as a faculty member, where [he] will continue producing high-impact research and mentoring graduate students." He further stated that he plans "to establish research-based consulting and development initiatives to support organizations struggling with employee retention, diversity integration and talent development."

Because the Petitioner has not indicated or established that he received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner initially claimed six criteria relating to memberships, published materials, judging, contributions, scholarly articles, and leading or critical role. Without analysis, SCOPS determined the Petitioner satisfies four of the six criteria relating to published materials, judging, scholarly articles, and leading or critical role and discussed why the record does not establish memberships and contributions. SCOPS then proceeded to do a final merits determination and found insufficient evidence of sustained acclaim and recognized accomplishments to place the Petitioner among the small percentage at the very top. Upon de novo review, we conclude the record does not establish that the Petitioner meets the initial evidentiary requirement.[1]

[1] While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety.

A. Memberships

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) calls for "documentation of the alien's membership in associations in the field for which classification is sought." In addition, the association must require "outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." Once membership in a qualifying association has been established, we determine whether the association requires those at the alien's level of membership to have attained outstanding achievements in the field. *See generally 6 USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner claims eligibility for this criterion based on his membership with the scientific and organizing committees of international conferences. In response to the RFE, he asked that we consider these positions as comparable evidence. Under 8 C.F.R. § 204.5(h)(3)(4) if the standards of a criterion do not readily apply to an occupation, the petitioner may submit comparable evidence to establish eligibility. USCIS determines if the evidence is comparable. 6 *USCIS Policy Manual* F.(2)(B)(1). 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. *Id.* A general unsupported assertion that the listed evidentiary criterion does not readily apply to the petitioner's occupation is not probative. *Id.* USCIS considers comparable evidence if the petitioner shows that a criterion is not easily applicable to the person's job or profession. *Id.*

Here, the Petitioner does not explain that the standards of this criterion do not readily apply to his occupation. *See Javakhadze v. Mayorkas*, No. 3:21-CV-00617-E, 2023 WL 8037730, at *6 (N.D. Tex. Nov. 20, 2023) (finding plaintiff did not establish eligibility for comparable evidence because brief did not explain how or why the criterion did not apply to the plaintiff's occupation). General claims that USCIS should accept his membership with scientific and organizing committees as comparable evidence are not persuasive. *See* 6 *USCIS Policy Manual* F.(2)(B)(1).

For these reasons, the Petitioner does not demonstrate his membership with scientific and organizing committees qualify for the comparable evidence provision.

B. Published Materials

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." These materials must include "the title, date, and author of the material, and any necessary translation." *Id.* The published material should be about the alien and their work, rather than the alien's employer and its work (or about an organization and its work). Professional or major trade publications may be identified by their intended audience, while other major media and major trade publications should have elevated circulation or readership relative to other media in the field. *See generally 6 USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

In support, the Petitioner submitted four articles. Two of the articles, published in [redacted] and [redacted] do not include the required authors' names. *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 evidence did not include the required title, date, or author). Moreover, the article published in [redacted] is not about the Petitioner. Rather, the article reports on talent management in which the Petitioner has conducted studies in the field. Although the article quotes the Petitioner in response to a discussion on talent management, the article does not concern the Petitioner. *See Joseph v. Dir. of Texas Serv. Ctr., United States Citizenship & Immigr. Servs.*, No. 4:22-CV-00973-SDJ-AGD, 2024 WL 1299065, at *5 (E.D. Tex. Mar. 12, 2024), *report and recommendation adopted*, No. 4:22-CV-00973-SDJ-AGD, 2024 WL 1289452 (E.D. Tex. Mar. 26, 2024), *aff'd*, No. 24-40249, 2025 WL 458001 (5th Cir. Feb. 11, 2025) (upholding material only citing, quoting, or referencing the petitioner is not published material about him). Furthermore, while the article published in [redacted] is about the Petitioner and his work, the Petitioner has not demonstrated that the publication rises to the level of major media. The record includes a screenshot from *SimilarWeb*,[2] which shows "Traffic & Engagement" information for 1news and it listed "Total visits" at "406,439." In addition, the Petitioner submitted a printout from 1news media kit that shows "Unique visitors" at "526K" monthly and "Number of views" at "4.1M" monthly. The record also includes a printout from All You Can Read website that lists 1news at number 12. The Petitioner, however, does not establish the significance of these statistics and rankings, showing that the publications represent major trade publications or other major media. *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).

The Petitioner referenced an unpublished AAO decision, in response to SCOPS' request for evidence (RFE), and stated that it is consistent with the assertion that the "audience metrics such as monthly unique visitors are widely recognized across media and publishing industries as valid indicators of a platform's reach and prominence" and that "website traffic serves a similar evidentiary function to traditional print circulation." The Petitioner furnishes no evidence and makes no assertion that the facts in this decision are analogous to the instant petition. Regardless, even if the facts of the case were analogous to those in this matter, it is an unpublished decision and, as such, would not be binding on us. While 8 C.F.R. § 103.3(c) provides that our precedent decisions are binding on all USCIS employees in the administration of the Act, unpublished decisions are not similarly binding.

We therefore withdraw SCOPS' finding that the Petitioner satisfied this criterion.

C. Contributions

The regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." A petitioner may show that their contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. *See Visinscaia*, 4 F. Supp. 3d at 134-35. Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and

[2] Portions of the *SimilarWeb* screenshot are fuzzy and illegible.

- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 USCIS Policy Manual F.2(B)(1).

The Petitioner contends that he "made an original and field-shaping contribution to business management by creating an integrative framework that connects academic research with organizational performance and societal impact." In support, the Petitioner submitted his publication and citation record from Google Scholar, which shows that he has received 117 citations. However, this evidence does not show that the impact of his work on the overall field of business management rises to the level of an original contribution of major significance. The fact that the Petitioner has published articles that other researchers have referenced is not, by itself, indicative of a contribution of major significance. Publications are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "major significance." Rather, the appropriate analysis is to determine whether a petitioner has shown that his findings, factoring in citations and other corroborating evidence, have been considered important at a level consistent with original contributions of major significance in the field.

The record also contains articles discussing talent management and its importance in organizations. But the Petitioner does not demonstrate how the documentation represents original contribution of major significance in the field. In addition, the record includes support letters from professionals in the field. However, the letters do not explain how the Petitioner's work has been widely implemented in the field or establish that the Petitioner's work has had a demonstrable impact on the field as a whole commensurate with an original contribution of major significance. For instance, S-T- states that the Petitioner's "work on talent management has made significant contributions to the existing literature by thoroughly examining this area" and his "studies provide scientific and methodological solutions to challenges faced in this dynamic field, aiding businesses in achieving their sustainable growth objectives." But S-T- does not supplement his letter with specific examples showing how the Petitioner impacted the field in a significant way. Further, M-S-D- and A-E- recount the Petitioner's research and findings, indicate his publications in journals, and point to the citations of his work by others but does not describe how the Petitioner has significantly influenced the field of business management. Moreover, we have already noted that the Petitioner's publication and citation record is not indicative of a contribution of major significance.

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, particularly when the record includes documentation corroborating the claimed significance. *Id.* Submitted letters should specifically describe the person's contribution and its significance to the field and should also set forth the basis of the writer's knowledge and expertise. *Id.* In this case, the letters lack specific, detailed information explaining how the Petitioner has made original contributions of major significance in the field. USCIS need not accept primarily conclusory statements. *1756, Inc. v. The US. Att'y Gen.*, 745 F. Supp. 9, 15 (D.C. Dist. 1990).

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown that he has made original contributions of major significance in the field.

D. Role

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for "evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." The role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. Evidence of a leading role should show that the alien was a leader for the claimed component, and a job title with matching duties may help to establish that a role was leading. For a critical role, evidence should show that the 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. In determining whether the organization or establishment, or a department or division thereof, has a distinguished reputation, relevant factors include its size, longevity, scale of its customer base, and relevant media coverage. *See generally 6 USCIS Policy Manual* F.2(B)(1).

The Petitioner claims eligibility for this criterion based on his leading and critical roles with [redacted] The Petitioner provided two letters from the Former Vice Rector of [redacted] The letters state that the Petitioner served as the Director of the Vocational School from 2011 to 2013 where he "managed both the academic and administrative dimensions of the school demonstrating exceptional leadership during its critical initial stages." The letters also state the Petitioner was an active member of the [redacted] where he "played a key role" in establishing a master's program to train Kurdish language teachers and obtaining a joint doctoral program agreement with [redacted] in France. In addition, the letters explain that the Petitioner "led significant initiatives to modernize the institution's communication system" and he managed the social integration project for socially disadvantage youth. However, the record does not include corroborative evidence to support these claims. For instance, while the Petitioner provided evidence that he was the project coordinator for the social integration project, he does not submit evidence to establish he was the Director of the Vocational School or a [redacted] member of [redacted] We acknowledge the Social Security Institution records, but documentation does not list the Petitioner's role(s) at the university. And the article about [redacted] and [redacted] submitted in response to the RFE, does not mention the Petitioner.

This regulatory criterion also requires the organization or establishment, or the department or division for which the person holds or held a leading or critical role, to have a distinguished reputation. *Id.* Meriam-Webster's online dictionary defines "distinguished" as "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Id.* The Petitioner provided screenshots from [redacted] website reflecting its history, as well as printouts from [redacted] www.timeshighereducation.com, and www.edurank.org showing [redacted] rankings. However, the Petitioner does not explain or show how [redacted] rankings garner it a distinguished reputation. Notably, the documents show the university is ranked [redacted] In Turkey."

Without more, the Petitioner has not established by a preponderance of the evidence that he meets the requirements of this criterion, and we therefore withdraw SCOPS' finding that the Petitioner satisfied this criterion.

III. CONCLUSION

The Petitioner claimed to satisfy six of the ten initial evidence requirements under 8 C.F.R. § 204.5(h)(3). However, we conclude that the Petitioner did not satisfy four of the six criteria. Because the Petitioner has not satisfied the threshold initial evidence requirements at 8 C.F.R. § 204.5(h)(3), we need not determine whether the Petitioner 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. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, -- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *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).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability.

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 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.