U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39416956

Date: AUG. 13, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an ecologist, seeks classification as an alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner had only satisfied two of the initial evidentiary criteria, of which she must meet at least three. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

To establish eligibility as an alien of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

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

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

The implementing regulation further states that the term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." A petitioner can demonstrate that they meet the initial evidence requirements for this immigrant visa

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

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the individual possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

With her petition, the Petitioner claimed that she satisfied three of the ten possible evidentiary criteria, relating to judging the work of others, original contributions of major significance, and the publication of scholarly articles. In their decision, SCOPS concluded that the Petitioner had established that she met the evidentiary criteria for judging the work of others and publication of scholarly articles; however, the Petitioner had not established that she had made original contributions of major significance in her field.

> *Evidence of the individual'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 regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." A petitioner may show that their contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. *See Visinscaia*, 4 F. Supp. 3d at 134-35. Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

With her petition, she provided letters of recommendation, independent advisory opinions, copies of articles she published as a result of her research, information regarding the journals where her work was published, information regarding the number of citations her research has received, and information regarding the organizations that had funded her past research.[1]

[1] Although we do not discuss each piece of evidence, we have reviewed and considered each one.

On appeal, the Petitioner disagrees with SCOPS' analysis of the evidence she provided and asserts that her "publication history demonstrates that she has made contributions of major significance to her field." She further contends that SCOPS ignored her "numerous peer-reviewed articles [and] overlook[ed] the strict standards of the prestigious venues that regularly accept her findings for their exceptionally high quality." Specifically, the Petitioner asserts that "articles published in these journals are not merely of high quality, they also directly impact the field itself, the greater scientific research community, and the general public." The Petitioner points to her articles in [redacted] among others. However, the Petitioner has not established that the publication of articles in highly ranked or popular journals inevitably demonstrates that the field considers the research and work to be an original contribution of major significance. Moreover, a publication that bears a high ranking or impact factor reflects the publication's overall citation rate; it does not show an author's influence or the impact of their research on the field or that every article published in a highly ranked journal automatically indicates a contribution of major significance. *See Venkatnarayan v. Jaddou*, No. 1:23CV256, 2024 WL 4008312, at *7 (M.D.N.C. Aug. 30, 2024), *report and recommendation adopted sub nom. Venkatnarayan v. Jaddou Dir. of United States Citizenship & Immigr. Servs.*, No. 1:23-CV-256, 2024 WL 4267307 (M.D.N.C. Sept. 23, 2024) (upholding journal rankings did not show an author's influence or impact). Here, the Petitioner has not established that publication in a popular or highly ranked journal alone demonstrates a contribution of major significance in the field. *See Kazarian v. U.S. Citizenship & Immigr. Servs.*, 580 F.3d 1030 (9th Cir. 2009), *aff'd in part,* 596 F.3d 1115 (9th Cir. 2010) (finding publications and presentations alone are not sufficient to demonstrate major significance).

The Petitioner cites the evidence she provided from OpenAlex in support of her comparison to other researchers. In her brief on appeal, she states that she provided "quantitative data that compares [her] publication productivity to the respective productivity of other researchers in her field." She notes that the data from OpenAlex is comprised of "a comprehensive database of academic literature that includes data on over 240 million academic papers, with thousands of new ones added daily." The Petitioner insists that the OpenAlex data "establishes that [her] history places her among the top [redacted]% of researchers publishing on the topic of Soil Bacteria between 2015 and 2023 in terms of research productivity."[2] The graphical image the Petitioner presented to support this figure indicates these statistics relate to an "In-Field Author Citation Impact for Publications between 2015 and 2023" (emphasis removed). The evidence the Petitioner offered in the record from OpenAlex is undated, and considering her own graph, the statistics included her work through some unknown point in 2023. In our review of the evidence provided in response to the SCOPS request for evidence (RFE), the initial appearance of OpenAlex data, the report indicates that it was generated on December 01, 2023. This postdates the petition filing date in November 2023, and because she must demonstrate eligibility based on the facts as they existed on the date she filed the petition, this material from OpenAlex is diminished. 8 C.F.R. § 103.2(b)(1) (requiring petitioners to establish they have satisfied all eligibility

[2] We note that later in her appeal brief, the Petitioner also stated that she "is among the top 0.41% of researchers on the topic of Soil Bacteria between 2015 and 2024 in terms of citation impact," and provided similar undated charts to indicate her place in the field.

requirements for the immigration benefit from the time of the petition filing). Further, the Petitioner did not show how OpenAlex calculates the percentile figures she presented.

On appeal, the Petitioner references the letters of recommendation submitted on her behalf and asserts that "her expert recommendations demonstrate[] their inherent value for satisfying the requirements of this criterion." With her petition, she provided one letter and three "independent advisory opinions," and with her response to the RFE, she provided three additional "independent advisory opinions." In general, the letters recount the Petitioner's research and findings, indicate their publications in journals, and point to the citations of her work by others. Although they reflect the novelty of her work, they do not sufficiently articulate how her research and findings have been considered of such importance and how their impact on the field rises to the level of major significance required by this criterion.

For instance, K-D-[3] stated that the Petitioner's work "is impactful to many independent researchers carrying out projects on related topics," and provided an example of how the Petitioner "investigated the distribution patterns of microbial residence time [] as well as its controlling factors" and stated that another researcher and their colleagues "used [the Petitioner's] work to validate" their findings. The letter from K-D- further stated that the Petitioner's "research was important for helping the field understand the effects of climate change on soil microenvironments more fully and developing new carbon management strategies in light of these findings." Although the letter discusses the goals of the related research, K-D- did not describe how the Petitioner has significantly influenced the field. Similarly, the letter from Y-L- discussed some of the Petitioner's work on models to simulate the emissions of methane and stated that the Petitioner "has also ensured that other scientists have access to her research by having it featured in a variety of scientific journals." Y-L- further stated that the Petitioner's "models are important to other scientists and policymakers," but does not discuss actual significant impacts the Petitioner's work has had on the field. Although the letters opine on the importance of the Petitioner's research in issues such as establishing "models to accurately represent carbon levels across the world," and provide some information about the Petitioner's work being used by some other researchers in the field, they are insufficient to establish that she has made original contributions of major significance in her field.

The Petitioner further notes that the letter from N-S- indicated that "she generated the first global maps to predict fungi and bacteria presence in soil at a global scale" and that another researcher "utilized this study as a foundational reference that defined the direction of their work on the same topic." Although N-S- stated that the Petitioner was the first to create something that was later utilized by another researcher, while original, does not alone establish that the Petitioner's work was of major significance in the field.

Detailed letters from experts in the field explaining the nature and significance of the person's contribution may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.[4] Here, the Petitioner's letters do not contain specific, detailed information explaining the unusual influence or high impact her research or work has had on the overall field to establish that

[3] We use initials to protect the identity of individuals.
[4] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

it has been of major significance. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *8 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's testimonial letter mostly consisted of conclusory statements about the significance of his work and his potential).

In addition, the Petitioner contends that her published articles had "been cited 363 times at the time of filing." The burden is on the Petitioner to identify her original contributions and explain why they are of major significance. The Petitioner did not demonstrate how her cumulative number of citations represents contributions of major significance in the field. Moreover, aggregate citation figures tend to reflect a petitioner's overall publication record rather than identifying which research the field considers to be majorly significant. Citation frequency, which may include self-citations, is quantitative in nature and does not reveal the reasons for the citations, which involve a qualitative analysis.

The record reflects that the Petitioner initially submitted evidence from *Google Scholar* reflecting that her three highest cited articles received [redacted] *and* [redacted], and [redacted] citations, respectively.[5] Generally, citations can serve as an indication that the field has taken interest in a petitioner's research or written work. However, the Petitioner has not sufficiently shown that the citations for any of her published articles are commensurate with contributions of major significance. Nor has she demonstrated the significance or relevance of the citations to her articles. *See Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *5 (N.D. Tex. Oct. 19, 2023) (finding the record contained little evidence that contextualized the number of citations the petitioner's work had received). For example, she did not demonstrate that these citations are unusually high in her field or how they compare to other articles that the field views as having been majorly significant. Although her citations are indicative that her research has received some attention from the field, the Petitioner did not establish that her citation numbers for her individual articles represent majorly significant contributions in the field.

The Petitioner further discusses the evidence she provided in relation to the funding of her research; however the record contains minimal information regarding the funding her various research projects have received. The evidence of her "prestigious funding" provided by the Petitioner includes copies of published articles which include statements such as "[redacted]" and "[redacted]" and includes others, including the United States Department of Energy. The Petitioner also submitted generalized information regarding the funding sources, which she describes on appeal as "prominent organizations." However, the record does not explain how receiving research funding in general may indicate that the research produced with that funding has major significance to any particular field. For example, the record does not establish that any of the funding sources only provide funding to research projects that will have major significance to any particular field, or to researchers whose prior research has had major significance to any particular field, which could establish that funding from such a source would categorically indicate the major significance of the project. Although the funding sources may be from "prominent organizations," as the Petitioner asserts, without more, the significance of funding sources does not establish how the research those sources funded subsequently resulted in contributions of major significance. The record does not

[5] The Petitioner did not specify how many citations, if any, for each of her individual articles contained self-citations.

otherwise establish how receipt of some unspecified level of funding, from any source, may indicate how the Petitioner's original scholarly contributions are of major significance to the field of ecology.

In short, we have no doubt that the Petitioner is an accomplished researcher who has made original discoveries with the potential to have impact in her field. But the evidence does not lead us to the conclusion that the required impact has already been achieved. The record does not include adequate corroborating documentation to demonstrate the nature of the contributions the Petitioner has made to the field that are of major significance. We agree with the Director's ultimate conclusion that the Petitioner has not submitted adequate evidence that meets the plain language requirements of this criterion.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we do not need to provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119–20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward that goal. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not shown the significance of their 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" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A). Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and they are one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) and 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated their eligibility as an individual 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.