U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41790154

Date: APR. 7, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a pain management physician (non-anesthesiology), seeks classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This EB-1 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. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner had satisfied at least three of ten initial evidentiary criteria, as required. 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

To qualify for this immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability in the sciences, arts, education, business, or athletics;"
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the United States as an immigrant.

Section 203(b)(1)(A)(i)-(iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). Unless a petitioner can demonstrate international recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award), they must provide sufficient

qualifying documentation that meets at least three of the ten lesser evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable evidence if they are able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)–(x) do not readily apply to the individual's occupation.

If a petitioner meets these initial evidence requirements, U.S. Citizenship and Immigration Services (USCIS) must 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 Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step extraordinary ability analysis "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

The Petitioner, [redacted] Wisconsin and is affiliated with the [redacted] The Petitioner seeks to classify the Beneficiary, a physician and a researcher in the field of neurology and pain medicine (a subspecialty of neurology), as an individual of extraordinary ability.

The Beneficiary has been employed with [redacted] as a pain management physician since October 2023. Prior to joining [redacted], the Beneficiary worked as a physician with [redacted] in Missouri from 2020 to 2023. He completed his residency and clinical fellowship at [redacted] and [redacted]. The Beneficiary earned the foreign equivalent of a U.S. doctor of medicine degree, a master's degree in biomedical sciences, and a doctor of philosophy degree in biomedical sciences from the [redacted] in South Korea.

A. Evidentiary Criteria

Because the Petitioner has not indicated or shown that the Beneficiary received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). The Petitioner claimed that the Beneficiary satisfied the following four initial criteria at 8 C.F.R. § 204.5(h)(3)(iv), (v), (vi), and (viii):

- Participation as a judge of others' work;
- Original contributions of major significance in the field;
- Authorship of scholarly articles; and
- Performing leading or critical roles for organizations that have a distinguished reputation.

Upon review of the record, we agree with SCOPS that the Beneficiary met only two criteria at 8 C.F.R. § 204.5(h)(3)(iv) (participation as a judge of others' work in the field) and (vi) (authorship of scholarly articles). Therefore, we conclude that the Beneficiary is not eligible for the extraordinary ability visa

classification sought as he does not satisfy other two remaining criteria and has not met at least three initial evidentiary criteria as discussed below.

1. Original Contributions of Major Significance

This criterion requires "[e]vidence 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). For this criterion, the Petitioner must establish that not only has he made original contributions but that they have been of major significance in the field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1), Criterion 5. For example, a petitioner may show that his contributions have been widely implemented throughout the field, or have otherwise risen to a level of major significance in the field. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (for a petitioner's contributions to be "of major significance," evidence must demonstrate that their work has been widely adopted or replicated by industry actors unaffiliated with them).

SCOPS determined that the evidence did not show that the Beneficiary made original contributions of major significance to the field of neurology, after evaluating the scholarly articles, letters of recommendation, and conference presentations.

On appeal, the Petitioner claims that SCOPS failed to consider letters from "leading experts in the relevant field, including independent experts, and significant substantive evidence of [the Beneficiary's] contributions of major significance to the neurology subspeciality of pain medicine, with a focus on aging-related pain and disability management." The Petitioner specifically points to the Beneficiary's journal article entitled "[redacted]" published in the Clinical Journal of Pain and claims that this study "was the first big data analysis from a real-world insurance database to estimate the incidence of neurological complications following pain procedures." The Petitioner claims that this study resulted in the Beneficiary's receipt of the [redacted] award from the [redacted] in 2016 and obtained significant coverage by Anesthesiology News in 2017.

However, the recommendation letters submitted with the initial filing did not sufficiently explain how his journal article was an original contribution of major significance to the field. Some of the letters from the Petitioner's current employer, [redacted], or his former employers, [redacted] and [redacted], make general claims about the Beneficiary's research findings as being significant contributions to the field without persuasive details. Other "independent and leading experts" who wrote letters on the Beneficiary's behalf did not have the related credentials in neurology. For example, S-K- who claimed that the Beneficiary's "novel methods of signal detection from big data analysis were so important and groundbreaking" and "attracted worldwide attention from fellow researchers and scientific publishers" is not a professor or researcher in neurology but counseling psychology. Also, B-P-, who claimed that the Beneficiary's work "has been well accepted by experts in our field throughout the world" is a professor of preventive medicine at [redacted]. Another expert letter by S-W-L-, a professor of biomedical sciences, discussed the Beneficiary's research on sarcopenia, an age-related loss of skeletal muscle mass and muscle power, instead of the neurological issue that was central to his research paper. As such, these letters do not demonstrate specific impact or significance that is major to the field of neurology and pain

management and are not considered to be probative evidence that forms the basis for meeting this criterion.

In response to SCOPS' request for evidence (RFE), the Petitioner submitted two expert opinion letters. The first expert opinion is from O-B-L-, a neuropsychiatry specialist at [redacted] in [redacted]. Instead of providing concrete examples and persuasive explanations regarding how the Beneficiary's paper is of major significance to the field of neurology, the expert summarizes the findings in each of his journal articles and concludes that each topic constitutes "a significant scientific contribution," "objective evidence of sustained national and international acclaim," or the Beneficiary's "standing at the very top of his field." Similarly, the second expert opinion from Professor M-M- of the [redacted], provides only conclusory remarks about "novelty, impact, and breadth" of the Beneficiary's research work but does not provide substantive and persuasive evaluation of how his research constitutes original contribution of major significance in the field of neurology. Generalized conclusory statements that do not identify a specific impact in the field have little probative value. *See 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

The Petitioner further contends that "[the Beneficiary's] total of over 260 citations across his published work, in conjunction with the highly international nature of the researchers citing his findings, confirms widespread recognition and acceptance of his original research." The evidence from Google Scholar reflects that his four highest cited articles received the following number of citations: 121 ([redacted] in the Journal of Korean Medical Science); 51 ([redacted] in the Annals of Rehabilitation Medicine journal); 23 ([redacted] in the Archives of Physical Medicine and Rehabilitation journal); and 17 ([redacted] in CNS Drugs journal). The Beneficiary's Google Scholar profile shows that his journal article regarding [redacted] received six citations at the time of filing. The fact that the Petitioner's research papers in other topics, such as [redacted] or [redacted], or [redacted], received more citations than the purported seminal article on [redacted] casts doubt on the Petitioner's claim that the Beneficiary's original contribution is of major significance in the field of neurology.

Highly cited publications alone are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "major significance," as the number of citations for a given article often does not provide sufficient context to establish the impact or importance of a given researcher's work in the field. That context must be provided by other evidence in the record, and here, the supporting expert letters do not support the Beneficiary's impact on the field of neurology commensurate with an original contribution of major significance.

Accordingly, the Petitioner has not satisfied the requirements of this criterion.

2. Leading or Critical Role

To meet this criterion, a petitioner must provide "[e]vidence 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). A leading role should be apparent by its position in the overall organizational hierarchy and through the role's matching duties. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.(2)(B)(1), Criterion 8. A critical role means an alien contributed in a significantly important way to the activities of the organization, establishment, division, or department. *Id.* Additionally, a petitioner must establish that the organization, establishment, division, or department has a distinguished reputation. The word "distinguished" ordinarily means "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Distinguished*, Merriam-Webster Online Dictionary, www.merriam-webster.com. Relevant considerations in determining whether an organization is "distinguished" include not only its relative size and longevity but also other factors, such as the scale of its customer base or relevant media coverage of it. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.(2)(B)(1), Criterion 8.

The Petitioner has claimed that the Beneficiary performed leading or critical role at [redacted] as a chief resident and at [redacted] as a physician. SCOPS did not analyze the Beneficiary's roles at the respective organizations and determined that the Petitioner did not establish the organizations' distinguished reputations. On appeal, the Petitioner contends that SCOPS erred by disregarding evidence, specifically the expert opinion letters submitted with the RFE. Upon review, we conclude that the Petitioner has not sufficiently demonstrated that the Beneficiary performed leading or critical roles at these organizations, and further analysis on distinguished reputation of the institutions is not necessary.

Regarding the Beneficiary's position as a chief resident at [redacted], the Petitioner submitted a letter from J-K-, a professor of neurology at [redacted]. The Beneficiary began his clinical training with [redacted] as a neurology resident in 2015 and served as a chief resident in the Department of Neurology from 2018 to 2019. Professor J-K- claims that [redacted] is a nationally recognized school of medicine[1] and that the Beneficiary "played a critical part in original research" at [redacted], listing several research papers that the Beneficiary co-authored and published in various scholarly journals. However, the professor does not provide further details as to how these research papers contributed to the Beneficiary's leading or critical role at the institution.[2] In addition, the record does not include the institution's hierarchical structure or description of duties and responsibilities associated with the role of residents or a chief resident. As such, the Petitioner has not sufficiently demonstrated how the Beneficiary's one year appointment as a chief resident or his research while he served as a resident meets the definitions of a leading or critical role, as described in the USCIS policy manual.

Next, we will discuss the Petitioner's role at [redacted] as a physician. The Petitioner offered a letter from Dr. S-S-, a chief clinical executive of [redacted], who states that the Beneficiary began his full employment as a neurologist and pain physician in October 2023 and that he played "an important role in developing chronic pain and headache programs" at [redacted], a hospital within [redacted]. According to Dr. S-S-, [redacted] has "90+ clinics, 12 hospital campuses, 14 retail

[1] The professor asserted that [redacted] ranks [redacted] in the 2025 U.S. News & World Report's "Tier 1 Best Medical Schools."

[2] Some of these research papers were published after the Beneficiary finished the residence at [redacted].

pharmacies, and many specialty care centers and specialty medical services, home care, and emergency medical transportation services." Therefore, we will focus on the Beneficiary's role as a physician at [redacted].

Here, the Petitioner has not submitted the overall organizational chart of the hospital, the number of employees, and how the Beneficiary's position fits within the hospital to demonstrate that it was a "leading" position. The record also lacks a comprehensive picture of the Beneficiary's duties and responsibilities to show that his role is "critical" to the organization. The Petitioner makes a brief mention of the chronic and headache programs that the Beneficiary purportedly developed, but the record does not provide any specifics as to how the development of such programs translates to the Beneficiary's critical or leading role at the hospital.

We also reviewed the same expert letters from O-B-L-, a neuropsychiatry specialist at [redacted], and M-M-, a professor of biomedical sciences at the [redacted]. These letters evaluate the Beneficiary's leading or critical roles and distinguished reputation under this criterion, in addition to the original contribution of major significance criterion, as discussed above. Letters from persons with personal knowledge of the significance of the person's leading or critical role can be particularly helpful, so long as the letters contain detailed and probative information that specifically addresses how the person's role for the organization, establishment, division, or department was leading or critical. *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(1). In this instance, the expert opinion letters do not fully address this requirement. It is not clear from the record how the authors have the expertise or personal knowledge of the Beneficiary's role as they do not claim to have supervised or managed the Beneficiary's work at these institutions. Therefore, these expert letters lack probative value.

For these reasons, the Petitioner has not satisfied the requirements of this criterion.

B. Final Mertis Determination

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten lesser criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought.

While we have not undertaken a full final merits determination, we will briefly address the issue of sustained acclaim. The bulk of the record concerns activities that the Beneficiary performed while he was undergoing his training as a medical resident and beginning his career as a physician at [redacted]. The evidence shows that the Beneficiary has been active, skilled, and dedicated to his medical career and research, but it does not establish that he has earned sustained national or international acclaim or reached the small percentage at the very top of the field of neurology. The Beneficiary has co-authored and published several articles in international journals and judged others' work as a reviewer for the same journals, but the record does not indicate his journal citations are relatively high or his participation in peer review of journals is so prestigious that only top physicians can achieve. The record includes little information about his accomplishments and recognition after he finished his residency until he started his full-time employment at [redacted] in 2023, less than two years before the petition was filed. The Petitioner also has not documented any published articles by the

Beneficiary since 2020 when he completed his residency training. The Petitioner included expert opinions and reference letters, but the evidence does not sufficiently indicate that his position while he was in the residency program or working as a physician afterwards constitute recognition beyond the regular duties of a resident, chief resident, or a physician.

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that the Beneficiary is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated the Beneficiary's eligibility as an individual of extraordinary ability. 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.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.