U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39932878

Date: SEP. 29, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a business consultant who has worked as a Principal and Chief Executive Officer, seeks classification as an individual of extraordinary ability in the field of business consulting. *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, as required, that the Petitioner received a major, internationally recognized award or met the requirements of at least three of the ten 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 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, a petitioner can demonstrate international recognition of his or her 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 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner 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 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).

II. ANALYSIS

The Petitioner, a native and citizen of Russia, has worked as Principal at [redacted] a company in California that focuses on [redacted] She also claims to have been "the leading Russian representative and evangelist for [redacted] an MIT-designed framework for [redacted] and asserts exceptional ability based on her contributions to this field. SCOPS determined that the Petitioner met the criteria relating to lesser awards under 8 C.F.R. § 204.5(h)(3)(i) and judging under 8 C.F.R. § 204.5(h)(3)(iv), and we agree. On appeal, she asserts that she also meets the criteria relating to original contributions pursuant to 8 C.F.R. § 204.5(h)(3)(v), authorship of scholarly articles under 8 C.F.R. § 204.5(h)(3)(vi), leading or critical role in an organization with a distinguished reputation per 8 C.F.R. § 204.5(h)(3)(viii), and high salary under 8 C.F.R. § 204.5(h)(3)(ix). Upon de novo review, the Petitioner has not established that she meets at least three criteria.

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).

The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." We first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

SCOPS determined that the Petitioner met this criterion because she was the third-place winner of the [redacted] from the [redacted] Although SCOPS did not correctly identify the awards the Petitioner received, we agree that she meets this criterion. In support of her initial petition, she submitted a list of the 2024 recipients of the [redacted] which specifies that she received honorable mention for the [redacted] and second place in the Hall of Fame. She also provided information from the [redacted] the

[redacted] website which states, in relevant part, that the [redacted] recognizes leaders "from a multicultural or culturally and linguistically diverse . . . background" while the Hall of Fame "recognizes exceptional [redacted] (working in the current field for 20 years+)." Additionally, she submitted articles from several international publications about the [redacted] in general, some of the award nominees and recipients, and high-profile presenters, including [redacted] Accordingly, the Petitioner has submitted sufficient evidence that she received a nationally or internationally recognized award based on excellence in her field. 8 C.F.R. § 204.5(h)(3)(i).

> *Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought.* 8 C.F.R. § 204.5(h)(3)(iv).

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) calls for "evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought." The alien must show that they not only have been invited to participate as a judge of the work of others in their field, but also that they have actually participated in such judging. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual. Examples of judging may include peer review for a scholarly journal, conference, or government research funding program or serving as a member of a Ph.D. dissertation committee. *Id.*

SCOPS determined that the Petitioner met this requirement due to her work with [redacted] and [redacted] two organizations focused on building technology-related startup businesses, and we agree. She was selected to be a judge at [redacted] and provides a supporting letter stating she judged participants who were "new, rising, as well as very experienced peers in [her] entrepreneurial industry." Further, she states she was a panelist and mentor for [redacted] a contest in which "20 startups with the highest potential" were selected from more than 1600 applicants.

As supporting evidence, the Petitioner provided a letter from the lead organizer of [redacted] confirming her "highly-credentialed judging service." The letter states that judges "are selected for their expertise in their industry or in the field of technology entrepreneurship" and that their role is to evaluate the business models of teams of technology entrepreneurs. She also submitted a copy of online information about [redacted], which lists her as one of the "mentors and experts in working with startups." Additionally, the Petitioner provided a letter from the founder of [redacted] confirming that she served as a judge of the [redacted], where she "selected startups" with high potential. Accordingly, the Petitioner has met this criterion.

> *Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.* 8 C.F.R. § 204.5(h)(3)(v).

The regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." A petitioner may show that their contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. *See Visinscaia*, 4 F. Supp. 3d at 134-35. Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

SCOPS determined that the letters of support the Petitioner provided were not sufficient to establish the major significance of her original contributions. She contends on appeal that she meets this criterion because she was "the leading Russian representative and evangelist for [redacted] and that she edited books, wrote articles, and organized major events on this topic. She has provided a letter of support from O-S-, the Founding Chair of the [redacted], and information about him; the 2023 Annual Report of the [redacted]; articles about [redacted]; a printout of a [redacted] Facebook post about a 2019 event the Petitioner organized in Moscow at which O-S- spoke; a screenshot of a YouTube video of the Petitioner speaking at a business school event; a translation of a page of a book in Russia thanking the Petitioner for her assistance in preparing it; and a document showing that she hosted an online hub for Russian speakers to learn about [redacted] Also, she provided a letter confirming that she was the "curator and semantic editor" of the Russian editions of two books released by the [redacted] and that the books, which were released in a limited run, each sold out within a period of approximately one to three years. Additionally, she submits copies of online book sales listings for the English editions of the books.

On appeal, the Petitioner argues that she "further[ed] [the] mission to introduce [redacted] in Russia" and contributed in major ways to the publication of information about that theory. The evidence the Petitioner has submitted shows that she supported the work of O-S- by spreading information about [redacted] in Russia. She organized and participated in events, helped prepare Russian-language editions of books, and wrote articles about [redacted] However, this evidence does not show that the Petitioner's work was original; instead, she disseminated and discussed the original work of O-S-. The letter from O-S- credits her with "active promotion of [redacted] development in Russia" and supporting his projects there but does not indicate that she contributed original ideas. The Petitioner's resume states she was the "representative" of O-S- in Russia and "facilitate[ed] direct knowledge transfer," supported the translation of his books, and assisted with logistical planning for his visit. And the letter from the book publisher states that she helped as a "curator and semantic editor" of books about [redacted], which was "developed by" O-S-. Accordingly, the Petitioner has not shown that she made original contributions of major significance in her field, as 8 C.F.R. § 204.5(h)(3)(v) requires.

> *Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.* 8 C.F.R. § 204.5(h)(3)(vi).

SCOPS concluded that the Petitioner did not show that the articles she had written were scholarly in nature. As supporting evidence, she previously provided copies of online articles she wrote, information from the websites of the companies that published her articles, and ratings of the legitimacy and strength of each of those websites from a "website authority checker" and "domain

rating." On appeal, she states that she has written "thought-leadership" articles for "professional or major business media publications" in Russia. She argues generally that SCOPS failed "to consider or apply the plain meaning" of the phrase "scholarly articles," which she states means "suitable to learned persons, and that learned materials or people are characterized or associated with learning." Although she offers a definition of the term "scholarly," the Petitioner does not explain on appeal how her articles meet that definition.

The regulation at 8 C.F.R. § 204.5(h)(3)(vi) calls for "evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." In academia, a scholarly article reports on original research, experimentation, or philosophical discourse, is generally peer reviewed, and may be published in professional or scientific journals or conference presentations. In other fields, a scholarly article should be written for others having profound knowledge in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

Here, the Petitioner does not show that her articles were written for learned persons in the business consulting field or for other particular learned persons. Moreover, the Petitioner did not demonstrate that the websites where her articles appeared were intended for learned persons rather than a general audience or readers who subscribe to the online publications. She provided copies of an article she wrote titled '[redacted] This was published in the '[redacted] section of the website of RBC Pro, a "service that helps you make confident decisions in your career, business and finance" and where "[t]op managers, business gurus, entrepreneurs and market leaders share practical information and new ideas" to "[g]row [their] business." Another article she wrote, '[redacted] appeared in RBC Pro's [redacted] section. She also published an article titled '[redacted] on the website of RBC [redacted] "a cross-platform project about trends in economics, business, technology and society that are changing our lives." Finally, articles titled [redacted] appeared on RB.RU, which is "an independent publication about technology and business, an event organizer and creator of services for entrepreneurs, investors and corporations." Information on the history of RB.RU states that it is a highly cited media source in the information technology, telecommunications, and business media fields and offers "business news, reviews of new markets and technologies, columns from entrepreneurs, selections of opportunities and practical instructions for beginners, videos, as well as materials dedicated to the lifestyle of the modern person." The descriptions of these sources appear to indicate that they are intended for a wide audience with a range of experience rather than learned persons in the business consulting field. For these reasons, the Petitioner did not demonstrate she fulfills 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).

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. 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. 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. 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. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

SCOPS concluded that the Petitioner did not meet this criterion because she did not show that her role in an organization was leading or critical. On appeal, she contends that she held a leading and critical role at the [redacted] where she led an initiative on introducing [redacted] in Russia. She has submitted a copy of the website of the [redacted] her professional resume; and duplicate copies of the supporting letter from O-S-, information about the Russian-language [redacted] books she assisted in editing, the articles she wrote, and presentations she arranged and participated in. We agree with SCOPS' determination that the Petitioner did not demonstrate she held a leading or critical role with the [redacted] The evidence indicates that the Petitioner was a "partner" and "consultant" working alongside the [redacted] to bring O-S-'s ideas, particularly [redacted] to Russia. O-S- states in his letter that as a result, she "was welcome as a member of the [redacted] an exclusive group of outstanding and influential professional organizers, operators, and experts acknowledged for their impact in this field." Her resume states she "championed the advancement" of [redacted] and was the organization's "sole representative" in Russia. Although we recognize that the Petitioner played a role in assisting O-S- and advancing his work, the evidence is not sufficient to show that she played a leading or critical role with the [redacted] Accordingly, the Petitioner has not met this criterion.

> *Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.* 8 C.F.R. § 204.5(h)(3)(ix).

The regulation at 8 C.F.R. § 204.5(h)(3)(ix) calls for "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. Comparative wage or remuneration data that is appropriate for the alien's occupation and location should be submitted to establish that their compensation is high relative to others working in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

SCOPS determined that the Petitioner did not submit sufficient evidence to demonstrate that her salary was high relative to others in the field because she did not provide documentation to establish her wages or data comparing her salary to that of others. She previously submitted a 2023 Glassdoor article stating that the average salary of a business consultant in Moscow, Russia, covering all numbers of years of experience and all industries, is between 90,000 and 233,000 rubles per month. She also provided an accountant's verification of her monthly income between July 2021 and March 2022, showing that she earned at least 235,194 rubles during all but one month and sometimes reached 789,757 or up to 1,182,992 rubles in a month; and records of her bank balance during that same time period. She also provided a job offer letter from [redacted] in California, for a position as

Principal during the term of her O-1A status, with a salary of $60,000 per year. Additionally, she submitted information about the [redacted] showing that she held a position on the organization's board, plus general information about the organization. Also, she provided the transcript of an interview she participated in; an article written by a colleague about their entrepreneurial activities and [redacted]; and a certificate of completion for a mentorship program with the [redacted] along with general information about that program.

On appeal, she asserts that she has submitted evidence showing that her earnings as an entrepreneur and business consultant were higher than ninety percent of others in the role. She contends that the evidence she provided showed her monthly income was over 508,000 rubles per month, which "is significantly high" compared to other business consultants. However, the plain language of this criterion requires a comparison against "others in the field." The Petitioner has provided data relating generally to business consultants with all levels of experience and in all industries. Salary information for those performing work in a related but distinct occupation with different responsibilities is not a proper basis for comparison. Average salary levels are not comparable when evaluating whether a salary was high "in relation to others in the field." *E.g.*, *Kinuthia v. Biden*, 702 F. Supp. 3d 5, 11 (D. Mass. 2023) (finding USCIS reasonably concluded a filing party's evidence comparing average and median salaries was insufficient to establish he commanded a high salary in relation to others in the field). Information about all business consultants with any range of experience and in all industries does not provide the necessary comparison between her salary and that of other business consultants working as a Principal or Chief Executive Office in her particular field. She also did not provide any data comparing her salary in the United States to others in her field here, and the other evidence she provided to support her claims on this criterion did not indicate whether she earned a salary for her roles on the board of the [redacted] Based on these deficiencies in the evidence, the Petitioner has not submitted documentation that meets the plain language requirements of this criterion.

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 she 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 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).

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.