U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37897741

Date: AUG. 13, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a scientist in the field of molecular biology, 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 record did not establish the Petitioner met the initial evidence requirements for this classification through evidence of either a one-time achievement or because she meets three of the alternative evidentiary criteria under 8 C.F.R. § 204.5(h)(3). 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 immigrant 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 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 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 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

The Petitioner intends to continue her work in the field of molecular biology in the United States. She has worked as a scientist at [redacted], at the [redacted] since May 2020.

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. 204.5(h)(3)(i)-(x). SCOPS determined that the Petitioner met the criteria at 8 C.F.R. § 204.5(h)(3)(iv) and (vi), which respectively, relate to participation as a judge of the work of others in the field and authorship of scholarly articles in the field. The Petitioner claimed before SCOPS that she met three of the regulatory criteria and SCOPS determined the Petitioner had not met the third criterion at 8 C.F.R. § 204.5(h)(3)(v), which relates to original contributions or major significance in the field. On appeal, the Petitioner continues to maintain she meets the three evidentiary criteria claimed previously. After reviewing all the evidence of record, we conclude she has not satisfied at least three of the regulatory criteria as required and therefore does not qualify as an alien of extraordinary ability.

A. Evidentiary Criteria

> *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).

SCOPS determined the Petitioner's claimed contributions for this criterion included research in: 1) the role of epigenetic mechanisms in placental development and pathologies and the identification of non-invasive epigenetic fetal DNA markers, 2) importance of folate in regulating placental development and health under different conditions, 3) demonstration of the importance of the H19/lgf2 locus and H19/let-7 binding in regulating embryonic development and pathogenesis during adulthood using genome editing, and 4) use of CRISPR/Cas9 genome editing to understand the importance of

H19lncRNA and miR-675 in muscle development, strength, and aging. SCOPS found the submitted letters of support spoke highly of the Petitioner's abilities as a skilled researcher but did not demonstrate the major significance of the Petitioner's contributions to the field of molecular biology, how others researchers have widely applied her results, that her research has provoked widespread commentary, or that her research has received notice from others at a level indicative of its major significance in the field. SCOPS acknowledged the Petitioner submitted citations records from Google Scholar, Clarivate, and OpenAlex, in addition to evidence of received research grants or funding, but SCOPS determined they did not demonstrate that the Petitioner's articles constitute original contributions of major significance in the field.

On appeal, the Petitioner indicates her published work includes 19 scholarly articles and four book chapters. The Petitioner submitted citation statistics for her research articles, which she asserts are indicative of major significance in the field. Specifically, the Petitioner states that two of her papers rank among the top [redacted]% of the most-cited papers published in Molecular Biology & Genetics in 2022 and her collective 308 citations rank her among the top [redacted]% of authors publishing molecular biology research between 2012 and 2023 in OpenAlex. The Petitioner asserts SCOPS erroneously rejected statistics provided from Clarivate Analytics and OpenAlex and excluded updated statistics from review. Published research that has provoked widespread commentary on its importance from others working in the field and documentation it has been highly cited relative to others' work in that field may be probative of the significance of the person's contributions in the field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2(B), https://www.uscis.gov/policymanual. However, the comparative ranking to baseline or average citation rates does not automatically establish majorly significant contributions in the field. For this criterion we ultimately determine not if the Petitioner's citation rates rank higher comparative to the average, but whether the Petitioner has made original contributions of major significance in the field. An appropriate analysis may be the comparison of the Petitioner's citations to other similar, highly cited articles that the field views as having been of major significance, as well as factoring in other corroborating evidence. The submitted citation rankings for her contributions before SCOPS and on appeal only quantitatively reflect her overall publication record. However, irrespective of the number of citations to her work, the Petitioner has not demonstrated they qualitatively represent original research the field considers to be of major significance to the field.

Petitioner asserts her submitted letters of support further establish she has met this criterion, as they detail the nature and significance of her contributions. The Petitioner also contends the originality of her work is evidenced by the funding she has received from the [redacted] and the [redacted] in addition to the plain language of her articles. Generally, the submitted letters of support detail the Petitioner's research and findings, the publication of her work, and the citations to her work. While the articles, letters, and evidence of funding demonstrate the originality of the Petitioner's work, they do not sufficiently establish how or that the impact of the Petitioner's research and findings rise to the level of major significance to the field required by this criterion. Several submitted letters speculate on the potential influence of the Petitioner's work and the impact it may have in the future. Specifically, submitted letters highlight the importance of the Petitioner's work in identifying DNA epigenetic markers for prenatal diagnosis, which will "help design early, noninvasive prenatal clinical tests for fetal conditions and other pregnancy-related disorders;" characterizes her insights on the effects of the congenital deletion of H19lncR NA and miR-675 as "vital for uncovering

new therapeutic targets for cancers;" and asserts her work "is crucial for the creation of new treatment strategies." However, these assertions relate to the prospective, potential impact of the Petitioner's work and do not establish how her work has already impacted or influenced the field or that her work was ultimately adopted and implemented on a widespread basis to qualify as a contribution of major significance in the field. Additional submitted letters reference its authors' use of the Petitioner's work in their own studies and citations to her work in their own publications. However, while these letters explain the impact of the Petitioner's work on the authors' own research, they do not establish the unusual influence or high impact her work has had on the overall field, to the level of major significance. The record also contains evidence that the Petitioner generated mouse models, for example with "congenital deletions in miR-675-related phenotypes," which "have value in the study of loss of miR-675-related phenotypes." Letters of support and material transfer agreements indicate that other researchers have requested and used these mouse models in their own research. However, the use of these mouse models by other researchers is similar to the use of the Petitioner's work by other researchers, as discussed above. The use of the Petitioner's mouse models shows the impact of the Petitioner's work on other researchers' work. But the record does not distinguish or highlight how the Petitioner's work has had major significant influence in the field beyond the impact on the specific research in which these models were used, in comparison to other such models or items subject to material transfer agreements, or otherwise demonstrate its major significance to the field.

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown she has made original contributions of major significance in the field. She therefore has not satisfied at least three of the criteria listed at 8 C.F.R. § 204.5(h)(3) as required.

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. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that they are an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, -- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "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. *See INS v. Bagamasbad*, 429 U.S. at 25 (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an alien 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 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.