U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37781376

Date: MAY 28, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an embossing artist, 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 did not satisfy at least three, as required, of the initial evidentiary criteria. 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). *See also Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 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"). 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 achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or 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 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).

II. ANALYSIS

Because the Petitioner has not claimed or established his receipt of a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria under 8 C.F.R. § 204.5(3)(i)-(x). The Director determined the Petitioner met only two (judging under 8 C.F.R. § 204.5(h)(3)(iv) and display under 8 C.F.R. § 204.5(h)(3)(vii)) of the seven claimed evidentiary criteria. On appeal, the Petitioner maintains his qualification for four additional criteria.[1]

In addition, the Petitioner offers new evidence on appeal. Because the Petitioner was put on notice and given a reasonable opportunity to provide this evidence, we will not consider it for the first time on appeal. *See Matter of Furtado*, 28 I&N Dec. 794, 801-02 (BIA 2024) (declining to consider new evidence on appeal when the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it) (citing *Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988)); *see also* 8 C.F.R. § 103.2(b)(11) (requiring that in response to a request for evidence or notice of intent to deny, all evidence must be submitted together at one time and that submitting only some of the required evidence will be considered a request for a decision on the record).

A. Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) requires "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." USCIS determines whether the award is a lesser nationally or internationally recognized prize or award

[1] Any ground of ineligibility that is not raised on appeal is waived. *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)).

which the person received for excellence in the field of endeavor.[2] Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to: the criteria used to grant the awards or prizes, the national or international significance of the awards or prizes in the field, the number of awardees or prize recipients, and limitations on competitors.[3]

The Petitioner specifically points to an [redacted] Uzbekistan, 2022."[4] In addition, the Petitioner references a letter from J-M-, general director of the Association of People's Republic of Uzbekistan, who stated that the Petitioner participated at [redacted] where he "presented unique examples of work demonstrating the complexity and beauty of the art of embossing" and "[t]his event contributes to the international recognition of Uzbek crafts and their importance on the world stage." Furthermore, the Petitioner asserts that "the festival's name is self-explanatory and underlined that his was an international event" and "the high level of the festival is proved by the fact that its organizers are the highest authorities in the country."

The letter, however, discusses the festival rather than evidence of the award's national or international recognition for excellence in the field. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) (finding evidence about the festival itself does not describe the criteria for the award or speaks to the award's recognition). Similarly, the Petitioner's unsupported assertions relate to the festival without any reference to the award or its national or international recognition for excellence. *See, e.g., Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998) ("statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight").

Because the Petitioner did not demonstrate that an [redacted] award represents a nationally or internationally award for excellence in the field, he did not establish that he satisfies this criterion.

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. Such evidence shall include the title, date, and author of the material, and any necessary translation."[5] The Petitioner claims eligibility for this criterion based on articles published in [redacted]

Regarding [redacted], the Petitioner initially submitted an October 20, 2021 article that did not contain the title or author; and therefore, did not comply with the regulatory requirement. *See Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *4 (D. Neb. Mar. 10, 2025) (upholding petitioner did not provide sufficient evidence of the required title, date, and author of the material). In response

[2] *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.
[3] *Id.*
[4] The Petitioner also broadly claims that he "provided several Certificates and Diplomas" without specifying the particular prizes or awards. *See Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (declining to address a "passing reference" to an argument in a brief that did not provide legal support). Regardless, although the record contains various certificates, the Petitioner did not support the record showing the national or international recognition for excellence in the field.
[5] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

to the request for evidence, the Petitioner offered a December 24, 2018 article reflecting published material about the Petitioner relating to his work and the required title and author. However, the Petitioner did not demonstrate that [redacted] represents a professional or major trade publication or other major medium.[6]

The Petitioner offered "About Us" screenshots from [redacted] regarding the "online edition." However, the Petitioner did not present evidence showing the article was also posted on the publication's website. *See Victorov v. Barr*, No. CV 19-6948-GW-JPRX, 2020 WL 3213788, at *8 (C.D. Cal. Apr. 9, 2020) (upholding that the submitted evidence should concern the appropriate publication source). Regardless, the Petitioner did not show how background information about the website demonstrates the printed publication's professional or major standing. *Id.* (upholding self-promotional material from the website was not especially reliable evidence).

In addition, the Petitioner provided a screenshot from *Wikipedia* claiming a circulation of 60,000 printed copies. However, as there are no assurances about the reliability of the content from this open, user-edited internet site, we afford it little weight. *See Matter of L-A-C-*, 26 I&N Dec. 516, 526-27 (BIA 2015) (noting that "Wikipedia articles lack indicia of reliability and warrant very little probative weight in immigration proceedings"); *see also Badasa v. Mukasey*, 540 F.3d 909, 910 (8th Cir. 2008). Regardless, the Petitioner did not demonstrate the significance or relevance of a 60,000 circulation figure for a publication in Uzbekistan to show its major status. *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).

Finally, the Petitioner presented a screenshot from [redacted] listing [redacted] as a newspaper in Uzbekistan and including features, such as authors, publisher, genre, and ISSN. However, the Petitioner did not establish how the information reflects the professional or major standing of the newspaper. *See 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 the plaintiff did not submit sufficient evidence to establish the material qualified as professional or major trade publications or other major media).

As it relates to [redacted] the Petitioner did not include the required title of the material. *See Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. CV RDB-23-2251, 2024 WL 1374794 at *5 (upholding plaintiff's evidence did not include the required title, date, or author). In addition, the information section for the publication indicates a circulation of 1,570. Again, the Petitioner did not demonstrate that such a circulation figure represents a major publication in Uzbekistan. *See Noroozi v. Napolitano*, 905 F. Supp. 2d 535, 545 (S.D.N.Y. 2012) (pointing out the petitioner "did nothing to establish that the publications in which these articles appeared had the requisite level of circulation").

For the reasons discussed above, the Petitioner did not show that he fulfills this criterion.

[6] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that in evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership (for major trade publications and other major media)).

C. Original Contributions

The regulation at 8 C.F.R. § 204.5(h)(3)(v) requires "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." Analysis under this criterion focuses on whether the person's original work constitutes major, significant contributions in the field.[7]

The Petitioner references his submission of letters and specifically points to letters from D-O-A- and A-A-M-. For instance, the Petitioner's "excellent sense of taste and artistic flair is his genius, which allowed him to create such works" (D-O-A-), and he "was able to achieve an unusual and attractive visual effect of creating an interplay decorations of his handmade plates and cups" (A-A-M-).[8] The letters, however, do not show original contributions of major significance in the field. Instead, the letters praise the Petitioner's talents or indicate various works without further elaborating and explaining how those talents or works constitute original contributions of major significance. *See Skokos v. United States Dep't of Homeland Sec.*, No. 209CV00193RLHPAL, 2010 WL 11538054, at *4 (D. Nev. Jan. 13, 2010), *aff'd sub nom. Skokos v. U.S. Dep't of Homeland Sec.*, 420 F. App'x 712 (9th Cir. 2011) (holding that while a skilled professional in the field, there was no evidence to suggest the plaintiff's professional contributions are original or that they have been of major significance); *see also Victorov v. Barr*, No. CV-19-6948-GW-JPRX, 2020 WL 3213788, at *9 (upholding that while support letters praising the plaintiff's style of play may be sufficient to satisfy the originality requirements, they did not demonstrate that his contributions were of major significance in the field); *Gangasani v. Wilkinson*, No. CV H-20-2124, 2022 WL 2047374 (S.D. Tex. June 6, 2022) (upholding testimonial letters focused on his skills rather than his impact in the field as a whole).

Detailed letters from experts in the field explaining the nature and significance of the person's contribution may also provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.[9] Submitted letters should specifically describe the person's contribution and its significance in the field and should set forth the basis of the writer's knowledge and expertise.[10] In this case, the letters lack specific, detailed information explaining how the Petitioner's work caused original contributions of major significance in the field. *See Visinscaia v. Beers,* 4 F. Supp. 3d at 135 (upholding reference letters' lack of specifics did not show major significance of contributions).

Accordingly, the Petitioner did not establish that he satisfies this criterion.

[7] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[8] Although we cite to letters specifically indicated by the Petitioner, we have reviewed the other letters contained in the record, which do not reflect detailed information establishing his original contributions of major significance in the field.
[9] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[10] *Id.*

D. Leading or Critical Roles

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) requires "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation."[11] The Petitioner argues that he "plays a critical role in in [sic] the Association of the handicraftsmen of the republic of Uzbekistan [redacted]."[12] He references a letter from M-J- who indicated the Petitioner's participation in four exhibitions and claimed that his "continuous participation in such significant events testifies to the recognition of [his] professional achievements and contribution to the development of art and culture." Further, the Petitioner points to a letter from A-M- confirming the Petitioner's membership with [redacted] and "he was promoted many times by international festivals and celebrations." Moreover, the Petitioner indicates his submission of documentation acknowledging his participation at festivals.

For a critical role, officers look at whether the evidence establishes that the person 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.[13] Here, the letters do not contain detailed, specific information evidencing the Petitioner's critical role. Instead, the letters make broad statements without further elaborating and explaining how the Petitioner performed in a critical role. Although the letters and certificates acknowledge the Petitioner's participation at festivals, they do not reflect that such participation resulted in the success or standing of [redacted]. The letters, for example, do not describe how the Petitioner was responsible for [redacted] accomplishments or achievements in the field. *See Goncharov v. Allen*, No. 3:21-CV-1372-B, 2022 WL 17327304, at *6 (N.D. Tex. Nov. 29, 2022) (upholding petitioner's letters did not show his role was critical to the success of the organization).

In addition, USCIS determines whether the organization or establishment, or the department or division for which the person holds or held a leading or critical role, has a distinguished reputation.[14] *Webster's* online dictionary defines "distinguished" as "marked by eminence, distinction, or excellence" or "befitting an eminent person."[15] Here, the Petitioner did not show that [redacted] has a distinguished reputation. The Petitioner references a screenshot from the [redacted] that lists [redacted] as a non-profit and non-governmental public organization and indicates that the main purpose "is to preserve the centuries-old folk art traditions, promote development of rich and diverse arts and applied arts of Uzbekistan." However, the Petitioner did not establish how this shows that [redacted] has distinguished itself or otherwise enjoys an eminent reputation.

For these reasons, the Petitioner did not demonstrate that he meets this criterion.

[11] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[12] The Petitioner does not argue that he performs in a leading role.
[13] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[14] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[15] *Id.*

III. CONCLUSION

The Petitioner did not establish eligibility for any of the categories of evidence discussed above. Because the Petitioner cannot fulfill the initial evidentiary requirement of at least three under 8 C.F.R. § 204.5(h)(3), we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Accordingly, we reserve this issue.[16]

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[17] 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. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (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 at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087 at *1 (stating that EB-1 visa are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). 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. *See* 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).

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

[16] *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).

[17] *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).