U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43143662

Date: SEP. 3, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, an education researcher, seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. *Id.*

USCIS denied the petition, concluding that the record did not satisfy at least three of the 10 initial evidentiary criteria. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.[1]

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) 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.

[1] The Petitioner's Form I-290B, Notice of Appeal or Motion, was initially assigned receipt number [redacted]. On April 9, 2026, we issued correspondence notifying the Appellant that this had been changed to the current receipt number, [redacted]. This is only an internal processing change.

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 sustained acclaim and the recognition of their achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then they must provide sufficient qualifying documentation that meets at least three of the 10 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). If a criterion at 8 C.F.R. §§ 204.5(h)(3)(i)-(x) does not readily apply to an occupation, petitioners may submit comparable evidence to establish eligibility. 8 C.F.R. § 204.5(h)(4).

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).

II. ANALYSIS

The Petitioner generally described the endeavor as a plan to continue working as an education researcher.

USCIS concluded that the record satisfies the criteria at 8 C.F.R. §§ 204.5(h)(3)(iv) and (vi) but not the criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(ii), (v), and (viii), noting that the Petitioner did not assert eligibility under the remaining criteria. On appeal, the Petitioner reasserts that the record satisfies the criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(ii), (iv)-(vi), and (viii), but not the other criteria.[2] For the reasons discussed below, the record does not satisfy at least three of the criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x).

A. Recognized Prizes or Awards

The criterion at 8 C.F.R. § 204.5(h)(3)(i) requires "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." Relevant considerations for determining whether a prize or award is for excellence in the field of endeavor include, but are not limited to, the criteria used to grant the prize or award, the national or international significance of the prize or award in the field, the number of recipients of the prize or award, and limitations on competitors. *See generally* 6 *USCIS Policy Manual*, F.2(B)(1), https://www.uscis.gov/policy-manual.

USICS acknowledged that the Petitioner received the following: an award from the Journal of the Learning Sciences (JLS); a award; a and research grants from the National Science Foundation (NSF).

[2] The Petitioner also claims that *Mukherji v. Miller*, No. 4:24-CV-3170, 2026 WL 895708 (D. Neb. Jan. 28, 2026), "directly undermines the legal foundation of USCIS's [sic] denial." USCIS is not bound to follow the published decision of a district court, even in cases arising in the same district. *See Matter of K-S-*, 20 I&N Dec. 715, 718-20 (BIA 1993). Therefore, we are unpersuaded by the Petitioner's references to *Mukherji*, which is an unpublished district court case.

And contrary to the Petitioner's claim on appeal, USCIS noted that the self-promotional information about the awards and the awarding institutions the Petitioner submitted does not establish how the awards may have recognition—whether national or international—beyond the awarding institutions. USCIS also explained that grants that fund research are "principally designed to fund future research, and not to honor or recognize past contributions of major significance in a given field" and, thus, are not prizes or awards for excellence in the field of endeavor, as contemplated by the criterion. Based on those issues, USCIS concluded that the record does not satisfy this criterion.

On appeal, the Petitioner reasserts that the JLS' [redacted] award satisfies this criterion, although she does not reference any particular item of evidence in the record that supports such a conclusion. She also claims that NSF research grants "are awarded based on demonstrated past accomplishments and scientific merit . . . only after rigorous national peer review" and, thus, satisfy this criterion although, again, she does not identify evidence in the record that establishes this. She does not address either her [redacted] award or the [redacted] and the record does not support the conclusion that either of those satisfy this criterion.

The record contains a copy of a one-page document for the [redacted] award from JLS, given to the Petitioner and her research paper's co-authors, followed by a single-page document that appears to describe the [redacted] award, and the Petitioner's contributions to the research project that the award recognized. However, this undated document lacks such critical information as its source, date, and author; therefore, it is of little probative value. We acknowledge a publication from [redacted] that describes JLS as "the top journal in [the] field," and information from JLS describing its perspective on its own award's importance in the record. However, the record does not establish whether the JLS [redacted] award—as distinguished from the JLS more generally—is nationally or internationally recognized, beyond JLS' own assessment of its award.

Moreover, neither the [redacted] publication nor the remainder of the record indicates that the JLS [redacted] award is for excellence in the field of endeavor. Setting aside the document described above from an unknown source, the record does not establish, for example, the national or international significance of the award or any limitations on competitors for the award other than having written a paper published by JLS in a given year. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Information in the record from JLS summarizes the criteria for selecting awardees of the award: first, the paper must be published by JLS after having undergone a peer-review process; second, an editor must nominate the paper as among the "most significant" papers JLS published in a given year; and third, a committee of unspecified "international scholars" must select a "single top paper, affirming their methodological rigor, theoretical coherence, and global relevance." Thus, the JLS information does not indicate that the award is given for excellence in the field of endeavor, as opposed to being subjectively favored over other JLS papers by unspecified JLS affiliates.

The Petitioner also submitted a letter from an individual who asserts he is a retired NSF program officer who formerly reviewed applications and awarded NSF grants.[3] He informs that the process begins when researchers submit requests for grants to fund future research, not requests for prizes or awards for prior research they have already completed, which already was funded. He conveys that, essentially, NSF grants are based on "two broad perspectives, (1) Intellectual Merit, the excellence and innovation of the[] proposed research and (2) Broader Impacts, the practical value of the research to the nation." He further notes that a given researcher's "expertise . . . would certainly be highly relevant as a member of a project team," apparently because the expertise—and its variety among participants—informs the likelihood of a prospective project's success. This information supports USCIS's determination that NSF grants are not prizes or awards for excellence in the field as of the date the grant is given but, rather, "principally designed to fund future research." More specifically, NSF grant reviewers consider the potential "excellence and innovation of the[] proposed research" that a grant request seeks to fund in the future and "the practical value of the research to the nation" upon its eventual completion. Thus, the record does not establish that NSF grants—and research grants in general—are prizes or awards for extant excellence in the field of endeavor.

Based on the foregoing, the record does not satisfy this criterion.

B. Membership in Associations in the Field

The criterion at 8 C.F.R. § 204.5(h)(3)(ii) requires "[d]ocumentation 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." Examples of qualifying associations include, but are not limited to, certain professional associations and fellowships with certain organizations or institutions. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

USICS acknowledged that the Petitioner is a member of the National Association for Research in Science Teaching (NARST), the American Educational Research Association (AERA), the [redacted], the American Association for the Advancement of Science (AAAS), and the Association for Computing Machinery (ACM). USCIS also noted that the Unidos Center for Hispanic-Serving Institution Community Coordination (Unidos HSI-CCC) invited the Petitioner to participate with it. However, USCIS noted that the record does not show the Petitioner is a member of Unidos HSI-CCC, and it furthermore does not establish that the other associations of which she is a member required outstanding achievements and that such achievements were judged by recognized national or international experts in their disciplines or fields. Therefore, USCIS concluded that the record does not satisfy this criterion.

On appeal, the Petitioner suggests that, by participating in Unidos's HSI-CCC, she is a member of an association and that, because participation in Unidos's HSI-CCC is limited to NSF grant recipients, this demonstrates a requirement of outstanding achievements as judged by recognized experts. She

[3] The Petitioner submitted other letters, such as those from other NSF grant awardees. However, because these other letters do not purport to be from those with personal knowledge of NSF grant selection, they bear minimal probative value for determining the fact at issue of whether an NSF grant is based on excellence in the field of endeavor or prospective and speculative. *See, e.g.*, Fed. R. Evid. 702 (providing that an expert opinion may "help the trier of fact to understand the evidence or to determine a fact in issue," not that it is evidence of fact itself).

also reasserts that her membership in NARST, AERA, and [redacted] satisfy this criterion. However, she does not identify any particular evidence in the record that supports these conclusions.

We acknowledge that Unidos's HSI-CCC working groups relate to the field of education. However, the record does not support the conclusion that the Petitioner's inclusion in Unidos's HSI-CCC working groups qualifies as membership in an association as contemplated by this criterion, that Unidos requires working group members to demonstrate outstanding achievements, and that recognized national or international experts in their disciplines or fields judge prospective working group members. The record contains a document addressed to the Petitioner from the Unidos HSI-CCC, providing an email address at "fiu.edu," although the document itself does not clearly indicate whether it is a letter or an email, or even the date it was written or sent. The letter invites the Petitioner to "participate" in one of an unspecified number of "small, dynamic working groups (5-10 members each)," with various objectives to be met within approximately 16 hours of meetings "during the project period" of approximately six months, with no particular beginning or end date. The invitation lists a broad variety of individuals that may participate in the ad-hoc working groups, including "faculty, staff, researchers, administrators, graduate and undergraduate students, postdocs, evaluators, and community partners." The inclusion of individuals such as undergraduate students and generalized community partners among ad-hoc working group participants directly contradicts the Petitioner's claim on appeal that participation in Unidos's HSI-CCC is limited to NSF grant recipients. Rather, the stated minimum criterion for participation is "a commitment to shared learning and collaboration."

Further, neither the invitation nor the remainder of the record shows that recognized national or international experts in any particular discipline or field judge whether the various staff, administrators, undergraduate students, and community partners have achieved excellence in the field for which classification is sought—education research—in order for them to participate in the ad-hoc working groups. For all of the foregoing reasons, the record does not establish that Unidos's HSI-CCC meets the plain language requirements of this criterion.

Next, the record indicates that, at the time the Petitioner filed the Form I-140, Immigrant Petition for Alien Workers, she was a "regular" member of NARST and AERA, and a "senior PC member" of [redacted] However, it does not establish that these associations require excellence in the field for which classification is sought and that recognized national or international experts in their disciplines or fields judge prospective members. Rather, a copy of NARST bylaws in the record states that eligibility for regular membership is open to "[a]ny individual who is committed to improving science teaching and learning through research." The NARST bylaws do not state that individuals must have outstanding achievements, nor does it indicate that recognized national or international experts in their disciplines or fields judge prospective members. Similarly, a copy of AERA bylaws indicates that eligibility for regular membership is open to individuals who submit "evidence of present or past active participation in education research, and of professional training at least to the level of the master's degree or the equivalent." However, the AERA bylaws do not elaborate on the generalized "active participation in education research" required of its members in order to clarify whether those active participants must have outstanding achievements in the field of education research, beyond merely participating in it. Moreover, the extent of the AERA bylaws' description of the regular membership review process is that AERA's executive director shall process membership applications according to the provision that states, in relevant part, simply that members must have actively participated in

education research to an unspecified extent. In turn, the AERA bylaws state that one becomes its executive director through "appoint[ment] by the Executive Board, with approval of the Council," but it does not indicate whether the executive director—who judges prospective regular members' applications—is a recognized national or international expert in any particular discipline or field.

Finally, the record contains a copy of the [redacted] charter, which provides three methods of becoming a member. First, "Any individual may become a Member of the [redacted] if sponsored in writing by two current members." Second, "anyone awarded a Ph.D. (in any field)" may become a member, apparently based solely on that academic level. Third, an individual who "submits evidence of having made a scientific contribution to the learning sciences, may apply for membership by writing to the [executive officer]." Neither the [redacted] charter nor the remainder of the record clarifies whether the generalized "scientific contribution to the learning sciences" applicants may use to obtain [redacted] membership must demonstrate outstanding achievements in education research—the field for which classification is sought. And even if the third membership method required outstanding achievements in the field for which classification is sought, which it does not, the other two methods—simply through sponsorship by two current members or by holding a Ph.D. in any field, not necessarily education research—would show that the [redacted] does not require, at a minimum, that all of its members have outstanding achievements in any particular field. Moreover, neither the [redacted] charter nor the remainder of the record establishes that the executive officer, who apparently reviews all membership applications alone, is a recognized national or international expert in any particular discipline or field. Rather, the [redacted] charter states simply that the board of directors selects an executive officer for not more than two consecutive three-year terms, but it does not otherwise impose any eligibility requirements on the executive officer.

Based on the foregoing, the record does establish that the Petitioner meets this criterion.

C. Contributions of Major Significance in the Field

The criterion at 8 C.F.R. § 204.5(h)(3)(v) requires "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." Examples of relevant evidence that contributions are of major significance in the field include, but are not limited to, published materials about the significance of the alien's original work; testimonials, letters, and affidavits about the alien's original work; documentation that the alien's original work was cited at a level indicative of major significance in the field; and patents or licenses deriving from the alien's work or evidence of commercial use of the alien's work. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

USICS acknowledged that the record contains information regarding the Petitioner's publications, and letters of recommendation. However, USCIS observed that the record does not show how her publications constitute contributions of major significance in the field. For example, USCIS noted that the record does not establish that the citations her publications have received show her work has been of major significance in the field. And although the letters of recommendation indicate that certain others are familiar with the Petitioner's publications, USCIS determined that they do not show that her publications have provoked widespread commentary, discussion, media attention, or other indicia of having major significance in the field more broadly. Based on those issues, USCIS concluded that the record does not satisfy this criterion.

On appeal, the Petitioner generally reasserts that letters of recommendation in the record show that her contributions have been of major significance in the field of education research, specifically by "influenc[ing] policy discussions at [NSF] and shap[ing] curriculum development in tribal educational systems" and being "adopted by the Bill & Melinda Gates Foundation for nationwide implementation and . . . integrated into teacher training programs across multiple states." She further claims that USCIS improperly disregarded opinion letters without "articulated, record-based rebuttal," citing *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 133-34 (D.D.C. 2013).

As a matter of discretion, USCIS may use opinion statements submitted by a petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, USCIS may give an opinion less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.* USCIS is ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.*; *see also* Fed. R. Evid. 702 (providing that an expert opinion may "help the trier of fact to understand the evidence or to determine a fact in issue," not that it is evidence of fact itself).

Although USCIS' discussion of the opinion letters in the record was brief, it nevertheless identified that the common deficiency among them is that the "letters from [the Petitioner's] acquaintances . . . familiar with [her] work do[] not necessarily demonstrate that [her] work is sufficiently well known so as to be consistent to meet the plain language of this criterion." This articulates a rebuttal based on the record, which she claims USCIS' decision lacks.

Although the Petitioner submitted copies of publications she authored or co-authored, along with a copy of her Google Scholar profile, the record contains limited evidence of how her contributions may be of major significance in the field. The Petitioner asserts that her citation record is distinguishable "not [due to] volume but source quality: her work has been cited by leading scholars." Although the Petitioner enumerated individuals whose publications she claims "appear in the most prestigious journals in the global learning sciences and STEM education research communities," she does not establish such a fact through evidence in the record. Petitioners bear the burden of establishing, through credible evidence in the record, that their claims are more likely than not true, not based on information outside the record. *See Matter of Chawathe*, 25 I&N Dec. at 376 (providing that petitioners bear the burden of proving their claims are more likely than not true by submitting relevant, probative, and credible evidence); 8 C.F.R. § 103.2(b)(8)(i) (providing that USCIS will approve benefit requests only when the evidence of record—not information outside the record—establishes eligibility); 8 C.F.R. § 103.2(b)(11) (providing that a response to an RFE is considered a request for a decision based on the record at that time). Here, the Petitioner does not meet that burden.

Next, although the Petitioner claims her contributions have "influenced policy discussions at [NSF] and shaped curriculum development in tribal educational systems" and were "adopted by the Bill & Melinda Gates Foundation for nationwide implementation and . . . integrated into teacher training programs across multiple states," she does not submit documentary evidence of NSF policy discussions that reference her contributions; documentary evidence that the Bill & Melinda Gates Foundation referencing and adopting her contributions; or documentary evidence from the multiple, unspecified state education departments that show they integrated her contributions into their teacher

training programs, as alleged. *See Matter of Chawathe*, 25 I&N Dec. at 376; 8 C.F.R. §§ 103.2(b)(8)(i), (b)(11).

Rather than submitting published materials about the significance of the Petitioner's contributions or other documentary evidence, the omission of which already addressed above, the Petitioner relies on opinion letters written by a select group of her acquaintances. The opinion letters generally consist of unsubstantiated characterizations; they do not establish that the Petitioner's contributions have been of major significance to the field of education research, or any other field. For example, although a letter co-signed by an associate professor at [redacted] and a professor at the [redacted] claims that the Petitioner "has advanced the field with theoretical and methodological contributions," as noted above, the record does not contain documentary evidence of policy discussions, curriculum development, or teacher training programs that reference and implement her work.

As another example, a letter from a professor at the [redacted] alleges that the Petitioner's JLS publication "is already making significant impact in the field and the center of discussion at all prominent conferences and meeting [sic]," but the record does not contain independent evidence of discussions at any particular conference or meeting that references the Petitioner's JLS publication, let alone that her work is the center of such a discussion. Similarly, a letter from an associate professor at the [redacted] purports that the Petitioner "has made groundbreaking contributions that are reshaping educational practices and scholarly discourse in the Learning Sciences." However, the record does not contain corroborating evidence of educational practices and scholarly discourse that discuss the Petitioner's work and are shaped by it. The remainder of the opinion letters contain similarly broad claims that are not substantiated by documentary evidence of fact. As noted above, the purpose of opinion letters is to help us understand evidence or to determine a fact in issue, not to stand in the place of evidence of fact. Fed. R. Evid. 702. Because the opinion letters' claims are not substantiated, they do not assist us in understanding evidence or determining a fact in issue, and they bear minimal probative value. *See Matter of Caron Int'l, Inc.*, 19 I&N Dec. at 795; *see also* Fed. R. Evid. 702.

Based on the foregoing, the record does not satisfy this criterion.

D. Leading or Critical Role

The criterion at 8 C.F.R. § 204.5(h)(3)(viii) requires "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." A title, with appropriate matching duties, can help establish whether a role is, or was, leading. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). In determining whether an individual has performed in a critical role, we consider whether the record establishes the individual 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 thereof. *See generally id.* Merriam-Webster defines "distinguished" as "marked by eminence, distinction, or excellence." *Distinguished*, Merriam-Webster.com, www.merriam-webster.com. Factors for determining whether an organization or establishment, or a department or division, has a distinguished reputation include, but are not limited to, the relative size or longevity of the organization or establishment, the scale of its customer base,

relevant media coverage, credible national rankings, and funding. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

USICS acknowledged that the record shows the Petitioner's contributions led to the success of certain projects. However, USCIS observed that the record does not establish how she had a leading or critical role within any particular organization. USCIS also noted that the record does not objectively show how the organizations or establishments for which the Petitioner worked have distinguished reputations. Based on those issues, USCIS concluded that the record does not satisfy this criterion.

On appeal, the Petitioner reasserts that she performed both leading and critical roles as co-principal investigator at [redacted], generally at the [redacted] by "rescu[ing] a struggling federally funded project," and by leading the [redacted] program.

As USCIS explained, the evidence pertains to the Petitioner's involvement with certain projects, but it does not show she performed in a leading or critical role for any particular organization or establishment, or a division or department thereof.

The record does not support the conclusion that the Petitioner has performed either a leading role or a critical role for [redacted] as a co-principal investigator. The Petitioner submitted a copy of a directory for [redacted] which specifically states that two individuals hold "leadership" roles, [redacted] Director, and [redacted]. In contrast, the directory lists the Petitioner as an assistant research professor among the [redacted] general "faculty & staff." The record does not otherwise establish that she performs a leading role at [redacted]—or any other division or department of [redacted].

As it relates to a critical role, the Petitioner submitted letters from professors at [redacted] who identify themselves as the principal investigator for certain research projects. Although the principal investigators' letters discuss the Petitioner's contributions to the research projects, neither they nor the remainder of the record address how those contributions were of significant importance to the outcome of [redacted] in general, the [redacted] more specifically, or any other division or department of [redacted], rather than being of some degree of importance to the research projects' outcomes. Similarly, a letter from the [redacted] vice president of research relates that the Petitioner "directly contributes to [redacted] strong reputation and impactful work," and he provides examples of the Petitioner's "success as a research faculty member." However, he does not inform how the Petitioner's contributions and research success were of significant importance to the outcome of [redacted] in general or any particular division or department thereof.

Next, the record contains little evidence of the role the Petitioner performed at [redacted]. Namely, she submitted a letter from the [redacted] School of Education's dean, who states that he was the Petitioner's "primary supervisor as well as collaborator in her position as a postdoctoral associate" on a research project conducted at [redacted] from 2021-23. The record does not clarify how the Petitioner may have performed a leading role at [redacted], despite being under the supervision of the letter author. The Petitioner also does not specify any division or department of [redacted] she may have led—rather, she states that she performed a leading role at [redacted] in general. Similar to the [redacted] principal investigators' letters, the [redacted] dean's letter addresses the Petitioner's contributions to certain [redacted] research projects,

but it does not convey how the Petitioner contributed in a way that was of significant importance to the outcome of [redacted] in general, or any particular division or department of [redacted], as opposed to her contributions to certain research projects.

Finally, the record contains limited information about the [redacted] program, primarily consisting of emails exchanged between the Petitioner and librarians to schedule program dates in 2015 through 2017. The schedules are for limited periods, such as six months at a time, on an intermittent basis, or for 90 minutes on two Saturdays per month. Although these emails show that the Petitioner conducted the [redacted] program, the record does not clarify what the divisions or departments of [redacted] are, which precludes a meaningful assessment of whether the Petitioner led or contributed in a way that is of significant importance to the outcome of a division or department of the [redacted]. The Petitioner does not purport—and the record does not support the conclusion—that she led or contributed in a way that is of significant importance to the outcome of the [redacted] overall by virtue of conducting the [redacted] program on an intermittent basis.

On the contrary, the Petitioner submitted copies of advertising flyers for the [redacted] program, which describe it as "part of a research project administered by faculty at [redacted]" apparently conducted at the [redacted], not as a program within any particular division or department of the [redacted] Moreover, although the Petitioner claims that she led the [redacted] program, several documents in the record direct individuals to contact the Petitioner's graduate advisor, [redacted], with questions about the program, given that the Petitioner was a doctoral student at the time. The record does not contain an organizational chart or other evidence that may clarify what the [redacted] program's actual leadership and personnel structure was, but we note that, because the Petitioner was not among "faculty at [redacted]" at the time, she does not appear to have administered the [redacted] program. Thus, the record does not establish that the Petitioner led the [redacted] program, beyond it not being a [redacted] program, as alleged.

Because the record does not establish that the Petitioner performed a leading role or a critical role for any particular organization or establishment, or a division or department thereof, we need not address whether the [redacted] or any other organization or establishment has a distinguished reputation. *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).

Based on the foregoing, the record does not satisfy 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. Because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that she 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*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 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. at 25.

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.