U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42388375

Date: APR. 29, 2026

Motion on Administrative Appeals Office Decision

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

The Petitioner, an art history professor and researcher, 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 the Petitioner did not establish, as required, either a one-time achievement or that she met at least three of the ten initial evidentiary criteria for this immigrant classification. SCOPS determined the Petitioner only met two of the ten initial criteria. The Petitioner later filed an appeal. On appeal, we determined the Petitioner met one additional criterion, and as a result, that she met at least three of the ten initial evidentiary criteria. However, we concluded following a final merits determination that she did not establish sustained national or international acclaim or that she is among the small percentage at the top of her field. The matter is now before us on a combined motion to reopen and reconsider.

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). Upon review, we will dismiss the motions.

I. MOTION TO REOPEN

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. § 103.5(a)(1)(i), (ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

As discussed, we dismissed the prior appeal concluding that, following a final merits determination, the Petitioner did not sufficiently establish that she had sustained national or international acclaim,[1] is among the small percentage at the very top of the field of endeavor, and was recognized in the field through extensive documentation.[2] In making this determination, we reasoned that the limited press coverage the Petitioner received between November 2023 and August 2024 was not consistent with sustained national or international acclaim, nor had she shown how her media coverage was indicative of a level of success consistent with being among that small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act; *See* 8 C.F.R. § 204.5(h)(2). Although we acknowledged the Petitioner's participation in peer review, we stated that this was not reflective of an individual with an "elite reputation" as claimed in the field consistent with sustained national or international acclaim, but instead may reflect expertise in the field, a lower threshold than being at the very top of her field. We also noted that the Petitioner did not provide sufficient supporting evidence to establish that the journals for which she provided peer review were top ranked. We concluded that although the record showed that the Petitioner occasionally evaluated others' work since earning her Ph.D., it did not demonstrate how performance of peer review activities and trainee candidate interviews elevated her above most others in the field.

In addition, we indicated the Petitioner did not provide sufficient support to establish that her publication in certain journals was an accomplishment only achieved by those at the top of the field. We stated that the evidence reflected that the Petitioner had contributed to the pool of knowledge in her field, but that this alone was not reflective of sustained national or international acclaim. We noted that the Petitioner did not show that citations to her published research demonstrated recognition at a level consistent with being among the small percentage at the very top of her field. Furthermore, we addressed support letters submitted from the Petitioner's colleagues within the field, indicating that these letters summarized aspects of her work and praised her skills and contributions as a scholar, but they did not address whether her specific achievements were widely recognized in her field and otherwise did not demonstrate that she has garnered the sustained national or international acclaim required for this classification.

On motion, the Petitioner submits "follow-up letters" from the colleagues who provided previous support letters, a "special report" from [redacted] 2023 published in China Weekly discussing the Petitioner's "remarkable achievements," and another article from [redacted] 2026 in China Daily she stated reflects the national reputation of the [redacted] where she asserts she plays a leading role. The Petitioner contends that the evidence demonstrates in its totality that the Petitioner "has impacted or advanced the field in a way that renders her nationally or internationally acclaimed."

Upon review, the Petitioner has not submitted sufficient new documentary evidence to establish her eligibility for the benefit sought. The Petitioner provided supplementary support letters from the same colleagues within the field who previously provided support letters; however, these add little additional probative value to demonstrate that she had sustained national or international acclaim and was among

[1] *See generally* 6 *USCIS Policy Manual* F.2(A)(1), https://www.uscis.gov/policy-manual (stating that the definition of "sustain" is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time").

[2] We analyze an individual's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[2]

the small percentage at the very top of the field of endeavor. For instance, the additional letter from Professor J-R- at [redacted] at [redacted] discusses the Petitioner's "international reputation and lasting impact" and her "pioneering work," asserting that it not only added to the field, but "changed how scholars conceptualize the relationship between image, ritual, and society" becoming a reference point for subsequent research. However, the supplementary letter from Professor J-R- adds little additional support for these broad assertions regarding the Petitioner's position within the field, such as how her work "reshaped" the field of medieval Chinese art. Further, the letter from Professor J-R- emphasizes the Petitioner's "forthcoming book" [redacted], leaving uncertainty as how a book that has yet to be published could have "defined the field.[3]" Professor J-R- also states that the Petitioner has proposed new understandings "of how landscape images functioned across media and social contexts" and how Chinese art history can be "rethought through innovative methodology." Again, this assertion suggests that the Petitioner introduced new proposed understandings in her field and contributed to it, yet there is little support to show that her ideas have been widely accepted or that she is considered to be at the very top of her field as a result. The letter indicates that she has been gaining "increasing attention" and that she is a leading figure among "mid-career scholars," leaving question as to whether she is has garnered the sustained national or international acclaim required for this classification.

In addition, Dr. C-L-, a professor at [redacted], asserts in a letter that the Petitioner is widely recognized for setting new scholarly standards rather than merely contributing to incremental findings and that she has "begun to reshape how artistic circulation, technological transfer, and visual interaction maritime routes [sic]." Notably, the letter from Dr. C-L- asserts that the Petitioner has only *begun* [emphasis added] to reshape these concepts within the field and that they are "increasingly central," but not that she has reshaped the field or that her theories have been widely accepted and implemented, which might reflect an individual of sustained acclaim at the very top of their field. Dr. C-L- also vaguely mentions the significance of the Petitioner publications yet does not explain the publications then in detail and their impact on the field. Once again, the statements in the additional support letter from Dr. C-L- suggest that the impact of the Petitioner's work on the field is instead emerging and not reflective of an individual that can currently show sustained acclaim and is at the very top of the field.

Another additional support letter from X-B-, a Chinese artist and [redacted], describes the Petitioner as "the most important scholarly figure since [redacted] of the [redacted]" who can "genuinely bridge Chinese and Western Art approaches to art history." X-B- asserts that the Petitioner's work demonstrates "how changes in artistic and calligraphic forms are inseparable from broader social and political transformations." X-B- also states that the Petitioner is "a pivotal figure capable of reshaping how East Asian visual culture is studied, interpreted, and applied internationally." Again, X-B's contentions regarding the impact of the Petitioner's work are questionably prospective, stating that she is "*capable* [emphasis added] of reshaping" East Asian visual culture, but not that her work has had widespread impact and actually has reshaped the field. For instance, the letter also states that she "can" bridge Chinese and Western Art approaches to art history, not that she already has. In addition, X-B- compares the Petitioner to

[3] An applicant or petitioner must establish that he or she remains eligible for the benefit sought from the time of filing and continuing through adjudication. 8 C.F.R. § 103.2(b)(1); *Matter of Kazemi*, 19 I&N Dec. 49, 51 (BIA 1984) ("We have long held that an application for admission to the United States is a continuing application and admissibility is determined on the basis of the law and the facts existing at the time the application is finally considered.").

'[redacted] of the [redacted]," but does not describe and document the accomplishments of this professor to give context to this assertion.

In sum, the supplemental letters from colleagues provided on motion are very similar to those already submitted and they provide little additional probative value in demonstrating that the Beneficiary has received sustained acclaim and risen to very top of her field. As we discussed in our previous decision, the supplementary letters attest to the Petitioner's skills and accomplishments, but they do not establish her extraordinary ability when considered in the totality of the evidence. The letters do not claim, nor do their contents indicate, that the Petitioner has achieved national or international acclaim from the field or attracted a level of attention placing her at the very top of her field. *See Jafarov v. USCIS*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding testimonial letters were insufficient to establish his relative status in the field and do not compare him to others). As noted, the letters state that the Petitioner's work is still emerging and that it could reshape the field, but not that it has already had this impact. The Petitioner's colleagues also did not provide sufficient information and explanation to demonstrate how the Petitioner is viewed by the overall field, rather than by a solicited few. *Mishra v. Richardson*, No. 1:20-cv-991 (LMB/TCB), 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding that none of the plaintiff's letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim). Although the letters highlight the Petitioner's work, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Bodhankar v. USCIS*, No. 1:19-CV-706 (MAD/CFH), 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the submitted letters failed to establish the plaintiff's contributions resulted in significant acclaim).

On motion, the Petitioner also points to her detailed interview with a famous journalist '[redacted]' titled '[redacted]" on the program [redacted]." The Petitioner states that this interview discusses the Petitioner's "major research breakthroughs" on a popular Chinese audio platform with over two million subscribers. The Petitioner further points to a "special report" dated in [redacted]2023 published in China Weekly "one of China's most influential magazines." The Petitioner indicates that this article details her "endeavor and remarkable achievements."

However, the interview and article do not represent new documentary evidence, as they were already submitted on the record and previously considered. Regardless, as we stated in our previous decision, the Petitioner did not provide comparative statistics for other Chinese podcasts showing that the [redacted] program in which she appeared represented a form of major media.[4] *See Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *5 (E.D. Wis. Nov. 4, 2024) (indicating that the failure to provide context to circulation figures makes it difficult to assess their significance). Likewise, the Petitioner did not demonstrate that the article about her in China Weekly was published in major media, as we discussed in our prior decision, since the information about *China Weekly* and its circulation was from the publisher. *See Victorov v. Barr*, No. CV 19-6948-GW-JPRX, 2020 WL 3213788, at *8 (C.D. Cal. Apr. 9, 2020) (upholding self-promotional material from the website was not especially reliable evidence). It is noteworthy that the Petitioner does not address these evidentiary insufficiencies on motion with additional evidence.

[4] *See* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that evidence of published material for major trade publications and other major media should establish their "relative circulation, readership, or viewership."

In addition, the Petitioner has not demonstrated that the limited press coverage she received from November 2023 until August 2024 was consistent with the sustained national or international acclaim necessary for this highly restrictive classification. *See* section 203(b)(1)(A) of the Act. Nor has the Petitioner shown how her overall media coverage is indicative of a level of success consistent with being among that small percentage who has risen to the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). Thus, the Petitioner has not established that the limited media reporting on her and her activities is reflective of a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required" for lesser classifications. 56 Fed. Reg. 30703, 30704 (July 5, 1991). The Petitioner's minimal media exposure does not meet this very high standard. *See Amin v. Mayorkas*, 24 F.4th at 386-87 (stating that the narrow definition reflects the stringency of the extraordinary ability standard). The Petitioner has not addressed these reasonable conclusions made in our prior decision with additional evidence to demonstrate that press coverage of her work reflected sustained acclaim and her being at the very top of her field.

The Petitioner also discussed her leading role with the [redacted] established in 2024 and submits an article dated in [redacted] 2026 in China Daily discussing the institute and its research programs and courses. The Petitioner contends this establishes her having a leading role for an academic institute with a prestigious reputation. However, the Petitioner does not clearly articulate how her involvement with [redacted] demonstrates her sustained acclaim and her being at the very top of her field. Notably, the article does not discuss the Petitioner's role with the institute, nor does it support the conclusion that it has a prestigious reputation. The article only discusses the institute's plans to build a center for art history research and other trends in the field of art education. As we noted in our prior decision, the Petitioner did not offer evidence showing the distinguished reputation of the [redacted]. The additional article provided on motion does not sufficiently address this evidentiary deficiency and support the assertion that the Beneficiary played a leading role with an academic institute with a prestigious reputation as claimed.

In sum, in considering the totality of the evidence, the Petitioner has not submitted sufficient new facts supported by documentary evidence to demonstrate her eligibility for the requested benefit and to overcome our prior dismissal of the appeal. As such, the motion to reopen will be dismissed.

II. MOTION TO RECONSIDER

A motion to reconsider must establish that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. § 103.5(a)(1)(i), (ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit.

On motion, the Petitioner provides little discussion as to how our prior decision represented an incorrect application or law or policy. The Petitioner's contentions on motion are overwhelmingly focused on the claimed new documentary evidence we have discussed in the prior section. The

exception to this is the Petitioner's discussion of her citation record. The Petitioner asserts that we acknowledged a high citation record for her work and thereby her claimed sustained acclaim and top position within the field.

When discussing the Petitioner's publication and citation history, we indicated that the Petitioner did not provide sufficient evidence that her publication in the listed journals was an accomplishment only achieved by those at the top of the field, or one which automatically elevates a researcher to that level, particularly since authoring scholarly articles is often inherent to the work of professors and researchers in academia. We further stated that the Petitioner did not discuss how many of her citations were self-citations and reasoned that the comparative ranking for three works was not sufficient to establish that she is recognized as being among the small percentage of academics at the top of her field. We also reasoned that the Petitioner's discussion of her citation frequency was strictly quantitative and that she did not sufficiently provide context and discuss the reason for her citations, involving qualitative analysis. We concluded that, overall, the Petitioner did not show that the citations to her published research demonstrated recognition at a level consistent with being among that small percentage at the very top of her field. *See* 8 C.F.R. § 204.5(h)(2). We further indicated that the statute requires "extensive documentation," while the Petitioner only relied on metrics and data to mathematically attempt to place herself at the top of the field. We stated that, however, the record did not sufficiently demonstrate the relevance and reliability of the metrics and comparative data provided and lacked other persuasive evidence of her sustained acclaim.[5]

The Petitioner contends on motion that her "heavy citation record" indicates that others in the field are "paying close attention to and showing great interest in [her] work," suggesting that she is a "nationally/internationally" acclaimed scholar. However, this contention merely reiterates the Petitioner's prior assertions and she provides little indication as to how we erred in our prior reasoning. The Petitioner does not specifically articulate how her citations place her at the top of her field, nor does she discuss the qualitative nature of her citations. As noted, many in academia may have significant citations to their work without having sustained acclaim or being accepted as at the very top of their field.

As such, the Petitioner did not demonstrate that our conclusions with respect to her published works and our determination on the final merits were inconsistent with applicable law and policy. Therefore, the motion to reconsider must be dismissed.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.

NOTICE: 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.

[5] *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(2) (stating that "[d]epending on the field and the comparative data the petitioner provides" evidence demonstrating the total rate of citations is high relative to others "*may* indicate a person's high overall standing").