U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39087354

Date: AUG. 05, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a computational biology researcher, seeks classification as an individual of extraordinary ability in the sciences. *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 aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. *Id*.

SCOPS denied the petition, concluding that the record did not establish the Petitioner has a one-time achievement (that is, a major internationally-recognized award) or meets at least three of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3). Specifically, while SCOPS correctly found that the Petitioner has participated as a judge of the work of others in the same or an allied field of specialization and has authored scholarly articles in the field in professional or major trade publications or other major media, it also found that he did not establish he has made original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in his field. As the Petitioner did not establish at least three of the ten evidentiary criteria, SCOPS did not conduct a final merits determination to determine whether the Petitioner is one of the small percentage who has risen to the top of his field of endeavor and has sustained acclaim. 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.

We adopt and affirm SCOPS' decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted"). In correctly finding that the Petitioner did not establish that he has made original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in his field of computational biology, SCOPS listed the evidence provided by the Petitioner and thoroughly and accurately discussed the Petitioner's arguments and evidence. We therefore disagree with the Petitioner's assertion on appeal

that he provided sufficient evidence of original scientific contributions of major significance in his field. The Petitioner provides similar arguments as before and points to areas in SCOPS' decision in which he claims it erred. Specifically, he claims that SCOPS was dismissive of his citation count, citation statistics from Clarivate Analytics, evidence from OpenAlex, funding by the National Institutes of Health (NIH), and letters of support.[1]

First, SCOPS referenced the Petitioner's Google Scholar profile and number of citations at the time of filing the petition and at the time he responded to a request for evidence (RFE). SCOPS acknowledged the Petitioner's claim that the increase in his total citations during this time period demonstrated the significance of his contributions. The Petitioner again refers to this increase in citation count on appeal. However, SCOPS correctly found the Petitioner must be eligible at the time of filing and therefore the citation increase at the time of the RFE was not probative. Additionally, SCOPS pointed out that the Petitioner did not demonstrate how his citation count compared to other similar, highly cited articles that his field established as having major significance. The Petitioner does not address this issue on appeal. Rather, he asserts that SCOPS imposed a threshold number for citations, but a review of SCOPS' decision does not include a citation number requirement.

Second, SCOPS noted that the Petitioner's field is research driven and by nature research adds to the general knowledge in one's field, and publications can demonstrate the originality of work. However, SCOPS correctly stated that the Petitioner must establish his contributions have had major significance in the broader field. SCOPS mentioned that the significance of the Petitioner's research has yet to be realized, determined, measured, or established; and he has not established that his work has impacted the field at a significant level, such that it has been widely adopted and implemented throughout the field, remarkably impacted or influenced the field, or the field has been changed as a result. The Petitioner has not provided this type of evidence on appeal or otherwise established that the record shows this.

Third, SCOPS discussed information from Clarivate Analytics regarding articles published from 2013 to 2023 and their percentile rankings based on number of citations received. SCOPS noted that the Petitioner's field is computational biology, but he inappropriately included printouts for the broader fields of biology and biochemistry. The Petitioner refers to information from Clarivate Analytics showing that computational biology is a subfield of biology and biochemistry. While that may be the case, we would still assess the level of significance of his work relative to his particular field of computational biology. SCOPS discussed the evidentiary deficiencies of a document from A-S-.[2] The document was purported to be an email from a Clarivate Analytics representative, but it did not include any identification of who it was emailed to, when it was emailed, or that A-S- was a Clarivate Analytics representative. It also included a faulty website link in its text. The Petitioner includes evidence on appeal that A-S- worked for Clarivate Analytics, but did not otherwise address the issues mentioned by SCOPS.

Fourth, SCOPS reviewed information about OpenAlex, and an OpenAlex profile with the Petitioner's citation count, publication count, and percentile rankings for both. SCOPS pointed out that the

[1] We note the Petitioner's claim that SCOPS ignored his peer review service. However, SCOPS mentioned this in finding that he participated as a judge of the work of others in the same or an allied field of specialization.
[2] We use initials to protect the identity of individuals.

Petitioner did not demonstrate the significance of the OpenAlex profile, the actual source material used to find the profile statistics, or the method to calculate the profile figures. The Petitioner provides information on OpenAlex, but it does not contain the method to calculate the profile figures.

Fifth, SCOPS addressed multiple letters of support from professors and found that while they expressed admiration for his original research and his influence on a few researchers, they did not provide specific detailed information explaining the unusual influence or high impact his work has had on the broader field. The Petitioner disagrees and points to a letter in the record mentioning his "research is esteemed for its provision of critical insight into molecular level changes in crop plants under drought and salinity stresses, and its revelation of associated DNA polymorphism, DNA methylation, and transcriptional variations being used for high-yield crops susceptible to said environmental conditions." The information from this letter does not detail who the research is esteemed by or otherwise establish the unusual influence or high impact his work has had on the broader field. The Petitioner also quotes from three other letters which SCOPS addressed in detail. Again, these letters express admiration for his original research and his influence on a few researchers, but they do not provide sufficient information explaining the unusual influence or high impact his work has had on the broader field.

Finally, SCOPS discussed evidence related to funding from the NIH and how it failed to establish the major significance of the Petitioner's work. The Petitioner asserts that the NIH only funds new and breakthrough projects with impacts on human health. This general assertion does not address the specifics of the Petitioner's work and whether it is of major significance.

Although the Petitioner has established that he participated as a judge of the work of others in the same or an allied field of specialization and has authored scholarly articles in the field in professional or major trade publications or other major media, he has not established that he has made original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in his field. Therefore, he is not eligible for classification as an individual of extraordinary ability.

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.