U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42254177

Date: APR. 30, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a materials scientist, 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.

SCOPS denied the petition, concluding that although the record establishes that the Petitioner satisfied at least three of the ten initial evidentiary criteria, as required, the totality of the evidence did not show, in a final merits determination, that the Petitioner has received sustained national or international acclaim and that he is among the small percentage at the very top of the field of endeavor. 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

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 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 criteria 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is 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.

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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (upholding USCIS' two-step review process as "consistent with the governing statute and regulation").

II. ANALYSIS

The Petitioner claims to have extraordinary ability in polymer chemistry. He attended [redacted] in Pakistan where he earned a Bachelor of Science in chemistry, botany and zoology, thereafter, earning a Master of Science in organic chemistry from [redacted] Pakistan and a Ph.D. in polymer chemistry and physics from [redacted] in China. After earning his Ph.D. in 2020, he worked as a post-doctoral researcher and as an associate professor for the [redacted] in China.

The Petitioner currently works as an associate professor at the [redacted] in China. He states that he specializes in "advancing the field of polymer science through teaching, mentorship, and high-impact research." His research "focuses on the development of sustainable and biodegradable polymers, polymer-based composites for energy and environmental applications, and material innovations addressing plastic-related environmental challenges." The Petitioner intends to work in the United States in his field by pursing a position as a synthetic organic/polymer chemist at [redacted] in New Jersey, or at a similar institution.

A. Evidentiary Criteria

Because the Petitioner has not claimed or established receipt of 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 initially claimed to have met five criteria:

- Membership in associations which require outstanding achievements of their members;
- Participation as a judge of the work of others;
- Original contributions of major significance to the field;
- Authorship of scholarly articles in the field in professional or major trade publications or other major media; and
- High salary or renumeration in relation to others.

8 C.F.R. § 204.5(h)(3)(ii), (iv) - (vi), (ix).

SCOPS determined the Petitioner met three of the claimed evidentiary criteria, namely participation as a judge; authorship of scholarly articles; and high salary. However, in a final merits determination, SCOPS concluded that the Petitioner did not demonstrate that he garnered sustained national or international acclaim and that his achievements have been recognized in the field of endeavor, demonstrating he is one of that small percentage who has risen to the very top of the field.

Because SCOPS concluded that the Petitioner established three of the initial criteria, on appeal we will review the totality of the evidence in the context of a final merits determination below. *See generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policymanual.

B. Final Merits Determination

In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has 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 v. USCIS*, 596 F.3d at 1119-20.[1] Because extraordinary ability is an elite level of accomplishment whose recognition necessarily entails a judgement call, it cannot be established through meeting at least three of the evidentiary criteria alone. *See Amin v. Mayorkas*, 24 F.4th at 394-95. The final merits determination is the ultimate statutory inquiry of whether the Petitioner has extraordinary ability, as demonstrated by a preponderance of the evidence his sustained national or international acclaim, he is one of the small percentage at the very top of the field of endeavor, and his achievements have been recognized in the field through extensive documentation.

On appeal, the Petitioner asserts that SCOPS did not properly evaluate the evidence under the standard set forth in *Kazarian*. When evaluating the evidence in its totality, he claims the record demonstrates his extraordinary ability in chemistry based on his extensive independent citations, influential publication of his work in top-tier scientific journals, and a career of acclaimed work that is widely recognized and relied upon by the international scientific community. When considered together, he claims the evidence places him among the small percentage of scientists at the very top of the field of chemistry.

[1] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (instructing that USCIS officers should consider the petition in its entirety to determine eligibility according to the standard – sustained national or international acclaim and the achievements have been recognized in the field of expertise, indicating that the person is one of that small percentage who has risen to the very top of the field of endeavor).

We have reviewed the record in the aggregate and agree with SCOPS that the Petitioner has not established eligibility as a person of extraordinary ability, as discussed below.[2] The record includes evidence of his participation as a judge of the work of others in his field, authorship of scholarly articles, and high salary in relation to others in his field. We have also considered evidence related to memberships in associations and original contributions of major significance in the field. However, in considering the totality of the evidence, the Petitioner has not demonstrated that his achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. 1990 U.S.C.C.A.N. 6710, 6739. Furthermore, the Petitioner has not shown that he has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3). The commentary for 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. The Petitioner has not established that he enjoys a career that meets 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).

For membership in associations, the Petitioner provided evidence showing he has been an editor for the journal [redacted] an associate editor for the journal [redacted] and a guest editor for three special issues of [redacted] and for a special issue of *Sustainability*. The Petitioner, however, did not show that he has been recognized for his editorial roles or that his editorial roles resulted in sustained national or international acclaim or a career of acclaimed work. *See Donskoy v. USCIS*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *5 (N.D. Cal. Nov. 11, 2021) (upholding the petitioner's membership did not demonstrate the requisite level of achievement or sustained acclaim to establish extraordinary ability). Moreover, the Petitioner did not demonstrate how any of his editorial roles reflect that small percentage who has risen to the very top of the field of endeavor. The record, for instance, does not contain evidence indicating that he received national or international recognition based on his editorial roles, or that he has distinguished himself from others in the field based on his editorial roles, gaining national or international attention or placing him among the upper echelon in his field.

For his service as a judge of others, the Petitioner submitted evidence that at the time of filing, he peer-reviewed two Ph.D. thesis papers and approximately 90 journal manuscripts in various subject categories, including chemistry, materials science, polymer science, environmental science and ecology, and engineering. In addition, he provided evidence that he contributed to editorial roles for scientific journals, as discussed above. He claims that according to Web of Science, his peer-review activity places him among the top one percent of reviewers globally in his field, thereby "reflecting an exceptional level of scholarly trust and responsibility accorded to only a very small fraction of researchers." While the Petitioner argues that his peer-review and editorial roles for journals which have high impact factors reflects his expertise and his sustained engagement as a recognized authority in the field, he has not, however, established that the noteworthy journals the appeal brief names relied on his expertise to perform peer review, that this is representative of one who is 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). *See* 8 C.F.R. §204.5(h)(2).

An evaluation of the significance of his judging experience is appropriate to determine if such evidence

[2] While we may not discuss every document submitted, we have reviewed and considered each one.

is indicative of the extraordinary ability required for this highly restrictive classification. *See Kazarian v. USCIS*, 596 F.3d at 1121-22; *see generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (stating that an individual's participation should be evaluated to determine whether it was indicative of being one of that small percentage who have risen to the very top of the field of endeavor and enjoying sustained national or international acclaim). For instance, he did not establish that he garnered wide attention from the field based on his work reviewing students' thesis papers, reviewing the 90 journal manuscripts, or performing his editorial roles. Although his service is important, the Petitioner has not sufficiently refuted with evidence distinguishing his judging experience from others in the field. While he points out that some of the journals have high impact factors, the Petitioner did not show that performing reviews for highly ranked journals represents his status as being among the very top of his field, nor are we persuaded that anybody who conducts reviews for more prestigious publications automatically reflects sustained national or international acclaim.

Likewise, authorship and publication do not automatically place one at the top of the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that the second step requires USCIS to evaluate the person's publications to determine whether it is indicative of being one of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim). The Petitioner provided evidence reflecting that at the time of filing, he authored 96 publications with 2,098 citations. In addition, he submitted evidence with his request for evidence reply that his record expanded to 103 publications and 2,399 citations, asserting these post-filing achievements demonstrate his sustained acclaim and recognition of his work in the field.

The Petitioner, however, did not show the significance of the number of his authorships or how his publication record compares to others who are viewed to be at the very top of the field. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding it reasonable for USCIS to focus on the fact that a publication record of six publications over seven years inconsistent with a career of acclaimed work and sustained national or international acclaim). For instance, he did not specify his contributions coauthoring the publications or how many citations were self-citations by him or his coauthors. Without further evidence, he did not demonstrate that his publication record is consistent with having a career of acclaimed work, sustaining national or international acclaim, and being among the small percentage at the very top of his field.

The Petitioner maintains that at the time of filing, at least 38 of his publications are among the most highly cited in the field of chemistry for their years of publication, providing a list of the publications and their citation rates, together with Clarivate Analytics data regarding baseline citations rates and percentiles by year of publication for chemistry and other fields. On appeal, the Petitioner asserts that according to Clarivate Analytics and its Essential Science Indicators (ESI), he is ranked among the top 1% of authors in the field of chemistry. The Petitioner indicates, "an author needs at least 2,362 citations" and he has "2,567 citations" with at least 20 of his papers being among the top one percent most highly cited in the field of chemistry for their respective years of publication, which he claims demonstrates "the significant impact of [his] research." For instance, he points out that his highest-cited article titled, [redacted]" published in 2022 in *Polymers* had received 333 citations at the time of filing and is "one of the top 0.01% most-cited articles published in [c]hemistry field in 2022." And his second highest-cited article, [redacted] published in 2021 in *Journal of Polymers and the Environment* had received 187 citations at the time of filing, and he claims it is "one of the top

1.00% most-cited articles published in [c]hemistry field in 2021." He asserts that his record authoring multiple highly-cited articles ranking among the top most-cited articles in his field for their respective years of publication reflects his impact in the field, demonstrates proof of his sustained acclaim, and is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor.

However, as discussed above, the Petitioner did not provide details of his contributions as coauthor to these publications and did not advise whether he factored in any self-citations in determining their percentile rankings. For instance, the Petitioner's highest cited article titled, '[redacted]' indicates the Petitioner was not a lead author and that his coauthor contribution was limited to investigation and visualization. For his second most cited article titled,[redacted] he does not provide evidence of his coauthor contributions. The Petitioner did not provide credible documentation establishing that his publication percentiles garnered sustained national or international acclaim. Even if we accepted his claims that his 28 publications are among the most highly cited in the field of chemistry for their years of publication, which we do not, the Petitioner did not demonstrate that such rankings or citations place him among the very top of the field. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (upholding the Petitioner did not show the significance of authorships reflecting that he is among the small percentage at the very top of the field).

In addition, the Petitioner emphasizes that his research has been published in high impact journals, such as *Nano-Micro Letters*, *Advanced Functional Materials*, *Nano Energy*, *Advances in Colloid and Interface Science*, *Small*, and *Journal of Cleaner Production*, which reflects a high level of peer validation. While we agree it is notable that he was published in top ranked journals, the Petitioner has not submitted evidence demonstrating his published articles have resulted in sustained national or international acclaim. A high ranking or impact factor is reflective of the publication's overall citation rate. However, the evidence does not establish that the Petitioner's research being published in a journal with a high impact factor shows that his work has been widely recognized in the field. He therefore has not shown that the publication of his work in these journals has garnered national or international acclaim. We must look at the totality of the evidence to determine whether the Petitioner has demonstrated sustained national or international acclaim in his field. The published material submitted does not indicate that the Petitioner has risen to the level of those in the top of his field. Simply because the Petitioner's work was "original" in that it did not merely duplicate prior research is not useful in setting him apart through a "career of acclaimed work." H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

Moreover, in support of his original contributions, the Petitioner submitted evidence related to four of his research projects. He emphasizes that his research findings were published in well-cited, peer-reviewed journals, have been relied on by others in his field for their research work, and have contributed to advancements in his field. Although the documentation indicates some recognition of his work, the Petitioner did not demonstrate the significance of this recognition, so as to show that he has garnered national or international acclaim. Likewise, the Petitioner provided evidence reflecting that his research has been funded by the National Natural Science Foundation of China and other funding sources. Again, the Petitioner did not submit needed context regarding the relevance of this funding. For instance, the Petitioner did not establish that these funding sources are exclusive, limit funding to those with distinguished reputations in the field, or otherwise reflect national or

international acclaim and placing him among the small percentage at the very top of his field. *See Donskoy v. United States Citizenship & Immigr. Servs.*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *6 (N.D. Cal. Nov. 11, 2021) (finding the Petitioner did not establish that he garnered sustained national or international acclaim for his contributions and his achievements have been recognized).

For his first research project, he claims his research understanding polymerization activity through advanced catalytic system studies "provides valuable insights into catalyst design and cocatalyst selection, advancing the development of more efficient and sustainable EPDM production processes for industrial applications." He emphasizes that his research findings contributed to advancements in his field and were published in three well-cited, peer-reviewed journals, namely 29 citations for his article in *Journal of Macromolecular Science, Part A: Pure and Applied Chemistry*, 26 citations for his article in *Molecules*, and 30 citations for his article in *Polymers*. A review of the record, however, indicates that more than half of the citations for each of the three articles are self-citations. In addition, the Petitioner claims recommendation letters from Dr. L-G- and Dr. Z-F- confirm he has provided significant contributions to his field, thereby showing his acclaim in the field. While the Petitioner's colleagues indicate they have collaborated with the Petitioner, verify his research experience in the field of olefin polymerization, and his research has contributed to his field, they do not indicate that the Petitioner's research resulted in national or international recognition or distinguished him from others in the field.

For his second project, the Petitioner claims his research advanced zinc battery technology by studying zinc battery performance through novel electrolytes and coatings which provided "critical insights into [zinc] anode stabilization strategies, offering practical solutions to enhance battery efficiency, longevity, and safety." The Petitioner indicates his research was published in well-cited, peer-reviewed journals and has been well-recognized as contributing to his field. While the Petitioner submits evidence relating to his journal articles and their citation record, he does not indicate whether the citation record includes self-citations. In addition, the Petitioner submitted letters of recommendation from Dr. S-P- and Dr. B-L-, who indicate that although they have not collaborated with the Petitioner, they are familiar with his research. The letters, however, lack details and mainly summarize the Petitioner's research work and achievements in his field. For instance, Dr. B-L- states being "well-acquainted with [the Petitioner's] remarkable achievements through his influential research" and that "[his] research is making significant contributions to the advancement of aqueous and non-aqueous zinc batteries, addressing critical challenges that hinder their commercialization." The authors describe the Petitioner's research with zinc batteries and it providing "valuable insights" for designing future energy storage technologies.

For his third project, the Petitioner analyzed the latest advancements in cellulose and its derivatives, claiming his research in cellulose modifications and sustainable bio-based polymers "advances sustainable materials by integrating cellulose science, polymer engineering, and structural applications, ensuring long-term biomass sustainability and green processing implementation." In support of his claims, he submitted evidence that he coauthored three peer-reviewed journal articles related to the research. The articles, however, indicate that the Petitioner was not a lead contributor to the published research work. For instance, the Petitioner's highest-cited article published in *Polymers* with 333 citations indicates the Petitioner's coauthor role was not as a lead, but for visualization. His second highest-cited article published in *Journal of Polymers and the Environment* with 187 citations indicates another individual was the first author. And the third article published in

Journal of Applied Polymer Science indicates the Petitioner contributed with data curation. In addition, the Petitioner submitted a letter of recommendation from Dr. B-Y-, indicating that the Petitioner's research compliments Dr. B-Y-'s research "providing a strong foundation for further exploration" on "biochar-based material modification, sustainability, and environmental applications." Dr. B-Y- explains that the Petitioner's work studying cellulose and its derivatives "highlights breakthroughs in synthetic polymer strategies and green processing techniques for sustainable cellulose production, emphasizing its role in environmental preservation and circular economy." Another letter from Dr. M-S- indicates that although Dr. M-S- has not collaborated with the Petitioner, Dr. M-S- is acquainted with his work through his publications. Dr. M-S- summarizes the Petitioner's research studies, generally noting his expertise and research is "impactful research in polymer science, organic synthesis, and energy storage . . . ." noting that "[h]is contributions to sustainable technologies and advanced functional materials hold significant promise for advancing innovation within both the U.S. academia and industry."

For his fourth project, the Petitioner indicates his research developed innovative wearable graphene sensors and smart performance monitoring "using laser-induced graphene (LIG) from polyimide (PI) film" and "integrated it into cotton sports fabric for volleyball sportswear" for "real-time monitoring of volleyball reception, finger touch fouls, spike force, and player tracking." He claims his "work highlights LIG technology's eco-friendliness, design flexibility, and scalability from smart wearables" and "provides valuable insights into integrating smart electronics into textiles, laying the groundwork for future developments in sustainable, high-performance wearable electronics." While his article published in *Nanotechnology* had 101 citations, the Petitioner does not indicate his contributions as coauthor. For the second article published in *Nano-Micro Letters*, the article indicates that the Petitioner contributed to revision, original draft writing, literature retrieval, and screening. A letter of recommendation from Dr. B-L- makes general statements about the significance of the Petitioner's research, stating, it "is making significant advancement in the field of wearable electronics." In addition, a letter from Dr. K-Z- states that the Petitioner's research has been "recognized within the scientific community for its potential to support innovative technologies, including performance monitoring and real-time feedback systems in sports training."

The letters of recommendation are not sufficiently persuasive to demonstrate that the Petitioner is viewed by the overall field, rather than by a solicited few, among the upper echelon or that he has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor. *Mishra v. Richardson*, No. 120CV991LMBTCB, 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). The letters do not contain sufficient information and explanation of the Petitioner's research work, and instead, generally highlight the Petitioner's academic achievements and research with a few colleagues indicating their personal implementation of the Petitioner's work into their own research work. Letters that make general and expansive statements regarding the Petitioner and the Petitioner's accomplishments are generally not persuasive. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3). The letters do not claim, nor does the content show, that the Petitioner achieved national or international acclaim from the field. Moreover, the letters do not demonstrate that the Petitioner has attracted a level of attention placing him at the very top of his field. In addition, the letters do not show that he has enjoyed a career of acclaimed work. *See Jafarov v. United States Citizenship & Immigr. Servs.*, 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). 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. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 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).

Finally, although the Petitioner documented his income as an associate professor at [redacted] for 2025, the Petitioner did not establish that he commanded earnings commensurate with sustained national or international acclaim. The Petitioner provided a salary certification letter and his employment contract which indicate he earns an annual salary of RMB 300,000. The Petitioner did not show that his annual salary is tantamount to an individual who is among that small percentage at the very top of the field of endeavor. He submitted a document about 2025 job postings at [redacted] indicating the basic salary for "an associate professor/associate researcher" is about RMB 230,000. In addition, he provided two employment contracts, one for an associate professor at [redacted] earning RMB 12,800 monthly salary and another for an associate professor earning RMB 200,000 annually with a research start-up fee of RMB 200,000 for teaching and scientific activities. He did not demonstrate, for example, how his annual salary compares to others at the very top of the field or other renowned associate professors in his field or that he received notoriety or attention based on his salary separating himself from others in the field or placing him in the upper echelon. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (finding that the plaintiff's high salary was not so high as to indicate that he has risen to the very top of the field).

We note that the evidence indicates that in addition to his annual salary, [redacted] provided him with a one-time research start-up fee of RMB 500,000, stating in the certification, "the research start-up fund of RMB 500,000 provided to [the Petitioner] represents a significantly high level of remuneration relative to standard faculty packages, and is provided exclusively to distinguished faculty for research excellence." However, the certification also states the Petitioner's "Total Value of Annualized Compensation" is RMB 300,000 and specifically states the one-time research fund amount is excluded from the Petitioner's annual compensation. Moreover, the evidence indicates that the one-time research fund is allocated for research support and limited for use "on teaching and scientific activities" during the Petitioner's service to [redacted] The Petitioner has not explained or provided evidence to understand the limited use of the one-time research fund on teaching and scientific activities, and how such one-time research fund make him among that small percentage at the top of his field.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence). Here, the Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. at 954 (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Amin v. Mayorkas*, 24 F.4th at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10,

2025) (stating that EB-1 visas are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, 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 career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

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.

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.