U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39279375

Date: SEPT. 9, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a business development coach, 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 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 that the Petitioner met the initial evidence requirement for this classification through evidence of either a one-time achievement or that he meets three of the alternative 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 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.

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 two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide documentation that meets at least three of the ten 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material 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 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). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

II. ANALYSIS

The Petitioner, a native and citizen of Colombia, seeks classification as an individual of extraordinary ability as a business development coach. In his initial filing, the Petitioner stated that as a business development coach, he is "renowned for his significant contributions to social innovation and sustainable business practices across Latin America and the Caribbean." Because the Petitioner has not indicated or established that he has 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). The Petitioner claims to have met six criteria, summarized below:

- (ii) Membership in associations in the field;
- (iii) Published material about the alien in professional or major media;
- (iv) Participation as a judge of the work of others;
- (vi) Authorship of scholarly articles in the field;
- (vii) Display at artistic exhibitions or showcases; and
- (viii) Leading or critical role for distinguished organizations or establishments.

In denying the petition, SCOPS determined that the Petitioner fulfilled only two of the initial evidentiary criteria, participation as a judge in the work of others and authorship of scholarly articles in the field at 8 C.F.R. § 204.5(h)(3)(iv),(vi). On appeal, the Petitioner maintains that he also meets four additional evidentiary criteria, under 8 C.F.R. § 204.5(h)(3)(ii),(iii),(vii),(viii). He claims that

SCOPS's denial was a violation of his due process rights. Upon de novo review of the record, we will affirm SCOPS's decision for the following reasons.

A. Evidentiary Criteria

1. Membership in associations in the field

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.

As evidence to satisfy this criterion, the Petitioner submitted evidence of his membership in the [redacted]) and asserted that this membership "underscores his outstanding achievements and recognized expertise in his field." He also claimed that his membership in [redacted]s reflective of his "academic commitment to psychology" and "enhances his work as a Business Development Coach." SCOPS acknowledged the Petitioner's membership in [redacted] as an association in the field but determined that the record does not show that the association requires outstanding achievement of its members. On appeal, the Petitioner asserts that the absence of the specific phrase "outstanding achievement" in the association's bylaws is "overly rigid" and contrary to USCIS policy, which permits other documentation.

Upon review of the relevant evidence, we agree with SCOPS's determination that the Petitioner has not established that members of [redacted]re required to have attained outstanding achievements in the field. The Petitioner provided the following information on the requirements for joining [redacted] from the organization's website:

> According to the provisions of Law 1090 of 2006, it is informed that [redacted] is the only authorized entity to issue the Professional Card for Psychologists, a lifelong document. According to Article No. 6 of said Law, possession of this card is a requirement for the professional practice of Psychology in the national territory.
>
> To obtain the Professional Card, the applicant must demonstrate being a Psychologist [sic] graduated from a legally recognized Higher Education Institution, whose Psychology program must have Qualified Registration. Alternatively, they must have obtained an undergraduate degree in Psychology abroad, or its equivalent, duly validated by the Ministry of National Education.

The Petitioner asserts that "without [redacted]ecognition, one cannot lawfully practice psychology in Colombia," and "membership is governed by an evaluative process based on professional merit, academic credentialing, and ethical vetting," but he has not established how this represents an outstanding achievement, rather than simply the basic qualifications for practicing as a psychologist in Colombia. Without further explanation, the Petitioner has not established that membership in

[redacted] requires outstanding achievements beyond meeting the basic educational requirements of having graduated from a recognized higher education institution or obtained a foreign undergraduate degree in psychology validated by the [redacted] in Colombia. *See Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. CV RDB-23-2251, 2024 WL 1374794, at *5 (D. Md. Apr. 1, 2024) (upholding a finding that plaintiff's documentation did not reflect that membership requires outstanding achievements); *See also* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1)(stating that relevant factors that may lead to a conclusion that the person's membership in the associations was not based on outstanding achievements in the field include instances where the person's membership was based solely on a level of education or years of experience in a particular field).

For the reasons discussed above, the Petitioner has not established that he fulfills this criterion.

2. Material about the alien in professional or major trade publications or other major media

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).

In finding that the Petitioner does not meet this criterion, SCOPS determined that the article the Petitioner submitted does not relate to the Petitioner and his work in the field. SCOPS further found that the Petitioner did not demonstrate that the article was published in a professional or major trade publication or other major media. On appeal, the Petitioner asserts that this article "includes a substantial discussion of [his] entrepreneurial philosophy, business coaching methods, and his strategic efforts to assist micro-enterprises in Latin America." He further asserts that he submitted data demonstrating that the newspaper where the article was published, El Heraldo, is one of the most widely read publications in Colombia and has international readership in the United States, Mexico, and Spain.

To determine whether a petitioner meets this criterion, USCIS must first review whether the published material was related to the person and the person's specific work in the field for which classification is sought. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Upon review of the El Heraldo article, we agree with SCOPS's determination that the publication does not relate to the Petitioner and his work in the field. The Petitioner submitted an online article published in 2015 in [redacted], titled "[redacted]" which discusses the challenges the Petitioner and his business partner faced launching their swimsuit company, [redacted]:

> [redacted] is a micro-entrepreneur who, in 2006, exported his product (swimsuits) for the first time after a solitary process based on effort. A journey he recalls was full of setbacks, personal investments, traveling to other countries, and getting to know their markets with his company: [redacted]

> "When you are the messenger, the janitor, the manager, the marketing manager, and the production manager, you don't have the headspace to see who is helping you. Forget about it. That's the reality. As micro-entrepreneurs, you hold all the positions. And you have to grow alone. The system is not designed for micro-entrepreneurs, but for big entrepreneurs."

Contrary to the Petitioner's assertions, the above article does not discuss the Petitioner's "business coaching method." Instead, the article focuses on the challenges the Petitioner faced nineteen years ago as a small business entrepreneur.[1] Therefore, even if we considered [redacted] to be "major media," the Petitioner would not meet this criterion because he has not established that the published material relates to his work in the field.

3. Display of the alien's work in the field at artistic exhibitions or showcases

The regulation at 8 C.F.R. § 204.5(h)(3)(vii) requires "[e]vidence of the display of the alien's work in the field at artistic exhibitions or showcases." In addition to demonstrating that the displayed work was the alien's work product, the venues (virtual or otherwise) where the work was displayed must be artistic exhibitions or showcases. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). While *Merriam-Webster's* online dictionary definition of "exhibition" includes public showings other than those that are artistic in nature, the plain language of the criterion includes the modifier "artistic" and explicitly requires that the exhibitions or showcases be artistic in nature. *Id.*

The Petitioner initially claimed that his participation in international conferences constitutes the display of his work and the "events are not merely forums for discussion but platforms for the exhibition of innovative, creative, and artistic business methodologies." He further asserted that they serve as "comparable evidence" under 8 C.F.R. § 204.5(h)(4), as these venues "function as curated showcases of creative and innovative methodologies, aligning with the fundamental purpose of artistic exhibition." SCOPS, however, determined that the Petitioner's evidence does not establish that speaking at conferences or presenting his books at events constitutes the exhibition of his work at artistic exhibitions. SCOPS also found that the Petitioner did not demonstrate why the standards do not apply to his occupation and evidence of the Petitioner's speaking events should be considered comparable evidence.

On appeal, the Petitioner asserts that the events he participated in were "designed to highlight innovative work by leaders in applied social business" and the "[a]ttendees included academics, policymakers, and international investors, demonstrating that these venues hold prestige, visibility, and impact akin to an artistic showcase." He asserts that even if the traditional artistic exhibition standard does not apply, he has met the standard for comparable evidence because his presentations are equivalent to "showcasing original intellectual contributions before expert audiences in his field."

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

[1] The Petitioner submitted an organizational chart reflecting that he held the title of "consultant & investor" and reported to the Chief Executive Officer of the company.

eligibility." This regulatory provision provides petitioners 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. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

First, we agree with SCOPS's conclusion that the Petitioner has not shown his work in the field has been displayed in "an artistic exhibition or showcase." As noted, the plain language of the regulation requires evidence that a petitioner's work be displayed in an exhibition that is artistic in nature. The Petitioner asserts that the conferences and speaking engagements he participated in were "akin to an artistic showcase" because the "venues hold prestige, visibility and impact," but he did not assert that they were artistic in nature.

We next turn to the question of whether the Petitioner has submitted comparable evidence. USCIS may consider non-artistic exhibitions or showcases as part of a properly supported claim of comparable evidence if the petitioner can show that the above standards do not readily apply to the occupation. *See* 8 C.F.R. § 204.5(h)(4). The Petitioner claims that SCOPS failed to consider the nature of his field and ignored USCIS policy guidance on the use of comparable evidence. He asserts that his "public presentations at major business and psychology conferences served the equivalent purpose of showcasing original intellectual contributions before expert audiences in his field." The Petitioner highlights his presentation at conferences where he claims he spoke on topics such as "[redacted]" "[redacted]" "[redacted]" "Entrepreneurs Day," and "[redacted]" We agree that the "artistic" standard does not apply to the Petitioner's occupation and will consider evidence of non-artistic exhibitions or showcases. But the Petitioner still has not demonstrated how his presentations at conferences on the above-mentioned topics constitute a display of his work as a business development coach. Although the Petitioner claims that "[t]hese events were not merely lectures; they were curated platforms for innovation," he has not shown this with documentary evidence.

Accordingly, the Petitioner has not demonstrated that he meets this criterion.

4. Leading or critical role for organizations that have a distinguished reputation

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for "evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." The 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. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). 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 to establish that a role was leading. *Id.* 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. *Id.* 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. *Id.*

In its determination that the Petitioner did not meet this criterion, SCOPS stated that the record does not indicate that the organizations, establishments, or a division or a department of an organization or establishment for which the Petitioner has claimed to have performed in a leading or critical role have a distinguished reputation. On appeal, the Petitioner asserts that the record contains statements "from the executive directors and founders of the [redacted] and [redacted], attesting to [his] leadership and irreplaceable role in the design, implementation, and oversight of nationally recognized initiatives."

Regarding his role with the [redacted] the Petitioner asserts that the [redacted] has: "Distributed over $44 billion COP in social investment; Received Colombia's [redacted] Medal for contributions to education; Earned international honors from [redacted] Collaborated with USAID and other global partners on multi-year development projects; [and] Received widespread media attention and academic recognition." He claims that as a project manager with the [redacted] he had a "central role in program strategy, grants acquisition, and partner negotiations." Next, he contends that [redacted] "is a nationally respected media outlet that functions as a cultural thought leader." He states that the magazine reaches "up to 178,000 views per article and [has] an overall readership in the hundreds of thousands." The Petitioner claims that he has "authored over 35 articles on business ethics, community investment, and inclusive entrepreneurship, substantially contributing to the magazine's editorial direction and elevating its intellectual status."

Upon review of the record, we find that the Petitioner has not established that he meets this criterion. Assuming arguendo that the [redacted] and [redacted] have distinguished reputations, the Petitioner has still not satisfied the requirements of this criterion because he has not shown that he has a leading or critical role in them. As an initial matter, the Petitioner does not indicate whether his role was leading or critical; instead, he claims that he "played a leading *or* critical role" in these organizations. (Emphasis added). However, as noted, 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 to establish that a role was leading, whereas 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. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

Here, the record does not show he had a role in either organization that was "leading" or "critical." The record reflects that the Petitioner was employed with the [redacted] from 2016 until 2023. In response to a request for evidence, the Petitioner submitted a letter from the former Executive Director of the [redacted], stating that the organization promotes "social development, sustainability, and education in Colombia and beyond." Mr. [redacted] describes the Petitioner's role as the following:

> As a Project Manager at the [redacted], Mr. [redacted] has played a critical role in developing and leading impactful programs, including the creation of educational pacts and regional teacher training programs. His leadership has been instrumental in bridging public and private sector efforts, ensuring that initiatives align with contemporary development frameworks and result in measurable improvements in social educational outcomes.

The Petitioner submitted a copy of the Promigas Foundation's organizational chart, reflecting that Project Managers report to Regional Coordinators who in turn report to the organization's head, the Executive Director. The record does not establish how the Petitioner's role as a Project Manager reporting to a Regional Coordinator was a leadership role, or that his duties creating training materials for teachers was of significant importance to the outcome of the organization's activities.

Similarly, the record does not show the Petitioner's leading or critical role as a writer for [redacted] Magazine. The record contains a letter from [redacted] Executive Director, [redacted] stating that in 2024, the online magazine published 27 opinion pieces from the Petitioner. Mr. [redacted] also provides data showing that some of the Petitioner's articles received over hundreds of thousands of views. Although the record shows that the Petitioner authored opinion pieces for this magazine, it does not show that he was employed by the magazine and had a job title and duties demonstrating that his role was leading at this organization. Also, the Petitioner has not established that he had a critical role there. While we recognize the data related to webpage views for the Petitioner's opinion pieces, he does not explain how this viewership is significant. For example, the Petitioner has not shown how the viewership compares to the number of webpage views for other opinion columns or how his work otherwise contributed in a way that is of significant importance. Conclusory statements about the alien's role are insufficient to establish that it is leading or critical. *Lapteva v. Schuurmans*, 2025 WL 815087 8:24CV83 (D. Neb. Mar. 10, 2025)(quoting *Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 188 (D.N.J. 2021).

For these reasons, the Petitioner has also not shown that he fulfills this criterion.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten lesser criteria, as required under 8 C.F.R. § 204.5(h)(3).[2]

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 they are 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).

[2] Although we did not discuss each piece of evidence submitted, we reviewed the entire record and based the decision on the relevant documentary evidence.

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.