U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38505430

Date: AUG. 13, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a researcher in the field of translational research in medicine, 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 the record did not establish that the Petitioner met the initial evidence requirements for the classification through receipt of a major, internationally recognized award or by meeting at least three of the evidentiary criteria at 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 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 two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate 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 documentation that meets at least three of the ten categories 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 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). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. at 376.

II. ANALYSIS

The Petitioner earned his Ph.D. in physiology and his M.D. in clinical medicine from [redacted] and, at the time of filing in September 2024, was employed as a research associate in translational research medicine at the [redacted] He indicates that he intends to continue pursuing research in this area in the United States.

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). SCOPS found that the Petitioner met two of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), relating to his service as a judge of the work of others in his field and authorship of scholarly articles at 8 C.F.R. § 204.5(h)(3)(iv) and (vi), respectively. However, SCOPS determined that the Petitioner had not satisfied the criterion relating to original contributions of major significance under 8 C.F.R. § 204.5(h)(3)(v). Accordingly, SCOPS denied the petition, concluding that the Petitioner had not shown that he satisfied three of the ten initial criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), as required.

On appeal, the Petitioner asserts that he also meets the evidentiary criterion relating to original contributions of major significance in the field, and that SCOPS mischaracterized or ignored much of the evidence submitted in support of that criterion. After reviewing all of the evidence in the record,

we agree with SCOPS' determination that the Petitioner satisfies the criteria related to his service as a judge of the work of others in his field and authorship of scholarly articles under 8 C.F.R. § 204.5(h)(3)(iv) and (vi), respectively. Regarding the third criteria claimed by the Petitioner, original contributions of major significance in the field, SCOPS' decision inappropriately drew unsupported conclusions from the evidence of the Petitioner's contributions to his field and applied them inappropriately in the analysis. However, upon de novo review of the evidence, we conclude that the Petitioner has not established that he meets that criterion.

As an initial matter, we acknowledge the Petitioner's argument on appeal relating to his authorship of scholarly articles but decline to address it here as SCOPS concluded that he met this criterion. *Berardo v. United States Citizenship & Immigr. Servs.*, No. 3:19-CV-01796-SB, 2020 WL 6161459, at *3 n.2 (D. Or. Oct. 20, 2020) (declining to address petitioner's argument that USCIS erred by failing to attribute certain evidence for criteria that USCIS concluded he had met as any error would have been harmless).

> "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).

In order to satisfy this criterion, a petitioner must establish that not only has he or she made original contributions, but that they have been of major significance in the field. For example, a petitioner may show that the 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. *Visinscaia*, 4 F. Supp. 3d at 134-35.

The Petitioner claims that his original research on the implications for cellular death in treating cancer and other diseases satisfies this criterion. To support this claim, the Petitioner provided a personal statement, journal articles that he authored or co-authored, journal impact factors for the journals in which these articles were published, his Google Scholar citation record, Clarivate Analytics citation averages and percentiles for clinical medicine, OpenAlex citation percentiles for the field of translational medicine, independent advisory opinions, testimonials discussing his research, and excerpts of research articles that cite to his work. For the following reasons, the Petitioner has not shown the major significance of his contributions in the field and therefore has not shown that he meets this criterion.

Independent advisory opinions in the record provide detailed descriptions of the Petitioner's research into the implications for cellular death in treating cancer and other diseases but make only general assertions regarding its impact on the field of translational medical research. 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. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. Here, the expert opinion letters in the record lack specific, detailed information explaining the unusual influence or high impact that the Petitioner's research has had on the overall field of translational medical research. For example K-S, an associate professor of radiation biology and cell death at [redacted] submitted an expert opinion letter generally indicates that the Petitioner's work "has already positively impacted multiple research fields, including oncology, neurobiology, and pharmacology" and that

"[t]aken together, [the Petitioner's] methods lay the groundwork for designing new medical treatments for a wide range of conditions", while M-M-, a professor in the Department of Neurology at [redacted] describes in detail the Petitioner's work on apoptosis in treating glioblastoma,[1] but only broadly states that the Petitioner's "discoveries provide innovative targets for advanced glioblastoma treatments" and does not otherwise explain how this is indicative of the research's significance in the field. In his independent advisory opinion, J-Z-, director of the Center for Neuroscience Research at [redacted] indicates that the Petitioner's research "on the neuroprotective effects of glycine and bevy(pic) in stroke and brain injury … has had a substantial impact on the scientific community" but does not explain how it has done so. In another expert opinion letter in the record, S-S-, assistant professor of medicine in the Division of Hematological Malignancies, [redacted] states there are multiple clinical trials underway "inspired by" the Petitioner's research but does not offer specific details of how the clinicians running these trials were so inspired or otherwise explain how the research has had a major, significant impact in the field. Because the letters did not, for instance, provide specific information or documentary evidence about the original contributions of major significance that the plaintiff's work has had in the field as a whole, they are not sufficient to establish the major significance of this work. *Aravamuthan v. Jadoo*, No. 3:23-CV-01412-N, 2025 WL 1708126, at *5 (N.D. Tex. June 17, 2025) (upholding plaintiff's heavy reliance on expert letters that did not reflect specific examples did not demonstrate the major significance of his contributions in the field as a whole); *Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *8 (E.D. Pa. Sept. 18, 2023) (upholding USCIS' decision explaining that letters did not provide specific information or documentary evidence about the original contributions of major significance that the plaintiff's work has had in the field as a whole); *Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *5 (N.D. Tex. Oct. 19, 2023) (finding the testimonial letters' general assertions that the petitioner's research was valuable in his field but did not specifically articulate how his contributions were of major significance); *Visinscaia,* 4 F. Supp. 3d at 135 (upholding reference letters' lack of specifics did not show major significance of contributions).

The record also includes evidence indicating that the Petitioner's research will form the basis of future clinical trials and of pending grant applications. For example, in addition to his expert opinion letter, K-S- provided a testimonial letter noting that the Petitioner's work on apoptosis has "informed proposals" which "if funded, will likely make significant contributions to cancer research, with [the Petitioner]'s expertise at their core." E-S-, an assistant professor of medicine at [redacted] and a researcher in the [redacted] division of gynecologic oncology, relays in a second testimonial letter that the Petitioner's findings provided the foundation for a clinical trial that "will be launched as an investigator-initiated study in our program" and that the trial is "set to enroll its first patient in spring 2025." These letters show the promise and prospective potential impact of the Petitioner's work. However, as these grants have not been funded, and the clinical trials have not yet occurred, they do not establish the major significance of the Petitioner's contributions to the field. *Karim v. Allen*, No. 21-CV-2861-WJM-KLM, 2023 WL 4624896, at *7 (D. Colo. July. 19, 2023) (finding plaintiff must demonstrate that she has already made contributions of major significance in the field).

In the record below, the Petitioner also submitted excerpts of articles citing to papers that he had published in journals such as *Nature* and in *Journal of Immunology*, among others, to establish the

[1] M-M- describes glioblastoma as "the most aggressive and most common type of cancer that originates in the brain."

major significance of his original contributions.[2] For example, the Petitioner provided a 2024 review article published in [redacted] explaining that "[i]n 2017, studies focused on myeloid cells" but that "from 2018 onward, we observed that the majority of 3D cancer-immune models were consistently T cell focused." This [redacted] article cited to the Petitioner's research in [redacted] along with research articles published by others, to support the proposition that there had been "a shift of the types of immune cells investigated". Similarly, in an excerpt of a 2023 [redacted] paper, the authors discuss tumor resistance to effector cytokines, noting that "[f]our genes have been implicated in aiding immune evasion" and citing to several articles, of which the Petitioner's research was one, identifying these four genes. A third article, published in [redacted] in 2024, summarizes the Petitioner's research, along with that of others, in its introduction and a fourth, a 2023 [redacted] includes the methodology that the Petitioner employed in his [redacted] article, along with methodologies used by others.

Here, as discussed, these articles do not distinguish the Petitioner's research articles from those of other researchers, highlight them, or otherwise indicate that the Petitioner's papers are authoritative or otherwise viewed as being majorly significant in the field. Thus, while this evidence shows that the Petitioner's approach and methods have served as a basis for comparison for other researchers, it does not establish that it stood out from similar research in terms of its significance to the field or was ultimately adopted and implemented on a widespread basis. Further, it does not establish the significance of the Petitioner's research in the overall field beyond the authors who cited his work. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2); *see also Visinscaia*, 4 F. Supp. 3d at 134 (upholding letters of support lacked specific information about how her dance technique had impacted the field as a whole).

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

The Petitioner also offered evidence in the record below claiming to be derived from "OpenAlex" reflecting a [redacted]% for "Citation Percentile" and [redacted]% for "Publication Percentile." While the Petitioner offered a document describing the OpenAlex data set, it did not show how OpenAlex calculates these percentile figures or otherwise show that they indicate that his published work has

[2] The Petitioner also claimed that he "has been widely cited by independent researchers around the world," but did not submit corroborating evidence or otherwise establish that being cited by international researchers shows that his research is considered to be majorly significant.

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

impacted or influenced the field of translational research medicine in a manner that reflects that it is of major significance.

Finally, the Petitioner offered evidence below relating to his H-INDEX and reflecting an H-INDEX "Percentile for Physical medicine and rehabilitation" of [redacted]%. The record also included a general explanation for how an H-INDEX is calculated. However, the Petitioner did not offer evidence to show how an H-INDEX percentile in the field of "Physical medicine and rehabilitation" relates to the Petitioner's stated field of translational research medicine. This evidence is therefore insufficient to show that these H-INDEX percentile figures show that his original contributions are of major significance in the field of translational research medicine.

After a review of the evidence in the record in its entirety, and for the reasons discussed above we conclude that the Petitioner has not established that he meets this criterion by a preponderance of the evidence. He therefore has not satisfied at least three of the initial regulatory criteria as required under 8 C.F.R. § 204.5(h).

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. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

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, 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 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.