U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39700132

Date: SEP. 24, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a helicopter pilot, seeks classification as "an alien of extraordinary ability." 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.

SCOPS denied the petition, concluding that the record does not establish the Petitioner received a one-time achievement of a major, internationally recognized award or, in the alternative, that at least three of the initial evidentiary criteria have been met as required. 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 sustained acclaim and the recognition of their 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 they must provide sufficient qualifying documentation that meets at least three of the 10 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).

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. *Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010).

II. ANALYSIS

In denying the petition, SCOPS determined that the Petitioner fulfilled only one of the claimed six evidentiary criterion – leading or critical role for organizations or establishments that have a distinguished reputation at 8 C.F.R. § 204.5(h)(3)(viii). Upon review of the record, we agree with SCOPS that the Petitioner has satisfied the criterion at 8 C.F.R. § 204.5(h)(3)(viii). On appeal, the Petitioner submits a brief and reasserts his qualifications for the remaining five claimed criteria.

A. Evidentiary 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).

This criterion contains several evidentiary elements, all of which must be met to satisfy the regulation. According to the plain language of the regulation the evidence must establish: (1) the alien is 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. Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field including, but are not limited to, the criteria used to grant the prizes or awards, the national or international significance of the prizes or awards in the field, and the number of awardees or prize recipients as well as any limitations on competitors. 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner asserts that in 2024, he received a [redacted] by the Federation Aéronautique Internationale (FAI), a non-governmental international organization, recognized by the International Olympic Committee, which aims to further aeronautical and astronautical activities worldwide, ratifying world and continental records and coordinating the organization of

international competitions.[1] On appeal, the Petitioner asserts that the FAI certificate is an award [redacted] He also contends that his 2022 award, the [redacted] for his solo flight across the Atlantic and his 2021 [redacted] award meet this criterion. He states that the [redacted] "rewards particularly outstanding pilots of various aviation disciplines." In addition, he maintains that his team came in third place at the 2018 [redacted] the premier [redacted]

Here, the record establishes that the Petitioner's FAI [redacted] meets the evidentiary elements of this criterion. An FAI [redacted] "is a prestigious [redacted] It is a testament to the remarkable [redacted]"[2] [redacted]

For the reasons discussed above, the Petitioner has demonstrated that he meets this criterion.

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. 8 C.F.R. § 204.5(h)(3)(iii).

In order to fulfill this criterion, the Petitioner must demonstrate published material about him in professional or major trade publications or other major media, as well as the title, date, and author of the material. As noted by SCOPS, relevant factors include the intended audience, the relative circulation, readership, or viewership.

The Petitioner submitted documentation related to (i) a television broadcast about his [redacted] Kilometer flight on TVN, and (ii) a television interview on [redacted] On appeal, the Petitioner asserts that both televised events directly pertained to him. He states that "TVN is one of Poland's largest television networks, comparable in reach and reputation to major U.S. networks like NBC or CNN, and [the] interview segment was focused explicitly on my transatlantic flight record."

Here, the evidence demonstrates that on [redacted] 2022, a Polish television station televised a segment entitled, [redacted] This segment was televised on a morning show on the TVN network, which is considered to be

[1] We note here that the National Aeronautic Association (NAA), a federally recognized 501c3, which oversees the advancement of the art, sport, and science of aviation and space flight in the United States, was a founding member of the FAI. In addition, the NAA is an influential member of the FAI, responsible for appointing representatives to 15 major FAI air sport and technical commissions. https://naa.aero/about/

[2] https://www.fai.org/news/fai-[redacted]

leader of the five largest television stations in Poland.[3] Based on the foregoing, the Petitioner has established that he meets the criterion at 8 C.F.R. § 204.5(h)(3)(iii).

B. Final Merits Determination

The Petitioner has established that he 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 he has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim, that he is among the small percentage at the very top of his field of endeavor, and that his 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. *See also* U.S. Citizenship and Immigration Services (USCIS) Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14* 4 (Dec. 22, 2010) (Policy Memo), https://www.uscis.gov/legal-resources/policy-memoranda (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established by a preponderance of the evidence the required high level of expertise of the immigrant classification). In this matter, we determine that the Petitioner has not shown his eligibility.

On appeal, the Petitioner asserts SCOPS did not properly consider the evidence. He contends that the evidence, including his internationally recognized achievements, institutional honors, substantial media coverage, and endorsements from aviation authorities, clearly demonstrates that he has sustained national and international acclaim which places him among the small percentage of top professionals in his field.

We first note that in the present case, the evidence in the record is primarily limited to a short period of time, namely 2018 to 2024, and as such the record as a whole does not demonstrate sustained national or international acclaim. The record contains support letters from the Petitioner's professional peers who discuss his extensive skills as a pilot and an instructor and his receipt of the aforementioned awards. Several of the letters also commend the Petitioner for completing the first solo flight across the Atlantic from the United States to Poland in a [redacted] While these letters provide an overview of the Petitioner's accomplishments, they do not discuss any further impact or application of his work. Consequently, the letters are insufficient to establish the Petitioner's sustained national or international acclaim and that he is among the small percentage at the very top of his field. *See 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 the plaintiff's relative status in the field and did not compare him to others).

As noted above, the Petitioner was awarded an FAI [redacted] While the fact that there are [redacted]

[3] https://www.broadbandtvnews.com/2025/01/15/tvn-warner-bros-discovery-is-polands-market-leader-in-2024/

[redacted] demonstrates the significance of the Petitioner's accomplishments, it is insufficient to show he is among the small percentage at the very top of his field. Specifically, the FAI website indicates that individuals must apply and pay for the certificates.[4] We acknowledge that the FAI deems the [redacted] to be prestigious and awarded to helicopter pilots who have demonstrated exceptional capabilities; however, this award is not the result of an exclusive nomination process and any pilot who applies and meets the requirements can be awarded a [redacted] While we are not minimizing the Petitioner's accomplishment, the award of a certificate does not reflect that the recipient of this award has sustained acclaim at the requisite national or international level or received significant attention. For example, in contrast to the [redacted] the FAI Gold Medal for Rotorcraft[5] "was established in February 1993 to reward a particularly remarkable achievement in rotorcraft including use as a sport vehicle, or eminent services to the development of rotorcraft over an extended period of time – and in, 2014, it was awarded to Polish pilot Ryszard Witkowski.

With respect to his claim that he completed the first solo flight across the Atlantic from the United States to Poland (from the USA, through Canada, Greenland, Norway, Sweden and Poland), we note that this accomplishment is not acknowledged by the FAI, the organization that is tasked with ratifying world and continental records, on their Rotorcraft Records webpage.[6] Further, there is no other public information available about the Petitioner's claim aside from his submitted evidence. As the Petitioner's claim of having published material about himself in media is based upon this claim, it will be afforded diminished weight in our analysis.

Regarding his participation in the 2018 helicopter competition, the Petitioner states:

> I [took] 3rd place in the team ranking at the prestigious FAI [redacted] on [redacted] 2018. As a member of the [redacted] I was one of the three scorers contributing to the team's success.

We note here that while the Petitioner states that he "was one of the three scorers contributing to the team's success," the FAI website presents inconsistent information. The FAI website indicates that the Petitioner was one of five two-person pilot/crew teams that comprised the [redacted] team; however, the Petitioner's team was the lowest scoring of the five Polish teams in all the event rankings.[7] The Petitioner must resolve this inconsistency in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit. *Id.; see also Matter of O-M-O-*, 28 I&N Dec. 191, 197 (BIA 2021) (noting that "by submitting fabricated evidence, the appellant compromised the integrity of his entire claim").

---

[4] https://www.fai.org/page/cig-certificates-proficiency
[5] https://www.fai.org/page/cig-awards
[6] https://www.fai.org/federation
[7] The FAI website has country and team ranking data for the 2018 [redacted] following webpage: https://www.fai.org/news/[redacted]

III. CONCLUSION

When considered in the aggregate, the evidence shows the Petitioner is an accomplished helicopter pilot. However, the Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for those progressing toward that goal. 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). The Petitioner's evidence confirms that he has received attention from those in his field. However, considering the full measure of the Petitioner's ability and achievements, the inconsistencies in the record, and the level of his national acclaim and the extent to which his achievements have been recognized in the field, the Petitioner's achievements are not indicative of a record of sustained acclaim. Also, he has not submitted extensive documentation exhibiting he has attained a level of expertise placing him among that small percentage that has risen to the very top of the field of endeavor.[8] 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.

[8] We also note here that the Petitioner contends that his goal is to introduce "helisport" to the United States by co-creating an American helisport team and providing consulting services to the NAA. However, the first world rotorcraft championships – the equivalent of "helisport" – were organized in 1971 by the FAI, and the former U.S. Helicopter Team first competed in the World championships in 1973 and 1978. Currently, the NAA oversees the advancement of the art, sport, and science of aviation and space flight in the United States, and Americans hold several ratified FAI world records for rotorcraft across various categories and time periods. Thus, given that the United States is currently a major participant in international helicopter competitions and has established mechanisms in place, administered by the NAA, to collaborate with other countries on aviation matters, the Petitioner has not established that his endeavor will substantially benefit prospectively the United States.