U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37091271

Date: FEB. 26, 2025

Appeal of Texas Service Center Decision

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

The Petitioner seeks classification as an individual of extraordinary ability in the field of business administration. *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 Petitioner had not satisfied the initial evidentiary criteria, of which he must meet at least three. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes visas available to 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 recognition of their 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 they must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the 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 business manager specializing in supply chain management and strategic purchasing, intends to continue his activities in this field in the United States through employment with a purchasing or supply chain management department in an international business or through his own consulting firm.

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, he 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 the plain language requirements of only one of the evidentiary criteria related to published materials at 8 C.F.R. § 204.5(h)(3)(iii). On appeal, the Petitioner asserts that the Director's decision was erroneous and maintains eligibility for three additional criteria at 8 C.F.R. § 204.5(h)(3)(iii) related to original contributions of major significance (v), leading or critical role (viii), and high salary (ix).

> *Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation.* 8 C.F.R. § 204.5(h)(3)(iii).

The Director concluded, without further comment, that the Petitioner had satisfied this criterion. As explained below, we disagree.

To determine whether the Petitioner has submitted evidence that meets the plain language of this criterion, we first determine whether the published material was related to the person and the person's specific work in the field for which classification is sought. The published material should be about the person, relating to the person's work in the field. *See Noroozi v. Napolitano,* 905 F. Supp. 2d 535 (2012) (holding that articles about the Iranian Table Tennis Team which only briefly mentioned the person were not about

him.); *see also Negro-Plumpe v. Okin,* 2008 WL 106997512 (D. Nevada 2008) (concluding that articles focusing on a character played by the person or the show he performed in were not about the person). Published material that includes only a brief citation or passing reference to the person's work is not "about" the person. Second, we determine whether the publication qualifies as a professional publication, major trade publication, or major media publication. In evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership (for major trade publications and other major media).

The Petitioner submitted numerous media reports pertaining to logistics and supply chain management for beverages in China. However, upon review of these reports, many of which are duplicate reports featured in multiple sources, it appears that the submitted materials are primarily about the Chinese beverage industry and the role the Petitioner's employer plays in the industry.[1] While we acknowledge that the reports contain information about his employer's advances in the field, and that some of the submitted reports include his photograph and a short quote from him, the submitted documentation does not discuss the merits of the Petitioner's work, his standing in the field, any significant impact that his work has had on the field, or any other information so as to be considered published material about the Petitioner as required by this criterion.

For example, the report entitled [redacted] states that it spoke to the Petitioner, who indicated that his employer "has established a business model suitable for the economic development characteristics of each region" as it pertains to beverage distribution in China. Another report discussing the 15th [redacted] Summit held in [redacted] features a photo of the Petitioner and a brief statement indicating that he is the vice president of his employer's supply chain department and that he supports business transformation through digital transformation. As noted above, the published material should be about the person, relating to the person's work in the field, and not about the person's employer or another organization that the person is associated with. An article that is not about the Petitioner does not meet this regulatory criterion. *See Victorov v. Barr*, No. CV 19-6948-GW-JPRX, 2020 WL 3213788, at *8 (CD. Cal. Apr. 9, 2020) (quoting *Noroozi v. Napolitano*, 905 F. Supp. 2d at 545; *see also generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual.

In addition, the Petitioner did not establish that any of the publications represent a professional or major trade publication or other major media publication. The Petitioner did not submit evidence of their intended audience, viewership, or readership, nor did he offer evidence to show the circulation and distribution data for the publications.

For the reasons discussed above, the Petitioner did not demonstrate that his documentation satisfies all of the elements of this criterion. Accordingly, we withdraw the Director's determination on this issue.

[1] While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety.

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).

In order to satisfy the regulation at 8 C.F.R. § 204.5(h)(3)(v), a petitioner must establish that not only has he made original contributions, but that they have been of major significance in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

As evidence under this criterion, the Petitioner submitted letters of support from his colleagues and others in the field, as well as an overview of his professional accomplishments. The Director considered this evidence but found that it was not sufficient to demonstrate that the Petitioner's work constituted original contributions of major significance in the field.

On appeal, the Petitioner again recites his accomplishments for his employer, noting that his "pioneering work in strategic purchasing, logistics operations, digital supply chain transformation, and quality management has set a new standard in the industry, earning him recommendation and distinction." The Petitioner highlights the fact that he developed a comprehensive strategic purchasing system, created a standardized and flexible logistics operation model, and played a pivotal role in accelerating digital supply chain transformation. He further notes that his initiatives to enhance the quality management process and reduce supply chain risk have led to improvements across production and logistics, and his efforts to integrate into business operations have revolutionized decision-making processes and supply chain efficiency. The Petitioner also points to media coverage that he asserts demonstrates the "widespread adoption of his innovations and strategies."

The Petitioner, however, has not shown that his work for his employer has been considered important at a level consistent with original contributions of major significance in the fields of business administration, logistics, purchasing, or supply chain management. Further, he has not demonstrated that his initiatives and efforts rise to the level of business-related contributions of major significance in the field beyond those made to his employer.

Additionally, the Petitioner points to recommendation letters he submitted from colleagues and experts in the field and contends that these letters "further corroborate the major significance of [his] contributions." Detailed letters from experts in the field explaining the nature and significance of a petitioner's contributions may provide valuable context for evaluating a claimed original contribution of major significance, particularly when the record includes documentation corroborating the claimed significance. Here, for the reasons discussed below, we agree with the Director's determination that the letters do not offer sufficiently detailed information, nor does the record include adequate corroborating documentation, to show that the Petitioner's contributions in the field of business administration are original and are of major significance in the field.

A letter from his employer's vice president of supply chain and procurement for the Asia-Pacific region commends the Petitioner's performance in procurement, noting that he saved the company over $12 million in direct procurement costs and reduced the number of suppliers by 30%, which in turn resulted in simplified processes and more effective communication. While the Petitioner's professional accomplishments are noted, the author does not explain how the Petitioner's work for the company is indicative of original business-related contributions of major significance in his field.

A letter from the founder and CEO of [redacted] a provider of supply chain management solutions, states that the Petitioner's expertise in supply chain management, including his knowledge of trends and innovations, has helped many companies reduce cost and improve efficiency through collaboration and knowledge sharing through interviews and industry summits. The record also includes a letter from the president of [redacted] who states that by leveraging technologies such as artificial intelligence and blockchain, he has helped organizations enhance supply chain visibility, reduce costs, and improve quality. While we acknowledge the authors' praise of the Petitioner's professional accomplishments, the testimonials do not demonstrate that the level of attention received by the Petitioner for his work in supply chain management for his work in supply chain management signifies that he has made original contributions of major significance in the field.

In this case, the Petitioner has not demonstrated that his specific work rises to the level of original contributions of major significance in the field. Courts have routinely affirmed our decisions concluding that 8 C.F.R. § 204.5(h)(3)(v) "requires substantial influence beyond one's employers, clients, or customers." *Strategati, LLC v. Sessions,* 2019 WL 2330181 at *6 (S.D. Cal. May 31, 2019) (upholding an agency decision that held "[a] patent is not necessarily evidence of a track record of success with some degree of influence over the field as a whole."); *see also Amin v. Mayorkas,* 24 F.4th 383, 394 (5th Cir. 2022) (upholding agency decision that held evidence insufficient "because it did not his original work has affected his field at a level commensurate with contributions of major significance in the field."

For the reasons discussed above, the Petitioner has not met the requirements of this criterion.

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

To qualify under this criterion, a petitioner must show that they played a leading or critical role for an organization or establishment, and that the organization or establishment has a distinguished reputation. When evaluating whether a role is leading, we look at whether the evidence establishes that the person is or was a leader within the organization, or a department or division thereof. A title, with appropriate matching duties, can help to establish that a role is or was leading. For a critical role, we look at whether the evidence establishes that the person 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. 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

To support that an organization has a distinguished reputation, the relative size or longevity of an organization is considered together with other relevant information, such as the scale of its customer base or relevant media coverage. "Merriam-Webster's online dictionary defines 'distinguished' as "marked by eminence, distinction, or excellence' or 'befitting an eminent person."' *Id.*

The Petitioner maintains on appeal that he has performed in a leading or critical role for both his current and former employer. The Director determined that the submitted evidence supported this assertion, and we agree with that determination. The Petitioner, however, has not presented evidence showing that these organizations have a distinguished reputation. Although the Petitioner submitted evidence about these organizations, such as their annual report and company profile, he does not point to any corroborating evidence in the record showing their eminence, distinction, or excellence. Moreover, while the record

includes press articles discussing their facilitation of supply chain management and logistics within the industry, this evidence does not discuss their reputation.

Because the documentation in the record does not establish the distinguished reputation of these entities, the Petitioner has not demonstrated that he meets the requirements of this criterion.

Although the Petitioner claims eligibility for an additional criterion relating to high salary at 8 C.F.R. § 204.5(h)(3)(ix), we need not reach this additional ground. As the Petitioner cannot fulfill the initial evidentiary requirement of meeting at least three of criteria under 8 C.F.R. § 204.5(h)(3), the identified basis for denial is dispositive of the appeal. We therefore reserve the Petitioner's appellate arguments regarding this additional evidentiary criterion. *See INS v. Bagamasbad,* 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *see also Matter of L-A-C-,* 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible). Accordingly, 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 finding that the Petitioner has established the acclaim and recognition required for the classification sought.

III. CONCLUSION

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 the top. 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). Here, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with 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 has garnered national or international acclaim in the field, and that he is one of the small percentage who have 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).

ORDER: The appeal is dismissed.