U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43941022

Date: AUG. 12, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner is a computer engineer who 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.

Through its Service Center Operations (SCOPS), USCIS denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding the record did not establish that the Petitioner had received a major, internationally recognized award, nor did he demonstrate that he met at least three of the ten regulatory criteria. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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 qualify under this immigrant classification, the statute requires the filing party demonstrate:

- The alien enjoys extraordinary ability in the sciences, arts, education, business, or athletics;
- They seek to enter the country to continue working in the area of extraordinary ability; and
- The alien's entry into the United States will substantially benefit the country in the future.

Section 203(b)(1)(A)(i)–(iii) of the Act. The term "extraordinary ability" refers only to those in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). *See also* H.R. Rep. 101-723, 59 (Sept. 19, 1990), *reprinted in* 1990 U.S.C.C.A.N. 6710, 1990 WL 200418 at *6739 (stating: "In short, admission under this category is to be reserved for that small percentage of individuals who have risen to the very top of their field of endeavor.").

The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-step analysis. In the first step, a petitioner can demonstrate international 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).

Where a petitioner meets these initial evidence requirements, we then move to the second step to 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, 1121 (9th Cir. 2010) (discussing a two-step 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 earned his Ph.D. in Electrical and Computer Engineering from a U.S. university in 2023 and since then has been working as a computer engineer for a U.S. semiconductor company.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has received 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). Before SCOPS, the Petitioner claimed he met three of the regulatory criteria. SCOPS decided that the Petitioner satisfied the criteria relating to judging and the authorship of scholarly articles but that he had not satisfied the contributions criterion. On appeal, the Petitioner maintains that he meets that criterion. After reviewing all the evidence, we conclude the record does not support the Petitioner's eligibility.

1. "Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v).

The primary requirements here are that the Petitioner's contributions in their field were original and they rise to the level of major significance in the field, rather than to a project or to an organization. *See Amin*, 24 F.4th at 394 (citing *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134 (D.D.C. 2013)). The regulatory phrase "major significance" is not superfluous and, thus, it has some meaning. *Nielsen v. Preap*, 586 U.S. 392, 415 (2019) (finding that every word and every provision is to be given effect and none should needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence). Contributions of major significance connotes that the Petitioner's work has significantly impacted the field. Further, the Petitioner's contributions must have already been realized rather than being potential, future improvements. The Petitioner must submit evidence satisfying all of these elements to meet the plain language requirements of this criterion.

SCOPS determined that the Petitioner did not meet the requirements of this criterion and we agree with their ultimate determination.

The Petitioner alleges an error because SCOPS quoted from the initially offered support letters but not from those he provided in the request for evidence response. But that is not an error and SCOPS is not required to quote from any of the letters. The lack of recounting the precise language in a set of support letters is not an indication that those letters were not considered. It is not erroneous that a USCIS decision does not cite from each and every letter in support of a petition. *Chen v. U.S. Dep't of Justice*, 471 F.3d 315, 338 n.17 (2d Cir. 2006)); *Yan Lan Wu v. Ashcroft*, 393 F.3d 418, 424–25 (3d Cir. 2005); *Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000). Especially where SCOPS addressed the contents of any claimed letter, they do not have to directly discuss every one of them. *Amin*, 24 F.4th at 394.

Considering the Petitioner's citation record, he questions how SCOPS treated his record by deciding it individually did not show he met this criterion's requirements by itself as opposed how it fit into the overall totality of the evidence under the preponderance of the evidence standard. First, under step one (the regulatory criteria) the USCIS Policy Manual chapter covering this immigrant classification discusses "the preponderance of the evidence standard" of proof and it does not expressly permit a totality of the evidence analysis under any of the regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x), as opposed to mandating that methodology under the final merits determination.

In the event that an alien's individual contributions are inadequate to satisfy the requirements, USCIS does not permit petitioners to cobble together the entirety of their life's work to aggregately qualify as a contribution in the field. The Petitioner cannot transform this step one criterion into a mini-final merits determination. But that appears to be what the Petitioner seeks to do here. Neither the regulation nor any other authority allows an alien to effectively establish points system in which his contribution may be added together to equal major significance. Instead, the regulatory question is whether the evidence establishes original contributions that are of major significance in the field. USCIS has repeatedly treated originality and major significance as substantive elements that must be demonstrated rather than as characteristics that can be accumulated through quantity. That is an important distinction because otherwise the term "major" loses much of its meaning.[1] Virtually any productive researcher could assemble a lengthy list of ordinary or modest contributions and claim that their aggregate quantity necessarily becomes "major."

Second, the preponderance standard of proof is the degree, or level, of proof demanded in a specific case. We are ultimately deciding whether the petitioner's claims are sufficiently supported by relevant, probative, and credible evidence. *Matter of Chawathe*, 25 I&N Dec. at 376 reiterated the longstanding principle for the preponderance standard of proof. Here, the Petitioner failed to explain how SCOPS held his evidence to a higher than the appropriate standard of proof.

And even if we set the above aside, in proposing this construct, the Petitioner doesn't expand on how the assemblage of his contributions to the field should be collectively weighed in favor of satisfying this criterion's major significance mandate. Because we find no error in SCOPS' analysis here, we are not persuaded by the Petitioner's allegation.

[1] A "regulation should be construed so that effect is given to all its provisions, so that no part of it will be inoperative or superfluous, void or insignificant." *Matter of Villarreal-Zuniga*, 23 I&N Dec. 886, 889 (BIA 2006) (quoting *Matter of Masri*, 22 I&N Dec. 1145, 1148 (BIA 1999)); *Matter of E-L-H-*, 23 I&N Dec. 814, 823 (BIA 2005).

Viewing the Petitioner's citation record by itself, he claims SCOPS failed to follow the USCIS Policy Manual's guidance "which notes that a petitioner's number of citations relative to others in the field is a positive factor." He then provides a quote from the portion of the Policy Manual he deems relevant:

> USCIS determines whether the original contributions are of major significance to the field.
>
> Examples of relevant evidence include, but are not limited to:
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> - Published materials about the significance of the person's original work;
> - Testimonials, letters, and affidavits about the person's original work;
> - Documentation that the person's original work was cited at a level indicative of major significance in the field; and
> - Patents or licenses deriving from the person's work or evidence of commercial use of the person's work.
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> . . . .
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> For example, published 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.

See generally 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual. The USCIS Policy Manual doesn't speak of positive factors under this criterion. But in the event the Petitioner was paraphrasing or correlating that to the following text, "may be probative of the significance of the person's contributions to the field of endeavor," the policy requires more than simply having a good number of citations as it mandates published material include two features; that has both "been highly cited relative to others' work in that field" and that it "has provoked widespread commentary on its importance from others working in the field." *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1). The Petitioner has not argued in the appeal that both elements are present here.

The Petitioner also points to what he characterizes as an unpublished 2010 decision from this office that we will not address further other than to note that due to the age of the decision, it was adjudicated without the two-step process USCIS has utilized since December of 2010. We also adjudicate each case on a case-by-case basis considering the material in the record and the Petitioner hasn't demonstrated the evidence and the facts from the cited case are similar to his. The regulation repeatedly reflects that an eligibility determination on a benefit request will be based on information contained in the record of proceeding. 8 C.F.R. § 103.2(b)(10), (11), (14), (16)(i)–(ii). Each case must be decided on its own facts with regard to the sufficiency of the evidence presented. *See, e.g.*, *Matter of H-C-R-C-*, 28 I&N Dec. 809, 812 (BIA 2024). "[A] case-by-case determination [] is based on the specific facts and circumstances of each *individual* case." *Matter of L-F-R-*, 29 I&N Dec. 787, 792 (BIA 2026) (emphasis added). This 2010 material will not aid the Petitioner in this petition.

Then, the Petitioner turns to his claims of influence of his findings on other researchers' work. In his first example, in the paper's paragraph the Petitioner identified, his work is cited one time among 18 other cites, and his work is only cited one time while some others were cited as many as three times. It is not apparent that the Petitioner's work was as he claims: "a critical benchmark in advancing circuit-integrated actuation and motion control for next-generation robots."

As it relates to the second example, the Petitioner received two citations to his work in a closing paragraph that conveyed some newer ways of processing data. The paper mentioned that AI-based methods and brain-inspired computing have been used in other flexible electronic systems but have not yet been widely tested with a widely used semiconductor material for flexible electronics. The authors theorized that using those methods could help the technology work more reliably and make it easier to connect many sensors without needing as many wires or physical connections. Serving as a possibility at the end of the material does not corroborate the Petitioner's characterization that his cited work here "is highly influential and used as a foundation for their" article. Again, the two citations to his work were among over 100 citations and he has not shown how the article's reliance on his work was influential.

As the final example, the Petitioner characterizes the single citation to his work as demonstrating that his "method provides an invaluable baseline for similar and adjacent research on the modeling and control of intelligent piezoelectric soft robots." The supporting citation provided: "Piezoelectric actuators are categorized into stack actuators and bending actuators, characterized by the diversity of layers forming the actuator. The multilayers can either be double mounted or single-ended as a cantilever" and it cited to the Petitioner's paper and another paper primarily to support the general proposition that piezoelectric actuators—devices that turn electrical energy directly into mechanical movements or physical force—are used in soft robotic systems, but not to establish a foundational control method or a field-wide baseline. The article cites the Petitioner's work in the introductory discussion immediately after explaining how the actuators can be set up in different ways. Then, it uses the Petitioner's work to show that layers can be mounted in two ways: mounted on both sides, or held on just one side like a shelf. The Petitioner has not established that this citation to his work warrants substantial evidentiary value in these proceedings.

Next in the appeal, the Petitioner highlights three support letters and he asserts the authors benefitted from his research. We can summarize them quickly as they simply indicate they placed some general reliance on his research findings within their own work. But this brings us back to our above discussion about the level of influence a petitioner's work must have in the field to meet this criterion's requirements. Agency policy requires that published material has "been highly cited relative to others' work in that field," and that it "has provoked widespread commentary on its importance from others working in the field." *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1).

And as it relates to letters from experts in the field, they should explain "the nature and significance of the person's contribution" and "specifically describe the person's contribution and its significance to the field." *Id.* While these letters may exhibit general reliance on the Petitioner's findings in their work or reflect that these individuals built upon the Petitioner's work in their own research, they do not show the significance of his research in the overall field beyond their own research and written findings. Such a showing of incremental progress to the common repository of knowledge does not demonstrate that his work has "provoked widespread commentary on its importance from others

working in the field." *Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that it must be objectively demonstrated that the field considers the work to be majorly significant); *Visinscaia,* 4 F. Supp. 3d at 134 ("[T]he regulatory requirement that the petitioner demonstrate the 'major significance' of any original contributions means that the petitioner's work must significantly affect [his] field of endeavor").

The remainder of the Petitioner's appellate claims relate to his citations, funding, and peer review. For his citation record, the Petitioner notes his collective number of citations for all of his work, as well as how the citations to one of his papers in 2024 placed him in the top percent of most cited articles in engineering for that year. His arguments regarding the collective or total number of citations to his published work fails to meet this criterion's requirements. In general, the comparison of a petitioner's cumulative citations to those of others in the field in an attempt to draw a conclusion of their comparative impact in the field, is often more appropriate within a final merits determination after they have satisfied at least three regulatory criteria. Such a comparison may assist in determining whether the record shows sustained national or international acclaim and demonstrates that they are among the small percentage at the very top of the field of endeavor. We view a comparison of citations to individual scientific articles to be more relevant for this criterion in order to establish the overall field's general view of a contribution of major significance. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1).

Turning to his individual published work in 2024, he notes his 17 citations place him in the top 10 percent most cited articles in the engineering field for that year with the average number of cites at 2.78. The comparative ranking the Petitioner presents to baseline or average citation rates does not automatically establish majorly significant contributions in the field. For example, according to the data from Clarivate Analytics, engineering papers published in 2024 receiving seven citations were in the top ten percent, and 24 citations were in the top one percent. The Petitioner has not demonstrated that papers with such citation counts have necessarily had a major, significant impact or influence in the field as evidenced by being among the top percentage of most highly cited articles according to year of publication.

The issue for this criterion is whether the Petitioner has made original contributions of major significance in the field rather than where his citation rates rank among the averages of others in his field. A more appropriate analysis, for example, would be to compare the Petitioner's citations to other similarly, highly cited articles that the field views as having been of major significance, as well as factoring in other corroborating evidence. The Petitioner has not demonstrated, as he asserts, that his articles at the time of filing, using the methodology found in the Clarivate Analytics evidence through citation numbers and percentiles, resulted in original contributions of major significance in the field. We also note that the Petitioner's documentation from Clarivate Analytics reflects that "[c]itation frequency is highly skewed, with many infrequently cited papers and relatively few highly cited papers. Consequently, citation rates should not be interpreted as representing the central tendency of the distribution." Stated differently, the Petitioner did not sufficiently show the reliability of these figures.

The Petitioner also places substantial weight on the funding received for some of his research. We distinguish between evidence that research was sufficiently meritorious to attract funding versus evidence that the work actually resulted in a contribution of major significance in the field. The fact

that some entity elected to support research may demonstrate that the work was considered worthwhile, original, or potentially useful. But without more it does not establish the subsequent impact in the Petitioner's field. Research ordinarily must offer some new or useful information to obtain funding or other scholarly attention, but it does not follow that every researcher whose work adds to the general pool of knowledge has also made a contribution of major significance.

Agency policy further speaks to the issue of funding: "Evidence that the person's work was funded, patented, or published, while potentially demonstrating the work's originality, will not necessarily establish, on its own, that the work is of major significance to the field." *See generally* 6 USCIS Policy Manual, *supra*, at F.2(B)(1).

The burden is on the Petitioner to provide adequate evidence to support his claims. And we note that funding is most probative when the record connects the funding to demonstrated field-wide consequences. For instance, evidence that the funded work was subsequently adopted, was widely implemented, it materially influenced other researchers or practitioners, or otherwise produced a measurable impact beyond the funding institution. In his appeal, the Petitioner has not even explained how the funded projects resulted in any measurable impact in the broader field. Absent that type of evidence, funding establishes at best that an institution or sponsor considered the research sufficiently promising or meritorious to warrant investment. But it does not illustrate that the research ultimately achieved the level of major significance in the field that the regulation here requires.

And finally, the Petitioner identifies his peer review service for distinguished or reputable journals as evidence under this criterion. We agree that his service for the listed journals may reflect his expertise and professional recognition. But we do not agree that those factors demonstrate selection for peer review even amounts to a contribution to the field, let alone one of major significance. Performing peer review is almost exclusively an evaluative process rather than reflecting some level of creativity or innovation. And even if we were to agree that peer review was more than an evaluative process—which we do not outside of some exceptional set of circumstances—it is the filing party's responsibility to demonstrate their service was more than just a contribution. They also must show the degree to which that contribution impacted the field, and that it was significant.

Lacking is an indication that to be selected to perform peer review for the relevant journals and conferences, one must have received a reaction from colleagues that would be viewed as a major significance in the field. To sum up, while performing peer review may highlight an individual's professional standing, it does not meet the standard for demonstrating original contributions of major significance in the field.

Accordingly, the Petitioner has not established that he made original contributions of major significance in the field. The record shows that his work has received some citations, funding, peer review opportunities, and garnered favorable support letters, but this evidence does not demonstrate that his contributions significantly affected the field as a whole. Rather, the evidence reflects respectable scholarly activity, incremental research progress, and limited reliance by other researchers. Because the Petitioner has not shown that his work provoked widespread commentary, was broadly adopted, materially influenced the field, or otherwise rose to the level of major significance, he has not satisfied this criterion.

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 he is an alien of extraordinary ability and we 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 regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x) "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. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)).

The two-step adjudication process is an interpretive rule that does not violate the Administrative Procedure Act, nor is it a legislative rule. *Taneja v. USCIS*, No. 24-CV-05657 (RER), 2026 WL 1734266, at *8 (E.D.N.Y. June 16, 2026); *Nagaiah*, 784 F. Supp. 3d at 810; *Agrawal*, 2025 WL 2879217, at *12; *Etsy, Inc. v. Jaddou*, No. 4:22CV3022, 2023 WL 3689555, at *23 (D. Neb. May 25, 2023) (citing *Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 96 (2015). This approach is rooted in an exhaustive historical review of the congressional record, the governing statutory language, and the comprehensive regulatory scheme intended to ensure only those at the very top of their field receive this classification.

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an alien of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

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.