U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40124613

Date: NOV. 24, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks classification as an individual of extraordinary ability. Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference (EB- 1) 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 that although the Petitioner satisfied at least three of the initial evidentiary criteria, as required, he did not show his sustained national or international acclaim and demonstrate he 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

An alien is eligible for the extraordinary ability classification if he or she has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and their achievements have been recognized in the field through extensive documentation; he or she seeks to enter the United States to continue work in the area of extraordinary ability; and his or her entry into the United States will substantially benefit prospectively the United States. Section 203(b)(1)(A) of the Act.

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 regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, an alien can demonstrate a one-time achievement (that is, a major, internationally recognized award). If the alien 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit

comparable material if they can 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 an alien 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 alien 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 Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step analysis of extraordinary ability "consistent with the governing statute and regulation"); *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

The Petitioner is the founder and chief executive officer (CEO) of [redacted], a U.S. based corporation. The Petitioner intends to continue as [redacted] CEO/general manager and plant planning/process engineer and claims eligibility for this classification based on extraordinary ability in business as a CEO. The Petitioner's experience and education includes a bachelor's degree in mechanical engineering from a foreign university, a master's degree in finance from a foreign university, and over twenty years' experience in the composite wood manufacturing sector.

Because the Petitioner does not claim to have a one-time achievement, he must provide evidence meeting at least three of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS concluded that the Petitioner provided sufficient evidence to establish six of the ten criteria the Petitioner claimed but in the final merit's determination, SCOPS determined he did not establish that he is one of that small percentage who have risen to the top of the field of endeavor or that his achievements set him significantly above all others in the field at a national or international level or that he has sustained acclaim in his field.

On appeal, the Petitioner asserts that SCOPS erred in their final merits' determination by applying an incorrect legal standard, erroneous facts and by failing to consider the evidence in its totality. The Petitioner further reasserts he meets the standard for EB-1 classification because he is one of that small percentage of CEOs who has risen to the top of his field and has sustained and maintained national or international acclaim within his field. He also asserts that his entry to the United States substantially benefits the United States.

Upon de novo review, while we agree with SCOPS' determination that the Petitioner met the criterion for published material, we disagree with and withdraw, for the following reasons, SCOPS' determinations on the other five criteria. However, we affirm SCOPS' final merits determination.

A. Analysis of evidentiary criteria found at 8 C.F.R. § 204.5(h)(3)

In evaluating evidence submitted under 8 C.F.R. § 204.5(h)(3), USCIS' first step of evidentiary review is limited to determining whether the evidence submitted with a petition meets the plain language of

the regulatory criteria. In doing so, we consider the quality and caliber of the evidence to determine whether a particular criterion has been met, to the extent the criterion has qualitative elements. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. While some criteria do not have such qualitative elements, we are nevertheless bound by the plain language of the regulations in evaluating whether the evidence before us satisfies all requirements.

> *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).*

In order for USCIS to properly consider the evidence under this criterion, a petitioner may include information about the criteria used to grant the award, the national or international significance of the award in the field, the number of awardees, and the limitations on competitors. *See generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1)(Criterion 1). As stated above, the Petitioner asserts that he received a Gold Mention (Mencion de Oro) in 2024 during the [redacted] edition and claims he was "officially selected and announced as a winner by the Foundation's panel . . . marking him as one of the top professionals in his category nationally."

SCOPS determined that the Petitioner's receipt of the Gold Mention (Mencion de Oro) award at the [redacted] 2024 edition in the category of "Creative Businessman in the Area of Decoration of the Year" met this criterion. To establish his eligibility, the Petitioner provided five news articles. The first, discussing the [redacted] Awards held in [redacted] in 2024, is published on the qvacilon.com website, and the second news article was published on the Buena Vista Media's PRLog and covered the 2018 awards in the U.S. The remaining three articles, published in the "Cantamos por la Paz" website, the entertainment section of the Noticias Venevision website, and the Contigo Radion website (respectively) discussed the 2023 awards in the U.S. The latter verifies that the awards are conferred by the [redacted] in Venezuela. The Petitioner asserts that the [redacted] awards have expanded outside Venezuela (where they started in 2009) to the United States, Colombia, and will soon be in Spain and that the awards are of particular prominence in South Florida's Latino community. Finally, the Petitioner asserts that the "very fact that multiple countries host the ceremonies attests to the award's international reach and recognition . . . [as] a transnational honor celebrating Latin excellence globally."

To establish the awards' prominence, the Petitioner highlights other recipients of the [redacted] and provides general information about these individuals, to include: a salsa musician and media personality from Venezuela, an actress and singer, another singer, an Emmy award winning journalist and television anchor, a CNN interviewer and author, and a television host and actress from Puerto Rico. The Petitioner contends that the award's acclaim is self-evident given the "substantial media coverage and public attention" it receives in major Spanish-language media outlets and cites to two instances of coverage in the Venezuelan press and the sponsorship the award receives, particularly in the Latin and Spanish-speaking press.

To verify his receipt of the award, the Petitioner provides a letter from the President of the [redacted] attesting to his receipt of the award during the 2024 edition of the awards on [redacted] 2024 for his "founding and directing [of] companies both in Venezuela and in the United States;" a printed photograph of himself with a photo of the award trophy

superimposed with the label "Special Mention" (Mencion Especial); a certificate awarding him the Golden Mention (Mencion Oro) award; and information about the award and the criteria used for the award.

For the following reasons, we withdraw SCOPS' determination that the Petitioner meets this criterion due to material discrepancies in the provided evidence. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988) (standing for the proposition that doubt cast on any aspect of a petitioner's evidence may led to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of a visa petition).

The record contains multiple unresolved inconsistencies that undermine the probative value of the Petitioner's claimed award. First, although the Petitioner asserts he received a trophy, the image he provides appears to show a photograph of a trophy superimposed onto his picture rather than a photograph of him holding an actual trophy. In addition, the image identifies the award as a "Special Mention," while the certificate reflects a "Golden Mention." Moreover, the letter from the president of the awards foundation does not resolve these discrepancies. The letter provides that the Petitioner received the Golden Mention, but it does not clarify whether the "Special Mention" and the "Golden Mention" represent distinct awards, nor does the letter resolve which award the Petitioner actually received, whether a trophy was presented to him, or whether others were considered in the category of "Creative Businessman in the Area of Decoration of the Year."

When evaluating whether an award meets the regulatory standard, USCIS considers, among other factors, the criteria used to grant the award, its significance, the number of recipients, and any limitations placed on competitors. Here, although the Petitioner provides general information about the nomination process for the [redacted] awards, the record does not explain the specific criteria applicable to the award he claims—Creative Businessman in the Area of Decoration of the Year—nor does it establish whether the award has had other recipients or reflects recognition for excellence as a CEO. Finally, while the submitted news articles offer background information about the [redacted] awards, the articles do not confirm that the Petitioner received the claimed award, mention this specific category, refer to the Petitioner by name, or describe the 2024 ceremony at which he claims he obtained the award. As a result, the record does not establish, by a preponderance of the evidence, that the Petitioner received a nationally or internationally recognized award for excellence in his field, and we are withdrawing SCOPS contrary determination.

> *Membership in associations which require outstanding achievements of their members, as judged by nationally or internationally recognized experts. 8 C.F.R. § 204.5(h)(3)(ii).*

The Petitioner states that he meets this criterion by virtue of his membership in the following organizations:

- Society of Manufacturing Engineers (SME);
- Greater [redacted] Builders Association [redacted]
- Texas Association of Builders (TAB); and
- National Association of Home Builders (NAHB).

SCOPS determined the Petitioner met this criterion but did not identify which association they found satisfied the regulatory requirements. Upon de novo review, we find none of the claimed associations meet the plain language of the criterion.

The SME governance document states that the membership structure "shall be determined by the Board of Directors." The SME's bylaws indicate that membership requires any of the following: a SME certification, being a registered professional engineer, a graduate with a bachelor's or associates degree in science or engineering from an accredited school, a person with a minimum of four years' experience in activities that contribute to the realization of manufactured products or to the support of such enterprises in industry, government or education, or a professional in a manufacturing enterprise or one serving manufacturing. Furthermore, members must pay annual fees. The record does not establish that SME's education or experience requirements and fee payment qualify as outstanding achievements under the plain language of the criterion.

The Petitioner provided one certificate to show that he is an active member of the [redacted], TAB, and NAHB and the "Amended and Restated Bylaws" for [redacted] These bylaws state that "any business related to the Industry shall be eligible for election to membership . . . upon completing and signing an application for membership containing an agreement by the applicant to observe and abide by these Bylaws and the Guidelines for Standards of Conduct of this Corporation, and which application is presented to the Board of Directors in accordance with the rules and procedures established by the Board." In addition, the document states that members must pay dues. As with SME, the evidence is insufficient to establish that these organizations require members to have outstanding achievements.

For these reasons, we are withdrawing SCOPS' contrary determination.

> *Participation 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 asserts that he meets this criterion because he served as a "qualifying judge" for the [redacted] awards. SCOPS concluded that the evidence was sufficient to establish eligibility but did not provide any analysis to understand how it reached this determination. The Petitioner provided a letter from the president of the [redacted] which verifies that he judged "the selection of talents in different professional areas and categories; to be nominated and evaluate who will be the future winners of our awards in the year 2024 to 2025 . . .."

Upon de novo review, we disagree with SCOPS' determination. The evidence is insufficient to establish the Petitioner's role as a judge of the [redacted] awards. The letter provided does not include sufficient details to determine the role of "qualifying judge" within the context of the [redacted] award enterprise. Moreover, the letter does not provide any details to determine who the Petitioner was judging or whether these were individuals in the same or an allied field as required by the plain language of the regulation. For these reasons, we withdraw SCOPS' determination that the Petitioner met this criterion.

Display of the alien's work in the field at artistic exhibitions or showcases. 8 C.F.R. § 204.5(h)(3)(vii)

In his initial filing, the Petitioner claimed comparable evidence established his eligibility under this criterion. SCOPS' RFE informed the Petitioner that because he did not "declare and demonstrate why the standards do not readily apply to [the Petitioner]'s occupation" he had not met his burden to establish that comparable evidence should be considered. In his RFE response, the Petitioner asserted that his invitation to participate in the [redacted] Expo, the [redacted] Fair of [redacted] and the [redacted] Suppliers Fair [redacted] is comparable evidence because these are "high-profile events," which "reinforced his standing as a recognized leader in the field but also contributed to shaping future industry trends and best practices." The Petitioner also cited USCIS's policy manual section on comparable evidence. In its final decision, SCOPS did not address the Petitioner's RFE assertions or his comparable evidence.

For comparable evidence of a criterion to be considered, USCIS employs a two-part test. 8 C.F.R. § 204.5(h)(4). First, USCIS considers 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." *See generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Upon de novo review, we agree with the Petitioner that the criterion for artistic exhibitions or showcases is not readily applicable to the position of CEO. Furthermore, we have considered the Petitioner's assertions that because he was invited to participate in these events, he was acknowledged as a "top professional" whose expertise contributes meaningfully to his industry's advancement. However, the Petitioner's participation in these events is not "truly comparable" to an artistic exhibition or showcase of his CEO abilities because he has not shown how his CEO duties were on display during his participation in these events. As such, upon de novo review, the Petitioner has not established his eligibility under this criterion.

Performed in a leading or critical role for organizations with distinguished reputations. 8 C.F.R. § 204.5(h)(3)(viii).

The Petitioner claims to meet this criterion because he is the CEO/general manager at [redacted] SCOPS concluded that the record established this criterion, however, upon de novo review, we withdraw this determination because the record does not establish that [redacted] is an organization with a distinguished reputation as required by the plain language of the regulation. [redacted] is a manufacturer of composite wood-based products and materials used to create decorative panels selling its products under the brand name [redacted] The Petitioner founded [redacted] in 2018 in Texas with revenues of $16.52 million in 2023. The company has manufacturing facilities in Texas and Arizona and distributes its products in 11 states. The letters of reference and other supporting evidence in the record establish that the Petitioner has performed a leading and critical role for [redacted] however, this evidence does not establish that [redacted] is an organization or establishment with a distinguished reputation, as required by the plain language of the regulation.

To establish the distinguished reputation of [redacted] the Petitioner initially provided letters of reference from professionals, customers and suppliers in the wood composite panels industry. These letters describe the Petitioner as a CEO of great ability and also include information to establish that [redacted] has grown and increased revenue since its founding, however none of the letters provide sufficient

details to establish [redacted] distinguished reputation in the field. Moreover, [redacted] business plan identifies its objectives are to "generate a profit and grow at a challenging and manageable rate," and "increase the production/revenue of the recently installed TFL facility . . . by adding distributors and [original equipment manufacturers] on the West Coast." As such, it appears [redacted] is a growing and expanding company, but not yet one of "distinguished reputation," as required by the plain language of the regulation.

The Petitioner also provided reports from the Composite Panel Association (CPA) for the years 2020 to 2023, which list [redacted] as a manufacturer in the field of "Thermally Fused Laminate" in North America. However, this evidence is insufficient to establish [redacted] is of distinguished reputation because it is unclear how [redacted] was included on CPA's list or what criteria (for example, payment of membership fees to CPA) is used for inclusion on the list. For all these reasons, upon de novo review, we withdraw SCOPS' determination that the Petitioner established his eligibility under this criterion.

> *Commanded a high salary or other significantly high remuneration for services, in relation to others in the field. 8 C.F.R. § 204.5(h)(3)(ix)*

SCOPS determined in its RFE that the Petitioner established this criterion based on a letter from [redacted] confirming his annual salary of $224,400 plus his eligibility for bonuses if sales are above a certain number for a total potential compensation of $417,844. The Petitioner also provided tax returns to substantiate his pay. Furthermore, the Petitioner provided evidence to establish he earns an hourly wage of $119.42 for the year 2025. Upon de novo review, we will withdraw SCOPS' determination because the Petitioner did not establish that, in relation to other CEOs in the field, he has commanded a high salary or other significantly high remuneration for services as required by the plain language of the regulation. The Petitioner performs two distinct roles for [redacted], and as such, the Petitioner's compensation must be compared to other CEOs that also perform a distinct second role within the company they manage. Furthermore, no hourly wage comparisons to other CEO/general managers and plant planning/processing engineers have been provided to establish his eligibility under this criterion. As such, as presently constituted, the record does not demonstrate that his compensation is significantly high in relation to others in the field. For these reasons, SCOPS' contrary determination is withdrawn.

B. Final Merits Determination (FMD)

In a FMD, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[1] In order to do so, we will evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim,[2] he is one of the small

[1] *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(2) (instructing that USCIS officers should consider the petition in its entirety to determine eligibility according to the standard – sustained national or international acclaim and the achievements have been recognized in the field of expertise, indicating that the person is one of that small percentage who has risen to the very top of the field of endeavor).

[2] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(A)(1) (stating the definition of sustain is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time").

percentage at the very top of the field of endeavor, and his achievements have been recognized in the field through extensive documentation. Upon de novo review, we determine the Petitioner has not shown his eligibility.

Since 2018, when [redacted] was founded, the Petitioner has been its CEO/general manager and plant planning/process engineer. The Petitioner's CEO duties include overseeing the development of budgetary control systems, recordkeeping processes, administrative operations, leading the board of directors, leading the managing teams, guiding promotional campaigns, directing key business activities, shaping the company's investment and financial strategies, facilitating the implementation of essential company policies and processes, and ensuring the growth and reputation of [redacted] in national and international markets.[3] The Petitioner states that he will grow [redacted] by 15% year to year and in 2025, he intends to add a laminating line to [redacted] assets so that the company can manufacture products currently imported from Europe and Asia. Towards this end, the Petitioner researches and implements "cutting-edge equipment" to elevate [redacted] production capacity and product quality with the aim of producing cost-efficiencies and creating environmentally sustainable products.

We acknowledge that [redacted] size and market shares/revenues have grown since its founding and that the company has increased its production of laminated wood panels. Furthermore, the record demonstrates that the Petitioner has promoted [redacted] products at industry showcases to increase its sales, has joined several builders' associations and has ensured [redacted] inclusion on CPA's list to promote its products across the decorative, laminated wood industry. However, in considering the totality of the evidence, the Petitioner has not demonstrated that his achievements as CEO of [redacted] are reflective of a "career of acclaimed work in the field" as contemplated by Congress. 1990 U.S.C.C.A.N. 6710, 6739. Furthermore, the Petitioner has not shown that he has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3); *and see Amin v. Mayorkas*, 24 F.4th 383, 386-87 (5th Cir. 2002) (stating that the narrow definition reflects the stringency of the extraordinary ability standard).[4]

Overall, the Petitioner has not persuasively established how his work at [redacted] is indicative of a career of acclaimed work in the field or indicative of the required sustained national or international acclaim sufficient to establish that he is one of the small percentage of CEOs at the top of his field. *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard).

Similarly, the Petitioner has not demonstrated how the five articles published about him from 2022 to 2025, in a self-proclaimed 20-year career, are sufficient to establish the required sustained national or international acclaim or that he is one of the small percentage of CEOs at the very top of the field.

[3] The Petitioner also functions as [redacted] plant planning/process engineer, with distinct duties from his CEO position. These duties include optimizing and designing production processes to ensure efficiency, sustainability and regulatory compliance, as well as diagnosing and resolving system malfunctions, and introducing innovative manufacturing methods to improve plant performance.

[4] The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required" for lesser classifications. 56 Fed. Reg. 30703, 30704.

The published articles generally describe the Petitioner's personal story from Venezuela to the United States and his leadership of [redacted] and the company's expansion, however, the articles are not consistent, given the length of his 20-year career, with the sustained national or international acclaim necessary for this highly restrictive classification. *See* section 203(b)(1)(A) of the Act. Likewise, the Petitioner's salary as compensation for his work in two distinct roles at [redacted] is not indicative of his extraordinary ability as a CEO.

The Petitioner provided several letters attesting to the substantial benefit of his leadership at [redacted] to the wood panel and laminate industry in the United States. The letters generally highlight the Petitioner's work at [redacted] and indicate that the authors hold the Petitioner in high esteem because of the impact his efforts have had on quality and sales. Many of the authors praise the Petitioner for his knowledge of the industry and assert that that is the reason they have increased their purchase of his company's products. This information generally aligns with the Petitioner's assertions that under his leadership, [redacted] has grown. However, none of the authors indicated they were aware of the Petitioner before they engaged in business with [redacted] or compared him to other CEOs. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding testimonial letters were insufficient to establish his relative status in the field and did not compare him to others). In general, without more, running a successful company for eight years in the span of a 20-year career is not sufficiently persuasive to establish the sustained acclaim that this classification requires. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3).

In sum, the totality of the evidence does not establish the Petitioner's eligibility for the benefit sought. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification, the record is insufficient to demonstrate that he has sustained national or international acclaim and is among the small percentage at the top of his field. *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(2). As contemplated by Congress, the Petitioner must demonstrate the required sustained national or international acclaim, consistent with a "career of acclaimed work in the field." H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act.

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above-mentioned reasons, with each considered as an independent and alternate basis for the decision.

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.