U.S. Department of Homeland Security
U.S.Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

Request for Evidence Template

I-140 E11Alien of Extraordinary Ability

INTRODUCTORY PARAGRAPHS

Introductory Paragraph - Self-Petitioner

Reference is made to this Form I-140, Immigrant Petition for Alien Worker, seeking E11 immigrant classification for [insert name of self-petitioner], (petitioner and beneficiary) filed on his/her own behalf on [insert date petition was filed].

The beneficiary intends to work as a/an [insert job title] in the field of [insert field].

Introductory Paragraph - Other Petitioner

Your organization, [insert organization name] (petitioner), has filed Form I-140, Immigrant Petition for Alien Worker, seeking E11 immigrant classification for [insert name of beneficiary](beneficiary) on date petition was filed.

The petitioner intends to employ the beneficiary as a/an [insert job title] in the field of [insert field].

E11 IMMIGRANT DEFINTION

The E11 immigrant classification applies to individuals with extraordinary ability in the sciences, arts, education, business, or athletics. The individual must demonstrate that they have sustained national or international acclaim and that their achievements have been recognized in the field of expertise, indicating that they are one of that small percentage who has risen to the very top of their field of endeavor. The individual must plan to continue to work in their area of extraordinary ability and they must substantially benefit prospectively the United States.

To process this Form I-140 Petition and determine eligibility, additional information is required. Provided is suggested evidence that could be submitted to satisfy each requested item. The petitioner may give one, some, or all of these items. The petitioner may also submit none of them, and instead give other evidence that is believed to satisfy the request. Note, however, the petitioner is responsible for providing evidence that best shows that the beneficiary meets all requirements. Evidence must show that the beneficiary was eligible for the requested benefit when the Form I-140 Petition was filed.

Coming to Continue Work in the Claimed Area of Expertise

Documentation to establish that the beneficiary will continue to work in their claimed area of expertise

It must be shown whether the beneficiary will continue working in the claimed area of expertise. The petition does not indicate that the beneficiary has prearranged commitments for working in this field. [If evidence was submitted, ISO should explain why it is insufficient to establish eligibility]Please submit evidence that the beneficiary is coming to the United States to continue work in the field. The work must be in the field in which the beneficiary has garnered sustained national or international acclaim. Evidence that may be submitted to satisfy this requirement includes, but is not limited to:

- Letters from current or prospective employers;
- Employment contracts; or,
- A statement from the beneficiary detailing plans on how they intend to continue work in the United States.

TRANSITION PARAGRAPHS FROM INTRODUCTION PARAGRAPH TO DISCUSSION OF CRITERIA (Part One of the Analysis)

A two-part analysis is used to determine whether the beneficiary is an individual of extraordinary ability:

- First, we determine whether the petitioner has submitted evidence to show that the beneficiary:
  - Has received a one-time achievement (a major internationally recognized award); or,
  - Qualifies under at least three of the criteria required for this classification.

- Second, we determine whether the petitioner has submitted evidence demonstrating that the beneficiary:
  - Has sustained national or international acclaim.
    - In determining whether the beneficiary has enjoyed "sustained" national or international acclaim, such acclaim must be maintained. A beneficiary may have achieved extraordinary ability in the past but then failed to maintain a comparable level of acclaim thereafter; and,
  - Has achievements that have been recognized in the field of expertise, indicating that the beneficiary is one of that small percentage who has risen to the very top of the field of endeavor.

All evidence submitted should address both parts of the analysis. A discussion follows addressing the evidence that has been provided with the petition.

ONE-TIME ACHIEVEMENT THAT IS A MAJOR, INTERNATIONALLY RECOGNIZED AWARD

Evidence does not Establish that the beneficiary has received a one-time achievement that is a major, internationally recognized award.

The petitioner submitted an award from [insert name of institution] as evidence of the beneficiary receiving a one-time achievement that is a major, internationally recognized award. This criterion has not been met because the award does not appear to be a major, internationally recognized award. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To show that the award is a major, internationally recognized award, the petitioner may submit:

- Documentary evidence to show:
  - The award is internationally recognized in the field as one of the top awards for the field;
  - The criteria used to grant the award;

- The significance of the award in the field;
- The reputation of the organization or the panel granting the award;
- Previous winners of the award who enjoyed international acclaim at the time of receiving the award; and,
- The award attracts competition from internationally recognized individuals in the field.

DISCUSSION OF CRITERIA

(i) Documentation of the beneficiary's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

The petitioner has provided [describe the specific exhibits if less than five or summarize the various categories of evidence submitted for this criterion (e.g. grants, academic awards, scholarships, …)]

- a)
- b)
- c)
- d)
- e)

Award(s) Appear to be Local or Regional

This criterion has not been met because the beneficiary's prizes or awards appear to be local or regional in nature. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To show that they are nationally or internationally recognized prizes or awards for excellence in the field, the petitioner may submit:

- Documentary evidence demonstrating the following:
  - The criteria used to grant the prizes or awards;
  - The significance of the prizes or awards, to include the national or international recognition that the prizes or awards share;
  - The reputation of the organization or panel granting the prizes or awards;
  - Who is considered for the prizes or awards, including the geographic scope for which candidates may apply;
  - How many prizes or awards are awarded each year; and,
  - Previous winners of the award.

Evidence does not Establish that the Basis for the Award(s) was/were Excellence in the Field

This criterion has not been met as it has not been established that the prizes or awards were given for excellence in the beneficiary's field of endeavor, or that the primary purpose of the prizes or awards was to recognize excellence in the beneficiary's field. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To demonstrate excellence in the field was the basis for the prizes or awards, the petitioner may submit:

- Documentary evidence describing how the prizes or awards relate to excellence in the beneficiary's field.
- Documentary evidence of the criteria used to grant the prizes or awards, including evidence that a criterion for winning the prizes or awards was excellence in the field.

Evidence does not Establish that the Award(s) are Related to Beneficiary's Field

This criterion has not been met because the prizes or awards do not appear to relate to the beneficiary's field. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the prizes or awards satisfy this criterion, the petitioner may submit:

- Documentary evidence of national or international prizes or awards received that were granted for excellence in the beneficiary's field.
- Documentary evidence establishing what the criterion was for winning the prizes or awards.
- Documentary evidence describing how the prizes or awards relate to the beneficiary's field.
- Documentary evidence of the following:
    - The significance of the prizes or awards;
    - Who is considered for the prizes or awards;
    - How many prizes or awards are given each year; and
    - Previous winners who are related to the beneficiary's field.

Academic Awards Not Nationally or Internationally Recognized

The petitioner has submitted prizes or awards received by the beneficiary that appear to have been received while pursuing an education. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. Generally, such honors are not considered to be nationally or internationally recognized prizes or awards for excellence in the field of endeavor. Reason being, they are generally given to students or early career professionals in the field and inherently exclude established professionals who have already risen to the top of the field of endeavor. If the petitioner believe the prizes or awards have significance in the field beyond being a student or early career award, the petitioner may submit:

- The criteria used to give the prizes or awards.
- Information on the reputation of the organization granting the prizes or awards.
- Documentary evidence demonstrating:
    - The significance of the prizes or awards, to include the national or international recognition the prizes or awards share;
    - The reputation of the organization granting the prizes or awards;
    - Who is considered for the prizes or awards, including the geographic scope for which candidates may apply;
    - How many prizes or awards are awarded each year;
    - Previous winners who enjoy national or international acclaim; and,
- Documentary evidence establishing how the award(s) was/were given for excellence in the beneficiary's field.

The petitioner may submit any other information about the prizes or awards that would help establish that the prizes or awards should be considered as nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

Insert note at the end of this section

Note: For any prize or award submitted, please also provide:

- A copy of the each prize or award certificate; or
- A clear photograph of each prize or award; or
- Public announcement regarding the awarding of the prizes or awards issued by the granting organization.

(ii) Documentation of the beneficiary's membership in associations in the field for which classification is sought. The association must require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

The petitioner has provided [describe what was provided, e.g. A Simple statement, evidence of membership, …] that the beneficiary belongs to the following associations:

- a)
- b)
- c)
- d)
- e)

Evidence does not Establish that the Associations Require Outstanding Achievements

This criterion has not been met because the evidence does not show that the associations require outstanding achievements of its members. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the beneficiary's memberships satisfy this criterion, the petitioner may submit:

- The section of the association's constitution or bylaws which discuss the criteria for membership for the beneficiary's level of membership in the association.

Evidence does not Establish that the Beneficiary's Outstanding Achievements were the Basis for Granting Memberships as Judged by Recognized National or International Experts in their Disciplines or Field

This criterion has not been met because the evidence does not show that the basis for granting memberships in the submitted associations was the beneficiary's outstanding achievements in the field of endeavor as judged by recognized national or international experts in the field. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the beneficiary's memberships satisfy this criterion, the petitioner may submit:

- Information to establish that the individuals who review prospective members' applications are recognized as national or international experts in their disciplines or fields.
- The section of the association's constitution or bylaws which discuss the qualifications

required of the reviewers on the review panel of the association.

Evidence does not Establish that the Association(s) is/are Related to the Beneficiary's Field of Endeavor

This criterion has not been met because the evidence does not show that the associations are related to the beneficiary's field of endeavor. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the beneficiary's memberships satisfy this criterion, the petitioner may submit:

- The section of the association's constitution or bylaws which discuss the criteria for membership.
- Documentary evidence which describes the association's goals, mission, or target membership.

(iii) Published material about the beneficiary in professional or major trade publications or other major media. The materials must relate to the beneficiary's work in the field for which classification is sought.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

The petitioner has provided [describe what was provided, e.g. A Simple statement, actual publications, citation lists, …]:

- a)
- b)
- c)
- d)
- e)

Evidence does not establish that the Published Material has been published in professional or major trade publications or other major media

This criterion has not been met because the evidence does not indicate that the published material was published in professional or major trade publications or other major media. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the publications qualify as professional or major trade publications or other major media, the petitioner may submit:

- Documentary evidence including:
  - The title, date, and author of the published material;
  - The circulation (online and/or in print); and,
  - The intended audience of the publication.

  Note: The evidence submitted should be specific to the media format in which it was published. If the material was published online, the evidence should relate to the website. If it was published in print, the evidence should relate to the printed publication.

Evidence does not establish that the Published Material is about the Beneficiary and the Beneficiary's Work in the Field for which the Classification is Sought

This criterion has not been met because the evidence does not indicate that the published material was material that related to the beneficiary and the beneficiary's work in the field. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the published material relates to the beneficiary and the beneficiary's work in the field, the petitioner may submit:

- Additional published material that relates to the beneficiary and the beneficiary's work in the field.
- Documentary evidence that the submitted published material was primarily about the beneficiary and the beneficiary's work in the field.

Notes:

- Additional published material should be dated prior to the date of submission of this Form I-140.
- The published material should be about the beneficiary's work in the field, not just about the beneficiary's employer or other organizations the beneficiary is associated with.
- Marketing materials created for the purpose of selling the beneficiary's products or promoting the beneficiary's services are not generally considered to be published material about the beneficiary.
- Unevaluated listings in a subject matter index or footnote, or reference to the beneficiary's work without evaluation are insufficient.

(iv) Evidence of the beneficiary's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

The petitioner has provided [describe what was provided, e.g. A Simple statement, requests to review manuscripts….]:

- a)
- b)
- c)
- d)
- e)

Evidence Submitted shows the Beneficiary has been invited to Judge the Work of Others but has not actually participated in the Judging of the Work of Others.

The evidence provided shows that the beneficiary has been invited to judge of the work of others by [insert name of persons/organizations/etc. who have invited the beneficiary]; however, there is no evidence to establish that the beneficiary actually participated in the judging of the work of others. [ISO should explain why the evidence submitted is insufficient to establish eligibility].

Please provide evidence that establishes that the beneficiary actually participated in the judging of the work of others for which they were invited.

Evidence Submitted to show the Beneficiary has Judged the Work of Others Appears to be in an Unrelated Field

The evidence provided shows that the beneficiary has acted as a judge of the work of others in field of [insert field in which the beneficiary has acted as a judge], which is a field of endeavor that appears to be unrelated to the beneficiary's field of endeavor [insert beneficiary's claimed field of expertise]. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. Please provide evidence that clarifies how this field qualifies as the same or allied field of specialization for which classification is sought.

(v) Evidence of the beneficiary's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

The petitioner has provided [describe what was provided, e.g. A Simple statement, journal articles, evidence of competitive athletic achievement, ….]:

- a)
- b)
- c)
- d)
- e)

Evidence does not Establish that the Original Scientific, Scholarly, Artistic, Athletic, or Business-related Contributions are of Major Significance

This criterion has not been met because the evidence submitted does not show that the beneficiary's contributions are considered to be of major significance in the field of endeavor. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining whether the beneficiary's contributions are original and of major significance in the field, the petitioner may submit:

- Objective documentary evidence of the significance of the beneficiary's contribution to the field.
- Documentary evidence that people throughout the field currently consider the beneficiary's work important.
- Testimony and/or support letters from experts which discuss the beneficiary's contributions of major significance.
- Evidence that the beneficiary's major significant contribution(s) has provoked widespread public commentary in the field or has been widely cited.
- Evidence of the beneficiary's work being implemented by others. Possible evidence may include but is not limited to:
    - Contracts with companies using the beneficiary's products;

- Licensed technology being used by others;
- Patents currently being utilized and shown to be significant to the field.

Note: Letters and testimonies, if submitted, must provide as much detail as possible about the beneficiary's contribution and must explain, in detail, how the contribution was "original" (not merely replicating the work of others) and how they were of "major" significance. General statements regarding the importance of the endeavors are insufficient.

(vi) Evidence of the beneficiary's authorship of scholarly articles in the field, in professional or major trade publications or other major media.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

The petitioner has provided [describe what was provided, e.g. A Simple statement, journal articles, scientific citation indexes, …]:

- a)
- b)
- c)
- d)
- e)

Incomplete Record of Scholarly Articles

This criterion has not been met because the evidence is incomplete. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. Please submit a complete record of the scholarly articles that beneficiary has authored. Evidence of this record could include:

- Results from scholarly literature search websites (such as SciFinder or Google Scholar) that show the beneficiary as the author, the title of the article, and the journal in which it was published; or
- Paper copies of the beneficiary's articles. It is not necessary to submit full articles. For each article, the petitioner only needs to submit the pages necessary to show:
  - The beneficiary as author;
  - The title of the article; and,
  - The journal in which it was published.

Evidence does not Establish that the Articles are Scholarly

This criterion has not been met because it has not been shown that the beneficiary's articles are scholarly in nature. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. In general, a scholarly article is an article that is written for learned persons in a given field. "Learned" is defined as "having or demonstrating profound knowledge or scholarship". Learned persons include all persons having profound knowledge of a field. To assist in determining whether the beneficiary's articles are scholarly in nature, the petitioner may submit:

- Documentary evidence that the beneficiary's articles were written for and intended to be read by learned persons in a given field.

Evidence does not Establish that the Articles have been Published in Professional or Major Trade Publications or Other Major Media

This criterion has not been met because the evidence does not show that the articles were published in professional publications, trade publications, or other major media. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the publications qualify as professional or trade publications or other major media, the petitioner may submit:

- Documentary evidence to establish that the publications in which the articles appear are professional publications, trade publications, or other major media.
    - Such evidence could include circulation information. If circulation information is submitted, it should be specific to the media format in which it was published. That is, if the article was published online, the evidence must relate to the website. If it was published in print, the evidence must relate to the printed publication.

(vii) Evidence of the display of the beneficiary's work in the field at artistic exhibitions or showcases.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

The petitioner has provided [describe what was provided, e.g. Copies of physical art, exhibition announcements and invitations, …]:

- a)
- b)
- c)
- d)
- e)

Evidence does not establish that the Work Product Submitted is in Fact the Beneficiary's

This criterion has not been met because the evidence does not indicate that the work that was displayed was the beneficiary's work product. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the work displayed was created by the beneficiary, the petitioner may submit:

- Evidence that the work was primarily created by the beneficiary.
- Materials created for the purpose of promoting the beneficiary's artistic works.
- Sales records listing the beneficiary as the creator of the sold works.

Evidence does not Establish that the venue(s) (virtual or otherwise) where the beneficiary's work was displayed were *artistic* exhibitions or showcases.

This criterion has not been met because the evidence does not indicate that the beneficiary's works were displayed at artistic exhibitions or showcases (virtual or otherwise). [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the venues where the beneficiary's work has been displayed qualify as artistic exhibitions or showcases, the petitioner may submit:

- Evidence that the venue (virtual or otherwise) where the beneficiary's work was displayed were artistic exhibitions or showcases.
- Materials created to promote and publicize the artistic exhibitions or showcases.

(viii) Evidence that the beneficiary has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

The petitioner has provided [describe what was provided, e.g. Organizational charts, letters from President/CEO, …]:

- a)
- b)
- c)
- d)
- e)

Evidence does not Establish that the beneficiary has performed in leading or critical roles for organizations or establishments

This criterion has not been met because the evidence does not indicate that the role the beneficiary has performed for [enter name of organization or establishment] is/was leading or critical. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the beneficiary has performed in a leading or critical role for [enter name of organization or establishment], the petitioner may submit:

- Documentary evidence to demonstrate how the beneficiary's role was/is leading or critical for the organizations or establishments.
    - If a leading role, the evidence must establish that the beneficiary is (or was) a leader. A title, with appropriate matching duties, can help to establish if a role is (or was), in fact, leading.
    - If a critical role, the evidence must establish that the beneficiary has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities. A supporting role may be considered "critical" if the beneficiary's performance in the role is (or was) important in that way. It is not the title of the beneficiary's role, but rather the beneficiary's performance in the role that determines whether the role is (or was) critical.
- Letters from individuals with personal knowledge of the significance of the beneficiary's leading or critical role.

- The letters should contain detailed and probative information that specifically addresses how the beneficiary's role for the organization or establishment is or was leading or critical. Details should include the specific tasks or accomplishments of the beneficiary as compared to others who are employed in similar pursuits within the field of endeavor.

Evidence does not Establish that the organizations or establishments have a distinguished reputation

This criterion has not been met because the evidence does not indicate that the organizations or establishments for which the beneficiary has performed in leading or critical roles have a distinguished reputation. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that [enter name of organizations or establishments] has/have a distinguished reputation, the petitioner may submit:

- Evidence to demonstrate the distinguished reputation of the organizations or establishments for which the beneficiary performed in leading or critical roles. The evidence should document the organizations or establishments eminence, distinction, or excellence.

(ix) Evidence that the beneficiary has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

The petitioner has provided [describe what was provided, e.g. Salary Verifications, paycheck stubs, …]:

- a)
- b)
- c)
- d)
- e)

Evidence does not Establish that the beneficiary's salary or remuneration is high relative to others working in the field

This criterion has not been met because the evidence does not establish that the beneficiary's salary or remuneration is high relative to others working in the field. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the beneficiary's salary or remuneration is high relative to others working in the field, the petitioner may submit:

- Copies of the beneficiary's W-2 or 1099 forms for years in which the beneficiary has received a high salary in the field of endeavor. Alternatively, the petitioner may provide similar foreign tax documents which establish yearly wages earned outside the U.S.
- Media reports of notably high salaries earned by others in the beneficiary's field.

- List compiled by credible professional organization(s) of the top earners in a field.
- Geographical or position appropriate compensation surveys;
- Organization justifications to pay above the compensation data;
- Information from the U.S. Department of Labor or similar sources that show the comparison of salaries within states, between states, etc. (see note below).

Note: U.S. Department of Labor prevailing wage rate information alone does not generally establish whether the salary or other remuneration is "significantly" higher than that of others in the field. If U.S. Department of Labor prevailing wage rate information is submitted, it should be accompanied by other corroborative evidence showing that the wage rate is high relative to others working in the field. (See examples above).

(x) Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

The petitioner has provided [describe what was provided, e.g. Evidence of releases of musical compilations, performances in theatrical productions, …]:

- a)
- b)
- c)
- d)
- e)

Evidence does not Establish that the Beneficiary has had Commercial Successes in the performing arts

This criterion has not been met because the evidence does not establish that the beneficiary has had commercial successes in the performing arts. [ISO should explain why the evidence submitted is insufficient to establish eligibility]. To assist in determining that the beneficiary has had commercial successes in the performing arts, the petitioner may submit:

- Evidence such as:
  - Box office receipts; or,
  - Sales receipts for audio or video recordings to show success in the performing arts.

Note: This criterion focuses on volume of sales and box office receipts as a measure of the beneficiary's commercial success in the performing arts. The mere fact that the beneficiary has recorded and released musical compilations or performed in theatrical, motion picture or television productions would be insufficient, in and of itself. The evidence must show that the volume of sales and box office receipts reflect the beneficiary's commercial success relative to others involved in similar pursuits in the performing arts.

COMPARABALE EVIDENCE

COMPARABLE EVIDENCE

The petitioner has submitted evidence that it would like USCIS to consider as "comparable." The evidence submitted can not be considered "comparable" as it has not been established that the regulatory criteria do not readily apply to the beneficiary's occupation. [ISO should articulate why the evidence submitted is insufficient to qualify as "comparable"].

As such, the petitioner should:

- Explain why the regulatory criteria for which "comparable" evidence is being submitted are not applicable to the beneficiary's occupation; and,
- Explain why the evidence the petitioner has submitted is "comparable" to the applicable regulatory requirement.

REQUEST FOR TRANSLATIONS

All non-English language documents must have an English translation. A review of the record shows that the petitioner has submitted several documents which are in a language other than English. If the petitioner would like USCIS to consider these documents, submit full English language translations. The translator must certify that the translations are accurate and complete, and that he or she is competent to translate from the foreign language into English.

TRANSITION PARAGRAPH FROM CRITERIA TO OVERALL MERITS

HAS NOT MET AT LEAST THREE CRITERIA

As discussed above, the beneficiary has not garnered a one-time achievement award or met at least three of the criteria.

Further, in each case, the totality of the evidence must establish that the beneficiary:

- Has sustained national or international acclaim.
    - In determining whether the beneficiary has enjoyed "sustained" national or international acclaim, such acclaim must be maintained. A beneficiary may have achieved extraordinary ability in the past but then failed to maintain a comparable level of acclaim thereafter; and,
- Has achievements that have been recognized in the field of expertise, indicating that the beneficiary is one of that small percentage who has risen to the very top of the field of endeavor.

A review of the record does not establish that this has been met.

HAS MET AT LEAST THREE CRITERIA

The beneficiary has [garnered a one-time achievement award and/or met at least three of the criteria.

However, in each case, the totality of the evidence must establish that the beneficiary:

- Has sustained national or international acclaim.
    - In determining whether the beneficiary has enjoyed "sustained" national or international acclaim, such acclaim must be maintained. A beneficiary may have achieved extraordinary ability in the past but then failed to maintain a comparable level of acclaim thereafter; and,

- Has achievements that have been recognized in the field of expertise, indicating that the beneficiary is one of that small percentage who has risen to the very top of the field of endeavor.

A review of the record does not establish that this has been met.

ARTICULATION

This section is where an ISO should articulate case specific details in relation to establishing the beneficiary has sustained national or international acclaim and that the beneficiary has achievements that have been recognized in their field of expertise, indicating that the beneficiary is one of that small percentage who has risen to the very top of the field of endeavor.

If the ISO determines that the petitioner has failed to demonstrate the requirements, the ISO should not merely make general assertions regarding this failure. Rather, the ISO MUST articulate the specific reasons as to why the ISO concludes that the petitioner, by a preponderance of the evidence, has not demonstrated that the alien is an alien of extraordinary ability under section 203(b)(1)(A) of the INA.

CLOSING PARAGRAPHS

When ultimately making a final decision regarding eligibility, USCIS will:

- First evaluate the evidence on an individual basis to determine if it meets the criteria, as discussed in part one; then,
- Consider all of the evidence in totality in making the final merits determination. The final merits determination will determine if the beneficiary:
    - Has sustained national or international acclaim.
        - In determining whether the beneficiary has enjoyed "sustained" national or international acclaim, such acclaim must be maintained. A beneficiary may have achieved extraordinary ability in the past but then failed to maintain a comparable level of acclaim thereafter; and,
    - Has achievements that have been recognized in the field of expertise, indicating that the beneficiary is one of that small percentage who has risen to the very top of the field of endeavor.

The petitioner may submit any available additional documentary evidence and/or further documentary evidence to demonstrate how the record shows the beneficiary meets the requirements for eligibility as an individual of extraordinary ability as discussed above.