U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42810984

Date: SEP. 03, 2026

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

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

The Petitioner, a doctoral student in the field of mathematics, seeks classification as an alien 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 who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

USCIS Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner met the initial evidence requirement for this immigrant visa classification through either a one-time achievement (a major, internationally recognized award) or by meeting at least three of the evidentiary criteria under 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

To establish eligibility as an individual of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that the petitioner's achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that the term "extraordinary ability" refers only to those aliens in "that small percentage who have risen to the very top of the field of endeavor." A petitioner can demonstrate that they meet the initial evidence requirements for this immigrant visa classification through evidence of a one-time achievement (that is, a major, internationally recognized award). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. §§ 204.5(h)(2),(3).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the alien possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Amin v. Mayorkas*, 24 F.4th 383, 394 (5th. Cir. 2022).

II. ANALYSIS

The Petitioner is a doctoral student in mathematics at the [redacted] having earned a master of science degree from the same institution in 2024. He states that he intends to continue pursuing research in this field, particularly in "analytic number theory, [which] will expand into areas such as pseudo-randomness and spectral statistics, with practical applications in cryptography and quantum computing." He also states that he will continue to mentor students in mathematics, particularly through social media.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS concluded that the Petitioner met two of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), relating to his participation as a judge of the work of others and his authorship of scholarly articles.[1] We agree. On appeal, the Petitioner asserts that he also meets the evidentiary criteria relating to following:

- His receipt of lesser nationally or internationally recognized awards in his field,
- Published material in a qualifying medium about him and his work in the field, and

[1] SCOPS initially listed the criterion relating to his performance in a leading or critical role as one of three criteria that Petitioner met. However, because SCOPS later provided an analysis of the evidence submitted under this criterion and informed the Petitioner of the deficiencies in that evidence, the claimed error in the beginning of the decision was, at most, harmless. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless or scrivener's errors). For this same reason, the Petitioner's assertion that SCOPS erred in not conducting a final merits determination is not persuasive, as when read in its entirety the decision plainly states that he met only two of the five evidentiary criteria he claimed.

- His performance in a leading or critical for organizations having a distinguished reputation.

After reviewing all of the evidence in the record, we agree that the Petitioner has established that he has authored scholarly articles in his field that were published in professional media, and that he participated as a judge of the work of others in his field. Per the analysis below we conclude that the Petitioner has not established that he meets at least three of the ten evidentiary criteria under 8 C.F.R. § 204.5(h)(3).

1. Evidence of Lesser Nationally or Internationally Recognized Prizes or Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 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.

Here, the Petitioner asserts that he received the 2019 [redacted] in Nigeria.[2] And he claims that SCOPS erred in focusing instead on evidence of a plaque and a trophy awarded to him by the [redacted] chapter. But the photographs of these two items, naming him '[redacted]' and '[redacted] 2018/2019," are the only direct evidence in the record documenting his receipt of a prize or award under this criterion. And he concedes that neither of these awards is nationally or internationally recognized.

Regarding the claimed prize from [redacted] the Petitioner submitted two letters from officials of this federal institution. Professor P-M- writes in his letter that the Petitioner "emerged as the Overall Best Student [redacted] in the 2019 [redacted] for University Students [redacted]." He goes on to describe the process of selection and evaluation for the competition, and states that "only one participant nationwide is declared the "Overall Best Student, while other top-performing contestants receive gold, silver, or bronze medals." And he writes that the Petitioner "achieved the highest overall performance among all competitors and was accordingly conferred the [redacted] and Overall Best Student distinction."

But Professor P-M- makes no mention of a [redacted] Award, and the record does not include documentary evidence of a medal received by the Petitioner or any prize or award for having achieved the highest grade in the written examinations comprising the competition. *See Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *8 (N.D. Cal. Feb. 16, 2021) (upholding there was no primary evidence of the awards but only letters describing receipt of awards). In addition, while P-M-'s letter indicates that other competitors also received [redacted] in this competition, he does not explain whether the [redacted] supposedly received by the Petitioner differed from the others and indicated his status as the "Overall Best Student."

[2] He alternatively names it the '[redacted] (2019)" and the [redacted]'

The other letter from an official was written by Professor B-O-, who states that the Petitioner "received a and emerged as the Overall Best in the competition." Again, the record does not include evidence of this beyond these two letters, and the Petitioner does not explain its absence. And Professor B-O- does not indicate that the purportedly received by the Petitioner included any indication of his "overall best" status, or that he was otherwise awarded based on this specific status. Most importantly, this letter also does not mention a ' ' or any of the other name variations used by the Petitioner, let alone that he received such an award.

The Petitioner does not base his claim to this criterion on his claimed receipt of the same type of received by other top finishers in the competition as described in the two letters from officials, but on an award that he has not established exists. We acknowledge that these letters and other evidence in the record indicate that he was the top scorer in the 2019 competition, but recognition as the top scorer is not the same as receipt of a prize or award. The evidence in the record does not show that awarded him specifically on the basis of having achieved the highest score in the competition.

As noted above, the evidence is insufficient to show that the Petitioner received a in the 2019 Nevertheless, even if we were to accept that the Petitioner received this award, the record does not establish that it would have been received for excellence in the field of endeavor. Two factors to be considered in determining this element of the evidentiary criterion include the number of awardees or prize recipients and any limitations on competitors. *See generally* 6 *USCIS Policy Manual* F.2(B)(1). Professor B-O-'s letter indicates that in 2019 20 Nigerian universities participated in the with a total of 80 undergraduate students competing. Thus there are two inherent limitations to the number of competitors for a medal in this competition: status as an undergraduate student and as an undergraduate student at one of the universities participating in this competition.[3] These limitations on the number of competitors, together with the fact that half of the competitors received medals,[4] demonstrates that the awards granted at this competition were not given for excellence in the overall field of mathematics, which encompasses undergraduate students at non-participating universities, graduate and doctoral students studying mathematics, and all those working in the field who have already completed their education. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *5 (S.D.N.Y. Jan. 5, 2024) (finding petitioner's high school tournament awards, in which he competed against other students, were not for excellence in his field of endeavor).

The Petitioner has not demonstrated that he received a 2019 as he claims, or that this award exists. And even if he did win a gold medal at the competition, the record does not establish that that award would have been for excellence in the overall field of mathematics. As such, the Petitioner has not established that he meets this criterion.

[3] While the record does not include evidence regarding the number of universities in Nigeria which would be eligible to participate in this competition, we note that an article in *Punch* includes a quote from an official that the competition was not restricted to public universities and encouraging more universities to participate.

[4] The article in *Punch* also indicates that 40 of the 80 contestants received bronze, silver, and gold medals.

2. Published Material About the Petitioner Relating to His Work in the Field

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) seeks "[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." It also requires that such evidence includes "the title, date, and author of the material, and any necessary translation." The published material should be about the alien and his work, rather than the alien's employer and its work (or about an organization and its work). Professional 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 F.2(B)(1).

The Petitioner submitted copies of more than 20 articles, all mentioning his overall best score in the 2019 national mathematics competition held by [redacted] discussed above. Beyond the criterion's requirements for date and author name, these articles are not about him and his work in the field. Firstly, the bulk of the content of these articles discuss the competition itself and include extensive comments from its organizers, and only mention the Petitioner in identifying him as a final year undergraduate at [redacted] and including a short quote from him. While we acknowledge that the alien and his work need not be the sole focus of the published material, the articles here do not include a substantial discussion of the Petitioner and his work. *Id.*

Secondly, this criterion requires published materials about an alien and their *work in the field for which classification is sought*. Here, the Petitioner has identified his intention to continue to pursue research in "analytic number theory, [which] will expand into areas such as pseudo-randomness and spectral statistics, with practical applications in cryptography and quantum computing." He also describes his published work in mathematical modelling and the analytical study of number theory. The Petitioner has not established that the articles' discussion of his participation in a contest for undergraduate mathematics students constitutes published media about his work in the field for which classification is sought.

In addition, SCOPS pointed out in their decision that the text of the articles was identical or nearly identical in all cases, despite authorship being attributed to the [redacted] in some cases, to individual writers in others, and in many cases to the publication or to no individual or organization. While we agree with the Petitioner's statement on appeal that the record does not include evidence showing that he paid for the publication of this material, USCIS evaluates media coverage based on editorial independence and objective third-party recognition and this type of replication across publications warrants diminished evidentiary value. This syndication creates the appearance it was distributed through automated networks or paid distribution services rather than independent editorial selection, or that it is self-promotional materials which USCIS policy does not allow. *See Id.* (noting that marketing materials created for the purpose of selling the person's products or promoting the person's services are not generally considered to be published material about the person which includes seemingly objective content about the person in major print publications that the person or the person's employer paid for).

Finally, the Petitioner also submitted visitation and viewership statistics for some of the publications in which the articles appeared from sources including SimilarWeb and HypeStat. These statistics include rankings which help to put the raw visitation figures in context, and combined with other

evidence are sufficient to show that of the publications in which this story appeared, only punchng.com and vanguardngr.com are major media in Nigeria. However, the article published on punchng.com does not include the date of publication as required, and the article published on vanguardmgr.com does not include an author or attribute its source to any individual or organization. Thus neither article meets the requirements of this criterion.

For all of the reasons discussed above, the Petitioner has not established that he meets this criterion.

3. Performed in a Leading or Critical Role for Organizations with a Distinguished Reputation

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." A role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. Evidence of a leading role should show that the alien was a leader for the claimed component, and a job title with matching duties may help top establish that a role was leading. 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. 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. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner bases his claim to this criterion on his previous roles as president of the [redacted] branch, president of the [redacted] chapter of the [redacted], and as computational advisor for the [redacted] at the [redacted].[5] SCOPS determined that his roles for the [redacted] chapters of [redacted] and [redacted] were leading ones for those organizations, they concluded that the Petitioner had not established that either of those chapters had a distinguished reputation.

On appeal, the Petitioner asserts that SCOPS imposed novel requirements when they appeared to require a comparison of his role with [redacted] with that of the leaders of other student organization at [redacted]. As noted above, a petitioner may show that they played a leading or critical role for a division or department of an organization or establishment. Here, the Petitioner claimed a leading role for only those chapters, and not for the overall [redacted] organizations or for [redacted] as a whole, so we agree that a comparison of his role to those of the leaders of other student organizations or chapters is irrelevant. Based on the evidence submitted under this criterion, the Petitioner has established that he played a leading role for the [redacted] chapter of [redacted]

[5] We note that when responding to SCOPS' request for evidence (RFE), the Petitioner only addressed his role for and the reputation of the [redacted] chapter, and did not submit new evidence or provide further explanations regarding these factors for the other two organizations. He also does not specifically address his role for, and the reputation of, [redacted] on appeal. We therefore deem these issues to be waived, and will consider only his role for [redacted] under this criterion. *See Matter of O-R-E-*, 28 I&N Dec. 330,336 n.5 (BIA 2021)(*citing Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012))(waiving an issue not fully developed on appeal).

Turning to the issue of whether [redacted] has a distinguished reputation, in his appeal brief the Petitioner appears to conflate the reputation of the specific [redacted] chapter for which he played a leading role with that of the nationwide organization. For example, he states that [redacted] is not a casual student club but a nationally chartered academic organization with... more than 60 chapters and approximately 18,000 members nationwide." As stated above, where a petitioner bases their claim to this criterion on a role with a department or division of an organization, they must submit evidence to establish that that department or division has a distinguished reputation independent of the larger organization. The fact that [redacted] has 60 chapters and 18,000 members nationwide is irrelevant to the reputation of its [redacted] chapter because it does not distinguish it from the other 59 chapters. Similarly, while the Petitioner focuses on the evidence of the ranking of [redacted] amongst Nigerian universities, this does not reflect on the reputation of the [redacted] chapter despite its official designation as part of the university's Department of Mathematics, since [redacted] is only one division of that department, which is itself only one part of the university.

While the Petitioner has established that he played a leading role for [redacted] he has not established that that division of the Department of Mathematics at [redacted] has a distinguished reputation. Accordingly, he does not meet this criterion.

B. Final Merits Determination

In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.

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 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*, 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. 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.