U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40002993

Date: SEPTEMBER 17, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an executive in sustainable energy technology, 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).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner had won a major, internationally recognized award or met at least three of the remaining criteria for initial evidence of extraordinary ability. 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 immigrant visas available to individuals with 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, provided that the individual seeks to enter the United States to continue work in the area of extraordinary ability, and the individual'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, petitioners can demonstrate international recognition of their accomplishments in the field through a one-time achievement (that is, a major, internationally recognized award). If petitioners do 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows petitioners to submit

comparable evidence 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 record shows that in 2024, the Petitioner became the Chief Financial Officer (CFO) of [redacted] a battery manufacturer. The Petitioner was previously employed at [redacted] an LED lighting manufacturer where she served as CFO from 2014 to 2019 and Chief Executive Officer (CEO) from 2019 to 2024. The Petitioner has over 20 years of experience as an executive in industrial technology and sustainable energy.

A. Prior O-1 Nonimmigrant Status

The Petitioner asserts SCOPS did not follow U.S. Citizenship and Immigration Services (USCIS) policy and explain why, notwithstanding her prior O-1 nonimmigrant visa petition approval, she failed to meet her burden of proof to establish her eligibility for classification as an immigrant with extraordinary ability. O-1 nonimmigrant status is granted to aliens of extraordinary ability who are coming temporarily to the United States to work in their field. 8 C.F.R. § 214.2(o)(1)(ii)(A)(*1*). While relevant, prior O-1 classification does not mandate approval of an immigrant petition for an alien of extraordinary ability, which is adjudicated based on different statutory provisions, regulations, and case law. *See Aravamuthan v. Jaddou,* No. 3:23-CV-01412-N, 2025 WL 1708126, at *9 (N.D. Tex. June 17, 2025) (disagreeing with plaintiff that USCIS should have approved his immigrant petition because USCIS previously granted him O-1 nonimmigrant status); *see also* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policy-manual (explaining that "[t]hough the prior approval of an O-1 petition is a relevant consideration and can be an indicator of eligibility in adjudicating an immigrant petition for a person with extraordinary ability, it is not determinative"). While we acknowledge the Petitioner's prior O-1 nonimmigrant status, for the reasons discussed below, she has not established her eligibility for immigrant classification as an alien of extraordinary ability.

B. Evidentiary Criteria

Because the Petitioner has not shown 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). SCOPS determined the Petitioner met the criteria for authorship and leading or critical role at 8 C.F.R. § 204.5(h)(3)(vi) and (viii). The record supports SCOPS' determinations as it contains 11 articles the Petitioner authored that were published in professional publications and evidence of her leadership at [redacted] companies with distinguished reputations. SCOPS determined the Petitioner

did not meet the criteria related to lesser awards, published material, original contributions, and high salary at 8 C.F.R. § 204.5(h)(3)(i), (iii), (v) and (ix). On appeal, the Petitioner asserts SCOPS erred and she meets these additional criteria.

High Salary

The regulation at 8 C.F.R. § 204.5(h)(3)(ix) requires "evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field." A credible employment contract or job offer may establish that an alien "has commanded" such salary or remuneration, as may evidence of past earnings such as tax returns and pay statements. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual (describing relevant evidence). Comparative wage or remuneration data that is appropriate for the alien's occupation and location should be submitted to establish that a petitioner's compensation is high relative to others working in the field. *Id.*

The Petitioner submitted her 2020 Service Agreement with [redacted] which states her salary is £440,000 per year and she is entitled to receive annual bonuses, the maximum of which will be 150 percent of her annual salary. The Petitioner also submitted her 2023-2024 tax record showing her total pay from [redacted] was £546,023 and a currency conversion showing she earned $595,083. The Petitioner's Offer Letter from [redacted] states her base salary will be $400,000 and she will be eligible for a bonus of 25 percent of her base salary.

The Petitioner submitted evidence of the mean and high salaries for chief executives. A printout from Glassdoor states the highest salary for CEOs in the United Kingdom is £240,604. A printout from the U.S. Bureau of Labor Statistics Occupational Employment and Wage Statistics shows the mean annual wage for chief executives is $258,900. A printout from Careeronestop, which is sponsored by the U.S. Department of Labor, states the high salary for chief executives in Texas, where [redacted] is based, is $239,200 or higher. As the Petitioner's renumeration has been and is significantly higher than the high salaries for chief executives in the United Kingdom and Texas, she meets this criterion. SCOPS' contrary determination is withdrawn.

Remaining Criteria

As the Petitioner has established on appeal that she meets three of the initial evidentiary criteria, she has satisfied the first part of the *Kazarian* analysis and we need not address and will reserve determination of the Petitioner's eligibility under the remaining criteria she claims to meet relating to lesser awards, published material, and original contributions. *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). We have considered the evidence relevant to these remaining criteria in the following final merits determination.

C. Final Merits Determination

The Petitioner has established that she meets at least three of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3). As the Petitioner submitted the requisite initial evidence, we will evaluate whether she has demonstrated, by a preponderance of the evidence, her sustained national or

international acclaim, that she is among the small percentage at the very top of her field of endeavor, and that her achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze petitioners' accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate that they have 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.

On appeal, the Petitioner asserts she is recognized internationally as a top expert in her field as evidenced by the testimony of leading experts in her field, her awards, media publications discussing her and her work, her original contributions of major significance to her field, her authorship of scholarly articles, her leading and critical roles for distinguished organizations, and her command of a high salary. While the evidence demonstrates the Petitioner's significant accomplishments, it does not establish that she is an individual of extraordinary ability.

Although the Petitioner has authored 11 articles published in professional publications, these articles do not reflect sustained national or international acclaim as an executive at the very top of her field. The articles were published in 2021, 2023, and 2024. Publication in just three years does not indicate sustained acclaim over the course of the Petitioner's over 20-year-long career. Moreover, the Petitioner did not submit evidence that her articles have been cited by other executives in her field, or have otherwise impacted her field in a manner commensurate with sustained national or international acclaim as an executive at the very top of her field.

The Petitioner also submitted numerous articles about her and her work that were published in professional and trade publications and podcasts between 2021 and 2024. While these articles show the Petitioner garnered limited media attention over those four years, they do not reflect sustained national or international acclaim over the course of her over twenty-year-long career.

The record further shows that in 2020, the Petitioner received a [redacted] in the category of [redacted]. A printout from the [redacted] website states that the [redacted] "are open to all organizations worldwide and recognize the achievements of [redacted] The record also shows that in 2023, the Petitioner was recognized as "Highly Commended" at the [redacted] These honors reflect significant achievements, but as one second-place award and one commendation, they do not reflect sustained national or international acclaim as an executive at the very top of her field.

In addition, the Petitioner submitted evidence that she was a Member-At-Large of the [redacted] Board of Directors for 2023-2024. The record indicates that [redacted] is a charitable foundation providing [redacted] The record also indicates the Petitioner spoke at the [redacted] in 2022. However, one Board of Director's appointment and one speaking engagement do not reflect sustained national or international acclaim as an executive at the very top of the Petitioner's field.

The Petitioner also submitted support letters from other executives that she claims were not properly considered by SCOPS. While these letters attest to the Petitioner's significant accomplishments, they

do not establish that she has achieved sustained national or international acclaim as an executive at the very top of her field. D-G-,[1] President of [redacted] praises the Petitioner's "dedication to developing sustainable LED lighting solutions and promoting energy-efficient practices along with circular economy principles." He explains the Petitioner's implementation of Environmental Product Declarations (EPDs) for all major [redacted] products "has been pivotal in reducing the industry's energy consumption and carbon emissions, steering towards more sustainable material choices." D-G- does not, however, identify any other companies that have similarly implemented EPDs under the Petitioner's influence or otherwise specifically discuss how the Petitioner's work has led to more sustainable practices in the industry.

S-G-, Senior Vice President of U.S. Electrical Division Supplier Relations at [redacted] commends the Petitioner's strategic initiatives at [redacted] which "significantly propelled the broader industrial sector towards embracing sustainability as a cornerstone of operational ethos," but does not discuss any other companies that have applied the Petitioner's initiatives or otherwise been impacted by her work. S-G- also praises the Petitioner's advocacy for gender diversity as seen in her "foundational work in establishing the [redacted] with its dual focus on championing women's rights and bolstering educational opportunities for children." However, S-G- does not discuss any successful projects of the [redacted] or its influence in the Petitioner's field.

A-E-, Director of Engineering at [redacted] states the Petitioner "has been instrumental in pioneering the development of the most energy-efficient LED lighting fixtures for the industrial sector," which led to [redacted] purchasing over $15 million worth of these fixtures from [redacted] A-E- explains the Petitioner's obtainment of EPDs for [redacted] LED fixtures has "allowed for more accurate assessments of carbon footprints, enhancing environmental accountability across the board." A-E- also praises the Petitioner's [redacted] on [redacted] products" which "sets a standard that few in the industry can match." A-E- describes the Petitioner as "a leader in her field," but does not discuss her impact on companies other than his own or otherwise indicate that she has achieved sustained national or international acclaim as an executive at the very top of her field.

T-A-, President and Chief Executive Officer of [redacted] praises the Petitioner's leadership of [redacted] which is a crucial LED supplier and equipment manufacturer to [redacted] T-A- explains the Petitioner's "strategic orientation at [redacted] . . . yields considerable economic advantages for clients through reduced energy and maintenance costs." T-A- does not, however, discuss how any companies other than his own have been impacted by the Petitioner's work at [redacted] H-M-, Partner at [redacted] praises the Petitioner's pivotal role at [redacted] which launched the first fully recyclable product in the market and implements EPDs. H-M- states the Petitioner "has made a strong impact on the field," but does not indicate that she has achieved sustained national or international acclaim as an executive at the very top of her field.

T-M-, Principal of [redacted] states the Petitioner is "a leader and innovator in the field of sustainability, with a proven track record of excellence that has had a significant impact on driving environmental initiatives within the industrial sector," but he does not discuss any such initiatives. T-M- praises the Petitioner's leadership at [redacted] whose [redacted] fixture is the best in its class and

[1] We use initials to protect the privacy of the referenced individuals.

where EPDs are done for each of their major product lines. T-M- describes the Petitioner as "a leader at the top of the field of sustainable energy technology," but does not discuss any companies other than his own that have been influenced by her work or how she has impacted her field in a manner indicative of sustained national or international acclaim.

T-W-, Senior Director of Sales at [redacted] praises the Petitioner's work at [redacted] and states "[h]er leadership has been instrumental in developing some of the most energy-efficient lighting solutions on the market, empowering [redacted] customers to advance towards their net-zero objectives." T-W- describes how [redacted] under the Petitioner's guidance, reduced one of [redacted] customer's energy consumption, reducing their energy costs by 30 percent. T-W- does not discuss how any companies other than his own have been impacted by the Petitioner's work.

G-B-, Chief Executive Officer of [redacted] states his company has represented [redacted] as an independent manufacturer's representative for the past ten years. He describes the Petitioner as "an expert in the field of sustainable energy technology, particularly in the field of LED lighting solutions." G-B- praises the Petitioner's leadership in developing the industry's most energy-efficient [redacted] and its initiative to recycle products at the end of their lifecycle. G-B- explains that the Petitioner's involvement with trade associations and other contributions "have galvanized industry-wide efforts towards sustainability," but he does not discuss any of these efforts or otherwise indicate that the Petitioner has achieved sustained national or international acclaim.

M-D-, Director of Energy and Energy Products at [redacted] states his company is a customer of [redacted] and he has worked with the Petitioner for a decade. M-D- explains that at [redacted], the Petitioner "led transformative efforts that revolutionized the company's approach to sustainability." He states that as an advocate for environmental stewardship, the Petitioner has "catalyzed broader industry-wide initiatives," but he does not discuss any such initiatives. M-D- also commends the Petitioner's "impact as a woman leader in a traditionally male-dominated industry" and states she has inspired aspiring professionals, but he does not discuss any individuals who have been inspired by the Petitioner's leadership.

P-Y-, Partner at [redacted] states the Petitioner's leadership at [redacted] "has been transformative, driving [redacted] to become a leader in sustainable energy technology." P-Y- also praises the Petitioner's leadership as Chief Financial Officer of [redacted] which he witnessed when providing legal advice to the firm. P-Y- states the Petitioner "is internationally renowned for her vital contributions to the field," but he does not discuss any of her contributions in detail.

T-C-, Vice President of [redacted] states the Petitioner's "tenure as CEO of [redacted] has been marked by groundbreaking innovation, a steadfast commitment to sustainability, and pioneering inclusive leadership." T-C- praises the Petitioner's development of EPDs for all of [redacted] major product lines and the industry's most energy-efficient high bay light. He also credits the Petitioner with "creating a diverse and inclusive workplace at [redacted] breaking down barriers and setting new standards for gender diversity and equality within the electrical industry." In particular, T-C- discusses the Petitioner's creation of a mentoring program and the [redacted] He explains the Petitioner's leadership "has inspired countless professionals, shaping a more inclusive and

environmentally conscious industry." T-C- does not, however, discuss any professionals that have been inspired by the Petitioner or discuss in detail how she has impacted her field, beyond her work at [redacted] in a manner indicative of sustained national or international acclaim.

D-B-, Senior Partner at [redacted] and former member of the Board of Directors at [redacted] praises the Petitioner's development of EPDs for all major product lines at [redacted] which garnered her recognition at the [redacted] D-B- states the Petitioner was also honored with a [redacted] for "her exemplary leadership during the pandemic and her instrumental role in establishing the [redacted] D-B- states the Petitioner's "exemplary track record, innovative approach, and unwavering commitment to advancing sustainability have advanced not only [redacted] but also the international field." However, D-B- does not specifically discuss how the Petitioner has advanced the international field.

While these letters attest to the Petitioner's achievements, especially at [redacted] they are insufficient to establish she has achieved sustained national or international acclaim as an executive at the very top of her field. The majority of the letters are from individuals who have worked with the Petitioner and do not indicate that she has received broader recognition in her field. *See generally* 6 *USCIS Policy Manual* F.2(B)(3), https://www.uscis.gov/policy-manual (explaining that "[i]t is generally expected that one whose accomplishments have garnered sustained national or international acclaim would have received recognition for their accomplishments well beyond the circle of their personal and professional acquaintances").

When considered in the aggregate, the evidence shows the Petitioner is a highly compensated successful executive who has led distinguished companies. However, the record contains limited evidence of her achievements that are not reflective of sustained acclaim: the Petitioner's receipt of a second-place award and a commendation, articles about her and written by her published over just four years, her service on one Board of Directors, one speaking engagement, and the recommendations of other executives, many of whom she has worked with. This evidence does not establish that she has achieved sustained national or international acclaim as an executive at the very top of her field.

III. CONCLUSION

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing towards the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r. 1994). Here, the Petitioner has not shown that the significance and recognition of her work are indicative of sustained national or international acclaim as one of that small percentage who have risen to the very top of her field, as extraordinary ability is described at section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2). The Petitioner is consequently ineligible for classification as an alien of extraordinary ability.

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.