U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42091657

Date: APR. 28, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a psychologist, seeks classification as an alien 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.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner met the initial evidence requirements for classification as an alien of extraordinary ability. Specifically, SCOPS determined that she did not meet at least three of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3). 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 establish eligibility as an individual of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that the petitioner's achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that the term "extraordinary ability" refers only to those aliens in "that small percentage who have risen to the very top of the field of endeavor." A petitioner

can demonstrate that they meet the initial evidence requirements for this immigrant visa classification through evidence of a one-time achievement (that is, a major, internationally recognized award). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. §§ 204.5(h)(2),(3).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the alien possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *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, 394 (5th. Cir. 2022).

II. ANALYSIS

The Petitioner states that she is an expert in the field of psychology and the founder and dean of the [redacted] psychology and mental health school in her native Kazakhstan. She completed a bachelor's degree in finance in 2008, and several online and in-person courses related to the field of psychology between the years of 2020 and 2024. The Petitioner initially stated her intent to continue her education in the United States to obtain a "psychology teaching degree" to train other psychologists, and to obtain a psychologist license in order to put her "psychotrauma methods, personal development, and professional and communication skills training" into practice. When responding to SCOPS' request for evidence (RFE), she did not mention furthering her education, but stated that she would "conduct training workshops, publish further research, and develop programs" in trauma recovery, emotional intelligence, and mental health education.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that she received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS concluded that the Petitioner met one of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), relating to her authorship of scholarly articles in professional and major trade publications or other major media. On appeal, the Petitioner asserts that she also meets the evidentiary criteria relating to:

- Participation as a judge of the work of others in her field;
- Original contributions of major significance in her field; and,
- Commanding a high salary or significantly high remuneration in relation to others in her field[1]

[1] The Petitioner does not contest SCOPS' decision regarding the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), and (viii). As such, we consider these issues waived and will not address them further. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021)(*citing Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

The Petitioner also asserts that she has sustained national acclaim and is one of the small percentage at the very top of the field of psychology. After reviewing all of the evidence in the record, we conclude that she does not meet the initial evidence requirements for this classification and is not eligible as an alien of extraordinary ability.

1. Participation as a judge of the work of others in the field

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) calls for "[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 specialization for which classification is sought." SCOPS concluded that the evidence of the Petitioner's work at academic conferences and in evaluating educational programs was insufficient to show that she judged the work of other psychologists, and noted that she had not provided evidence of participation in peer review for manuscripts submitted to professional journals in her field.

On appeal, the Petitioner notes that she never claimed or submitted evidence showing that she participated in the peer review process for a professional journal, and that the lack of such evidence should not be held against her. We agree that the issue of whether or not the Petitioner has conducted this type of judging of others' work is not relevant to her meeting this criterion, as the regulation does not specify a particular type of evidence that must be submitted. In addition, SCOPS' suggestion that this criterion requires "a formal designation in a judging capacity" is not supported in the plain language of the regulation.

In support of this criterion, the Petitioner initially submitted certificates and other evidence regarding her participation as an evaluator in two academic conferences held at a private institution. SCOPS concluded in its decision that the evidence regarding her work at these conferences did not meet this criterion, and on appeal the Petitioner does not continue to base her claim to this criterion on this activity, focusing exclusively on the evidence of other activities she submitted in response to SCOPS' RFE. We agree with SCOPS that the evidence regarding the Petitioner's participation in these conferences is insufficient to show that she judged the work of others in the field of psychology or an allied field.

Turning to the evidence of the Petitioner's evaluation of primary and secondary school psychological programs, the evidence shows that she was selected by the Administration of Education of the [redacted](Kazakhstan) region as a member of a temporary commission set up to perform those duties. Other evidence from schools in the region showed that she carried out these evaluations on four occasions, during which she monitored and reported on the effectiveness of psychological programs at these schools. This evidence establishes by a preponderance of the evidence that she judged the work of other psychologists in these instances. Accordingly, we withdraw SCOPS' determination and conclude that she meets this criterion.

2. Original contributions of major significance in the field

The regulation at 8 C.F.R. § 204.5(h)(3)(v) seeks "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." In order to satisfy the regulation at 8 C.F.R. § 204.5(h)(3)(v), a petitioner must establish that not only have they made original contributions, but that those contributions have been of major significance in

the field. 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. *See Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134-5 (D.D.C. 2013).

The Petitioner asserts that her development of what she calls the [redacted] psychological method is an original contribution to the field of psychology, claiming that its innovation lies in a [redacted] Regarding the major significance of her claimed original contribution, the Petitioner asserts that it is demonstrated by her methodology's adoption in hospitals in [redacted] by its incorporation into the training program of a psychology institute in Russia, and by a letter from a psychiatrist with the [redacted] Our review of the record does not show the major significance of the Petitioner's claimed contribution.

In support of her claim of the clinical adoption of her psychological method, the Petitioner submitted two letters from officials at hospitals in the [redacted] region. The first, written by the Director of the [redacted], indicates that he became aware of the Petitioner's work at a psychology conference in September 2023, which led almost immediately to six months of clinical testing at the hospital. He states that the trial produced an 87% decrease in anxiety for participants, as well as a 74% decrease in depressive symptoms and an improvement in overall condition of 83%. As a result, the letter indicates that the Petitioner's [redacted] method was adopted by the hospital and is used in individual and group therapy, and also that it is has been included in the patient rehabilitation programs "in clinics of the [redacted] region."

The second letter is from the Director of the [redacted], who states that after the successful results of the trial at [redacted] he and his team began a three month test of the Petitioner's method for cancer patients in rehabilitation. He reports positive results from this trial period, and that in May 2024 the Petitioner's method was approved "as a core tool in psychological rehabilitation for patients at our hospital."[2]

A third letter in the record was submitted by the Director of the healthcare administration for the [redacted] region. She confirms the clinical trials of the Petitioner's methodology done by [redacted], and state that approximately $475,000 was allocated in 2024 and 2025 to implement it in clinics in the region. She also states that "patient reports" showed "a substantial reduction in recovery time and an expedited return to social and professional activities."

Finally, a fourth letter was submitted by a psychiatric official with the Republic of Kazakhstan [redacted] who confirms that the Petitioner's methodology has been the "main rehabilitation program" for clinics in the [redacted] region since May 2024 and advocates for its further implementation.

We first note that while these letters are generally consistent in describing the conceptual framework for the Petitioner's [redacted] psychological methodology, none of the letters describe the functional or practical aspects of the methodology or its implementation. Rather, they discuss the

[2] We note that this date conflicts with the narrative that Hospital No. 3 began its own three month trial of the method after learning of the results of the trial at [redacted] which concluded in May 2024.

results of the approach without explaining with any detail how those results were achieved. For example, the director of the [redacted] provides the following:

> The methodology developed by [the Petitioner] is based on the principle of conscious self-management of one's emotions, state, and actions. It establishes an innovative structure for a therapeutic session, during which the integrity of the personality is restored, the range of choices expands, and the ability to respond adequately is regained. The uniqueness of this approach lies in the fact the [the Petitioner] managed to translate a complex neuropsychological model of brain functioning into the language of accessible metaphors and practical exercises.

The letter goes on to list percentages by which patient's improved according to various metrics, but provides no further detail on why the Petitioner's methodology is described as "innovative" or how "metaphors and practical exercises" led directly to the stated improvements.

Further, while both hospital officials report results of trials of the methodology, it is not apparent whether these figures came from the Petitioner or were independently verified by hospital psychologists or other staff, as they do not reference published research results or include specifics regarding the trials. Detailed letters from experts that explain the nature and importance of an original contribution may provide valuable information and context, but letters that are vague and not supported by corroborating evidence in the record are less probative. *See generally* 6 *USCIS Policy Manual* F.2(B)(1). The Petitioner asserted in her RFE response that the director of [redacted] supervised the clinical trials, but he makes no such statement in his letter. We also note that neither of these hospital officials indicate that they have a background in psychology and are thus able to provide expert opinions on the "innovative" nature of the Petitioner's methodology or on its effectiveness in treating psychological disorders.

Similarly, while the third and fourth letters described above indicate that the [redacted] is in the process of being introduced across medical facilities in the [redacted] region, the record does not include documentary evidence to verify and explain the implementation process.

Finally, we note that even if the evidence was sufficient to show both the originality of the Petitioner's [redacted] methodology and that it has been adopted at medical facilities throughout the [redacted] region, she has not shown that this level of adoption or implementation of her work would show that it is of major significance in the field of psychology. While the [redacted] official states in her letter that [redacted] "has been officially recognized at the national level," it then goes on to describe only its regional implementation. The official's endorsement of future expansion of the method does not serve to establish that the Petitioner's contribution has already remarkably impacted or influenced the field of psychology, whether in Kazakhstan or abroad.

The Petitioner also asserts on appeal that her method was included in the academic curricula at a psychology institution in Russia, and thus will impact students of the institution worldwide. A letter from a "leading lecturer" at the institution lauds the "potential" of the "reality strategy" methodology and states that it is a part of the training program for psychology students. Another letter, from the senior lecturer at the institution, indicates that the training developed by the Petitioner, titled [redacted] was integrated as a module for one of the institution's core courses. The same

writer indicated in an earlier letter that the Petitioner's training "has greatly enhanced communication skills among our students." However, a list of courses and modules offered by the institution, which was taken from its website and submitted with the Petitioner's initial filing, does not reference that title or the term "reality strategy." And even assuming the statements from the lecturers are accurate, the Petitioner has not demonstrated how her contribution to this institute's curriculum represents a wide implementation of her work within the field of psychology. *See Amin v. Mayorkas*, 24 F.4th at 393-394 (finding that contributions which were not adopted beyond a petitioner's employer do not meet this criterion). Notably, the claims regarding the potential scope and reach of this training are not supported in the record.

For all of the reasons discussed above, we conclude that the Petitioner has not established that she meets this criterion.

3. Authorship of scholarly articles in the field

The regulation at 8 C.F.R. § 204.5(h)(3)(vi) calls for "[e]vidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." In academia, a scholarly article reports on original research, experimentation, or philosophical discourse, is generally peer reviewed, and may be published in professional or scientific journals or conference presentations. In other fields, a scholarly article should be written for others having profound knowledge in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

To determine whether the publication qualifies as a professional or major trade publication or other major media, we consider such relevant factors as the circulation or readership relative to other media in the field and the intended audience (for professional journals). *Id.*

SCOPS determined that the Petitioner met this criterion, but did not include an analysis stating which evidence met all of its elements. We first note that both of the articles written by the author which were submitted in response to SCOPS' RFE were published after the date the petition was filed, and in fact were published after the RFE was issued. A petitioner must meet eligibility requirements for the requested benefit at the time of filing the petition. 8 C.F.R. § 103.2(b)(1). Therefore we will not consider these two articles published in *Psychologist* and *Society: Sociology, Psychology, Pedagogy* under this criterion.

As for the other articles submitted with the Petitioner's initial filing, the evidence does not show that several of them were written for others having profound knowledge in the field of psychology. For example, the article published on the website www.hardlife.kz includes an abstract stating that it [redacted]. Another article, co-authored by the Petitioner and published in *Current Problems of the Present*, focuses on the use of technology in education and is listed under the [redacted] section of the journal's table of contents, so is not in the Petitioner's field of psychology.

Two additional articles written by the Petitioner target not other psychologists but potential clients. The article [redacted] which was published in *Mekter* includes two client stories preceded by the sentence "[m]y clients' results speak for themselves," and concludes with an invitation to visit the Petitioner's website. Similarly, an article appearing in *Educated Country* promotes her

[redacted] school, and would not be of interest to an individual who already possesses profound knowledge in the field of psychology. Such promotional material cannot be considered to be scholarly in nature.

The remaining articles authored by the Petitioner, which may or may not be scholarly in nature, were not published in professional or major trade publications or other major media. The evidence indicates that journals including *Bilim-Teniz*, *Oqu-Zaman*, and *Mekter* are not professional journals in the Petitioner's field of psychology, but are more broadly oriented in the field of education and not exclusively intended for professionals. Beyond the full title of the journals which specifies this ("*Bilim Teniz* Republican Pedagogical Journal" for example), the table of contents for the journals includes some titles which clearly do not pertain to the field of psychology or any other profession. For example, the [redacted] 2024 edition of *Bilim Teniz* lists articles such as '[redacted]' Similarly, the table of contents for the [redacted] 2024 edition of *Oqu-Zaman* includes articles titled '[redacted]' and '[redacted]' indicating that the content of these articles is not professional in nature or intended for professionals in the field of psychology.

In addition to not qualifying as professional media, the record does not include circulation or readership data for the magazines, journals, and websites in which the Petitioner's articles were published. *See Noroozi v. Napolitano*, 905 F. Supp. 2d 535, 545 (S.D.N.Y. 2012) (pointing out the petitioner "did nothing to establish that the publications in which these articles appeared had the requisite level of circulation"). The Petitioner has therefore not shown that any of these would qualify as major trade publications or other major media.

Per the preceding analysis, we disagree with and withdraw SCOPS' determination regarding this criterion and conclude that the Petitioner has not established that any of the articles she authored meet all of its elements.

4. Additional Evidentiary Criteria

SCOPS also concluded that the Petitioner had not established that she has commanded a relatively high salary, or significantly high remuneration, per the criterion at 8 C.F.R. § 204.5(3)(3)(ix). But we need not discuss this additional criterion. As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3), the identified basis for denial is dispositive of the appeal. We therefore reserve the issue of whether the Petitioner meets this evidentiary criterion. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

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 she 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. at 25.

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.