



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 22678669

Date: OCT. 3, 2022

Appeal of Texas Service Center Decision

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

The Petitioner, an asset manager specializing in insurance and pensions, 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). 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.

The Director of the Texas Service Center denied the petition, concluding that although the Petitioner satisfied at least three of the initial evidentiary criteria, as required, she did not show her sustained national or international acclaim and demonstrate that she is among that small percentage at the very top of the field of endeavor.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

Section 203(b)(1)(A) 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 his or her 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 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. *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). This two-step analysis is consistent with our holding that the “truth is to be determined not by the quantity of evidence alone but by its quality,” as well as the principle that we examine “each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.” *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

## II. ANALYSIS

### A. Evidentiary Criteria

Because the Petitioner has not claimed or established 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). The Director determined that the Petitioner met three of the claimed evidentiary criteria relating to published material at 8 C.F.R. § 204.5(h)(3)(iii), participation as a judge at 8 C.F.R. § 204.5(h)(3)(iv), and authorship of scholarly articles at 8 C.F.R. § 204.5(h)(3)(vi). However, the Director concluded that the Petitioner did not show that she garnered sustained national or international acclaim and that her achievements have been recognized in the field of expertise, demonstrating that she is one of that small percentage who has risen to the very top of the field. On appeal, we will review the totality of the evidence in the context of the final merits determination below.<sup>1</sup>

### B. Final Merits Determination

As the Director concluded that 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,<sup>2</sup> that she is one of the small percentage at the very top of the field of endeavor,

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<sup>1</sup> Meeting the minimum requirement of providing required initial evidence does not, in itself, establish that the person in fact meets the requirements for extraordinary ability classification. *See 6 USCIS Policy Manual F.2(B)*, <https://www.uscis.gov/policy-manual>.

<sup>2</sup> *See 6 USCIS Policy Manual, supra*, at F.2(A) (stating that “such acclaim must be maintained” and providing *Black’s Law Dictionary’s* definition of “sustain” as to support or maintain, especially over a long period of time, and to persist in making an effort over a long period of time).

and that her achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if her successes are sufficient to demonstrate that he has 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.<sup>3</sup> In this matter, we determine that the Petitioner has not shown her eligibility.

At initial filing, the Petitioner indicated that since 2005 she has served as “the Director of the Pension Market and R&D Center and the Asset Custody Department in [REDACTED]” She provided a statement asserting:

I have over 20 years of experience in assets management, including more than 15 years of experience serving retirees and senior citizens. I received a Ph.D. degree in management and have extensive knowledge of the financial market. I have the skills and networks required to acquire high-net-worth clients from China. After working for over 20 years in the financial industry, I have developed personal wealth, business acumen, and deep investment expertise.

Although the Director determined that the Petitioner has presented published material about her, has judged the work of others, and has authored scholarly articles, the record does not demonstrate that she enjoys a “career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). For the reasons discussed below, we agree with the Director that the Petitioner has not demonstrated that she has sustained national or international acclaim and is among the small percentage at the very top of her field. See section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(2).

As it relates to published material, the Petitioner offered a [REDACTED] 2018 article in *China Enterprise News* briefly mentioning her experience and then interviewing her about [REDACTED]. She also presented documents indicating that she was interviewed by [REDACTED] Televisions in Beijing” for [REDACTED] news” programming in [REDACTED] 2018, but the record does not include an actual transcript of the television report.<sup>4</sup> In addition, the Petitioner provided video screenshots which she claims show multiple 2018 interviews of her by *China Securities Journal* staff that appeared on the *Xinhua News* mobile app.<sup>5</sup> Furthermore, the record includes a [REDACTED] 2018 article from *MBACHina.com*, entitled [REDACTED].<sup>6</sup>

While the Petitioner indicated that she has worked in her field for more than 20 years, she did not present any media coverage of her prior to or after 2018. The Petitioner therefore did not demonstrate that her press coverage is consistent with the “sustained” national or international acclaim necessary for this highly restrictive classification. See section 203(b)(1)(A) of the Act. Further, the Petitioner

<sup>3</sup> *Id.* at 4 (instructing 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).

<sup>4</sup> Without a transcript from the television program, the Petitioner has not shown that the coverage was about her.

<sup>5</sup> These interviews are about the Chinese pension system, insurance, and retirement planning rather than the Petitioner.

<sup>6</sup> The author of this article was not identified.

did not show how the aforementioned media coverage is indicative of a level of success with being among that small percentage who has risen to the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). Thus, the Petitioner did not establish that the limited media reporting on her and her activities reflect a career of acclaimed work in the field. *See* H.R. Rep. No. 101-723 at 59. The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the “intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required” for lesser classifications. 56 Fed. Reg. 30703, 30704 (July 5, 1991). Here, the Petitioner’s media exposure limited to 2018 does not meet this very high standard. For example, almost all of the media coverage involves the Petitioner discussing topics such as insurance and pensions rather than material about Petitioner and her accomplishments.

Relating to the Petitioner’s service as a judge of the work of others, an evaluation of the significance of her experience is appropriate to determine if such evidence indicates the required extraordinary ability for this highly restrictive classification. *See Kazarian*, 596 F. 3d at 1121-22.<sup>7</sup> The Petitioner submitted a March 2019 letter from the “Editorial Office of [redacted]” stating that she reviewed 10 manuscripts for that journal in 2018. She also provided a March 2019 letter from the “Editorial Office of [redacted]” stating that she reviewed 21 manuscripts for that journal since 2018. Both letters state that reviewers for each journal “are all experts in the insurance industry.”

At issue here is the extent to which the Petitioner’s peer review activities have required, reflected, or resulted in her being nationally or internationally acclaimed. The Petitioner, however, did not present documentation indicating the aforementioned journals’ specific requirements for selection of peer reviewers. For instance, reviewing manuscripts for journals that select their reviewers based on subject matter expertise would not provide strong support for the petition, because possessing expertise in a given field is a considerably lower threshold than sustained national or international acclaim, and an individual who is among the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3). Nor is there objective supporting evidence (such as journal rankings from an independent source) demonstrating the stature of [redacted] and [redacted] to show that the Petitioner’s peer review service is reflective of national or international acclaim.

Therefore, although the record shows that the Petitioner has reviewed multiple journal articles for [redacted] and [redacted] this evidence does not demonstrate how her peer review activity compares to or differentiates her from her peers in the field. Similarly, the evidence in the record does not show that the Petitioner has sustained national or international acclaim for her service as a peer reviewer. *See* section 203(b)(1)(A) of the Act. Without this or other evidence differentiating her from others in her field, the Petitioner has not established how her peer review experience contributes to establishing that she is among that small percentage who has risen to the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2) and 56 Fed. Reg. at 30704.

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<sup>7</sup> *See* 6 USCIS Policy Manual F.2(B)(2), *supra* (stating that an individual’s participation should be evaluated to determine whether it was indicative of being one of that small percentage who have risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

The Petitioner also provided documentation indicating that she served as a judge at the [redacted] 2018 [redacted]

[redacted] She has not shown, however, that serving as a judge at this construction and development conference involved judging the work of others in her field of asset management (specializing in insurance and pensions) or in an allied field. Additionally, the submitted documentation does not indicate whose work the Petitioner judged, their stature in the field, the requirements for selection as a judge, or the prestige associated with serving as a judge at [redacted]

[redacted] The Petitioner did not demonstrate that her judging at this conference contributes to a finding that she has a career of acclaimed work in the field or the required sustained national or international acclaim. See H.R. Rep. No. at 59 and section 203(b)(1)(A) of the Act. For instance, the Petitioner did not establish that she garnered wide attention from the field based on her service as a judge. Moreover, the Petitioner has not shown that her judging experience places her among that small percentage who has risen to the very top of her field of endeavor. See 8 C.F.R. § 204.5(h)(2) and 56 Fed. Reg. at 30704.

Furthermore, the Petitioner did not demonstrate that her judging experience is consistent with the “sustained” national or international acclaim necessary for this highly restrictive classification. See section 203(b)(1)(A) of the Act. While the Petitioner asserted that she has worked in her field for more than 20 years, her judging experience for [redacted]

[redacted] is limited to 2018 and early 2019. Accordingly, she has not demonstrated that her service as a judge is indicative of “sustained” acclaim.

Likewise, authorship and publication do not automatically place one at the top of the field.<sup>8</sup> Although the Petitioner submitted documentation indicating that she has authored one article in *China Finance*, one article in *Journal of Central University of Finance and Economics*, parts of a two-volume book series, and a book chapter, she did not demonstrate that her publication record is consistent with having a career of acclaimed work and sustaining national or international acclaim. See H.R. Rep. No. at 59 and section 203(b)(1)(A) of the Act. Nor did the Petitioner submit evidence showing the significance of her authorships or how her overall publications compare to others who are viewed to be at the very top of the field. See 8 C.F.R. § 204.5(h)(2) and 56 Fed. Reg. at 30704.

Moreover, the citation history or other evidence of the influence of the Petitioner’s published work can be an indicator to determine the impact and recognition that her work has had on the field and whether such influence has been sustained. For example, numerous independent citations for articles authored by the Petitioner may provide solid evidence that her work has been recognized and that others have been influenced by her work. Such an analysis at the final merits determination stage is appropriate pursuant to *Kazarian*, 596 F. 3d at 1122. Here, the Petitioner provided information from CNKI.net reflecting that the Petitioner’s published work has been cited almost 60 times. The record, however, does not include comparative statistics indicating how often others in the Petitioner’s field are cited. While the citation of her work shows that some in her field have referenced it, the Petitioner

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<sup>8</sup> 6 USCIS Policy Manual F.2(B)(2), *supra* (providing that publications should be evaluated to determine whether they were indicative of being one of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

has not established that such citations are sufficient to demonstrate a level of interest in the field commensurate with sustained national or international acclaim.<sup>9</sup> See section 203(b)(1)(A) of the Act. In addition, the Petitioner has not shown that the citations to her work represent attention at a level consistent with being among that small percentage at the very top of the field. See 8 C.F.R. § 204.5(h)(2) and 56 Fed. Reg. at 30704.

Beyond the three criteria that the Petitioner satisfied, we consider additional documentation in the record in order to determine whether the totality of the evidence demonstrates eligibility. As it relates to her roles, the Petitioner has been serving as the Director of the Pension Market and R&D Center and the Asset Custody Department at [redacted] since 2005. The Petitioner also presented letters of appointment assigning her as a “mentor” for the MBA programs at both [redacted] University and [redacted] University [redacted]. In addition, she provided a letter informing her of her appointment as a “Council Member” of the Pension Branch of the [redacted]. However, the Petitioner did not demonstrate that her positions are reflective of sustained national or international acclaim. See section 203(b)(1)(A) of the Act and 56 Fed. Reg. at 30704. The Petitioner did not show that her roles with [redacted] University [redacted] University [redacted] and the Pension Branch of the [redacted] have earned distinction, garnering a level of attention consistent with being among that small percentage at the very top of the field. See 8 C.F.R. § 204.5(h)(2). Nor did she establish that any of her roles resulted in widespread acclaim from her field, that she drew significant attention from the greater field, or that the overall field considers her to be at the very top of the field of endeavor. See 8 C.F.R. § 204.5(h)(2) and 56 Fed. Reg. at 30704.

In addition, the Petitioner provided an August 2018 letter inviting her to speak at the [redacted] . . . in [redacted] from 8 to 10 September.” She has not shown, however, that speaking at this construction summit signifies national or international acclaim in the field of asset management.<sup>10</sup> Further, the Petitioner did not provide evidence from the organizers of this summit indicating that they reserve their speaking invitations for those at the very top of her field. The Petitioner’s participation in the aforementioned summit may demonstrate that her work was shared with individuals in the construction industry, but it does not show that she has sustained national or international acclaim in the field of asset management for insurance and pensions.

With regard to her salary, the Petitioner provided “Salary and Tax” statements reflecting earnings of RMB \$365,539 in 2016, \$367,120 in 2017, and \$336,389 in 2018. She also presented a *Kelly Services® 2017 China Salary Guide* listing minimum and maximum RMB annual salary amounts for various occupations in the “Banking and Financial Services” sector.<sup>11</sup> For example, the guide lists the minimum salary for both an “Equity Research Director” and a “Corporate Finance Director” with 10-15 years of experience as RMB \$1,000,000, which is much higher than the Petitioner’s salary in 2016,

<sup>9</sup> Nor has the Petitioner demonstrated how citation to her articles, individually or collectively, compares to those who are nationally or internationally recognized in her field.

<sup>10</sup> The accompanying itinerary for this construction summit indicates that its focus was on rural revitalization and development rather than asset management for insurance and pensions.

<sup>11</sup> The Petitioner does not specify which occupational titles in the “Banking and Financial Services” sector most closely align with her position as “Director of the Pension Market and R&D Center and the Asset Custody Department” at [redacted]

2017, and 2018. The Petitioner's evidence did not show that she has earned a high salary or significantly high remuneration in comparison with those performing similar services in the field. *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering a professional golfer's earnings versus other PGA Tour golfers); *see also Skokos v. U.S. Dept. of Homeland Sec.*, 420 F. App'x 712, 713-14 (9th Cir. 2011) (finding salary information for those performing lesser duties is not a comparison to others in the field); *Grimson v. INS*, 934 F. Supp. 965, 968 (N.D. Ill. 1996) (considering NHL enforcer's salary versus other NHL enforcers); *Muni v. INS*, 891 F. Supp. 440, 444-45 (N. D. Ill. 1995) (comparing salary of NHL defensive player to salary of other NHL defensemen). Without documentation demonstrating that the Petitioner's compensation constituted a high salary or was significantly high in relation to others in the field, she has not demonstrated that her earnings place her among that small percentage at the very top of the field. *See* 8 C.F.R. § 204.5(h)(2).

The Petitioner also offered recommendation letters discussing her work for [redacted] and her standing in the field.<sup>12</sup> For example, [redacted] professor at [redacted] University, indicated that the Petitioner "developed a pension management product, which is a prototype similar to United States' personal pension plans in China." [redacted] further stated: "Not only did her product lay the foundations for the development of a personal pension account similar to that of the United States in China, but it also promoted the design of multiple pension funds that were approved by the China Securities Regulatory Commission." In addition, [redacted] professor at [redacted] [redacted] asserted that the Petitioner "is highly regarded in her field as she has achieved great success in the design and development of individual pension products. Her talents and achievements are invaluable assets which would be beneficial to any company she serves."

Furthermore, [redacted] professor at [redacted] University, stated that the Petitioner "designed the pension security management fund and custody for [redacted] and that she "is one of the most highly respected and accomplished experts in individual plans among her peers in the field." Similarly, [redacted] professor at [redacted] University, asserted that "[h]aving worked in the sphere of pension finance for 14 years, [the Petitioner] is one of the chief experts in the field of pension business."

The recommendation letters offered by the Petitioner, however, did not contain sufficient information and explanation, nor did the record include corroborating evidence, to show that she is viewed by the overall field, rather than by a solicited few, as being among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). Additionally, the evidence did not establish that she has made impactful or influential contributions in the field reflecting a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See* H.R. Rep. No. at 59 and section 203(b)(1)(A) of the Act. The letters described the Petitioner's work without showing how it represents an individual who has garnered sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. *See* section 203(b)(1)(A) of the Act and 56 Fed. Reg. at 30704.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. Here, the Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing

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<sup>12</sup> While we discuss a sampling of these recommendation letters, we have reviewed and considered each one.

toward the top. *See Price*, 20 I&N Dec. at 954 (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of “extraordinary ability,”); *Visinscaia*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is “extremely restrictive by design,”); *Hamal v. Dep’t of Homeland Sec. (Hamal II)*, No. 19-cv-2534, 2021 WL 2338316, at \*5 (D.D.C. June 8, 2021) (determining that EB-1 visas are “reserved for a very small percentage of prospective immigrants”). *See also Hamal v. Dep’t of Homeland Sec. (Hamal I)*, No. 19-cv-2534, 2020 WL 2934954, at \*1 (D.D.C. June 3, 2020) (citing *Kazarian*, 596 at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that “[c]ourts have found that even highly accomplished individuals fail to win this designation”)); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 918 (N.D. Ill. 2002) (finding that “arguably one of the most famous baseball players in Korean history” did not qualify for visa as a baseball coach). In the present matter, the Petitioner has not demonstrated that she has sustained national or international acclaim and is among the small percentage at the top of her field. *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(2).

### III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

**ORDER:** The appeal is dismissed.