U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43902972

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 fitness specialist, 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 denied the petition, concluding that the Petitioner had satisfied at least three of ten initial evidentiary criteria, but the totality of the material provided in a final merits determination did not show sustained national or international acclaim demonstrating that the Petitioner is among the small percentage at the very top of the field of endeavor. 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 qualify for this immigrant visa category, a petitioner must demonstrate that the beneficiary:

- Has "extraordinary ability in the sciences, arts, education, business, or athletics";
- Seeks to continue work in his or her field of expertise in the United States; and
- Would substantially benefit the United States as an immigrant.

Section 203(b)(1)(A)(i)-(iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). Unless a petitioner can demonstrate international recognition of the beneficiary's achievements in the field through a one-time achievement (that is, a major, internationally recognized award), he or she must provide sufficient

qualifying documentation that meets at least three of the ten lesser evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable evidence if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)–(x) do not readily apply to the beneficiary's occupation.

If a petitioner meets these initial evidence requirements, USCIS must 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 beneficiary 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 Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step extraordinary ability analysis "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

As the Petitioner has not established that she received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). USCIS concluded that she met five criteria: 8 C.F.R. § 204.5(h)(3)(i) (receipt of lesser nationally or internationally recognized awards), 8 C.F.R. § 204.5(h)(3)(iii) (published material about the alien in major media), 8 C.F.R. § 204.5(h)(3)(vi) (authorship of scholarly articles), 8 C.F.R. § 204.5(h)(3)(viii) (display), and 8 C.F.R. § 204.5(h)(3)(viii) (leading or critical role).

Upon review of the record, we will not disturb USCIS' determination that the Petitioner has satisfied at least three initial regulatory criteria. However, in reviewing the totality of the evidence in the context of the final merits determination,[1] we conclude that the Petitioner has not shown she garnered sustained national or international acclaim and her achievements have been recognized in the field of endeavor, demonstrating she is one of that small percentage who has risen to the very top of the field. *See* 8 C.F.R. § 204.5(h)(3).[2]

On appeal, the Petitioner asserts that USCIS erred in concluding that she did not meet two additional criteria (membership and original contributions), imposed requirements not found in the regulations and failed to consider evidence as a whole, and did not properly consider comparable evidence.

As we conclude that the Petitioner has met the required three initial criteria, we need not address the Petitioner's appellate claims that she also meets three other criteria at 8 C.F.R. § 204.5(h)(3)(ii), (iii), and (viii). *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). In a final merits determination, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if her successes are sufficient to demonstrate that she has 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*

[1] *See also generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policymanual.

[2] As contemplated by Congress, the Petitioner's achievements should reflect a "career of acclaimed work in the field." H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

also Kazarian, 596 F.3d at 1119-20. The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required" for lesser classifications. 56 Fed. Reg. 30703, 30704 (July 5, 1991). Consequently, courts have applied this high standard in interpreting "extraordinary ability." *See, e.g., Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013) (upholding agency's decision to deny EB-1 classification to a competitive ballroom dancer who had won world junior championship); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 915, 918 (N.D. Ill. 2002) (upholding agency's decision to deny EB-1 visa to "arguably one of the most famous baseball players in Korean history"); *Kazarian v. U.S. Citizenship & Immigr. Servs.*, 596 F.3d 1115, 1117, 1122 (9th Cir. 2010) (upholding agency's decision to deny EB-1 classification to Ph.D.-holding theoretical physicist working with researchers at Caltech).

Moreover, courts have indicated that providing context for one's accomplishments is necessary for showing sustained national or international acclaim. *See e.g., Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4 (D.D.C. June 8, 2021), *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (upholding the finding that plaintiff did not contextualize his awards throughout his career to show sustained national or international acclaim); *Trajano v. U.S. Citizenship and Immig. Services*, No. CV 25-12388-FDS, 2026 WL 2137917, at *6 (D. Mass. July 24, 2026) (finding that although plaintiff provided a great deal of evidence concerning his career and certain accolades he had received, he did little to situate those awards and accolades in context to show how they demonstrated extraordinary ability).

Based on the regulations and pertinent case law, we agree with USCIS that the Petitioner has not sufficiently contextualized or compared her accomplishments and career to other fitness specialists in the field, showing that she enjoys a career that meets a very high standard. The Petitioner stated that she intends to "continue her career by establishing herself in the United States as a professional bodybuilding athlete and high-performance fitness specialist, applying her extraordinary expertise in elite athletic conditioning, advanced nutritional science, and specialized fitness programming." She also stated that she will continue to compete at the highest levels of professional bodybuilding within the International Fitness and Bodybuilding Federation Professional League (IFBB Pro League).

The evidence reflects that she earned professional status, competed in bodybuilding events, received placements and awards, and participated in events with other accomplished athletes. The record showed that in 2022 she won the Figure Open category at [redacted] and earned an IFBB Pro card. It also documented success at the [redacted] in 2022 and a top five placement at an IFBB Pro competition at [redacted] in 2023. Further, in 2016, she received first overall place in the [redacted] These achievements demonstrate that she has attained success in athletic competitions. However, the record does not sufficiently establish how her competitive achievements place her among the small percentage at the very top of the field. For example, the evidence does not provide sufficient context regarding the significance of her placements compared with other professional competitors, the level of competitions in which she placed, or the extent to which her results have distinguished her from others competing at the professional level. Professional status and participation in competitions are relevant, but they do not by themselves establish extraordinary ability. The record also does not sufficiently demonstrate that, after earning

professional status, she maintained a sustained record of success at the highest level through repeated top professional placements, major professional titles, consistently high rankings, or other achievements. Although the evidence indicated the Petitioner's receipt of these awards, it does not sufficiently contextualize the prestige of these competitions and corroborates that the Petitioner's participation and awards translate to sustained acclaim or elevate her to the very top in the field of fitness and bodybuilding, especially in comparison to other renowned bodybuilders.

The Petitioner also maintains that her IFBB professional league membership weighs in her favor. The Petitioner submitted information about the IFBB Pro league qualification process and a letter from Jim Manion, president of the IFBB Pro league. Mr. Manion explains that professional status is earned through qualifying competitions and that athletes are evaluated by experienced judges based on factors such as symmetry, proportion, definition, conditioning, and presentation. The Petitioner earned her Pro Card through her competitive performance and maintained her membership. Earning professional status establishes that she is qualified to compete within an accomplished group of professional bodybuilders but it does not establish that she is among the very top members of that group.

We have also considered the evidence of her media coverage. The Petitioner submitted articles discussing the Petitioner's bodybuilding career, competitive accomplishments, and work as a firefighter. For example, the evidence included three articles entitled, [redacted] and [redacted] These articles were published in several media outlets including *R7*, *UOL*, *NaTelinha*, *G1/Globo*, *Cartai de Visita News*, and other publications. The Petitioner submitted audience and website traffic information showing that several of these outlets reach substantial numbers of readers. However, the Petitioner did not establish that such reporting is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor and has achieved sustained national or international acclaim. For instance, the Petitioner did not show how the level of her media coverage compares to others in her field who are among the very top. In addition, the evidence does not show that this coverage reflects sustained acclaim as one of the leading professional fitness specialists. The media coverage consisted of four articles with three of them being published in [redacted] 2025, only a few months prior to filing the instant petition. In addition, several outlets republished the same articles across different media accounts. While republication across multiple media outlets increases the potential audience for a story, repeated publication of the same or similar material does not necessarily demonstrate continuing recognition of the Petitioner over time. The concentration of the coverage within a short period and the repetition of similar articles limit its value in establishing sustained national or international acclaim.

The Petitioner also submitted letters from individuals familiar with her bodybuilding and professional accomplishments, including [redacted] a sports medicine physician; [redacted] a bodybuilding coach and trainer; [redacted] a retired U.S. Amry Major; and, [redacted] a Sub-Lieutenant with the Military Police of [redacted] Fire Department. The letters describe the Petitioner's discipline, training, competitive success, leadership, professional development, and technical knowledge. Some of the authors point to her high-level competition results, professional status, guest appearances, and recognition within bodybuilding. We have considered these opinions together with the remaining evidence. The letters

provide useful context concerning her abilities and accomplishments, but the record contains limited independent evidence to demonstrate that the attributes described by the authors have produced broader influence of recognition. For example, while the authors praise her training methods and performance, the evidence does not show that her methods have been widely adopted by other athletes or professionals, have materially influenced bodybuilding practices, or have otherwise generated a level of field-wide recognition consistent with sustained national or international acclaim. Letters that make general and expansive statements regarding the Petitioner and his accomplishments are generally not persuasive. *See generally 6 USCIS Policy Manual*, *supra*, at F.2(B)(3). Although the letters highlight the Petitioner's talents, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding the plaintiff submitted letters only from people within his circle of professional acquaintances, and none of the letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim); *see also Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (S.D.N.Y. Jan. 5, 2024) (finding testimonial letters were insufficient to establish his relative status in the field and do not compare him to others).

Likewise, authorship and publication do not automatically place one at the top of the field. The record shows that the Petitioner authored, [redacted] which was published in 2025 as a chapter in a book issued by [redacted] The Petitioner indicated that her article examined the intersection between military service and bodybuilding performance and contributed to the academic discourse on health, training, and physical resilience. On appeal, the Petitioner argues that USCIS improperly required evidence such as citation history or demonstrated influence. We agree that citation evidence or a particular showing of impact is not an additional requirement. Here, the record established she published a chapter in a book but it provides limited evidence that this work has attracted significant attention within professional bodybuilding, has been relied upon by other professional or athletes, or has otherwise contributed meaningfully to her recognition in the field. Considered with the record as a whole, this single publication carries limited weight in demonstrating that she has sustained national or international acclaim or is among the small percentage who have risen to the very top of professional bodybuilding. Moreover, the Petitioner did not show the significance of her authorship or how her publication record compares to others who are viewed to be at the very top of the field. *See* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that an example where evidence in the record may help in determining whether in a totality analysis that considers all of the evidence, the person is among the small percentage at the top of the field and has sustained national or international acclaim). The Petitioner did not show that her work received a level of interest in the field commensurate with sustained national or international acclaim. *See* section 203(b)(1)(A) of the Act.

The Petitioner's accomplishments as a firefighter are also commendable, and the record reflects professional recognition associated with that work. However, the Petitioner primarily identified the field of endeavor as fitness specialist and professional bodybuilding. The evidence does not establish that recognition earned through her firefighting duties demonstrates that she has risen to the very top of the field of fitness specialist.

We also considered the evidence that the Petitioner displayed her work at bodybuilding competitions and events, including [redacted] and an appearance as a guest poser

at a [redacted] event. The record provides limited evidence regarding the selectivity or prominence of the guest-positing opportunity or showing that such appearances are generally reserved for athletes who are among the very top of professional bodybuilding.

We also consider evidence that the Petitioner performed a leading or critical role with the Military Police of the [redacted] Fire Department, including her services as an operational firefighter and field leader. The record includes a letter from [redacted] describing her responsibilities and leadership. However, the Petitioner seeks classification based primarily on her extraordinary ability as a fitness specialist, and the record does not sufficiently show her role with the fire department demonstrated sustained national or international acclaim or places her among the small percentage at the very top of fitness specialists.

On appeal, the Petitioner contends that the regulations at 204.5(h)(4) allows for comparable evidence if the listed criteria do not readily apply to his occupation. *See* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2). The regulation at 8 C.F.R. § 204.5(h)(4) states "[i]f the above standards do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility." This regulatory provision provides petitioners with the opportunity to submit comparable evidence to establish the person's eligibility, if it is determined that the evidentiary criteria described in the regulations do not readily apply to the person's occupation. *Id.* When evaluating such comparable evidence, we must consider whether the regulatory criteria are readily applicable to the person's occupation and, if not, whether the evidence provided is truly comparable to the criteria listed in that regulation.

Outside of a very general statement that in professional bodybuilding and fitness competition, the "markers of elite status differ significantly from those in more conventional professions," the Petitioner did not demonstrate which criterion or criteria do not apply to her occupation, nor does she articulate how the evidence submitted is comparable in meeting the particular criterion or criteria. A general unsupported assertion that the evidentiary criterion does not readily apply to the petitioner's occupation is not probative. *See Javakhadze v. Mayorkas,* No. 3:21-CV-00617-E, 2023 WL 8037730, at *6 (N.D. Tex. Nov. 20, 2023) (finding plaintiff did not establish eligibility for comparable evidence because brief did not explain how or why the criterion did not apply to the plaintiff's occupation).

For these reasons, the Petitioner did not demonstrate that she qualifies for any criterion through the submission of comparable evidence.

The record as a whole, including the evidence discussed above and evidence not specifically referenced, does not establish the Petitioner's eligibility for the benefit sought.[3] Here, the Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994); *Amin v. Mayorkas*, 24 F.4th at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visas are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, the Petitioner has not shown that

[3] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence).

the significance of her work is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that he is among the small percentage at the top of her field. *See* 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility 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 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.