U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39737324

Date: OCT. 07, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an educational technologist, seeks classification as an individual of extraordinary ability in the field of education. *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.

SCOPS denied the petition, concluding that the record did not establish, as required, that the Petitioner met three of the initial ten evidentiary criteria for this classification listed at 8 C.F.R. § 204.5(h)(3). 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)(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, who is from Brazil, is an academic technology solutions support specialist in the field of educational technology. At the time the petition was filed, she was employed in this capacity at the [redacted] She indicates that she intends to continue working in this capacity.

A. Evidentiary Requirements

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, she must satisfy at least three of the ten alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). The Petitioner initially claimed to have met eight of these criteria, relating to lesser nationally or internationally recognized awards, membership in an association in the field requiring outstanding achievements of their members, published material, participation as a judge of the work of others, original contributions of major significance, authorship of scholarly articles, display at artistic exhibitions or showcases, and performance in a leading or critical role for an organization or establishment with a distinguished reputation, under 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (iv), (v), (vi), (vii), and (viii).

SCOPS determined that the Petitioner had satisfied one of the eight claimed initial evidentiary requirements relating to authorship of scholarly articles at 8 C.F.R. § 204.5(h)(3)(iv). We agree. Because SCOPS concluded that the Petitioner had not satisfied at least three of the ten evidentiary criteria for extraordinary ability, as required, it denied the underlying petition.

On appeal, the Petitioner argues that she meets six of the remaining claimed criteria relating to lesser nationally or internationally recognized awards, membership in an association in the field which requires outstanding achievements of their members, published materials, participation as a judge of the work of others, original contributions of major significance, and performing a leading or critical role at 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (iv), (v), and (viii), respectively.[1]

With respect to the judging criterion at 8 C.F.R. § 204.5(h)(3)(iv), the Petitioner contends that SCOPS erred in concluding that she had not satisfied this criterion because she provided documentation in the record below demonstrating that she had participated in judging the work of others in the field. Upon review, we agree that the evidence the Petitioner provided, including an August 2024 email to show that she reviewed research proposals for the 2025 [redacted] International Conference and Expo, satisfy the judging criterion. We will withdraw SCOPS' determination to the contrary.

Regardless, for the following reasons the Petitioner has not demonstrated that she satisfies any of the five remaining criteria claimed and therefore cannot show numerically that she meets three of the ten initial evidentiary criteria, as required.

1. "Documentation of the alien's 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 to evaluate whether the documentation satisfies this criterion, we first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2.(B)(1), www.uscis.gov/policy-manual.

On appeal, the Petitioner bases her eligibility for this criterion upon a dissertation scholarship from the [redacted] and her 2019 and 2022 [redacted] awards.[2] She further claims to meet this criterion based upon her receipt of 2018 and 2020 [redacted] conference travel awards, and the [redacted] Conference Travel and Research Support award. The Petitioner offered sufficient evidence to establish that she was the recipient of these awards, including her scholarship award letters from the [redacted] printouts from the [redacted] website identifying the Petitioner as a 2019 and 2022 [redacted] recipient, and conference programs listing her as a recipient of the 2018 and 2020 [redacted] travel awards.[3]

[1] The Petitioner does not contest SCOPS' adverse finding regarding the criterion relating to display at an artistic exhibition or showcase or at 8 C.F.R. § 204.5(h)(3)(vi). Accordingly, we deem this issue to be waived. *See, e.g., Matter of O-R-E*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (waiving an argument that was mentioned but not developed).

[2] The Petitioner initially claimed eligibility for this criterion based upon additional scholarships, including her receipt of a full academic scholarship for her Ph.D. program at the [redacted] and her Master's scholarship from the [redacted] However, on appeal, she does not assert eligibility based on these additional scholarships.

[3] We note that the record does not contain documentation of the Petitioner's claimed receipt of the [redacted] Conference Travel and Research Support award.

However, the Petitioner did not submit sufficient evidence to demonstrate that these awards are nationally or internationally recognized and granted based upon excellence in her field of endeavor. With respect to the Petitioner's dissertation scholarship from the [redacted] we acknowledge the Petitioner's argument on appeal that this scholarship should be considered nationally recognized, as the USCIS Policy Manual states that "an award open to members of a well-known national institution (including an R1 or R2 doctoral university) . . . *may* be nationally recognized"[4] and that she provided evidence to show that the [redacted] has been classified as an R1-Doctoral university. (Emphasis added.) However, the Petitioner has not explained or offered evidence, for instance, to show how this particular dissertation scholarship is viewed by a larger audience, such that we may evaluate whether this award satisfies this criterion, nor has she done so for the [redacted] conference travel awards. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 182 (D.N.J. 2021) (finding the regulation requires that the petitioner provide evidence of national or international recognition); *see also Visinscaia*, 4 F. Supp. 3d at 136 (finding that without evidence reflecting how a larger audience viewed the plaintiff's awards, there was no way to evaluate whether those awards were recognized widely enough to satisfy the awards criterion); *Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *8-9 (N.D. Cal. Feb. 16, 2021); *Hristov v. Roark*, No. 09-CV-2731, 2011 WL 4711885, at *8 (E.D.N.Y. Sept. 30, 2011).

Further, the Petitioner did not establish that the basis for granting these awards was excellence in the field. Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, among others, the criteria for the award, the number of awardees or prize recipients, and limitations on competitors. *See generally* 6 *USCIS Policy Manual*, *supra,* at F.2(B)(1). Here, the [redacted] website printout indicates that the dissertation fellowship is limited to students in their last year of writing and defending their dissertations.[5] The [redacted] website printouts indicate that the [redacted] award is limited to active members of [redacted] who are pursuing graduate education. Further, the [redacted] printouts indicate that 200 [redacted] awards are granted each year, lessening the prestige of this award. *See Denisov v. Wiemann*, No. 3:04-CV-0529-N, 2006 WL 8437057, at *2 (N.D. Tex. Aug. 15, 2006) (finding petitioner's receipt of a first-degree certificate in which there were 104 other recipients "diminishes the prestige of the petitioner's prize"). In addition, the Petitioner did not, for example, offer the criteria for granting the [redacted] travel awards, or otherwise explain or show how these awards are granted based upon excellence in the field.

For the foregoing reasons, the Petitioner has not shown that she satisfies this criterion.

2. "Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." 8 C.F.R. § 204.5(h)(3)(ii).

To establish that she meets this criterion, the Petitioner must show her past or present membership in associations in the field for which classification is sought. *See generally* 6 *USCIS Policy Manual*,

[4] 6 *USCIS Policy Manual*, *supra,* at F.2(B)(1).

[5] This printout lists several scholarships and fellowships granted by the university, including the Dean's Fellowship, which the printout states is "the most prestigious award offered by the Graduate School." We note that this printout does not describe the Petitioner's award in the same manner.

supra, at F.2(B)(1). In addition, if membership is established, the Petitioner must show that the association requires outstanding achievements of its members, as judged by recognized national or international experts in their field. *Id.*

The Petitioner bases her eligibility in part on her membership in the [redacted] academic honor society. However, the regulation requires that a qualifying association be in a person's field of extraordinary ability. *Id.* The record reflects that [redacted] is open to college students and to educators, professional staff, and alumni, but does not indicate that this membership is intended for those in the field of education. For example, in a letter submitted by the Petitioner below to confirm her [redacted] membership, the author described [redacted] as "an all-discipline honor society" and emphasized that the organization is comprised of individuals "from all fields of endeavor."

The Petitioner further claims that her memberships in [redacted] and the American Educational Research Association (AERA) also satisfy this criterion. In the record below, the Petitioner provided her [redacted] membership certificate and AERA online membership verification. This is sufficient to establish her membership in these associations. However, the Petitioner does not offer sufficient evidence to show that her [redacted] and AERA memberships require outstanding achievements as judged by recognized national or international experts. For example, the Petitioner provided "About Us" printouts from the [redacted] and AERA websites describing the missions of the respective associations and broadly discussing their members. However, these documents do not explain how or otherwise show that [redacted] or AERA require outstanding achievements of their members, as judged by recognized national or international experts in their field. *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 plaintiff's documentation did not reflect recognized national or international experts determine qualifications for membership).

Finally, the Petitioner contends that her membership in [redacted], an affiliate of [redacted] International Association,[6] satisfies this criterion. Here, the record includes a letter confirming her membership in [redacted] and reflects that the Petitioner serves as one of six [redacted] regional directors. Below, the Petitioner also offered the [redacted] constitution providing the criteria for membership in that organization. However this constitution does not indicate whether [redacted] requires outstanding achievements of its members or of its regional directors. Instead, the membership criteria provide that "members in good standing shall be entitled to participate" in the organization's activities and define a member in good standing as one who "has paid all applicable dues, fees, and assessments." The Petitioner does not show or explain how paying dues equates to a requirement that the members have outstanding achievements as judged by national or international experts in the field. Regarding the six [redacted] regional directors, the [redacted] constitution indicates that these positions are elected, but does not otherwise indicate that being elected requires outstanding achievements as determined by national or international experts in the field.

For the reasons discussed above, the Petitioner has not demonstrated that she meets this criterion.

[6] We note that the Petitioner also claims eligibility through her membership in the [redacted] International Honor Society of the [redacted] International Association. However, as the Petitioner explains in her RFE response, she chose not to join this honor society.

3. "Published 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." 8 C.F.R. § 204.5(h)(3)(iii).

In order to fulfill this criterion, the alien must provide evidence of published material about her in professional or major trade publications or other major media, as well as the title, date, and author of the material. Here, the record below included a review of chapters co-authored by the Petitioner in the book [redacted] The Petitioner contends on appeal that this article meets this criterion because it "explicitly discusses [her] scholarly work." However, as the Petitioner emphasizes on appeal, this review is of the book itself. It is not about the Petitioner. Articles that are not about the petitioner do not fulfill this regulatory criterion. *See, e.g., Negro-Plumpe v. Okin,* 2:07-CV-820-ECR-RJJ at *1, *7 (D. Nev. Sept. 8, 2008) (upholding a finding that articles regarding a show are not about the actor).

The Petitioner therefore does not meet this criterion.

4. "Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v).

To evaluate whether a person satisfies this criterion, we first determine whether the person has made original contributions in the field. We then determine whether these original contributions are of major significance in the field. *See* 6 *USCIS Policy Manual*, *supra,* at F.2(B)(1).

The Petitioner claims eligibility for this criterion based upon her doctoral dissertation, published scholarly articles, book chapters that she co-authored, and presentations, all of which generally focus on teaching English as a second language. In support of this contention, the Petitioner provided copies of her research articles, co-authored book chapters, her curriculum vitae, recommendation letters, as well as documentation of her citation record below. The scholarly articles, book chapters, and presentations indicate the original nature of the Petitioner's contributions. However, the Petitioner has not demonstrated that these contributions are of major significance in the field.

In the recommendation letters below, the authors generally praise the Petitioner's research and indicate its originality. 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.* Here, the letters do not offer detailed explanations of the nature and significance of this research to provide the context allowing us to evaluate her claimed contribution of major significance. For example, the letters do not explain the unusual influence or high impact her research or work has had on the overall field. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *8 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's testimonial letter mostly consisted of conclusory statements about the significance of his work and his potential).

The Petitioner also submitted evidence, such as the 2019 [redacted] International Convention program and acknowledgements from [redacted] staff, to show that she has made presentations regarding the use of information technology by [redacted] However, the Petitioner did not submit evidence

demonstrating the unusual influence of these presentations on the field or that they have otherwise had some impact on the field of education as a whole. *See Visinscaia*, 4 F. Supp. 3d at 134 (finding the term "major significance in the field" can be reasonably interpreted to mean that there must be some impact "in the field as a whole"); *see also Hristov v. Roark*, No. 09-CV-2731, 2011 WL 4711885, at *11 (E.D.N.Y. Sep. 30, 2011); *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).

The record below also includes a *Google Scholar* document reflecting that her three highest cited articles received 72 (*Online Learning Journal*), 65 (*International Journal of Science and Mathematics Education*), and 21 (*Handbook of Research on Innovative Pedagogies and Technologies for Online Learning in Higher Education*) citations, respectively.[7] Generally, citations can serve as an indication that the field has taken interest in a petitioner's research or written work. Although her citations are indicative that her research has received some attention from the field, the Petitioner did not establish that the citation numbers for her individual articles are commensurate with contributions of major significance. For example, she did not demonstrate that these citations are unusually high in her field or show how they compare with the number of citations to other articles that the field views as having been majorly significant. *See Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *5 (N.D. Tex. Oct. 19, 2023) (finding the record contained little evidence that contextualized the number of citations the petitioner's work had received). The Petitioner also provided a printout from Researchgate.net listing a research score of 98.0 percent and listing the number of "Reads," and one from academia.edu indicating that 142 papers mention her by name. However, as with the *Google Scholar* document, the Petitioner does not provide context for these values or otherwise show how they demonstrate the significance of her research in the field.

On appeal, the Petitioner newly contends that she has made original contributions of major significance to the field of educational technology through her development of training programs for student employees and through the individualized educational technology support she has provided to faculty members at the [redacted]. She offers additional letters of recommendation on appeal to support these assertions. However, the record reflects that SCOPS issued a request for evidence to establish that she satisfied this and other criteria. Because the Petitioner was put on notice and given a reasonable opportunity to provide this evidence, we will not consider this new claim for the first time on appeal. *See* 8 C.F.R. § 103.2(b)(11) (requiring all requested evidence be submitted together at one time); *Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988) (declining to consider new evidence submitted on appeal because "petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it for the record before the denial"). Moreover, even were we to consider this new evidence, it is insufficient to demonstrate that these contributions are of major significance in the field. For example, these letters do not offer detailed examples to show or otherwise explain how the influence of these contributions reaches beyond the students and faculty at the [redacted] in a manner that establishes its requisite significance in the field. *See Goncharov v. Allen*, No. 3:21-CV-1372-B, 2022 WL 17327304, at *5 (N.D. Tex. Nov. 29, 2022) (stating that "[c]ourts have routinely affirmed agency decisions that held § 204.5(h)(3)(v) 'requires substantial influence beyond one's employers, clients, or customers); *see also Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Visinscaia*, 4 F. Supp. 3d at 134; *Strategati, LLC v. Sessions*, No. 3:18-CV-01200-

[7] The Petitioner did not specify how many citations, if any, for each of her individual articles contained self-citations.

H-AGS, 2019 WL 2330181, at *6 (S.D. Cal. May 31, 2019); *Yasar v. Dep't of Homeland Sec.*, No. CIV.A. H-05-2448, 2006 WL 778623, at *11 (S.D. Tex. Mar. 24, 2006) (upholding support letters did not show the plaintiff's contributions had the requisite significance outside of his employers).

For the above-stated reasons, the Petitioner has not demonstrated that she satisfies this criterion.

5. "Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii).

An alien may be shown to perform in a leading or critical role for a division or department of an organization or establishment, or for the organization or establishment overall. 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. For a leading role, evidence should show that the alien was a leader for the claimed component. A job title with matching duties may help to establish that a role was leading.

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.[8] *See generally* 6 *USCIS Policy Manual*, *supra,* at F.2(B)(1). 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. *Id.*

Here Petitioner claims she had a critical role "enhancing faculty engagement with academic technologies" for the [redacted] On appeal, the Petitioner newly provides recommendation letters to establish that she has performed in this role. However, SCOPS issued an RFE in which it requested additional evidence to establish that the Petitioner satisfied this criterion. As the Petitioner was put on notice and given a reasonable opportunity to provide this evidence, we need not consider it on appeal. *See* 8 C.F.R. § 103.2(b)(11); *Matter of Soriano*, 19 I&N Dec. at 766.

Further, even were we to consider this evidence and conclude that it established her critical role, the Petitioner has not established the [redacted] distinguished reputation. The record below included materials from the [redacted] "About us" web page providing the university's recognition and rankings. However, self-promotional materials are insufficient to demonstrate that the [redacted] enjoys the requisite distinguished reputation. *See Cuckic v. Jaddou,* No. 21-CV-8395 (JPO), 2023 WL 2586031, at *5 (S.D.N.Y. Mar. 21, 2023) (finding self-promotional material from the organization did not establish a sufficiently high reputation). The Petitioner also offered an article below indicating that the [redacted] education programs received accreditation from the Council for the Accreditation of Educator Preparation. Beyond this article, which was also published on the [redacted] website, the record does not otherwise explain the significance of this accreditation or show how it demonstrates that the [redacted] enjoys a distinguished reputation.

[8] Merriam-Webster's online dictionary defines 'distinguished' as "marked by eminence, distinction, or excellence' or 'befitting an eminent person.'" *Id.*

The Petitioner further asserts that her membership on [redacted] board of directors demonstrates her performance in a leading role for that organization. The record below offered evidence sufficient to support this assertion. It included a recommendation letter from C-H-, president of [redacted] printouts from the [redacted] website, and [redacted] conference programs, confirming that the Petitioner served as a regional director, and a membership development and outreach coordinator (MDOC) for [redacted]. The [redacted] constitution, also provided by the Petitioner, indicated that the MDOC is one of six elected members of the [redacted] board of directors, and described the duties of an MDOC, which include providing "support ... [to] [redacted] organizational development efforts" as well as "[r]ecommending specific plans, programs, and activities to enhance member experience."

However, the record does not reflect that [redacted] is an organization that has a distinguished reputation. For example, below the Petitioner offered a printout from the "About Us" section of [redacted] International, of which [redacted] is an affiliate, but as discussed above this type of self-promotional documentation is not sufficient to establish [redacted] or [redacted] distinguished reputation. *Id.* Further, although the Petitioner argues on appeal that [redacted] enjoys a distinguished reputation based upon its decades of service and on its national recognition for its role in contributions such as organizing conferences, publishing research, and facilitating networking among educators, the Petitioner has not submitted evidence that [redacted] has received this claimed recognition, and while an organization's longevity is a consideration in determining whether an organization is distinguished, the Petitioner's evidence does not explain or show how the organization's longevity reflects its distinguished reputation.

For the reasons discussed above, the Petitioner has not shown that she meets this criterion.

For the foregoing reasons, the Petitioner has not established that she has satisfied at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

B. Final Merits Determination

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that they are an alien of extraordinary ability and need not further analyze the merits under the statute. *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).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an individual 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.

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.