



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

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

In Re: 22099821

Date: SEPT. 13, 2022

Appeal of Texas Service Center Decision

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

The Petitioner, a television host, 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 Texas Service Center denied the petition, concluding that the record did not establish that the Petitioner met the initial evidence requirement for this classification through evidence of either a one-time achievement or that he meets three of the alternative evidentiary criteria under 8 C.F.R. § 204.5(h)(3).

On appeal, the Petitioner submits additional documentation and a brief asserting that he fulfills at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3). In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361. 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 his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient 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); *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

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). In denying the petition, the Director determined that the Petitioner fulfilled only one of the initial evidentiary criteria, participation as a judge of others’ work at 8 C.F.R. § 204.5(h)(3)(iv). On appeal, the Petitioner maintains that he also meets six additional evidentiary criteria, which will be discussed below.

Documentation of the alien’s receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i)

To meet this criterion, the Petitioner must demonstrate his prizes or awards are nationally or internationally recognized for excellence in the field of endeavor.¹ Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field including, but are not limited to, the criteria used to grant the prizes or awards, the national or international significance of the prizes or awards in the field, and the number of awardees or prize recipients as well as any limitations on competitors.²

Here, the Petitioner submitted documentation indicating that he won *Telenedelya* magazine’s [redacted] prize (2014) based on having received the most votes in the [redacted] category.³ He also provided the rules associated with this magazine’s prize, which state that individuals “can take part in the voting using SMS-messages or the site tv.ua/tz,”

¹ *See* 6 *USCIS Policy Manual F.2, Appendices*, <https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2>.

² *Id.*

³ The Petitioner’s evidence reflects that the [redacted] prize was awarded to individuals in 12 different categories.

that “[a]ny Ukrainian TV viewer can take part in the voting,” and that winners are selected based on votes received from “the largest number of viewers.”

In addition, the Petitioner presented evidence showing that he was recognized as [redacted] in 2019 by *Cosmopolitan* magazine’s Ukrainian edition. The rules for this award indicate: “You can vote one vote from each social media account or from one mailbox. You can vote for just one nominee in each of the nine categories. Voting for the nominees will last from March 1, 2019 to May 21, 2019 inclusively on the website cosmo.com.ua. Only . . . citizens of Ukraine residing in the territory of Ukraine have the right to take part in the voting.”

The Petitioner further provided promotional information about his awards from the aforementioned magazines’ websites and some media coverage relating to the announcement of the winners, but this documentation does not indicate the significance of his [redacted] prize and [redacted] award in the field of endeavor.⁴ The record does not include evidence demonstrating that the Petitioner’s awards were recognized by the field in general rather than mainly limited to the readership of *Telenedelya* or the Ukrainian edition of *Cosmopolitan*. Nor does the evidence show that the limited media coverage relating to the Petitioner’s two awards rises to the level of national or international recognition. Without further evidence regarding their national or international significance in his field, the Petitioner has not demonstrated that his awards are nationally or internationally recognized awards for excellence in the field.

The Petitioner also claimed five awards won by the reality television show [redacted] as evidence for this criterion.⁵ To satisfy this criterion, the Petitioner must demonstrate that he was the recipient of prizes or awards.⁶ The documentation announcing the winners of the [redacted] and [redacted] awards, however, does not identify the Petitioner as their recipient. See *Hristov v. Roark*, 2011 WL 4711885 (E.D.N.Y. 2011) (finding that a producer and star actor was not the recipient of awards for Best Short Film and Best Cinematography since he was not named on either award).

For the above reasons, the Petitioner has not established that he meets this regulatory criterion.

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 Petitioner submitted articles about him in *Cosmopolitan* (Ukrainian edition), *National Geographic* (Russian edition), *Otdokhni!*, *Hello!* (Russian edition), *GQ* (Russian edition), *Mediananny.com*,

⁴ Cf., *Strategati, LLC v Sessions*, 2019 WL 2330181 (S.D. CA 2019) (upholding finding that “Woman of the Year” award eliminated men from consideration and thus did not “measure the petitioner’s standing or selection from the whole field.”)

⁵ The record indicates that the Petitioner was a co-host of the [redacted] television show. This show received Russian Academy of Television [redacted] awards in 2014, 2016 and 2018 for [redacted] and National Council of Television and Radio Broadcasting of Ukraine [redacted] awards in 2015 and 2016 for [redacted]

⁶ See 6 *USCIS Policy Manual, Appendices, supra*, at F.2 (stating that the description of this type of evidence in the regulation indicates that the focus should be on the person’s receipt of the awards or prizes, as opposed to his or her employer’s receipt of the awards or prizes.)

Telenedelya, *www.gazeta.ru*, *https://1istochnik.ru*, *www.footboom.ru*, *www.stb.ua*, and *ua.tribuna.com*, but the authors of the articles in *Cosmopolitan*, *National Geographic*, *Otdokhni!*, *Mediananny.com*, *Telenedelya*, *www.footboom.ru*, and *www.stb.ua* were not identified as required by this criterion. In addition, the Petitioner's response to the Director's request for evidence (RFE) included screenshots from similarweb.com regarding website traffic for the aforementioned publications' websites. For example, the similarweb.com "Traffic Overview" for *Cosmopolitan* (Ukrainian edition) listed "Total Visits" at "660.25K," a "Global Rank" of "106,481," a "Country Rank" of "2,126," and a "Category Rank" of "339." The Petitioner, however, did not establish the significance of these statistics, showing that the aforementioned magazines and websites represent major trade publications or other major media.⁷

Also in response to the Director's RFE, the Petitioner provided two additional articles about him in *L'Officiel* ([redacted] 2021) and *Privat Space* ([redacted] 2020), but both articles were published after he filed the petition. Eligibility, however, must be demonstrated at the time of filing. See 8 C.F.R. § 103.2(b)(1), (12).

Given the above, the Petitioner has not established that he meets this criterion.

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.⁸ For example, a petitioner may show that the contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance in the field.

In his appeal brief, the Petitioner argues that he "has created and produced a substantial number of TV shows, which were broadcasted on the major Russian TV channel [redacted] and have garnered a large number of reviews, comments by Petitioner's colleagues – TV presenters, as can be seen from their written letters-testimonies."⁹ As discussed below, these letters do not offer sufficiently detailed information, nor does the record include adequate corroborating documentation, to demonstrate the nature of specific "original" contributions that the Petitioner has made to the field that have been considered to be of major significance.

For example, in his two letters dated [redacted] 2020 and [redacted] 2021, [redacted] general manager at [redacted] in [redacted] indicated that the Petitioner has worked for the [redacted] channel "as TV host/presenter of our most popular [redacted] show . . . [redacted] since 2013. . . . [redacted] became the pivotal part of our programming . . . Our channel has won numerous awards for [redacted] with [the Petitioner] as host of the show and a creative

⁷ See 6 USCIS Policy Manual, Appendices, supra, at F.2 (indicating that evidence of published material in professional or major trade publications or in other major media publications should establish that the circulation (on-line or in print) is high compared to other circulation statistics).

⁸ See 6 USCIS Policy Manual, Appendices, supra, at F.2.

⁹ While we discuss a sampling of these letters, we have reviewed and considered each one.

visionary behind its lasting success.”¹⁰ While these awards recognized the popularity and creativity of the [redacted] show, the evidence does not demonstrate that the Petitioner’s original work has influenced the entertainment industry to the extent that it is of major significance in the field. [redacted] further stated that the Petitioner “created and produced his own TV shows such as [redacted] (2014), [redacted] (2016-2019), and [redacted]. Additionally, [redacted] claimed that these shows “became very popular among viewers in Russia and CIS” (Commonwealth of Independent States), but the record does not include sufficient information or supporting evidence demonstrating that the Petitioner’s part in these projects has affected his industry in a substantial way or otherwise constitutes original contributions of major significance in the field.

Likewise, [redacted] director of [redacted] production studio in [redacted]¹¹ asserted that “thanks to [the Petitioner’s] skills, talent, and expertise, [redacted] show consistently received very high ratings and was thus able to achieve tremendous success and popularity in Ukraine, in the CIS, in Israel etc.” She also claimed that “[a]ll seasons of the show in which [the Petitioner] was a co-host were hugely popular and were viewed by millions and millions of people,” but the record does not include published television rankings or other statistical evidence to corroborate her statements. Nor has the Petitioner demonstrated that his work on [redacted] rises to the level of a contribution of major significance in the field.

In addition, [redacted] producer of [redacted] [redacted] indicated that the Petitioner worked as the host of that show “three full seasons starting in 2016, and that his contributions to the success of the show were significant.” [redacted] explained that the Petitioner “joined the original host of the show who was the face of the [redacted] for six years, [redacted]. It was during that season that the show - which was already tremendously popular but had reached a bit of a plateau by its seventh year - enjoyed a great spike in popularity and ratings, a spike that continued all throughout the time when [the Petitioner] was a host on [redacted]. The record, however, does not include sufficient information or evidence to show that the Petitioner’s hosting of [redacted] constitutes a contribution of major significance in the entertainment field.

Furthermore, [redacted] administrative director for [redacted] in Ukraine, asserted that the Petitioner “is an extraordinarily talented TV presenter on the most popular TV shows including [redacted] [redacted] [redacted] [redacted] and others. He is also a huge social media influencer with almost 2 million followers on Instagram”¹² While [redacted] further described the Petitioner as “a very talented and unique TV presenter,” she did not offer specific examples of how his work has risen to the level of a contribution of major significance in his field.

¹⁰ As previously noted, the record includes documentation indicating that [redacted] received Russian Academy of Television [redacted] awards in 2014, 2016 and 2018 for [redacted] and National Council of Television and Radio Broadcasting of Ukraine [redacted] awards in 2015 and 2016 for [redacted].

¹¹ According to [redacted] letter, [redacted] is the sole holder of exclusive intellectual property rights” for the [redacted] show.

¹² The Petitioner provided a screenshot of his Instagram profile reflecting that he has 1.9 million followers. While this number of followers shows the Petitioner’s level of popularity on social media, it does represent an original artistic or business-related contribution of major significance in the field.

Letters that specifically articulate how the individual’s contributions are of major significance to the field and his impact on subsequent work add value. Letters that lack specifics and simply use hyperbolic language do not add value and are not considered to be probative evidence that may form the basis for meeting this criterion.¹³ Moreover, USCIS need not accept primarily conclusory statements. *1756, Inc. v. The U.S. Att’y Gen.*, 745 F. Supp. 9, 15 (D.C. Dist. 1990).

The record also includes promotional information from [redacted] website for [redacted] [redacted] [redacted] and [redacted]. Additionally, the Petitioner provided a YouTube screenshot for [redacted] and nine feedback comments posted at otzyvru.com. Furthermore, he presented YouTube screenshots from 2021 indicating that his number of subscribers increased from 166,000 (May 2021) to 217,000 (November 2021), but this subscription information post-dates the filing of the petition. Eligibility, however, must be demonstrated at the time of filing. *See* 8 C.F.R. § 103.2(b)(1). Regardless, the Petitioner has not demonstrated that the availability of his shows on [redacted] and subscribership to his programs on YouTube signify original contributions of major significance in the field.

The Petitioner contends on appeal that because he has 1.8 million Instagram followers and contracts with international brands such as [redacted] [redacted] [redacted] and [redacted] “it is undoubtedly clear that the Petitioner’s work significantly impacted and influenced the field of television.” While the record indicates that the Petitioner has achieved a level of popularity in the television industry and that he has received endorsement deals, he has not demonstrated that his original work rises to the level of artistic or business-related contributions of major significance in the field. Without sufficient information and evidence demonstrating that his work constitutes original contributions of major significance in the field, the Petitioner has not established that he meets 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 that 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.¹⁴

The Petitioner maintains on appeal that he has performed in a leading or critical role for [redacted] [redacted] [redacted], the [redacted] the Ukrainian Soccer Club [redacted] [redacted] [redacted] and the show [redacted]

With regard to his work for [redacted] the Petitioner provided two letters from [redacted] [redacted] the company’s director. In her April 2021 letter, [redacted] indicated that the Petitioner “worked with [redacted] as a leading co-host of our [redacted] show [redacted] from

¹³ *See* 6 USCIS Policy Manual, Appendices, *supra*, at F.2.

¹⁴ *See* 6 USCIS Policy Manual, Appendices, *supra*, at F.2.

August 2011 to November 2013, then in 2015, and then again from 2019 to March 2020. He was the second male co-host in the history of the show He was a leading host throughout the entire duration of his work with us.” She further stated: “When the production team was shooting the show, [the Petitioner] often improvised, creating memorable moments that became the heart of our show. . . . He worked very hard, and was an integral part of our team’s ‘brain’ during brainstorming sessions about next episodes.” While [redacted] discussed the Petitioner’s role as co-host for the [redacted] [redacted] show, she did not provide specific, detailed information demonstrating the nature of the Petitioner’s leading or critical role for [redacted]¹⁵ Furthermore, the record lacks evidence showing that [redacted] has a distinguished reputation.

Likewise, regarding the Petitioner’s involvement with [redacted] the September 2020 and April 2021 letters from [redacted] the company’s general manager, also discussed the Petitioner’s work as TV host/presenter of [redacted] In his September 2020 letter, [redacted] [redacted] asserted that the Petitioner was the “creative visionary behind its lasting success” and that he “set the tone for the success of the show on our channel for years to come.” Additionally, in his April 2021 letter, [redacted] stated that “[i]n his role of a TV host, [the Petitioner] always used his one-of-a-kind artistic talent, memorable sense of humor, and his unique way of making audiences engaged. . . . In [redacted] show, his influence was so strong that even after he left the show temporarily . . . there was a very positive ‘leftover effect.’” While [redacted] further contended that the Petitioner has “contributed significantly to increasing our channel’s brand recognition and our profits,” the record does not include television ratings data or company financial statements to corroborate his claim. [redacted] also stated that the Petitioner “created and produced his own TV shows such as [redacted] (2014), [redacted] (2016-2019), and [redacted] The Petitioner, however, has not shown that his role as co-host or producer for the aforementioned television shows constitutes a leading or critical role for [redacted] Nor has the Petitioner presented evidence showing that the company has a distinguished reputation.

The record also includes October 2020 and April 2021 letters from [redacted] the mayor of the [redacted] explaining how the Petitioner has assisted “in the development and implementation of the City strategy” on youth programs. In his October 2020 letter, [redacted] indicated that the Petitioner was invited “to be a representative of [redacted] youth and the liaison between our young city residents and municipal authorities.” Furthermore, in his April 2021 letter, [redacted] stated that the Petitioner “conducts regular meetings with the city’s youth to listen and to deliver to us their concerns – and to suggest proposals for the City Council to work on in relation to the needs of the city’s youth.” [redacted] also asserted that, with respect to the city’s tourism and recreation programs, the Petitioner “filmed a video about the city of [redacted] called [redacted] [redacted] in which he showed the sites of the city, including the coast of the [redacted]. . . . Thanks to [the Petitioner’s] video, we were able to attract a lot of tourists from different parts of Ukraine and even from foreign countries.” [redacted] however, did not provide specific data, nor does the record include other corroborating evidence, showing that the Petitioner’s video affected the number of tourists visiting the city. While [redacted] indicated that the Petitioner has contributed to the city’s youth programs, tourism, and cultural life, his statements are not sufficient to

¹⁵ See 6 USCIS Policy Manual, Appendices, *supra*, at F.2 (stating that letters from individuals with personal knowledge of the significance of a petitioner’s leading or critical role can be particularly helpful in making this determination as long as the letters contain detailed and probative information that specifically addresses how the role for the organization or establishment was leading or critical).

demonstrate that the Petitioner's role for [redacted] was leading or critical. For example, the record does not show that the Petitioner served in a leadership position or that he was responsible for the successes or outcomes of the city's operations or financial standing. In addition, the Petitioner has not offered evidence indicating that the [redacted] has a distinguished reputation.

With respect to the Petitioner's role for the Ukrainian Soccer Club [redacted] he submitted a letter signed [redacted] but the individual who authored the letter is not identified. The letter stated that the Petitioner has supported the team by attending matches, visiting training camp, bonding with players, mentioning the club during a [redacted] episode, participating in charity auctions, and sending encouraging video messages to the team. Here, the Petitioner did not demonstrate how serving in the aforementioned roles shows his leading position for [redacted] nor did he establish how his role resulted in critical or essential outcomes for the team.

Additionally, the Petitioner's response to the Director's RFE included a letter from [redacted] head of marketing at [redacted] stating that in "the winter of 2020, [the Petitioner] became the face of our brand in Ukraine and the celebrity brand ambassador for the [redacted] brand. . . . So far, [the Petitioner] has starred in commercials for our winter 2020, spring 2021 and summer 2021 collections." The Petitioner's role for [redacted] however, post-dates the filing of the petition. Eligibility, however, must be demonstrated at the time of filing. *See* 8 C.F.R. § 103.2(b)(1), (12).

Regarding the Petitioner's role for the [redacted] television show, he provided a letter from the show's producer, [redacted] discussing his work as the show's host. The regulation at 8 C.F.R. § 204.5(h)(3)(viii), however, requires an individual to perform in a leading or critical role for "organizations or establishments." Merriam-Webster's online dictionary defines "organization" as an "association, society" or "an administrative and functional structure (such as a business or a political party)." It defines "establishment" as "something established" (such as a "church, a permanent civil or military organization, a place of business or residence with its furnishings and staff, a public or private institution"). *See* Merriam-Webster Dictionary's definition of both "organization" and "establishment." The Petitioner has not established that a television show constitutes an organization or establishment. Nor has the Petitioner demonstrated that [redacted] [redacted] has a distinguished reputation.

For these reasons, the Petitioner did not establish that he meets this criterion.

Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk or video sales. 8 C.F.R. § 204.5(h)(3)(x).

This criterion focuses on volume of sales and box office receipts as a measure of the individual's commercial success in the performing arts. Therefore, the mere fact that an individual has performed in theatrical, motion picture, or television productions would be insufficient, in and of itself, to meet this criterion. The evidence must show that the volume of sales and box office receipts reflect the individual's commercial success relative to others involved in similar pursuits in the performing arts.¹⁶

¹⁶ *See* 6 USCIS Policy Manual, Appendices, *supra*, at F.2.

The Petitioner presented the April 2021 letter from [redacted] of [redacted] production studio as evidence for this criterion. She indicated that her company “owes the tremendous commercial success of our [redacted] TV production [redacted] to [the Petitioner’s] contributions, and that thanks to his original talent and expertise . . . [redacted] became one of the top [redacted] shows in Ukraine and Russia of all times, based on viewership and brand recognition.” The record, however, does not include independent television ratings reports, objective viewership data for [redacted] programming, or over evidence to corroborate [redacted] claim.¹⁷

In addition, the Petitioner submitted a separate statement from [redacted] asserting that her company paid the Petitioner “\$11,000.00 (eleven thousand) U.S. dollars for 1 (one episode) of the TV show from #412 to #430, the total number of which is 19 (episodes),” but this compensation report reflects the Petitioner’s remuneration for filming [redacted] episodes rather than the commercial success of his work in the performing arts as shown by “sales” or “receipts.” He also provided YouTube screenshots for various 2011-2013 episodes of [redacted] (seasons two through seven) showing “views” for each episode ranging from 334,957 to 2,391,647. The Petitioner, however, has not demonstrated that these “views” of the show on YouTube translate to his commercial successes relative to others in the industry in the form of “sales” or “receipts.” The evidence presented here is insufficient to establish that the volume of sales or television revenue for [redacted] reflects the Petitioner’s commercial successes relative to others involved in similar pursuits in the performing arts. Accordingly, he has not established that he satisfies this criterion.

III. CONCLUSION

The Petitioner did not demonstrate that he satisfies the criteria relating to awards, published material, original contributions, leading or critical role, or commercial successes. Although the Petitioner claims eligibility for an additional criterion on appeal, relating to high salary at 8 C.F.R. § 204.5(h)(3)(ix), we need not reach this additional ground because the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3). We also need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Accordingly, we reserve these issues.¹⁸

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. The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals 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

¹⁷ The September 2020 and April 2021 letters from [redacted] of [redacted] indicated that [redacted] show was broadcast on his company’s channel. While [redacted] asserted that the Petitioner has “contributed significantly to increasing our channel’s brand recognition and our profits,” the record does not include television ratings data or company financial statements to corroborate his claim.

¹⁸ See *INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach); see also *Matter of L-A-C-*, 26 I&N Dec. 516, n.7 (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

“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 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).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.