



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

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

In Re: 34922903

Date: FEB. 05, 2025

Appeal of Nebraska Service Center Decision

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

The Petitioner, a lawyer and legal entrepreneur, 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 Nebraska Service Center denied the petition, concluding the record did not establish the Petitioner qualifies as an individual of extraordinary ability either as the recipient of a major, internationally recognized award, or at least three of the ten regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). 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.

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). On appeal, she submits a brief and the Petitioner maintains she meets the criteria at 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (v), (viii), and (ix) for receipts of lesser nationally or internationally recognized awards for excellence in the field of endeavor; membership in associations that require outstanding achievements; publications about the petitioner in professional or major trade publications or major media; original contributions of major significance; leading or critical role for distinguished organizations or establishments; and, high remuneration for services.¹

¹ The brief contains no evidence or arguments addressing the Director's determination for the criteria at 8 C.F.R. § 204.5(h)(3)(vii) and (x) for display of work and commercial successes in the performing arts. Therefore, we consider these two issues to be abandoned. See *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012) (stating that when a filing party fails to appeal an issue addressed in an adverse decision, that issue is waived). See also *Sepulveda v. U.S. Att'y Gen.*, 401 F.3d 1226, 1228 n. 2 (11th Cir. 2005), citing *United States v. Cunningham*, 161 F.3d 1343, 1344 (11th Cir. 1998); *Hristov v. Roark*, No. 09-CV-27312011, 2011 WL 4711885 at *1, *9 (E.D.N.Y. Sept. 30, 2011) (plaintiff's claims were abandoned as he failed to raise them on appeal to the AAO).

We adopt and affirm the Director's decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted"). On appeal, the Petitioner has not identified a specific error related to these criteria but rather broadly disagrees with the Director's conclusions of her eligibility under them. Moreover, she has not addressed the evidentiary deficiencies the Director identified. As such, she has not overcome the Director's determination under these criteria.

In relation to lesser nationally or internationally recognized prizes or awards at 8 C.F.R. § 204.5(h)(3)(i), the Petitioner reiterates previous statements made in the initial petition and in response to the Director's request for evidence (RFE). On appeal, the Petitioner states that she submitted "notable recognitions" and acknowledged that "while these recognitions are not on a national or international scale, they provide significant insight into the petitioner's achievements and contributions." In order to satisfy this criterion, the Petitioner must demonstrate that she has received lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.² Given that the Petitioner recognized that the evidence provided in support of this criterion is not recognized on a national or international scale, the Petitioner does not satisfy this criterion.

Pertaining to membership in associations at 8 C.F.R. § 204.5(h)(3)(ii), the Petitioner maintains that she meets this criterion based on membership in the [] Bar Association; the American Bar Association; the [] Bar Association; and the Suburban Bar Association. The regulation at 8 C.F.R. § 204.5(h)(3)(ii) calls for documentation of the individual'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. As noted by the Director in the decision, the Petitioner provided documentation of her membership in these associations but did not provide any evidence to establish that her membership in these associations require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields. On appeal, the Petitioner states that these "memberships not only enhance one's professional development but also instill a profound sense of purpose and responsibility." The Petitioner further states that membership into the American Bar Association does not "explicitly require outstanding achievements for general membership." While we acknowledge that membership into these associations may be important for professional development, the evidence is not sufficient to satisfy this criterion. It is the Petitioner's burden to submit evidence that sufficiently corroborates her claims. Statements made without supporting documentation are of limited probative value and are insufficient to satisfy the Petitioner's burden of proof. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998).

Regarding 8 C.F.R. § 204.5(h)(3)(iii), related to published material about the Petitioner in trade publications or other major media, the Petitioner reasserts that several articles were published about her, and she provides a URL address for each media outlet that published these articles. However, the Petitioner did not provide independent and objective evidence to support that the articles were published in professional or major trade publications or major media. We will not rely upon the assertions of Counsel as evidence. *See, e.g., Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998)

² *See* USCIS Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14 6* (Dec. 22, 2010), <https://www.uscis.gov/policymanual/HTML/PolicyManual.html>.

(“statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight”). Moreover, in reviewing the articles submitted with the initial petition, the articles were printed in a foreign language and translated into English, but they were not accompanied by certified English translations as required pursuant to 8 C.F.R. § 103.2(b)(3). Because the Petitioner did not submit a properly certified English language translation of the documents, we cannot meaningfully determine whether the translated material is accurate and thus supports the Petitioner’s claims. For the reasons the Director already explained, the Petitioner has not established eligibility under this criterion.

Regarding 8 C.F.R. § 204.5(h)(3)(viii), the Petitioner maintains she played “critical” and “pivotal” roles in her prior employments with several companies. However, the evidence submitted with the initial petition and in response to the RFE does not sufficiently show that the Petitioner played a critical role where she 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 of department of the organization or establishment. In addition, the Petitioner did not provide any corroborating evidence to establish her prior employers have a distinguished reputation. On appeal, the Petitioner did not overcome the Director’s concerns on this issue.

Pertaining to original contributions of major significance at 8 C.F.R. § 204.5(h)(3)(v), on appeal, the Petitioner contends that her involvement in the United Nations Population Fund and the Human Rights Academy “underscore her contributions to promoting human rights.” She also explains that her mentorship role at the Legal Mentor Network “highlights her leadership and commitment to nurturing future legal professionals.” The Director determined that the letters of support submitted with the initial petition do not demonstrate that her work has remarkably impacted or influenced the field. On appeal, the Petitioner very briefly discusses her role with these companies but does not address the evidentiary deficiencies noted by the Director and does not overcome the Director’s conclusions on this issue.

Regarding 8 C.F.R. § 204.5(h)(3)(ix), related to high salary, the Petitioner acknowledged the Director’s concerns regarding her insufficient corroborating evidence to satisfy this criterion. On appeal, the Petitioner contends that she submits additional documentation to clarify her salary, but in review of the documentation submitted on appeal, the Petitioner did not submit any additional documentation beyond her appeal brief. Thus, the Petitioner did not provide sufficient evidence to satisfy this criterion.

The Director thoroughly analyzed the Petitioner’s evidence and arguments and provided her with a complete decision reaching the correct conclusion. On appeal, as stated above, the Petitioner does not contest the Director’s decision and reiterates the reasons she believes she meets the eligibility requirements for all of the criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner does not provide sufficient evidence to overcome the Director’s conclusions.

ORDER: The appeal is dismissed.