U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42074978

Date: MAY 26, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a regulatory affairs manager, seeks classification as an individual of extraordinary ability in business. *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 aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. *Id*.

USCIS denied the petition, concluding that, although the record satisfies at least three of the 10 initial evidentiary criteria, it does not show sustained national or international acclaim and demonstrate that the Petitioner is among the small percentage at the very top of the field of endeavor. 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) 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 a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of their 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 they must provide sufficient qualifying documentation that meets at least three of the 10 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 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).

II. ANALYSIS

As an initial matter, the record contains many documents written in a language other than English, accompanied by English translations and translators' certifications; however, many of the certifications, from Expertness Translations, contain identical, generic statements that undermine their veracity. For example, many Expertness Translations certifications in the record state, "the following is a true and accurate complete translation of the document attached entitled: 'News Article'" or "'Book Article'" despite the attached documents bearing distinct titles other than "News Article" or "Book Article."[1] Thus, many of the certifications do not clearly identify any particular document they purport to establish have been truly, accurately, and completely translated. "Petitioners and applicants for immigration benefits are required by regulation to provide certified English translations of any foreign language documents they submit." *Matter of Nevarez*, 15 I&N Dec. 550, 551 (BIA 1976) (citing 8 C.F.R. § 103.2(b), now promulgated at 8 C.F.R. § 103.2(b)(3) (requiring that any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation, which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English)). Without specifically identifying the document(s) they are validating, the certifications in question cannot be regarded to be certifying any specific document. The final determination of whether evidence meets the plain language requirements of a regulation lies with USCIS. *See Matter of Caron Int'l*, 19 I&N Dec. 791, 795 (Comm'r 1988) (finding that the appropriate entity to determine eligibility is USCIS). Consequently, any foreign language document containing deficiencies in translation or based on a generalized certification of translation is not probative evidence and cannot serve to corroborate the Petitioner's claims.

The Petitioner indicates that he plans "to continue his work in the area of financial market strategy and regulatory innovation upon admission to the United States." As noted above, USCIS concluded the record satisfies at least three of the 10 initial evidentiary criteria listed at 8 C.F.R. §§ 204.5(h)(3)(i)-(x). However, USCIS determined that the record does not show sustained[2] national or international

[1] In contrast, other certifications in the record from Expertness Translations identify the specific titles of the corresponding documents translated from a language other than English.

[2] Black's Law Dictionary defines "sustain" as "to support or maintain, especially over a long period of time" or "to persist in making (an effort) over a long period of time." *Sustain*, Black's Law Dictionary (11th ed. 2019).

acclaim, nor does it demonstrate that the Petitioner is among the small percentage at the very top of the field of endeavor. *See Kazarian*, 596 F.3d at 1119-20 (citing section 203(b)(1)(A) of the Act; 8 C.F.R. §§ 204.5(h)(2)-(3)). On appeal, the Petitioner reasserts that the record satisfies at least three of the initial evidentiary criteria, that it shows he has sustained acclaim, and that it demonstrates he is among the small percentage at the very top of the field of endeavor. For the reasons discussed below, we disagree.[3]

Generally, evidence in this case pertaining to the respective evidentiary criteria is limited to few instances or occurred shortly before the Petitioner, who began his career in 2001, filed the Form I-140, Immigrant Petition for Alien Workers, in 2025. For example, the Petitioner discusses his income between 2021-24; four publications he authored or co-authored dated 2019, 2023-25; his roles in regulatory organizations since 2021; and his participation as a judge of the work of others between 2019-21, in addition to examining the defense of a single academic thesis in 2009. He also states that he spoke at various conferences and events since 2019; however, the record does not establish that he actually attended the events, nor does it show the substance of speeches he may have given at these events.[4]

The record does not establish that the Petitioner acquired any level of national or international acclaim based on his recent income, authorship of a small number of publications, regulatory roles, judgment of the work of others, or claimed event speaking. For example, although the Petitioner asserts that one of his publications accrued 18 citations, the record does not demonstrate how 18 citations regarding financial regulation is meaningful among other financial regulation publications, in order to reflect any degree of national or international acclaim. Even to the extent that receiving 18 citations may be meaningful, the record does not establish how many of those were generally favorable or critical of the information in the Petitioner's publications, or the significance of the citations. Nor has he shown that four publications over six years is consistent with a career of acclaimed work and sustained national or international acclaim.[5] As another example, despite the Petitioner claiming that his income shortly before he filed the Form I-140 indicates he has extraordinary ability in business,

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[3] The Petitioner also claims on appeal that USCIS erred by ignoring evidence pertaining to membership in associations in the field, participation as a judge of the work of others, and salary or other remuneration. However, USCIS nevertheless concluded that the Petitioner satisfied at least three of the 10 initial evidentiary criteria listed at 8 C.F.R. §§ 204.5(h)(3)(i)-(x) and, more specifically, USCIS determined that the Petitioner participated as a judge of the work of others. In turn, USCIS specifically addressed evidence the Petitioner asserts it ignored regarding ostensible membership in associations in the field and national wage comparisons. Considering the totality of USCIS' decision, these claimed errors were, at most, harmless. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless or scrivener's errors). Moreover, as a general matter, USCIS need not write an exhaustive description of every item in the record, provided that it explains the basis for its decision. *See, e.g., Medtronic, Inc. v. Daig Corp.*, 789 F.2d 903, 906 (Fed. Cir. 1986) ("We presume that a fact finder reviews all the evidence presented unless [the fact finder] explicitly expresses otherwise.").

[4] Similarly, although the Petitioner asserts he spoke at an event in 2011, evidence in the record regarding that event states that it was merely "attended by" him, whereas that same evidence specifically informs that others were invited as guest speakers. The omission of a reference to the Petitioner as a guest speaker when other attendees were specifically identified as such does not support a conclusion that the Petitioner's claim of appearing as a speaker at the event is more likely than not true. *See Matter of Chawathe*, 25 I&N Dec. at 376 (requiring petitioners to establish claims are more likely than not true).

[5] *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (S.D.N.Y. Jan. 5, 2024).

the record does not establish how he may have acquired national or international acclaim by virtue of it.

We note that, although the Petitioner also relies on two claimed awards, the record does not establish the date(s) on which he received them or their significance. We note that one award is a plaque from his colleagues, thanking him for the work he performed for more than a decade and the other is a letter from the Chief Information Officer of [redacted], announcing "the award to our collaborator in recognition of his notable contribution to the [*sic*] participation and implementation of the new [s]ystem of electronic stock trading." Notably lacking is any evidence to establish what acclaim, if any, he garnered for receiving these awards.

We acknowledge that the Petitioner addresses his career working for Brazilian stock exchanges and a financial regulatory entity, respectively, since 2001, and he provides selective excerpts from published material that identify him and relate to his work sporadically over an approximately 20-year period.[6] However, as noted above, many of the purported translations of this published material bear deficient certifications and, thus, the corresponding publications cannot establish eligibility. *See* 8 C.F.R. § 103.2(b)(3); *see also Matter of Nevarez*, 15 I&N Dec. at 551. Further, the selective and partial nature of the published material merely confirms the Petitioner's professional position and briefly quotes him, without establishing any particular acclaim, whether national or international, he may have received either as a result of his position at the time or by virtue of being covered in media. Letters of recommendation the Petitioner submitted similarly characterize the publications as "naturally focus[ing] on the institution" for which the Petitioner worked rather than focusing on him, without conveying national or international acclaim he may have garnered. Thus, although the record establishes the Petitioner's career and—with less probative quality—that he received sporadic media coverage over a period of time, it does not establish that he has sustained national or international acclaim.

When considering the totality of the Petitioner's evidence, we cannot conclude that he has shown sustained national or international acclaim, that he is among 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. Therefore, the Petitioner is not eligible for the requested classification. *See Kazarian*, 596 F.3d at 1119-20 (citing section 203(b)(1)(A) of the Act; 8 C.F.R. §§ 204.5(h)(2)-(3)).

III. CONCLUSION

The evidence meets at least three of the 10 criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x). However, the totality of the record does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought. *See Kazarian*, 596 F.3d at 1119-20. USCIS has

[6] We note that, aside from the prevailing translation certification issue addressed above, many of the publications in the record about the Petitioner do not clearly identify the individual who authored them, as required by the plain language of 8 C.F.R. § 204.5(h)(3)(iii). The identity of the individual(s) who authored such publications is material because even seemingly objective material for which the person or the person's employer paid generally are considered marketing material, not considered published material about that person. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. Without establishing the identity of the individual who wrote the material, as required, such publications cannot be considered as qualifying published material about the Petitioner, regardless of whether it is in otherwise qualifying professional or major trade publications or other major media. *See generally id.*

long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). The Petitioner has not shown that the significance of his work is indicative of the required 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. The record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field and that he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act; *see also* 8 C.F.R. § 204.5(h)(2).

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.