



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

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

In Re: 34878316

Date: FEB. 3, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a business consultant and executive, seeks classification 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.

The Director of the Texas Service Center denied the petition, concluding that the record did not establish that the Petitioner had satisfied at least three of ten initial evidentiary criteria, as required. The matter is now before us on appeal under 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 aliens 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. These aliens must seek to enter the United States to continue work in the area of extraordinary ability, and their entry into the United States will substantially benefit the United States. The term “extraordinary ability” refers only to those aliens 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 their achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Or the petitioner can submit evidence 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. If those standards do not readily apply to the alien’s occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once a petitioner has met the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the alien 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 earned a master's degree in public administration in her native Georgia in 2011. She owned, managed, or directed several companies in Georgia, in a variety of industries, from February 2008 until November 2022 when she entered the United States as a B-2 nonimmigrant visitor. Since March 2023, she has operated her own consulting company in Pennsylvania.

Because the Petitioner has not indicated or 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). The Petitioner claims to have satisfied seven of these criteria, summarized below:

- (ii), Membership in associations that require outstanding achievements;
- (iii), Published material about the alien in professional or major media;
- (iv), Participation as a judge of the work of others;
- (v), Original contributions of major significance;
- (vi), Authorship of scholarly articles;
- (viii), Leading or critical role for distinguished organizations or establishments; and
- (ix), High remuneration for services.

The Director concluded that the Petitioner had satisfied two of the claimed criteria, relating to published material and leading or critical roles, through her work as the general director of a company that served as Georgia's marketer and distributor of a brand of hair care products.

Upon review of the record, we will not disturb the Director's conclusions with regard to the two granted criteria, but we agree with the Director that the Petitioner has not satisfied the other five claimed criteria. We will discuss those claimed criteria below.

### 1. Membership

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) calls for documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.

The Petitioner submitted a copy of a membership certificate from the International Society of Female Professionals (ISFP), calling her "an honored member who has demonstrated excellence, maintained perseverance, and ascended the summit of professional accomplishment." An unsigned letter on ISFP letterhead refers to the society as "a vetted membership organization" and indicates: "If our staff

determines that [an applicant] meet[s] the basic eligibility criteria, one of our membership enrollment coordinators will reach out to her to verify the information and conduct the due diligence.”

The submitted materials do not describe “the basic eligibility criteria” to which the letter refers. The letter also does not indicate whether the unnamed staff member who reviews applications is a recognized national or international expert in the discipline or field as required by the regulation.

The Petitioner also submitted copies of a letter and a web printout indicating that she is a member of the board of the Georgia office of the Union of Business and Professional Women (BPW Georgia). The letter lists qualifications such as “significant executive leadership accomplishments.” The web printout shows a “Join Us” button. The Petitioner did not submit a printout of the page linked to the “Join Us” button, which may provide information about membership requirements and instructions on how to join. This information is directly material to the proceeding because it could either confirm or contradict the Petitioner’s claims about BPW’s membership requirements, and whether such membership would qualify under the criterion.

In a request for evidence (RFE), the Director had emphasized the importance of objective documentary evidence, stating:

There is no objective evidence to ascertain whether the associations require outstanding achievement of its members or defines what constitutes outstanding achievement, that outstanding achievements are judged by recognized national or international experts, and that the associations are in the field for which classification is sought. Without objective documentary evidence about the associations, the petitioner impedes USCIS in determining whether her membership with the associations satisfy all the elements within this criterion.

The Director asked for “objective documentary evidence,” including “[t]he section[s] of the association’s constitution or bylaws, which discuss the criteria for membership for the petitioner’s level of membership in the association” and “the qualifications required of the reviewers on the review panel of the association.”

The Petitioner’s response to the RFE did not include any new evidence regarding her ISFP membership.

With respect to BPW Georgia, the Petitioner did not submit the constitution, bylaws, or other documentation of membership requirements, and did not explain their omission. The Petitioner submitted a letter attributed to the organization’s president, calling the organization “a selective group reserved for Experts and Chief Executives with remarkable achievements in business and investment relations.” The letter indicates that the Petitioner’s “admission into the board . . . was based on several key contributions that were highly regarded by . . . national and international experts in the field of business, finance and investment.” The letter indicates that the organization’s president and two others were “[t]he experts who made [the] decision about the [petitioner’s] membership.” The letter identifies the other two individuals but the Petitioner did not submit corroborating statements from those individuals or documentation to show that they are responsible for membership decisions.

In the denial notice, the Director acknowledged the Petitioner's RFE response, but observed that the Petitioner had submitted "no objective evidence to ascertain whether the association requires outstanding achievement of its members." The Director also noted that the Petitioner's response did not address her ISFP membership.

On appeal, the Petitioner repeats previous claims, citing no evidence to support them. Statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight. *Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998). The Petitioner also states: "We would like to clarify and expand on the evidence to demonstrate that [the Petitioner's] membership in BPW Georgia and the International Society of Female Professionals indeed meets the [regulatory] requirements." But following this statement, the Petitioner neither clarifies nor expands on the evidence. Instead, the Petitioner begins discussing a different regulatory criterion.

The Petitioner has submitted some evidence intended to satisfy the criterion's regulatory requirements. But we agree with the Director that the submitted evidence is not sufficiently dispositive by itself, and the Petitioner did not provide objective documentation when the Director specifically requested it. Therefore, the Petitioner has not met her burden of proof with regard to the regulatory requirements.

## 2. Judging

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 Petitioner stated that she judged the work of others "as the National Expert of Georgia for [redacted] [redacted] as a Senior Business Consultant for [redacted] and "[a]s the owner and Director of the first [redacted]

The founder and producer of [redacted] stated in a letter: "In 2018 I have invited [the Petitioner] as a Senior Business Consultant for [redacted] Her job included the selection of the young talented designers for the fashion show." The letter, however, does not indicate that, or explain how, the Petitioner's role involved judging the work of others in her field or an allied field.

Under a contract with a business development company, the Petitioner prepared a country report called [redacted] The Petitioner asserts that, in preparing this report, her "primary assignment was to evaluate and judge vocational education reform." But the materials do not show how her preparation of this report amounted to judging the work of others in her field or an allied field.

In the RFE, the Director acknowledged the evidence described above but stated that it "does not show that the petitioner's contributions involved . . . acting as a judge of the work of others."

In response, the Petitioner asserted that she had repeatedly "demonstrate[d her] esteemed capability to function as a judge and an evaluator," but the Petitioner submitted no further evidence to support this assertion. As noted above, statements in a brief have no weight as evidence.

In the denial notice, the Director concluded that the Petitioner had not submitted the required evidence of her participation as a judge of the work of others.

On appeal, the Petitioner repeats prior claims and asserts that she has submitted sufficient evidence to satisfy the requirements of the criterion. We agree with the Director that, while the Petitioner has documented various activities in different capacities, she has not submitted evidence to show that these activities included or amounted to participating as a judge of the work of others in the same or allied field.

### 3. Original Contributions

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.

In her initial statement, the Petitioner identified two claimed contributions from her time as a project manager for [redacted] a business consulting company in [redacted] Georgia. The Petitioner stated that she wrote "a sophisticated business plan for a fruit & vegetable processing and export hub in West Georgia" and "initiated a real estate development project," backed by German investors, for a spa and resort.

The Petitioner provided details about her work on the projects; a letter from a [redacted] official stating that she received bonus payments for her work on those projects; and a promotional brochure for the resort project. But these materials do not explain how the Petitioner's [redacted] projects are of major significance in the field.

The Petitioner also submitted a copy of a letter from a choreographer and dance teacher, who was formerly the principal dancer with the [redacted]. This individual stated that the Petitioner was "the initiator and author of" [redacted] [redacted] which "revitaliz[ed] the city of [redacted] as a cultural and educational center of Georgia of international importance." The Petitioner cited this letter as evidence of original contributions, but in her accompanying statement, the Petitioner did not explain how her involvement in this project relates to her claim of "extraordinary ability in . . . Business Management and Business Consulting."

In the RFE, the Director stated that the Petitioner had not submitted "specific detail[ed] examples of how the petitioner's business-related innovations, findings and results, or contributions ha[ve] been of major significance to the field."

In response, the Petitioner stated that her work on the two [redacted] projects shows "her profound impact on enhancing industry standards and promoting sustainable practices. Her work has directly contributed to significant achievements in both the agricultural and real estate sectors, reinforcing her reputation as a leader in business management." The Petitioner also asserted that the Director must give due weight letters that describe the significance of her contributions. The Petitioner, however, had not submitted any letters describing the significance of the [redacted] projects, which are the only contributions that the Petitioner discussed in the relevant portion of her response to the RFE.

The Petitioner's response to the RFE also included two new letters discussing previously unclaimed contributions. The owner of a dental care facility in Pennsylvania stated that the company "outsourced its corporate management services to . . . the company owned and solely managed by" the Petitioner

shortly before the Petitioner filed the petition in May 2023. The letter indicates that the Petitioner “played a key role in guiding [the client company] through challenges and triumphs, ensuring its continued leadership in the dental sector.”

The founder of a charitable foundation in California stated that the Petitioner helped to secure funding “for [a] group of . . . farmers . . . aimed at addressing critical water management challenges.” The letter indicates that this project was “the first of many projects that . . . are in the planning stages.” The letter also indicates that the Petitioner’s work on the project began in January 2024, more than six months after she filed the petition.

In the denial notice, the Director acknowledged the two new letters, but concluded that the Petitioner had not submitted “objective evidence” to establish “the major significance of [her] work.” The Director also noted that contributions that took place after the petition’s filing date cannot establish that the Petitioner met all eligibility requirements at the time of filing as required by 8 C.F.R. § 103.2(b)(1).

On appeal, the Petitioner repeats prior statements, including the assertion that the Director must consider letters submitted in support of the petition.

The submitted letters describe some of the Petitioner’s past projects, but do not explain how, or establish that, these projects are of major significance in the field. The Petitioner has not shown that a project for a specific employer or client has the wider significance that the regulation requires.

The Petitioner has not met her burden of proof to satisfy the regulatory requirements for the criterion.

#### 4. Scholarly Articles

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.

Outside of academia, a scholarly article should be written for learned persons in a particular field. “Learned” is defined as “having profound knowledge gained by study.” *See generally* 6 *USCIS Policy Manual* F.2(B)(1), <https://www.uscis.gov/policy-manual>.

The Petitioner stated that she wrote [REDACTED]  
[REDACTED] The Petitioner did not claim that this document was a published scholarly article, but asserted that she had established “authorship of . . . strategic projects of significant importance.” The regulations do not indicate that unpublished reports and other materials can satisfy the regulatory requirements.

The Petitioner did not submit the document, but as noted above she submitted a letter from a dancer and choreographer who referred to the document. The Petitioner also submitted a copy of an online newspaper article, published without an author credit, indicating that the Petitioner was one of six named authors of the strategic development program.

Asked in the RFE to submit evidence that conforms to the regulatory criterion, the Petitioner submitted background information about the newspaper that had carried the article about the opera house. The Petitioner asserted that the Director “should . . . adhere to the plain meaning of the regulatory definition

in this category,” and asserted that the Director “should consider comparable evidence” in situations where an author “would normally publish professional findings in professional publications, not in the public domain.” The regulatory language already takes professional publications into account.

The Petitioner also claimed that she was the author of the newspaper article submitted previously.

The Director concluded that the Petitioner had not met her burden of proof, and noted that the newspaper article refers to the Petitioner in the third person but does not call her the author of that article.

On appeal, the Petitioner repeats the claim that she wrote the newspaper article. We agree with the Director that the evidence does not support that claim. Furthermore, the article does not appear to be scholarly, written for a learned audience. Instead, it provides general information about the opera house and the local importance of the arts.

The Petitioner has submitted materials identifying her as an author or co-author of the theater’s strategic development program, but the Petitioner has not established that this document is a scholarly article that was published in any professional or major trade publication or other major media.

The record does not contain sufficient evidence to meet the Petitioner’s burden of proof regarding this claimed criterion.

## 5. High Salary

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.

The Petitioner submitted a letter from [redacted] indicating that the Beneficiary earned a monthly gross salary of 25,000 lari, plus two bonuses that were collectively worth about six months’ salary. The former employer asserted that the Petitioner’s “net monthly salary after the payroll tax . . . [was at least] 5 times higher than the average monthly salary of the project manager in Georgia.” The Petitioner did not submit documentary evidence to establish “the average monthly salary of the project manager in Georgia.”

The Director acknowledged the letter but noted that the Petitioner had not submitted direct documentary evidence to corroborate her own salary and to establish a comparison to others in the field.

In response, the Petitioner submitted another copy of the same letter from [redacted]

The Director concluded that the Petitioner had not met the regulatory requirements because she “did not provide any comparative data.”

On appeal, the Petitioner repeats prior claims and asserts that she has submitted sufficient documentary evidence, but she does not identify any such evidence apart from her former employer’s letter. That letter identified no source to support the claim that the Petitioner’s salary was five times higher than the average.

We agree with the Director that the Petitioner has not met her burden of proof with regard to the criterion’s regulatory requirements.

### III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten lesser criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification. U.S. Citizenship and Immigration Services 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 a degree of recognition of her work that indicates the required sustained national or international acclaim and demonstrates a “career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

The Petitioner’s strongest evidence relates to the period of 2015-2018, when she was the general director of a beauty supply distributorship, in which capacity she attracted some degree of media attention. The Petitioner, however, has not shown that she continued to have similar prominence in later years. The Petitioner has relied heavily on various letters. While those letters have some weight, they should be corroborated by documentary evidence in the record. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(3). When the Director specifically and directly requested such corroborating evidence, the Petitioner responded with more letters and with unsupported claims.

The Petitioner has not demonstrated eligibility as an alien of extraordinary ability. We will therefore dismiss the appeal.

**ORDER:** The appeal is dismissed.