U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39982573

Date: SEP. 15, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a professional and competitive pole dancer, 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.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner had satisfied at least three initial 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) 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 a multi-part analysis. First, a petitioner can demonstrate international recognition of their achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then they must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x) (including items such as awards, published material in certain media, and scholarly articles). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if they are able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i) (x) do not readily apply to their occupation.

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner asserted before SCOPS that she is a professional and competitive pole dancer. She contended that she has taught pole dancing classes in Brazil and the United States, received awards for pole dancing, acted as a judge in pole dancing competitions, and was featured in publications about her pole dancing work.

A. The Petitioner Does Not Meet at Least Three Evidentiary Criteria

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, she must satisfy at least three of the ten alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS acknowledged that the Petitioner claimed to meet four of these ten criteria, but determined that she did not establish eligibility for any of them. SCOPS denied the petition for this reason and did not conduct a final merits determination.

On appeal, the Petitioner reasserts that she meets the claimed criteria relating to lesser nationally or internationally recognized awards or prizes, published materials about her work, judging the work of others, and displays of her work at artistic showcases or exhibitions. *See* 8 C.F.R. § 204.5(h)(3)(i), 8 C.F.R. § 204.5(h)(3)(iii), 8 C.F.R. § 204.5(h)(3)(iv), and 8 C.F.R. § 204.5(h)(3)(vii).

After reviewing the record in full, we agree with SCOPS that the Petitioner has not demonstrated that she meets at least three of the ten criteria.

1. "Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 204.5(h)(3)(i).

We first determine if the petitioner was the recipient of prizes or awards, and then whether the award is a lesser nationally or internationally recognized prize or award which the person received for excellence in the field of endeavor. Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to: the criteria used to grant the awards or prizes, the national or international significance of the awards or prizes in the field, the number of awardees or prize recipients, and limitations on competitors. *See generally* 6 USCIS Policy Manual F.2(B)(1), https://www.uscis.gov/policy-manual.

On appeal, the Petitioner renews claims of eligibility for this criterion based specifically on her first place prizes in, respectively, the 2022 [redacted] and the 2024 [redacted] The record does not establish the Petitioner's receipt of these awards.[1] Regarding the 2022 award, the Petitioner did not submit a certificate or letter from the awarding organization indicating that she had in fact received a first place prize. She submitted a printout of an email from [redacted] with a list competitor names, categories, and scores, but this does not state that the Petitioner received a first place prize. She also provided letters from professional associates asserting that she received this and other awards claimed before SCOPS, but these letters are not sufficient in the absence of primary evidence. *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). Turning to the 2024 award, the Petitioner submitted what appears to be a photograph or printout with the Petitioner's name, "1 Place", and [redacted] handwritten on the document along with an artistic illustration and references to [redacted] Florida in 2024. It is not evident from this submission that it relates to an award or prize, nor is it clear that it relates to pole dancing, the Petitioner's field of endeavor. As the Petitioner has not argued on appeal her eligibility for this criterion based on other awards claimed in the initial petition, we note that she similarly did not provide probative supporting evidence. For example, the Petitioner submitted two certificates from the [redacted] but the awarding entity is identified only by a faint logo which is not legible.

Without further information or evidence, the Petitioner did not demonstrate that she has received an award or prize tantamount to a nationally or internationally recognized prize or award for excellence in her field consistent with the regulation at 8 C.F.R. § 204.5(h)(3)(i).

2. "Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation." 8 C.F.R. § 204.5(h)(3)(iii).

According to the *USCIS Policy Manual*, professional or major trade publications may be identified by their intended audience, while other major media and major trade publications should have elevated

[1] As the Petitioner has not demonstrated her receipt of these awards as a threshold matter, we will not discuss whether she has demonstrated whether they are lesser nationally or internationally recognized awards for excellence in the field of endeavor.

circulation or readership relative to other media in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual. In evaluating whether a petitioner has met their burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.* at 376; *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). On appeal, the Petitioner asserts that she has demonstrated that she meets this criterion. To demonstrate eligibility for this criterion, the Petitioner submitted information about three published materials with the initial petition. Generally, these submissions do not establish the Petitioner's eligibility for this criterion because they do not meet regulatory requirements, are not sufficiently probative, or both.

First, the Petitioner provided a printout of an article titled [redacted] published by [redacted] on [redacted] 2025, which also included the subtitle: [redacted] The article does not list an author, which is a plain language requirement of the regulation for this criterion. On appeal, the Petitioner renews claims she made below regarding the author's identity and employment at [redacted] and submits the claimed author's resume. However, the resume does not establish the author of the published material featuring the Petitioner. The [redacted] article therefore does not show that material about the Petitioner has been published in major media.[2]

Next, the Petitioner also submitted photos relating to an appearance she made on Record TV in 2021, which she claimed was the second largest commercial TV channel in Brazil according to a chart from Statistica.com. The Record TV appearance was documented in a purported translated transcript in which the Petitioner was interviewed about pole dancing. It is not clear if this transcript came from Record TV or another original source, as it does not contain letterhead or other similar indicators of its sourcing. Accordingly, this submission does not demonstrate that the Petitioner's claimed Record TV appearance establishes her eligibility for this criterion.

Finally, the Petitioner submitted still photos relating to an appearance she made on Rede TV in 2018 in which she was interviewed about pole dance. The record contains a purported transcript for this interview which also claimed that Rede TV is one of the largest regional TV networks in Brazil and reaches more than 85 million people. As acknowledged in a statement written by the Petitioner in response to a request for evidence, the Petitioner generated the transcript herself, not the TV channel or program which produced the interview. A self-serving document such as the Petitioner's transcript should be accompanied by corroborative evidence. *See Matter of Y-B-*, 21 I&N Dec. 1136 (BIA 1998) (holding that the weaker an applicant's testimony, the greater the need for corroborative evidence). Although we acknowledge that the Petitioner also submitted information from the Rede TV network about its viewership, she did not offer objective, independent evidence corroborating these claims. *Braga v. Poulos*, No. CV 06-5105 SJO FMOX, 2007 WL 9229758, at 7 (C.D. Cal. July 6, 2007), *aff'd*, 317 F. App'x 680 (9th Cir. 2009) (determining that self-serving assertions on the cover of a

[2] The Petitioner has also not supported her claim that [redacted] is major media. She provided charts from Statistica.com indicating that [redacted] was the most watched TV channel in Brazil in 2023 and 2024. But this information is only relevant to the TV channel and not the associated online publication which featured the Petitioner. Moreover, she submitted an article from Ask.com stating that [redacted] began as an online platform for [redacted] "Brazil's leading television network," and has since expanded, but this article did not provide sufficient detail or data to establish that [redacted] is major media.

magazine were insufficient to show the status or standing of a publication). As the Petitioner has not provided independent evidence of either her Rede TV appearance or that it is a major publication, she cannot establish her eligibility for this criterion with this claim.

Accordingly, the Petitioner has not shown by a preponderance of the evidence that her work in the field has been discussed in professional or major trade publications or other major media relating to his work in the field for which classification is sought.

B. Remaining Claimed Evidentiary Criteria

The Petitioner has not demonstrated eligibility for two of the above-noted evidentiary criteria. The Petitioner therefore cannot fulfill the initial evidentiary requirement of *at least three criteria* as required by 8 C.F.R. § 204.5(h)(3). As a result, we reserve the issue of whether she has satisfied the additional two criteria she claims on appeal, specifically related to judging the work of others under 8 C.F.R. § 204.5(h)(3)(iv) and artistic showcases or exhibitions under 8 C.F.R. § 204.5(h)(3)(vii). *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).

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that he is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, -- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa"). Therefore, we also decline to reach and hereby reserve any final merits determination in this matter. *See Bagamasbad*, 429 U.S. at 25.

The appeal will be dismissed and the petition remain denied.

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.