U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39798712

Date: SEP. 19, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, [redacted], seeks classification for the Beneficiary, a marketing director for [redacted] 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 Petitioner did not establish the Beneficiary met the initial evidence requirement for this classification through evidence of either a one-time achievement or because she meets three of the alternative 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

Section 203(b)(1)(A) of the Act makes visas available to immigrant 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 a beneficiary's achievements in the field through 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 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).

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 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 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 Beneficiary intends to continue her employment as the marketing director for [redacted] a "[redacted]-based business renowned worldwide for its high-quality resort wear for men, women, and children."

Because the Petitioner has not indicated or established that the Beneficiary has received a major, internationally recognized award, they must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner claimed before SCOPS that the Beneficiary met five of the criteria at 8 C.F.R. §204.5(h)(3) and SCOPS determined the Petitioner did not satisfy any of the claimed criteria. On appeal, the Petitioner continues to maintain the Beneficiary meets the five evidentiary criteria claimed previously. After reviewing all the evidence of record, we conclude they have not satisfied at least three of the regulatory criteria as required and therefore does not qualify as an alien of extraordinary ability.

A. Evidentiary Criteria

> *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).

To establish this criterion has been met, a petitioner must demonstrate: 1) they are the recipient of the prizes or the awards, 2) those accolades are nationally or internationally recognized; and 3) each prize or award is one for excellence in the field of endeavor. *Id.*

The Beneficiary previously served as a lead designer for visual merchandising at [redacted] SCOPS acknowledged evidence indicating [redacted] won "Best in Show" for the 2014 [redacted] from [redacted] and received an accompanying plaque awarded to [redacted]

[redacted]" SCOPS determined the Petitioner had not met this criterion as they did not demonstrate the Beneficiary was a recipient of the award or that the award is nationally or internationally recognized for excellence in the field of endeavor.

On appeal, the Petitioner asserts that in accordance with the USCIS Policy Manual, the Petitioner has demonstrated they met this criterion, as a team award is sufficient if a contribution is well documented. The Petitioner further asserts the company's "Best of Show" award is "recognized as the highest distinction at an internationally competitive industry event" and that letters of support demonstrate the Beneficiary's "individual creative authorship and her central role in the awarded project." However, while the USCIS Policy Manual acknowledges a team award can be relied upon for this criterion, it specifies the petitioner is required to be one of the recipients of the award. *See generally* 6 *USCIS Policy Manual* F.2(B), https://wwww.uscis.gov/policymanual. Qualifying team awards generally include "team awards where each member received a trophy, certification, or medal; appears on the podium or stage; or is specifically named in the awarding organization's announcement of the award selection." *Id.* (providing examples of musical group members who receive an award or relay team members who appear together on the medal podium). As such, the Petitioner has not demonstrated it is sufficient for this criterion to document the Beneficiary's personal contribution through letters of support for an award [redacted] received. A letter from the editor-in-chief of [redacted] magazine acknowledges the 2014 "Best in Show" award was received by '[redacted]' and indicates "the award has been presented to [the Beneficiary]." However, the editor-in-chief, in her letter, does not detail or explain what presentation of the award to the Beneficiary entailed. Overall, though the letters of support articulate the high level of the Beneficiary's work and contributions to her employer, including work that was the subject of the "Best in Show" award, they do not demonstrate the Beneficiary was one of the recipients of this team award. Accordingly, we concur with SCOPS that the Petitioner has not met this criterion.

> *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).

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*, F.2(B)(2).

SCOPS indicated that in a request for evidence (RFE), the Petitioner provided material in support of this criterion that did not identify the author, full website addresses, or demonstrate that the material was published in a professional or major trade publication or other major media. As the Petitioner did not submit additional evidence in response to the RFE, SCOPS determined the Petitioner did not meet this criterion.

On appeal, the Petitioner highlights publications, including The Moodie Davitt Report and TR Business, in asserting that they "discuss the [redacted] award-winning campaign and specifically acknowledge [the Beneficiary's] creative leadership." The Petitioner asserts these materials contain full publication names and dates, qualify as major media due to wide industry circulation and significant professional readership, and confirm the Beneficiary's acclaim in the field through discussion of her achievements. However, the submitted articles from these publications refer to [redacted] "Best in Show" selection for [redacted] magazine's 2014 [redacted], the locations in which this visual campaign was featured, and the conceptualization and design of the campaign pieces by [redacted] in-house visual merchandising team." Though the articles include quotes from [redacted] senior vice president of branding and creative and references [redacted] and its in-house visual merchandising at large, the Beneficiary is not specifically mentioned. As such, the Petitioner has not demonstrated that the submitted published material is about the Beneficiary and her work in the field, as required under this criterion. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B) (explaining that published material can cover a broader topic if it includes a substantial discussion of the person and his or her work in the field and mentions the person in connection to the work). In addition, the Petitioner did not submit circulation figures of these publications nor establish the significance or relevance of the readership statistics to show their major standing. *Id.* (relevant factors for whether a publication is major media includes relative circulation, readership, or viewership); *Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *5 (E.D. Wis. Nov. 4, 2024) (indicating the failure to provide context to circulation figures makes it difficult to assess their significance). We concur with SCOPS that the Petitioner has not met this criterion.

> *Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.* 8 C.F.R § 204.5(h)(3)(viii).

To satisfy this criterion, a petitioner must demonstrate both that they have: 1) performed a leading or critical role for an organization, establishment, or a division or department of an organization or establishment and 2) the organization, establishment, or department or division for which a petitioner held a leading or critical role has a distinguished reputation. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B). Organization, establishments, or departments or divisions that enjoy a distinguished reputation are "marked by eminence, distinction, or excellence." *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (citing to the definition of distinguished from Merriam-Webster, https://www.merriamwebster.com/dictionary).

Based on letters of support submitted by the president and CEO of [redacted] and senior vice president of sales and marketing of [redacted] SCOPS determined the Beneficiary demonstrated she performed a leading or critical role for [redacted] as its director of marketing. However, SCOPS found the Petitioner did not provide sufficient evidence to demonstrate [redacted] Ltd.'s distinguished reputation. In addition, SCOPS found the Petitioner did not demonstrate the Beneficiary performed in a leading or critical role as a previous lead designer for visual merchandising for [redacted] or in her previous work for [redacted], and further did not establish [redacted] has a distinguished reputation.

On appeal, the Petitioner asserts that at [redacted] the Beneficiary "held global creative control over the brand's visual identity and was solely responsible for all boutique visual concepts worldwide." The Petitioner also contends "the distinguished reputations of [redacted] and [redacted] are well

documented in media sources including The Wall Street Journal."[1] The record contains a letter from a human resources director indicating that during her employment with [redacted] the Beneficiary "led the design of all [v]isual [m]erchandising [d]isplays and [i]n-store [b]rand experience" and a letter from a chief commercial officer attesting to the high level of the Beneficiary's work and impact on the broader field of luxury brand display marketing. However, these letters of support do not contain detailed, specific information specifically addressing how the Beneficiary performed in a leading or critical role at [redacted] As such, we agree with SCOPS' determination that the record does not contain sufficient information to demonstrate the Beneficiary's performance in a leading or critical role for [redacted] The record also contains screenshots from [redacted] own website indicating they "have manufactured in [redacted] for over 60 years," a Wikipedia article about [redacted] tax and registration documents, a website screenshot from [redacted] indicating items available for purchase from [redacted] and a quote from the vice president of [redacted] in a Los Angeles Times article on the subject of "[redacted]" As there are no assurances about the reliability of the content from this open, user-edited internet site, we afford it little weight. *See Matter of L-A-C-,* 26 I&N Dec. 516, 526-27 (BIA 2015) (noting that "Wikipedia articles lack indicia of reliability and warrant very little probative weight in immigration proceedings"); *see also Badasa v. Mukasey*, 540 F.3d 909, 910 (8th Cir. 2008). The record establishes the date on which [redacted] was established from the company's tax and registration information but does not provide relative figures that would provide context for these claims as to its longevity. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1) (indicating the *relative* size or longevity of an organization or establishment is not in and of itself a determining factor but is considered with other information to determine whether a distinguished reputation exists, such as the scale of its customer base or relevant media coverage). In addition, the record does not contain information related to the size or scale of customer base for [redacted] and the relevant submitted media coverage is either unreliable or does not contain [redacted] as the subject of its coverage, as discussed above. Accordingly, the Petitioner has not *both* demonstrated that the Beneficiary has performed a leading or critical role for [redacted] or [redacted] *and* established the distinguished reputation of these companies. We concur with SCOPS that the Petitioner has not met this criterion.

III. CONCLUSION

The Petitioner did not establish any of the three categories of evidence discussed above. Although the Petitioner also argues that the criterion relating to original contribution of major significance to the field and display of work in the field under 8 C.F.R. §§ 204.5(h)(3)(v), (vii) were met, we need not reach these additional grounds because the Petitioner necessarily cannot fulfill the initial evidentiary requirement of at least three criterion under 8 C.F.R. § 204.5(h)(3).

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

[1] The Petitioner does not make similar assertions related to [redacted] on appeal. As such, we need not consider whether the Petitioner performed a leading or critical group for [redacted] or whether it has a distinguished reputation for the purposes of this criterion.

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. at 25 (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

For the reasons discussed above, the Petitioner has not demonstrated the Beneficiary's eligibility 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.