U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42199892

Date: APR. 15, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a neurosurgeon, requests 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). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition. SCOPS concluded that the Petitioner met one of ten initial evidentiary requirements – two less than needed for a final merits determination. On appeal, she contends that she met six additional evidentiary requirements.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we agree with SCOPS that she has not satisfied the minimum number of evidentiary criteria. We will therefore 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 country as a permanent resident.

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

The term "extraordinary ability" means expertise commensurate with "one of 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 received "a major, international recognized award," they must satisfy at least three of ten initial evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[1] If a petitioner meets either evidentiary standard and the requirements at sections 203(b)(1)(A)(ii), (iii) of the Act, U.S. Citizenship and Immigration Services (USCIS) must then make a final merits determination. To merit final approval, the record – as a whole – must establish a petitioner's "sustained national or international acclaim" and recognized achievements placing them among the small percentage at their field's very top. *See Amin v. Mayorkas,* 24 F.4th 383, 391 (5th Cir. 2022) (holding that USCIS' two-step analysis in EB-1 cases "is consistent with the governing statute and regulation;" *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and Her Field

The record shows that, in her native country of Brazil, the Petitioner earned a medical degree and a master's degree in health sciences. She also received specialized education in neuro-oncology and pediatric neurosurgery. Since 2012, she has worked for Brazilian hospitals as a neurosurgeon. She also recently opened her own office. The Petitioner has further authored or co-authored research articles in peer-reviewed journals and at conferences. She states that:

> the opportunity to reside and work as a neurosurgeon in the United States would allow me to demonstrate my experience and share the knowledge gained from my research in a country with abundant resources, cutting-edge tools, and modern techniques to improve patents' health, prevent diseases, and enhance their quality of life, which would be a significant contribution to the nation.

B. The Initial Evidentiary Criteria

The record does not indicate – nor does the Petitioner claim – her receipt of a major internationally recognized award. She therefore must meet at least three of the ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i-x).

The record supports SCOPS' finding that the Petitioner successfully submitted evidence of her authorship of scholarly articles in her field. *See* 8 C.F.R. § 204.5(h)(3)(vi). On appeal, she contends that she met the following six other evidentiary requirements:

- Membership in associations in her field requiring outstanding achievements;
- Published material about her and her work in professional or major trade publications or other major media;
- Participation as a judge of others' work in her field;
- Original contributions of major significance in her field;
- Performance in a leading or critical role for organizations with distinguished reputations; and
- Commandment of a high salary or significantly high remuneration for her services.

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

8 C.F.R. § 204.5(h)(3)(ii), (iii), (iv), (v), (vii), (ix).

"The regulations regarding this preference classification are extremely restrictive." *Kazarian v. USCIS*, 596 F.3d 1115, 1120 (9th Cir. 2010) (citation omitted). To satisfy initial requirements, the Petitioner's evidence must objectively meet the parameters of the applicable regulatory descriptions. *See generally* 6 *USCIS Policy Manual* F.2(B). "[N]either USCIS nor [the] AAO [Administrative Appeals Office] may unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5." *Kazarian*, 596 F.3d at 1121.

1. Membership in Associations

This criterion requires "[d]ocumentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." 8 C.F.R. § 204.5(h)(3)(ii).

The Petitioner submitted evidence of her membership in international, Latin American, and European neurosurgical associations. She provided copies of the associations' constitutions and bylaws. She argues that all the groups require their members to be "formally vetted" by internal boards or committees comprised of national or international experts.

As SCOPS found, however, the associations' constitutions and bylaws do not indicate that the groups' members must have outstanding achievements. The documents indicate that membership candidates must be neurosurgeons and that their membership applications must include their resumes and recommendation letters from members. The documents state that association boards or committees consider the applications before the groups' general memberships vote on them. But the documentation does not specify that members must have outstanding achievements. *See Braga v. Poulos*, No. CV 06-5105 SJO FMOX, 2007 WL 9229758, at *5 (C.D. Cal. July 6, 2007), *aff'd*, 317 F. App'x 680 (9th Cir. 2009) ("[The petitioner] has failed to show that any of these organizations require outstanding achievement ... to join and therefore he does not meet this criterion.")

The Petitioner also claimed membership in American and Brazilian neurosurgical associations. But her evidence does not identify her as a member of those groups. She submitted a copy of a certificate indicating her attendance at the American association's 2025 annual meeting. But the certificate does not specify that she is a member of the association. Also, she provided a copy of a letter recommending her membership in the Brazilian association. But the record lacks evidence that the Brazilian association ultimately admitted her as a member.

The Petitioner submitted further evidence of her membership in other medical associations. The record, however, lacks evidence that these other groups require outstanding achievements of their members or that recognized national or international experts judged their members.

The Petitioner has not submitted documentation of her membership in associations in her field requiring outstanding achievements of their members as judged by recognized national or international experts. We will therefore affirm SCOPS' finding.

2. Published Material About the Petitioner

To meet this requirement, a petitioner must submit "[p]ublished 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." 8 C.F.R. § 204.5(h)(3)(iii). "Such evidence shall include the title, date, and author of the material, and any necessary translation." *Id.*

When adjudicating this criterion, USCIS first determines whether published material relates to a petitioner and their specific work in their field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 3. If so, USCIS then determines whether the publication qualifies as a professional publication, major trade publication, or major media publication. *Id.* Relevant factors for professional or major trade publications include their intended audiences and, for major trade publications or other major media, their relative circulations, readerships, or viewership. *Id.*

The Petitioner submitted printouts of results for her name in Internet search engines and in an academic research database. The results list articles she has authored or co-authored, and presentations she has made at medical conferences.

As SCOPS found, however, "a search site does not qualify as a professional publication, major trade publication, or major media publication." Search engines are not publishers; rather, they are databases. Most users who visit the search engine sites that the Petitioner provided will not see information about her. Rather, only those visitors who search the databases for her name will see that information.

The Petitioner also submitted additional evidence of research she has written and presented in her field. Contrary to the regulatory requirement, however, these materials are not "about the alien ... relating to the alien's work in the field." *See* 8 C.F.R. § 204.5(h)(3)(iii). Although the Petitioner authored or co-authored the materials, they are about diseases, such as medulloblastoma, and medical procedures, such as preoperative embolization.

The Petitioner provided printouts of information about her from medical directories. This information primarily lists her credentials and area of specialization. The materials do not provide enough details to qualify as being about the Petitioner and her work in her field to meet this criterion.

The Petitioner also submitted copies of pages from her personal website. These materials, however, appear designed to promote her services as a neurosurgeon. For example, the website states: "Trust us for neurosurgical procedures and personalized care in the comfort of your home, in the office or via telemedicine. Contact us now." Under USCIS policy,"[m]arketing materials created for the purpose of selling the person's products or promoting the person's services are not generally considered to be published material about the person." 6 *USCIS Policy Manual* F.2(B)(1), Criterion Three. Thus, the Petitioner's website pages also do not meet this criterion.

The Petitioner has not submitted published material about her and work in her field in professional or major trade publications or other major media. We will therefore affirm SCOPS' finding.

3. Judge of Others' Work

This criterion requires "[e]vidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought." 8 C.F.R. § 204.5(h)(3)(iv).

The Petitioner submitted evidence that she served as: a teaching assistant in a 2022 course at a U.S. university school of public health; a moderator of a pediatric neurosurgery module at a 2023 conference in Brazil; and a "preceptor" of a neurosurgical internship program at a Brazilian hospital. She asserts: "Collectively, these roles constitute direct and verifiable participation as a judge of the work of others in the field of neurosurgery, meeting the evidentiary requirements under this regulatory criterion."

The Petitioner, however, has not provided enough details or corroborating evidence about her activities to demonstrate her participation "as a judge of the work of others." *See* 8 C.F.R. § 204.5(h)(3)(iv). She states that, as a teaching assistant, she "act[ed] as a 'judge' of the students' work, including supervising them in class, grading assignments and calculating grades." But the evidence she submitted does not corroborate her claim. The certificate she provided recognizes her only "for your outstanding performance and exceptional commitment to teamwork." *See generally* 6 *USCIS Policy Manual* F.2(B)(3) ("[S]tatements made by the witnesses should be corroborated by documentary evidence in the record."); *see also Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *5 (N.D. Tex. Sept. 2, 2022) (affirming USCIS' finding that teaching, training, and mentoring other people in a field "do not constitute judging the work of others, either individually or on a panel.")

The Petitioner states that, as a moderator of the pediatric neurosurgical module at the conference, her duties included "evaluating the quality and coherence of the lecturers' scientific contributions and ensuring adherence to academic standards central to a national neurosurgical congress." The record, however, lacks documentary evidence confirming her claim. *See generally* 6 *USCIS Policy Manual* F.2(B)(3) ("[S]tatements made by the witnesses should be corroborated by documentary evidence in the record.")

The Petitioner states that, as a preceptor of the neurosurgical internship program, she "evaluates and assesses the performance of advanced medical students." But documentation regarding the internship lacks copies of any evaluations or other details to confirm her claim.

The Petitioner also contends that she evaluated and commented on research manuscripts of others in her field on academic databases and platforms, "providing professional feedback to authors worldwide." But she submitted insufficient evidence to confirm that claim.

The Petitioner has not submitted evidence of her participation as a judge of others' work in her field. We will therefore affirm SCOPS' finding.

4. Original Contributions of Major Significance

To meet this requirement, a petitioner must submit "[e]vidence of the[ir] original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v).

USCIS first determines whether a petitioner has made original contributions in their field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion Five. If so, USCIS then determines whether the original contributions are of major significance to the field. *Id.*

The Petitioner submitted: numerous letters from neurosurgeons, professors in the field, and patients; evidence of her authorship or co-authorship of research articles; and citation information about some of her articles. Despite these materials, SCOPS found insufficient evidence that the Petitioner's original contributions have had major significance in her field.

On appeal, the Petitioner points to the expert letters she provided. She notes that:

> [d]etailed letters from experts in the field explaining the nature and significance of the person's contribution may also provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.

6 *USCIS Policy Manual* F.2(B)(1), Criterion Five. She contends that "her innovative surgical research, peer-reviewed publications and clinical methodologies have materially advanced the practice of neurosurgery – particularly in pediatric neuro-oncology."

The expert letters that the Petitioner submitted, however, do not sufficiently explain the claimed significance of her contributions to her field. Most of the letters praise her credentials and skills. But the letters do not explain how she has purportedly influenced her field. A few of the letters mention her development of a transversal curved incision for lipoma of the conus surgery and her research on cerebellar mutism in the pediatric neuro-oncology field. But the letters do not explain the significance of these contributions. For example, a letter from a U.S. chief of spine surgery states that the Petitioner's research on cerebellar mutism "has already produced significant results, contributing to importance advancements in the field." But neither the letter nor the record's remaining evidence details the results of her research or explain its importance to the field. *See Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *8 (E.D. Pa. Sept. 18, 2023) (affirming USCIS' finding that "[t]he reference letters do not contain detailed information showing the substantial influence the self-petitioner's contributions have had on the overall field"); *see generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion Five ("Submitted letters should specifically describe the person's contribution *and its significance to the field*.") (emphasis added).

The Petitioner submitted evidence that a published article she co-authored has generated more than 30 citations from other researchers.

> [P]ublished research that has provoked widespread commentary on its importance from others working in the field, and documentation that it has been highly cited relative to

> others' work in that field, may be probative of the significance of the person's contributions to the field of endeavor.

6 *USCIS Policy Manual* F.2(B)(1), Criterion Five. But the Petitioner has not documented whether the article's citation level is high for her field, or whether the article otherwise generated widespread commentary. She has therefore not sufficiently demonstrated the significance of her original contributions to her field. *See Bhanu*, 2023 WL 6119357 at *8 (affirming USCIS' finding that a petitioner "has not demonstrated that the number of citations received by his published articles reflect a level of interest in his work from relevant parties to meet this criterion").

The Petitioner did not submit evidence of her original contributions of major significance to her field. We will therefore affirm SCOPS' finding.

5. Performance in a Leading or Critical Role

This criterion requires "[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).

USCIS first determines whether a petitioner has performed in a leading or critical role for an organization, establishment, or a division or department of an organization or establishment. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion Eight. For a leading role, USCIS examines whether the evidence establishes the person as a leader within the organization, establishment, division, or department. *Id.* For a critical role, USCIS considers 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." *Id.*

Second, USCIS considers whether an organization, establishment, department, or division for which a petitioner holds or held a leading or critical role has a distinguished reputation. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion Eight. 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. USCIS considers not only an organization's relative size or longevity but also other relevant factors such as the scale of its customer base or relevant media coverage. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion Eight.

SCOPS found evidence that the Petitioner performed in a critical role for the hospitals where she has worked. But SCOPS concluded that the record does not establish that any of the hospitals have distinguished reputations.

The Petitioner submitted information about each hospital. The record, however, does not establish that any have a distinguished reputation. The record does not explain each hospital's distinction. For example, a letter from the director of one institution describes it as the first municipal hospital in Brazil to attain "Qmentum International certification at the Diamond level." But neither the letter nor the remaining evidence explains the certification, the level, or their significance.

The Petitioner has not submitted evidence that she performed in a leading or critical role for organizations that have distinguished reputations. We will therefore affirm SCOPS' finding.

C. The Remaining Requirements

The Petitioner has not met five of the six additional evidentiary criteria she claims to have satisfied on appeal. Thus, she cannot meet the requisite amount of three evidentiary requirements. We therefore need not reach and hereby reserve consideration of her arguments that she met an additional evidentiary requirement regarding compensation for her services and is among the small percentage at her field's very top. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

III. CONCLUSION

The Petitioner has not satisfied the minimum number of evidentiary criteria for the requested immigrant visa category. We will therefore affirm the petition's denial.

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.