U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39016080

Date: OCT. 16, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an "artist management and concert/event promotion" business, seeks to classify the Beneficiary as an alien of extraordinary ability in the arts as a "vocalist performer." This O-1 nonimmigrant visa classification is available to aliens with extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. Immigration and Nationality Act (the Act) Section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not satisfy the initial evidentiary requirements of submitting evidence of the Beneficiary's nomination for or receipt of significant national or international awards or prizes, 8 C.F.R. § 214.2(o)(3)(iv)(A), or at least three of the six possible types of documentation listed under 8 C.F.R. § 214.2(o)(3)(iv)(B)(*1*)-(6). Specifically, SCOPS determined that the Petitioner did not submit any of the six possible types of documentation. 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 101(a)(15)(O)(i) of the Act establishes O-1 classification for an alien who has extraordinary ability in the sciences, arts, education, business, or athletics that has been demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field through extensive documentation, and who seeks to enter the United States to continue work in the area of extraordinary ability. U.S. Department of Homeland Security (DHS) regulations define "extraordinary ability in the field of arts" to mean "distinction" and "distinction means a high level of achievement in the field of arts evidenced by a degree of skill and recognition substantially above that ordinarily encountered to the extent that a person described as prominent is renowned, leading, or well-known in the field of arts." 8 C.F.R. § 214.2(o)(3)(ii).

In addition, DHS regulations set forth initial evidentiary requirements for establishing an alien's sustained national or international acclaim and recognition of achievements in the field of endeavor. A petitioner may submit evidence either of the alien's nomination for or receipt of "significant national or international awards or prizes" such as "an Academy Award, an Emmy, a Grammy, or a Director's Guild Award," or evidence that satisfies at least three of the six criteria, which are listed categories of documents. 8 C.F.R. § 214.2(o)(3)(iv)(A)-(B). If the petitioner demonstrates that a particular criterion does not readily apply to the alien's occupation, it may submit comparable evidence to establish eligibility. 8 C.F.R. § 214.2(o)(3)(iv)(C).

The petitioner's submission of documents satisfying the initial evidentiary requirements does not, in and of itself, establish the alien's eligibility for O-1 classification. *See* 59 Fed. Reg. 41818 (Aug. 15, 1994) ("The evidence submitted by the petitioner is not the standard for the classification, but merely the mechanism to establish whether the standard has been met."). Accordingly, where a petitioner provides qualifying evidence satisfying the initial evidentiary requirements, we will determine whether the totality of the record and the quality of the evidence shows extraordinary ability in the arts. *See* Section 101(a)(15)(O)(i) of the Act; 8 C.F.R. § 214.2(o)(3)(ii), (iv).[1]

II. ANALYSIS

SCOPS determined that the Petitioner did not establish the Beneficiary was nominated for or received "significant national or international awards or prizes . . . such as an Academy Award, an Emmy, a Grammy, or a Director's Guild Award." 8 C.F.R. § 214.2(o)(3)(iv)(A). On appeal, the Petitioner claims that the Beneficiary's achievements of being the bronze medalist and semi-finalist of the '[redacted] 2022)," a top 5 grand finalist of the '[redacted]" and a top 6 grand finalist of the '[redacted]" meet this regulatory requirement.

The evidence in the record does not support the Petitioner's contention. Specifically, the evidence that the Petitioner has submitted concerning the three referenced events is insufficient to demonstrate that the Beneficiary's achievements at the events constitute his nomination for or receipt of significant national or international awards or prizes on par with an Academy Award, an Emmy, a Grammy, or a Director's Guild Award. As relating to [redacted], the Petitioner offers online materials from the event organizer, claiming that the event is an "international meet [that] is often cited as the official 'Talent Olympics' for aspiring performers and entertainers, and the only event of its kind held annually in the 'Hollywood area,' entertainment capital of the world." [redacted] online materials allege that "[c]ontestants from over 70 countries are expected to participate" and that "[t]housands of people around the world will apply to participate." In a December 2024 letter, the event organizer stated that the Beneficiary was "a multi-medalist winner" at the event and "[a]s a result of his talent, he was signed by an agent [of the petitioning entity] who represents new talents in the [redacted] area . . . ."

The record includes articles published on [redacted], all dated November 2022, that discuss [redacted] One article explains that [redacted] 2022 is "a festival celebrating diverse cultures and talents from various nationalities within the Kingdom of Saudi Arabia." Another article indicates that the Beneficiary participated in [redacted] 2022, receiving "one bronze and a pin medal

[1] *See generally* 2 *USCIS Policy Manual* M.4(D)(4), https://www.uscis.gov/policy-manual/volume-2-part-m-chapter-4.

for being a semi-finalist." This article quotes the Beneficiary as having said, "I was one of only 70 semi-finalists out of 675 singers in a world stage out to prove themselves." The Petitioner, however, has not provided evidence, such as circulation or readership data, about the publication, The [redacted]. Without additional information about the publication, the Petitioner has not sufficiently shown that being reported by this publication is indicative of [redacted] significance in the field.

As relating to the [redacted], the Petitioner presents an undated letter from the event organizer, confirming that the Beneficiary participated in the event, he "made it to the Top 5," and "finished as the 5th Placer." The letter does not provide additional information about the event. The Petitioner also does not present documentation showing that the event received any media attention or that the level of media attention it received is indicative of the event's significance in the field. As relating to [redacted], the Beneficiary is quoted in the event's promotional material to have said: "I landed as TOP 6, and it was fine with me knowing that it was a good fight." The record includes a November 2017 article, discussing [redacted] 2017, noting that the top finishers received "round trip tickets by PAL [Philippine Airlines]," "plaques, winner trophies and gift checks for dental services." The record also includes letters from individuals who know the Beneficiary and attest to his talents as a singer.

The regulation at 8 C.F.R. § 214.2(o)(3)(iv)(A) does not define significant national or international awards or prizes. However, the regulation offers examples: the Academy Award, an Emmy, a Grammy, or a Director's Guild Award. While these are only samples and other awards and prizes may qualify, the Petitioner must demonstrate that the Beneficiary's achievements at the three referenced events are comparable or consistent in significance, stature, or prestige to the examples. Here, the Petitioner has not shown that the Beneficiary's achievements enjoy similar standing. Although the record includes information that individuals from different countries participated at [redacted], the Petitioner has not sufficiently demonstrated that the Beneficiary's receipt of a bronze medal and a pin or his status as one of 70 semi-finalists constitutes recognition for excellence and achievement in the field on a nationally and internationally level. Furthermore, as noted in [redacted] materials, the event is for "aspiring[, not established,] performers and entertainers," which does not support a finding that the Beneficiary's placement at the event qualifies as his nomination for or receipt of a "significant national or international" award or prize. 8 C.F.R. § 214.2(o)(3)(iv)(A).

Additionally, the evidence does not discuss how the overall field views his achievements at these three events or otherwise establish his achievements constitute significant national or international awards or prizes. While the documentation confirms his achievements at the events and provides some background information about the events, the record – including evidence of limited media attention the events received – is insufficient to establish that the gravity of the Beneficiary's achievements is commensurate of his nomination for or receipt of significant national or international accolades, consistent with this regulatory requirement. For the reasons we have discussed, the Petitioner has not established that the Beneficiary meets the regulation at 8 C.F.R. § 214.2(o)(3)(iv)(A).

Furthermore, on appeal, the Petitioner does not establish, or allege, that it has submitted at least three of the six categories of documents listed under 8 C.F.R. § 214.2(o)(3)(iv)(B)(*1*)-(*6*). Instead, it claims to

have submitted documents that satisfy two criteria under 8 C.F.R. § 214.2(o)(3)(iv)(B)(*1*) and (*2*).[2] As the Petitioner does not maintain, or demonstrate, that it has provided qualifying documents meeting a third criterion, it could not satisfy the initial evidentiary requirements of presenting at least three types of evidence listed under 8 C.F.R. § 214.2(o)(3)(iv)(B)(*1*)-(*6*). If the Petitioner had intended to challenge SCOPS' adverse findings regarding other criteria, it did not identify the criteria or explain how SCOPS erred.

If the affected party does not address issues raised by SCOPS, and those issues are dispositive of the case, the appeal will be dismissed based on those waived issues. *See, e.g., Matter of M-A-S-*, 24 I&N Dec. 762, 767 n.2 (BIA 2009). The regulation at 8 C.F.R. § 214.2(o)(3)(iv)(B)(*1*)-(*6*) requires the Petitioner to present at least three of the six forms of documentation. Because the Petitioner has not identified or claimed at least three categories of evidence on appeal, we need not make a determination on its arguments that it has presented two forms of documents under 8 C.F.R. § 214.2(o)(3)(iv)(B)(*1*) and (*2*). *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *see also Matter of L-A-C*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternate issues on appeal where applicants do not otherwise meet their burden of proof).

III. CONCLUSION

The Petitioner has not satisfied the initial evidentiary requirements of classifying the Beneficiary as an alien of extraordinary ability in the arts as a "vocalist performer." Specifically, the Petitioner has not shown that the Beneficiary was nominated for or had received significant national or international awards or prizes. 8 C.F.R. § 214.2(o)(3)(iv)(A). In addition, the Petitioner has not submitted or claimed at least three of the six possible types of documentation listed under 8 C.F.R. § 214.2(o)(3)(iv)(B)(*1*)-(*6*). As such, we need not provide a totality determination to establish whether the Beneficiary has sustained national or international acclaim, has received a high level of achievement, and has been recognized as being prominent, renowned, leading, or well-known in the field of arts. *See* Section 101(a)(15)(O)(i) of the Act; 8 C.F.R. § 214.2(o)(3)(ii), (iv). Accordingly, we reserve this issue.

In conclusion, the Petitioner has not demonstrated the Beneficiary's eligibility for the O-1 visa classification as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons.

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

[2] The regulation under 8 C.F.R. § 214.2(o)(3)(iv)(B)(*1*) requires a petitioner to provide "[e]vidence that the alien has performed, and will perform, services as a lead or starring participant in productions or events which have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications contracts, or endorsements." The regulation under 8 C.F.R. § 214.2(o)(3)(iv)(B)(*2*) requires a petitioner to submit "[e]vidence that the alien has achieved national or international recognition for achievements evidenced by critical reviews or other published materials by or about the individual in major newspapers, trade journals, magazines, or other publications."

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.