U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 37966937

Date: MAY 21, 2025

Appeal of Service Center Operations (SCOPS) Decision

Form I-129, Petition for a Nonimmigrant Worker (Extraordinary Ability – O)

The Petitioner, an archaeology business, seeks to classify the Beneficiary as an archaeologist of extraordinary ability. This O-1 nonimmigrant visa classification is available to individuals with extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i).

Service Center Operations (SCOPS) denied the petition because the Petitioner did not satisfy the consultation requirement, and the Petitioner did not demonstrate the Beneficiary met the initial evidentiary criteria applicable to individuals of extraordinary ability: either receipt of a major, internationally recognized award or at least three of eight possible forms of documentation. 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.

As relevant here, the regulation at 8 C.F.R. § 214.2(o)(2)(ii)(D) requires written advisory opinions from the appropriate consulting entities. Peer group means a group or organization which is comprised of practitioners of the alien's occupation. 8 C.F.R. § 214.2(o)(3)(ii). Consultation with an appropriate U.S. peer group (which could include a person or persons with expertise in the field), labor, and/or management organization regarding the nature of the work to be done and the alien's qualifications is mandatory before a petition for an O-1 or O-2 classification can be approved. 8 C.F.R. § 214.2(o)(5)(i)(A). Evidence of a consultation shall be in the form of a written advisory opinion from a peer group (which could include a person or persons with expertise in the field), labor, and/or management organization with expertise in the specific field involved. 8 C.F.R. § 214.2(o)(5)(i)(B). The petitioner shall obtain a written advisory opinion from a peer group (which could include a person or persons with expertise in the field), labor, and/or management organization with expertise in the specific field involved, and the advisory opinion shall be submitted when the petition is filed. 8 C.F.R. § 214.2(o)(5)(i)(C). Written evidence of consultation shall be included in the record in every approved O petition. 8 C.F.R. § 214.2(o)(5)(i)(D). Consultation with a peer group in the area of the alien's

ability (which may include a labor organization), or a person or persons with expertise in the area of the alien's ability, is required in an O-1 petition for an alien of extraordinary ability, and a consulting organization may also submit a letter of no objection in lieu of the above if it has no objection to the approval of the petition. 8 C.F.R. § 214.2(o)(5)(ii)(A).

At initial filing, the Petitioner did not provide the required consultation or written advisory opinion for the Beneficiary. SCOPS advised the Petitioner of this deficiency in a request for evidence. Specifically, SCOPS stated:

> You indicated that no appropriate peer group/labor organization exists for the field of archaeology. Please note, a U.S. peer group may include a person or persons with expertise in archaeology in U.S. In support of this requirement, you provided multiple letters from individuals in Turkey. As an initial matter, only advisory opinions from experts in the U.S. may qualify as a U.S. peer group. The letters appear to indicate that the writers are not U.S. experts, thus they do not qualify as U.S. peer group. This requirement has not been met.

In response, the Petitioner indicated:

> . . . [W]e have procured a no objection letter from Federation of Turkish American Associations [FTAA].
>
> [FTAA] is the largest Turkish-American umbrella non-profit organization in the United States, founded in 1956. [FTAA] possesses extensive experience and insight in fields integrating both business practices and cultural heritage preservation, and it maintains a robust professional network. This aligns with the provision that permits consulting organizations to issue a letter of no objection when there is no objection to the approval of the petition.

In denying the petition, SCOPS determined that "[y]ou have not established that [FTAA] is in the field of archaeology," and "[y]ou have not established that [FTAA] is a person with expertise in the field of archaeology."

On appeal, the Petitioner argues:

> [FTAA], despite its primary mission of unifying Turkish-American communities, has demonstrated considerable involvement in initiatives that bridge cultural and commercial spheres. Their extensive experience in these areas, coupled with a longstanding reputation as the largest Turkish-American umbrellas non-profit organization since 1956, substantiates their capacity to evaluate and affirm [the Beneficiary's] qualifications in her field. It is both impractical and unjust to limit the definition of "expertise in archaeology" solely to academic institutions or narrowly defined labor organizations, especially when the Beneficiary's professional activities and achievements clearly straddle the realms of both archaeology and business. The regulatory framework under 8 CFR 214.2(o)(5) does not preclude consideration of peer group input from organizations that evaluate the Beneficiary's overall contributions in

her field. In light of her demonstratable business success and leadership—evidenced by the establishment of her U.S.—based company—the consultation letter should have been given full weight in the evaluation process.

The regulation at 8 C.F.R. § 214.2(o) consistently requires "appropriate consulting entities" (8 C.F.R. § 214.2(o)(2)(ii)(D)), "comprised of practitioners of the alien's occupation" (8 C.F.R. § 214.2(o)(3)(ii)), "appropriate U.S. peer group" and "a person or persons with expertise in the field" (8 C.F.R. § 214.2(o)(5)(i)(A)), "a person or persons with expertise in the field" and "with expertise in the specific field involved" (8 C.F.R. § 214.2(o)(5)(i)(B)), "a person or persons with expertise in the field" and "with expertise in the specific field involved" (8 C.F.R. § 214.2(o)(5)(i)(C)), and "area of the alien's ability" and "a person or persons with expertise in the area of the alien's ability" (8 C.F.R. § 214.2(o)(5)(ii)(A)).[1]

Thus, the Petitioner must submit an appropriate consultation from a person or persons with expertise in the Beneficiary's field; in this case, expertise in archaeology or even archaeology business. Here, the Petitioner did not establish that the letter from G-A-, president of FTAA, qualifies as a person with expertise in the field of archaeology or archaeology business. As pointed out by SCOPS, FTAA "is the largest Turkish-American umbrella non-profit organization in the United States, since 1956" and "[o]ur Federation represents nearly all of Turkish communities in the Northeastern United States Tri-State area, since its formation have been a strong advocate in bringing Turkish-American communities together and have always played a role for security, prosperity and freedom." Although the letter claims that FTAA "possesses extensive experience and a deep understanding of interdisciplinary fields that encompass both business sector and cultural heritage," the letter does not show G-A- or FTAA possesses expertise in the Beneficiary's ability – archaeology or archaeology business.

Because the Petitioner did not provide an appropriate consultation from a person with expertise in the Beneficiary's field of archaeology or archaeology business, the Petitioner did not demonstrate that SCOPS erred as a matter of law or policy. Accordingly, the Petitioner has not shown eligibility for the consulting requirements under 8 C.F.R. § 214.2(o). Therefore, we need not determine whether the Beneficiary satisfies the requirements as an alien of extraordinary ability, and we reserve those issues.[2] The appeal will be dismissed for the above-stated reasons, with each considered as an independent and alternate basis for the decision.

**ORDER:** The appeal is dismissed.

[1] *See also generally* 2 *USCIS Policy Manual*, M.7(B)(4), https://www.uscis.gov/policymanual (instructing that the petitioner must provide a consultation in the form of an advisory opinion from a U.S. "peer group" in the area of the beneficiary's ability (which may include a labor organization) or a person or persons with expertise in the area of the beneficiary's ability).

[2] *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).