U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39714517

Date: OCT. 17, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a jeweler, seeks classification as an individual of extraordinary ability in the arts. *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 that the record did not establish, as required, that the Petitioner received a major, internationally recognized award or met the requirements of at least three of the ten evidentiary criteria. 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 immigrant visas available to individuals with 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, provided that the individual seeks to enter the United States to continue work in the area of extraordinary ability, and the individual's entry into the United States will substantially benefit prospectively the United States.

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate international recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that meets at least three of the ten criteria

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 evidence if they are 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).

II. ANALYSIS

The Petitioner, a native and citizen of Uzbekistan, is a jeweler who specializes in making traditional Uzbek jewelry. SCOPS determined that the Petitioner met the criteria relating to judging under 8 C.F.R. § 204.5(h)(3)(iv) and display of his work at artistic exhibitions or showcases under 8 C.F.R. § 204.5(h)(3)(vii). We agree with SCOPS' determinations. On appeal, the Petitioner asserts that he also meets the criteria relating to membership in associations pursuant to 8 C.F.R. § 204.5(h)(3)(ii), published material about the alien pursuant to 8 C.F.R. § 204.5(h)(3)(iii), original contributions pursuant to 8 C.F.R. § 204.5(h)(3)(v), and high salary under 8 C.F.R. § 204.5(h)(3)(ix). Upon de novo review, the Petitioner has not established that he meets at least three criteria.

A. Evidentiary Criteria

> *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).

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) calls for "documentation of the alien's membership in associations in the field for which classification is sought." In addition, the association must require "outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." Once membership in a qualifying association has been established, we determine whether the association requires those at the alien's level of membership to have attained outstanding achievements in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner asserts in his brief that he meets this requirement because of his membership in the "Hunarmand Association of Artisans, Craftsmen, and Folk Artists of the Republic of Uzbekistan." He previously submitted a recommendation letter from the [redacted] Regional Administration of the "Republican Association of Folk Masters, Craftsmen, and Artists 'Hunarmand'" (Hunarmand Association), confirming that he is a member. As the letterhead on this document lists a different association name from that which he discusses in his brief, it is not clear whether they are the same

organization. The letter from the Hunarmand Association states that it is "open only to highly skilled masters who are among the few on top of their fields and requires outstanding achievements of its members, as judge4 [sic] by nationally or internationally recognized experts in the respective field of folk art." The letter goes on to state that admission is granted by an Art Experts Council "composed of nationally or internationally recognized experts in the respective fields of folk art and based on the applicant's outstanding achievements . . . as judged by such nationally or internationally recognized experts in the respective fields of folk art." The letter repeats this language twice more in the paragraphs that follow. In the Petitioner's statement, he uses the same phrasing, stating in two separate paragraphs that he was accepted to the Hunarmand Association "based on [his] outstanding achievements in the field of traditional Uzbek jewelry art, as judged by nationally recognized experts in the field of traditional Uzbek jewelry."

The duplicative language within the support letters and their similarity to the Petitioner's own statement casts doubt on their authenticity. In general, when a petitioner has provided affidavits from different persons that contribute to the eligibility claim, but the language and structure contained within the affidavits is notably similar, the trier of fact may treat those similarities as a basis for questioning a petitioner's claims. *See Singh v. Bondi*, No. 23-1247, 2025 WL 828637, at *6 (9th Cir. Mar. 17, 2025) (citing *Singh v. Garland*, 118 F.4th 1150, 1161 (9th Cir. 2024)); *Singh v. Garland*, 20 F.4th 1049, 1053 (6th Cir. 2021); *Surinder Singh v. Board of Immigration Appeals*, 438 F.3d 145, 148 (2d Cir. 2006); *Wang v. Lynch*, 824 F.3d 587, 592 (6th Cir. 2016); *Dehonzai v. Holder*, 650 F.3d 1, 8 (1st Cir. 2011); *Hamal v. U.S. Dep't of Homeland Security*, No. 19-2534, WL 2338316, at *4, n.3 (D.D.C. June 8, 2021). When affidavits contain such similarities, it is reasonable to infer that the petitioner who submitted the notably similar documents is the actual source from where the suspicious similarities derive. *Cf. Mei Chai Ye v. U.S. Dept. of Justice*, 489 F.3d 517, 519 (2d Cir. 2007); *Wang v. Lynch*, 824 F.3d at 592. Furthermore, support letters "that merely reiterate USCIS' definitions relating to this classification or make general and expansive statements regarding the [petitioner] and [their] accomplishments are generally not persuasive." 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3).

In response to a request for evidence (RFE) from SCOPS, the Petitioner provided a certificate stating that he is a member of the "Association of the Handicraftsman [sic] of the Republic of Uzbekistan" (certificate). It is not clear from the record whether this is the same organization as the Hunarmand Association or the "Hunarmand Association of Artisans, Craftsmen, and Folk Artists of the Republic of Uzbekistan" listed in the brief, nor does the certificate indicate any admission requirements for the organization named therein. Furthermore, documents submitted to corroborate the Petitioner's claim that he meets this criterion spell his name differently; the certificate spells it [redacted] a *Verification of "Hunarmand" Association* spells it [redacted] and the first sentence of the letter from the Hunarmand Association spells it [redacted] (emphasis added). Two supporting letters from individuals who claim to confirm the Petitioner's accomplishments and eligibility for the Hunarmand Association similarly misspell his name in the first sentence, both using [redacted] One supporting letter, from J-K-, also uses repetitive language. The writer states he "reviewed the accomplishments of [the Petitioner] in the field of traditional Uzbek jewelry craftsmanship. Based on his outstanding achievements in creating traditional jewelry, such as vintage women's rings and chains," J-K- recommended his admission to the Hunarmand Association. J-K- then writes in the following sentence, "Upon reviewing [the Petitioner's] accomplishments in Uzbek traditional jewelry art, such as vintage women's rings and chains," he concluded that the Petitioner is a master in his field. Again,

the errors and duplicative language in the evidence the Petitioner submits raises concerns about the authenticity of these documents and reduces their evidentiary weight. Additionally, the record lacks corroborating evidence of the claims in the letters.

Moreover, the evidence submitted in response to the RFE conflicts with evidence the Petitioner previously provided. Although the letters in response to the RFE state that he was admitted to the Hunarmand Association in 2011, a recommendation letter from Z-N-K- submitted below states he "was admitted to Hunarmand, Association of the Republic of Uzbekistan in 1997, when he was 15 years old." This letter is accompanied by a membership certificate listing the date of the "serial number in the register" as "1997 y.11.11" (1997 certificate), which appears to correspond to November 11, 1997, on which date the Petitioner would have been 14 years old. It is not clear how the Petitioner could have met the claimed rigorous admission requirements for the Hunarmand Association at age 14, prior to the date Z-N-K-'s letter indicates he began "working as an independent master" in 2009, or why the purported 1997 date of admission conflicts with other evidence showing he was admitted in 2011. Also, contrary to the serial number date, the issuance date of the 1997 certificate is written "01/03/2011," preventing us from discerning the true date of the Petitioner's admission to the Hunarmand Association. The 1997 certificate also adds yet another spelling of the Petitioner's name, [redacted] (emphasis added), and the 1997 certificate number, [redacted] differs from that on the *Verification of "Hunarmand" association* he previously submitted, [redacted] The Petitioner also previously submitted other certificates and letters to indicate his membership from 2011 and 2018, but these do not provide information about the admission requirements or resolve the discrepancies discussed. Furthermore, these documents contain an additional version of the Petitioner's name, [redacted] switching the order of the surnames. He also provided a 2017 certificate of his membership in the Central Asia Crafts Support Association, but the record lacks evidence about the membership requirements. Therefore, the Petitioner did not submit sufficient evidence to establish that his membership in any of the artists' associations named above satisfies all elements of this criterion.

> *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.* 8 C.F.R. § 204.5(h)(3)(iii).

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." These materials must include "the title, date, and author of the material, and any necessary translation." *Id.* The published material should be about the alien and their work, rather than the alien's employer and its work (or about an organization and its work). Professional or major trade publications may be identified by their intended audience, while other major media and major trade publications should have elevated circulation or readership relative to other media in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

According to the Petitioner, he meets this criterion because he was mentioned in an article about the claimed benefits and characteristics of silver jewelry. The one-page article, titled [redacted] states that the Petitioner believes "only hand jewelery [sic] made of pure silver with natural stones is beneficial to its owner," that certain types of stones may impact the wearer's health or are more appropriate for wear by certain people, and that jewelry may "transmit energy" from the

maker. The article appeared on a website called Caravan.kz, about which the Petitioner provided general information including web traffic data. But this evidence does not show that Caravan.kz, a website in Kazakhstan, is a professional or major trade publication or other major media, nor does the article indicate that it relates specifically to the Petitioner's work in the field of traditional Uzbek jewelry rather than jewelry in general.

The Petitioner also claims that he meets this criterion based on an interview about his background and work that appeared in a publication called Business & Market Newspaper. He asserts that this "multilingual newspaper reaches a broad audience across New York, New Jersey, and Pennsylvania." A photocopy of a portion of the relevant issue of Business & Market Newspaper and an "About Us" page both state that it is a "Multilingual Informative Advertisement" where businesses can advertise their services to Russian, Ukrainian, and Polish communities. The "About Us" page also states, "What you pay for – is simply space on our pages." A translation of another page of the publication states the editorial board "does not bear responsibility for the accuracy of the information contained in advertisements" and "[m]anuscripts are neither reviewed nor returned." This does not support the Petitioner's claim that Business & Market newspaper qualifies as a professional or major trade publication or other major media relating to his work, as 8 C.F.R. § 204.5(h)(3)(iii) requires. Promotional or marketing materials are not generally considered to be published material about the person. This includes seemingly objective content about the person in major print publications that the person or the person's employer paid for. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

Additionally, the Petitioner's interview in Business & Market Newspaper occurred in [redacted] 2024, after SCOPS issued the RFE in August 2024, and does not establish that the Petitioner had met this criterion at the time of filing, as required. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). A petition cannot be approved at a future date after the petitioner becomes eligible under a new set of facts. *Matter of Izummi,* 22 I&N Dec. 169, 175 (Comm'r 1998). That decision, citing *Matter of Bardouille,* 18 I&N Dec. 114 (BIA 1981), further provides that USCIS cannot "consider facts that come into being only subsequent to the filing of a petition." *Id.* at 176. Accordingly, the Petitioner has not met this criterion.

> *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).

The regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." A petitioner may show that their contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. *See Visinscaia*, 4 F. Supp. 3d at 134-35. Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and

- Patents or licenses deriving from the alien's work or evidence of its commercialization.

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

The Petitioner asserts that he meets this criterion because he has made "original and transformative contributions to the field of traditional Uzbek jewelry making" through modernization of traditional techniques. As supporting evidence, he initially submitted an expert opinion letter from Z-K-Z-, an art historian, who states the Petitioner is a talented master jeweler who "relies on the experience of the ancient [redacted] masters and consciously modernizes them . . . ." Z-K-Z- claims the Petitioner has participated in art exhibitions in Uzbekistan and abroad, teaches others, and appeared in "[d]ocumentary and popular science films and commercials of Regional and Republican television," and Z-K-Z- believes the Petitioner will become famous and win awards. The letter from Z-K-Z- indicates that the Petitioner is skilled in the field of Uzbek traditional jewelry, has worked to carry on the traditions of his craft, and has developed his own style and techniques, but does not establish that he has made contributions of major significance in the field. Furthermore, the record lacks evidence to corroborate the claim that the Petitioner has been the subject of documentary films. Similarly, a letter from O-K-M-, a professor at [redacted] indicates the Petitioner is "one of the talented young jewelers who continues the traditions of [redacted] jewelry making," is skilled in his craft, and has taught others and participated in exhibitions. O-K-M- claims the Petitioner "revived the ancient traditions of the [redacted] jewelry school and enriched it with a new form and content," but does not specifically state that the Petitioner has produced original work that has been significant in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

A letter from R-N-F- states that the Petitioner studied "coining" in 1996 and then participated in exhibitions. The relevance of this letter is not clear, as it does not explain what coining is or how the Petitioner's study in that area indicates an original contribution of major significance in his field of traditional Uzbek jewelry.

In response to the RFE from SCOPS, the Petitioner submitted a letter from A-D-O-, who repeats that the Petitioner "revived" and mastered the techniques of ancient Uzbek jewelry and created "variants of traditional jewelry." A-D-O- notes that the Petitioner's work is of high quality and that he has his own style. E-V-G-, the [redacted] states the Petitioner became a master in his field after studying the folk art of traditional Uzbek jewelry, received prizes at exhibitions and trade fairs, and "is [redacted] hereditary Jewelry-maker." F-O-R-, [redacted] provides a description of the Petitioner's works, including photographs and explanations of the techniques, decorations, materials, and significance of individual pieces. F-O-R- also discusses the Petitioner's appearance at art exhibitions and festivals, stating that "he has repeatedly become the absolute winner in several competitions." Again, this evidence confirms the Petitioner's skill in making traditional Uzbek jewelry but not that his work has been widely implemented throughout the field, has remarkably impacted or influenced the field, or has otherwise risen to a level of major significance. *See Visinscaia*, 4 F. Supp. 3d at 134-35. Additionally, the claim that he has won multiple awards is not corroborated by independent evidence. Therefore, the Petitioner has not met this criterion.

Evidence that the alien has 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).

The regulation at 8 C.F.R. § 204.5(h)(3)(ix) calls for "evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field." A credible employment contract or job offer may establish that an alien "has commanded" such salary or remuneration, as may evidence of past earnings such as tax returns and pay statements. Comparative wage or remuneration data that is appropriate for the alien's occupation and location should be submitted to establish that their compensation is high relative to others working in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

On appeal, the Petitioner contends that he meets this criterion based on evidence of his salary as a master jeweler at a company from 2014 to 2017. He argues that his employment records and data about average wages in Uzbekistan show that he earned thirteen times the average salary in his field and region. In support of his petition, he submitted letters from his prior employer confirming his employment; a record of his income from the employer; exchange rates for Uzbek currency; and a chart of his income in equivalent U.S. dollars. However, this evidence does not provide a comparison between the Petitioner's salary and others in his field. He also submitted a printout from a website about the average salary for a person working in jewelry sales in [redacted] Uzbekistan in 2024. However, the Petitioner does not claim that he is in the field of jewelry sales, but instead that he possesses extraordinary ability as a master jeweler who specializes in making traditional Uzbek jewelry. The Petitioner must submit documentation of the earnings of those in his occupation performing similar work. While we acknowledge that a district court's decision is not binding precedent, we note that in *Racine v. INS*, 1995 WL 153319 at *4 (N.D. Ill. Feb. 16, 1995), the court stated, "[T]he plain reading of the statute suggests that the appropriate field of comparison is not a comparison of Racine's ability with that of all the hockey players at all levels of play; but rather, Racine's ability as a professional hockey player within the NHL. This interpretation is consistent with . . . the definition of the term 8 C.F.R. § 204.5(h)(2), and the discussion set forth in the preamble at 56 Fed. Reg. 60898–99."

Additionally, as SCOPS explained, average salary information for 2024 does not provide data relevant to the income records he provided from 2014 to 2017. Although he argues that the regulation "does not require exact year-to-year correspondence between the beneficiary's earnings and comparison data," he does not submit evidence to show that average salaries in 2024 provide a relevant comparison with his salary as much as a decade earlier. The Petitioner must present evidence of objective earnings data showing that they have commanded a "high salary" or "significantly high remuneration" in comparison with those performing similar work during the same time period. *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering professional golfer's earnings versus other PGA Tour golfers); *see also Skokos v. U.S. Dept. of Homeland Sec.*, 420 F. App'x 712, 713–14 (9th Cir. 2011) (finding salary information for those performing lesser duties is not a comparison to others in the field); *Grimson v. INS*, 934 F. Supp. 965, 968 (N.D. Ill. 1996) (considering NHL enforcer's salary versus other NHL enforcers); *Muni v. INS*, 891 F. Supp. 440, 444–45 (N.D. Ill. 1995) (comparing salary of NHL defensive player to salary of other NHL defensemen).

As supporting evidence on appeal, the Petitioner provides a certificate from the State Statistics Committee, [redacted] Uzbekistan, confirming that he worked as a master jeweler and earned

at least 210,332,100 Uzbek Soms per year from 2014 to 2017. An *Information Letter* from the State Statistics Committee indicates that the average monthly salary in Uzbekistan in 2017 was 1.5 million Soms, and the highest average earnings were in the fields of finance and insurance. This evidence relates generally to Uzbekistan as a whole and does not provide the required comparison between the Petitioner's salary and others in his field. An *Order of the Ministry of Economy and Finance of the Republic of Uzbekistan* shows that wages, pensions, scholarships, and benefits were increased in August 2016, although it contains a note that the order became invalid in accordance with another order issued in December 2017. Similarly, a 2018 order relating to average salary retained during annual leave contains a note that it became invalid in accordance with a resolution dated January 2025. Even if valid, these orders discuss general wage information in Uzbekistan rather than specifics relating to salaries in the Petitioner's field. Two articles about the average monthly wage in Uzbekistan in 2017 and 2018 similarly lack relevant evidence about wages in the Petitioner's field as a master of traditional jewelry making. Average and median salaries are insufficient to establish the Petitioner commanded a high salary in relation to others in the field. *Kinuthia*, 702 F. Supp. 3d at 11; *Mussarova v. Garland*, 562 F. Supp. 3d 837, 853 (C.D. Cal. 2022). Proving a salary is "above average" typically does not suffice to establish a "high salary" or "significantly high remuneration." More comprehensive wage data is needed to effectively demonstrate high earnings relative to peers. Based on these deficiencies in the evidence, the Petitioner has not submitted documentation that meets the plain language requirements of this criterion.

III. CONCLUSION

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 he is 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).

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.