



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

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

In Re: 34602107

Date: FEB. 13, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, an international supply chain specialist, seeks first preference immigrant 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 the record did not establish that the Petitioner had demonstrated her extraordinary ability in the totality of the circumstances. 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 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 achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or 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).

## II. ANALYSIS

The Director determined that the Petitioner established three of the regulatory criteria. Upon de novo review, we agree. As the Petitioner has submitted the requisite initial evidence, we will evaluate whether she has demonstrated, by a preponderance of the evidence, that she has sustained national or international acclaim and that she is one of the small percentage at the very top of the field of endeavor, and that her achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if her successes are sufficient to demonstrate that she has extraordinary ability in the field of endeavor. *Kazarian*, 596 F.3d at 1119-20. In this matter, we determine that the Petitioner has not shown her eligibility.

The Petitioner is an international supply chain specialist. She has a diploma with honor from [REDACTED] in world economy and has worked in economics, international business, and supply chain management. Her career began working for the [REDACTED] government, before she moved into the private sector as a specialist in foreign economic activity and supply chain management, and eventually starting her own company, [REDACTED]. As noted in the Director's decision, the Petitioner has received press coverage, judged others, and authored professional articles. The record<sup>1</sup>, however, does not demonstrate that her personal and professional achievements rise to a level of a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

Regarding media coverage, the Petitioner offered material relating to her and her work. The Petitioner presented two notable articles that covered her and discussed her work. Nonetheless, the remaining pieces in the records were not about the Petitioner specifically, but articles on her area of employment in which she contributed opinions or information on the respective articles' topics. The articles about the Petitioner alone, without more do not demonstrate that such 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; *see also Chawathe*, 25 I&N Dec. at 375-76 (standing for the

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<sup>1</sup> While we may not discuss every document submitted, we have reviewed and considered each one. Several pieces of evidence that the Petitioner presented in response to the Requests for Evidence (RFE), including her 2023 [REDACTED] Award and her book, originated after the filing of the petition. A petitioner must meet all of the eligibility requirements of the petition at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12).

proposition that to determine whether a petitioner has met their burden under the preponderance standard, we consider the quality, relevance, probative value, and credibility of the evidence).

The Petitioner provided evidence that she served as a judge for the 2023 [REDACTED] Awards. The evidence presented surrounding this role does not demonstrate how her judging represents an individual at the very top of the field of endeavor. The record does not bear out what level of candidates the Petitioner judged other than the vague statement that participants are “organizations and individuals from around the globe who have demonstrated exceptional achievements” in business. The Petitioner presented her judging access email, which details that she is to rank participants from one to ten. However, it provides no further information on the criteria judges should use to evaluate individuals. Another document states that the nominee must outline a “significant accomplishment,” but no further detail was provided to establish the meaning of that term. The Petitioner’s judging experience is a relevant consideration as to whether the evidence is indicative of the Beneficiary’s national or international acclaim. *See Kazarian*, 596 F.3d at 1122. Her experience also consists of one competition. Without more evidence setting her apart from others in the field, such as evidence that she has a consistent history of reviewing or judging recognized, acclaimed individuals in her field, the Petitioner has not shown that her judging experience places her 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).

Additionally, the Petitioner presented evidence of her participation at a conference on importing and exporting. Similar to her experience as a judge, the Petitioner’s participation in one conference is not significant evidence that she has risen to the very top of her field.

To support the claim that the Petitioner made contributions of major significance, she submitted several letters from clients, a former coworker, and a former professor. The letters from her clients detail the Petitioner’s work on their behalf, and how it assisted their respective companies. Nevertheless, the letters do not adequately explain how the Petitioner’s work for individual clients would be considered of major significance to the supply chain management field. The Petitioner also points to her online course as a contribution of major significance. In support of this, the Petitioner presented information from the program and letters from a few of the companies that purchased the program. Although this evidence demonstrates that clients have found the program useful, she did not supply ample information that the program has been employed by or spread through her field in such a way as to constitute a contribution of major significance.

The Petitioner additionally presented a letter from [REDACTED] an associate professor with the [REDACTED]. As a matter of discretion, we may use opinion statements submitted by a petitioner as advisory. *Matter of Caron Int’l, Inc.*, 19 I&N Dec. 791, 795 (Comm’r 1988). Nonetheless, we will reject an opinion or give it less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.* We are ultimately responsible for making the final determination regarding an individual’s eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.* Here the advisory opinion does not sufficiently detail the reasoning for its conclusion. It claims that the Petitioner has an “effective” algorithm for transactions and an “exclusive methodology for verification of customs values.” Yet it does not explain further what those are or how they make the program a “significant contribution” as claimed. Without further detail on how these are significant contributions, the letter is of little

probative value. Overall, the evidence presented on the Petitioner's contributions is not adequate to establish she is among that small percentage who has risen to the very top of the field of endeavor.

Next, we turn to the evidence submitted to show if the Petitioner has earned a high salary or other significantly high remuneration<sup>2</sup> consistent with this restrictive visa classification. The Petitioner presented a letter from her company stating her proposed salary. Additionally, she presented evidence showing the 2022 average U.S. wage for logisticians and top executives. Nevertheless, the letter from the Petitioner's company states her title as "International Supply Chain Expert," so the average wage statistics are not comparable to the Petitioner's role. Moreover, the letter reflects that this is a proposed salary. The Petitioner did not supply evidence of what salary she has received. The Petitioner also presented documentation regarding her ownership share of her company, to establish that the equity holding was equivalent to evidence of a high salary or other remuneration. The records reflect that the Petitioner owns 98.15 percent of [REDACTED] and presents the company's bank account for 2022. However, she did not supply information to establish that this was high in relation to the field. As such the above evidence does not establish that her earnings or company equity are reflective of that small percentage who have risen to the very top of the field of endeavor. 8 C.F.R. § 204.5(h)(2).

The Petitioner also submitted an expert opinion from Dr. [REDACTED] an assistant professor in entrepreneurship and small business at [REDACTED]. As noted above, we may use opinion statements submitted by a petitioner as advisory but will reject an opinion or give it less weight if it is not in accord with other information in the record or if it is in any way questionable. *Caron Int'l, Inc.*, 19 I&N Dec. at 795. We are ultimately responsible for making the final determination regarding an individual's eligibility. *Id.* Here Dr. [REDACTED] considers several pieces of evidence in his analysis, such as the Petitioner's book and her [REDACTED] award, that originated after the time of filing. As noted previously, a petitioner must meet eligibility requirements at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12). While Dr. [REDACTED] expresses his opinion about how the Petitioner meets various regulatory criteria, his letter does not describe how the Petitioner has received national or international acclaim indicative of someone who has risen to the very top of their field. Thus, the letter has little probative value.

Finally, the Petitioner has presented articles she wrote during her school years and in 2023. We acknowledge that the Petitioner has submitted a number of articles from 2023, some from publications with comparatively small circulations and others with higher numbers. Nonetheless, as analyzed above, the Petitioner has not presented sufficient evidence to establish by a preponderance of the evidence, that she is an individual who is among the small percentage of people that has risen to the very top of her field. *Chawathe*, 25 I&N Dec. at 375-76. While the articles written by the Petitioner in the publications with higher circulations are positive evidence of her career progression, the small number are not adequate, without more and in light of the other deficiencies in the record, to establish the Petitioner's eligibility by a preponderance of the evidence. *Id.*

In summary, 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 that goal. USCIS has long held that even athletes performing at the major league level do not automatically meet the

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<sup>2</sup> We observe that some of the documentation the Petitioner submitted regarding her salary, such as 2023 bank record and documentation on the average salary of supply chain experts, originated after the filing of the petition. As noted above, a petitioner must meet all of the eligibility requirements of the petition at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12).

“extraordinary ability” standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm’r 1994). The Petitioner’s evidence confirms that she has received attention from those in her field. However, she has not submitted extensive documentation exhibiting, by a preponderance of the evidence, that she has attained a level of expertise placing her among that small percentage that has risen to the very top of the field of endeavor. *Chawathe*, 25 I&N Dec. at 375-76.

### 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. In visa petition proceedings, it is a petitioner’s burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden here.

**ORDER:** The appeal is dismissed.