U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43782699

Date: AUG. 18, 2026

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

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

The Petitioner, a software developer, 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.

USCIS denied the petition, concluding that although the record established that the Petitioner satisfied the initial evidentiary requirements, it did not establish, as required, that the Petitioner has sustained national or international acclaim and is an alien in the small percentage at the very top of the field. 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. *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 immigrant visas available to aliens with 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. A petitioner must establish that the alien seeks to enter the United States to continue work in the area of extraordinary ability, and that their entry into the United States will substantially benefit the United States. The term "extraordinary ability" refers only to those aliens 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 an alien's achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Or the petitioner can submit evidence 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. If those

standards do not readily apply to the alien's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once a petitioner has met the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the alien 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 began working for [redacted] in India in 2009, and earned a master's degree at the [redacted] from 2012 to 2014. After leaving [redacted] in 2015, the Petitioner has worked for [redacted] and most recently [redacted] where she works as a senior machine learning engineer in H-1B nonimmigrant status. The Petitioner stated that she:

> has reached the pinnacle of her field as an innovator in Machine Learning and Information Retrieval. She is recognized for her groundbreaking contributions to AI [artificial intelligence]-powered search systems, natural language processing, and enterprise-scale retrieval technologies-advancements that have transformed how millions of people access, understand, and act on information. Her work has driven measurable impact in education, scientific discovery, and commercial search systems, including those within global technology leaders such as [redacted] and [redacted]

The Petitioner filed the present Form I-140 petition in October 2025.

Because the Petitioner has not indicated or shown that she 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). The Petitioner claims to have satisfied six of these criteria, summarized below:

- (i), Lesser nationally or internationally recognized prizes or awards;
- (iv), Participation as a judge of the work of others;
- (v), Original contributions of major significance;
- (vi), Authorship of scholarly articles;
- (viii), Leading or critical role for distinguished organizations or establishments; and
- (ix), High remuneration for services.

USCIS concluded that the Petitioner met four of the criteria, pertaining to judging, authorship, leading or critical roles, and remuneration. In the final merits determination, USCIS concluded that the Petitioner had not established sustained national or international acclaim.

A final merits determination involves analyzing an alien's accomplishments and weighing the totality of the evidence to determine if their successes are sufficient to demonstrate that they have

extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20. *See generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policy-manual (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established, by a preponderance of the evidence, the required high level of expertise for the immigrant classification). In this matter, we agree with the conclusion that the Petitioner has not established eligibility.

The Petitioner argues on appeal that the denial decision identified her field inconsistently, referring variously to "information technology," "software engineering," and "computer engineering." The Petitioner asserts that the terms "are not interchangeable," and that "[a] final-merits determination cannot be reasoned if the field itself changes during the analysis."

But the Petitioner, on appeal, does not establish that the differing terminology changed the outcome of the decision. In this regard, we note that, to establish that she earns a high salary under 8 C.F.R. § 204.5(h)(3)(ix), the Petitioner submitted Department of Labor data for "Software Developers" and *Glassdoor* data for a different position title, "Senior Machine Learning Engineers."

USCIS determined: "The evidence indicates that the petitioner has some recognition but is not persuasive that the petitioner's achievements set her significantly above almost all others in her field." USCIS concluded that, while the Petitioner had submitted enough evidence to satisfy the facial requirements of three or more of the initial criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x), the evidence of record does not show the required level of acclaim and recognition. USCIS also observed that some activities that nominally satisfy particular criteria, such as judging and authorship of scholarly articles, are essentially routine in certain occupations and the Petitioner had not shown that her work in those areas distinguished her from others in her field.

The Petitioner contends that, in the final merits determination, USCIS did not consider the record as a whole, instead re-evaluating each of the initial criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). The Petitioner asserts that the evidence under each claimed criterion need not independently establish sustained national or international acclaim.

We agree with the general point that not every piece of evidence must establish acclaim. But it is still necessary to look at the various elements of the record to determine whether, as a whole, they demonstrate that the Petitioner has submitted extensive documentation of recognition, achieved sustained national or international acclaim, and reached the very top of the field as the statute and regulations require.

Before denying the petition, USCIS issued a request for evidence (RFE). In that RFE, relating to the "judging" criterion at 8 C.F.R. § 204.5(h)(3)(iv), USCIS stated: "The weight given to evidence submitted to fulfill the criterion . . . depends on the extent to which such evidence demonstrates, reflects, or is consistent with sustained national or international acclaim at the very top of the alien's field of endeavor."

On appeal, the Petitioner asserts that this standard blurs the line between the first step of adjudication, which should focus only on the facial requirements of the initial criteria, and the second step, the final merits determination, which concerns the larger question of whether the record as a whole establishes sustained national or international acclaim. The Petitioner contends that the language in the RFE

"demonstrates that the adjudication was infected from the outset by a conflated legal standard. Even though USCIS later accepted the judging criterion, the RFE's framework shows that the agency was evaluating threshold evidence through an improper merits lens from the beginning. That same legal error carried into the denial."

The subject of the appeal before us, however, is not the RFE, but the subsequent denial decision. In that denial decision, USCIS concluded that the Petitioner had met the requirements of the judging criterion. The Petitioner does not identify any language in the denial decision that improperly called for evidence of acclaim in the context of the initial criteria. The claim that the "same legal error carried into the denial" is a general assertion that identifies no specific error in the denial decision.

In the denial decision, when discussing the initial criteria, USCIS raised the subject of "recognition" only in the context of 8 C.F.R. § 204.5(h)(3)(i), which requires receipt of "nationally or internationally recognized prizes or awards." USCIS discussed "impact" or "influence" only when discussing 8 C.F.R. § 204.5(h)(3)(v), which requires evidence of "original . . . contributions of major significance in the field." In doing so, USCIS remained within the confines of the respective criteria.

The Petitioner protests: "USCIS discounted already-granted criteria at final merits by adding extra-regulatory demands." For example, the Petitioner states:

> USCIS accepted the judging criterion. The Policy Manual specifically recognizes peer review and similar gatekeeping activities as qualifying judging evidence where the record shows the reviews were requested and completed. Yet at final merits USCIS discounted this evidence because Petitioner had not shown a substantial history of review requests, editorial-board service, or chairing technical committees. The regulation does not require any of those things. 8 C.F.R. § 204.5(h)(3)(iv).
>
> USCIS was entitled to decide what weight the judging evidence deserved in the totality, but it was not entitled to transform an accepted criterion into a more demanding, different evidentiary category.

The final merits determination considers the totality of the evidence in the broader context of sustained national or international acclaim as required by the statute. Issues that "are not relevant to the antecedent procedural question of whether the petitioner has provided at least three types of evidence" "might be relevant to the final merits determination of whether a petitioner is at the very top of his or her field of endeavor." *Kazarian v. USCIS*, 596 F.3d at 1121. Considerations that might impermissibly amount to "a novel evidentiary requirement" within the narrow confines of an initial criterion nevertheless "might be relevant to a final merits determination." *Id.*

The final merits determination hinges on whether the Petitioner has established sustained national or international acclaim and has reached the small percentage at the very top of the field. This determination is related to, but separate from, the antecedent question of whether the Petitioner has satisfied at least three of the initial criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). It is within this broader context that USCIS acknowledged the Petitioner's judging activity while also concluding that the Petitioner had not shown that such activity placed her at the very top of the field.

The same logic applies to other criteria. For example, USCIS determined that the Petitioner has performed in leading or critical roles for organizations with distinguished reputations, including major companies such as [redacted] USCIS determined that these roles satisfied the criterion at 8 C.F.R. § 204.5(h)(3)(viii). But USCIS concluded that the Petitioner had not shown that these roles brought her "national or international attention from . . . beyond her employers." The Petitioner asserts that recognition within the employing organization is sufficient to meet the criterion, but USCIS did not state otherwise. In a final merits determination, the acclaim and recognition must be field-wide at a national or international level, regardless of the stature of one's employer.

The Petitioner disputes the conclusion that she had not established original contributions of major significance in the field under the criterion at 8 C.F.R. § 204.5(h)(3)(v). The Petitioner states:

> USCIS's own Policy Manual recognizes that patents, publications, corroborated expert letters, implementation by others, and other objective documentary evidence may be probative of major significance. The RFE itself acknowledged that objective documentary evidence of significance, evidence that people throughout the field consider the work important, detailed expert letters, widespread citation, and evidence of implementation by others are all relevant to this criterion.
>
> Petitioner's response was organized to meet exactly that standard. The record included the independent expert opinion of [redacted] the detailed [redacted] letter from [redacted] adoption narrative, the patent record, publications, and other corroborative evidence.

The relevant passage from the *USCIS Policy Manual* reads as follows:

> [P]ublished 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.
>
> Similarly, evidence that the person developed a patented technology that has attracted significant attention or commercialization may establish the significance of the person's original contribution to the field. . . .
>
> Detailed letters from experts in the field explaining the nature and significance of the person's contribution may also 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*, *supra*, at F.2(B)(1). Because USCIS already determined that the Petitioner had met at least three other initial regulatory criteria, we will consider the Petitioner's contributions in the context of whether they contributed to sustained national or international acclaim.

The Petitioner asserts that USCIS did not give due weight and consideration to letters from [redacted], now at [redacted] We will discuss those letters here.

[redacted] described a project the Petitioner undertook under his direction at the [redacted]

> [The Petitioner] was a lead contributor to [redacted]. . . designing and implementing natural language processing and machine learning techniques that allowed [redacted] to extract structured data from scientific publications at scale.
>
> . . . Her technical approach represented a clear advancement well beyond the state of the art at the time, and the system she built became one of the project's most critical components. Her algorithms powered the core extraction layer of [redacted]. . . .
>
> The work culminated in the 2013 publication [redacted] at the [redacted] — one of the most selective and prestigious venues for data management research. The paper has since been cited more than 65 times. . . .
>
> The technologies that [the Petitioner] developed during this project also served as the foundation for what has become the [redacted]), now the successor to [redacted] Today, [redacted] is supported by the U.S. Department of Energy, DARPA, and the U.S. Geological Survey. It is actively used to index and analyze over 18 million research papers, forming the backbone of data infrastructure in geoscience and related fields. The underlying principles — AI-driven extraction from tables, figures, and scientific prose — were directly shaped by [the Petitioner's] work. The techniques she created have had a tangible and lasting effect on how scientific knowledge is accessed and interpreted at scale.

[redacted] is clearly in a position to describe the Petitioner's contributions to the [redacted] project, and he explained how that project is useful in the field. But the only objective, quantifiable metric he provided for the Petitioner's work is the assertion that she co-authored a conference paper that "has . . . been cited more than 65 times." The paper was published in 2013. At the time the Petitioner filed the petition in 2025, the number of citations had grown to 71.

The Petitioner did not submit objective documentary evidence to show that 71 citations over 12 years indicates not only major significance, to satisfy the initial criterion, but also sustained acclaim as required for the final merits determination. A *Google Scholar* printout in the record indicates that, at the time of filing, ten of the Petitioner's published articles, conference papers, patents, and patent applications had amassed a total of 182 citations; the paper described by [redacted] was the most-cited, with 71. [redacted] did not discuss his own publication record or citation history. Such information might have been instructive in terms of providing context for the Petitioner's own publication and citation statistics.[1]

[1] In a letter attesting to the Petitioner's peer review work, [redacted] director of Artificial Intelligence for [redacted], claimed that his own work had received "over 4,200" citations.

, unlike claimed no close ties to the Petitioner; he stated that he has no "employment, supervisory, or financial relationship with" her. In his letter, he stated that he reviewed certain materials provided by the Petitioner "to form an independent professional judgment about the original, field-level significance, and recognition of [the Petitioner's] work."

established his own credentials and explained why he considers three examples of the Petitioner's work to represent contributions of major significance. asserted that the Petitioner's work underlies widely-used platforms such as and These assertions have some weight when considering the significance of the Petitioner's original contributions, but we need not come to a definitive conclusion in this respect because there is no dispute that the Petitioner had already satisfied at least three of the initial evidentiary criteria.

The key question now before us on appeal is whether the Petitioner has established sustained national or international acclaim. In this respect, we note that, while asserts that the Petitioner's "consistent pattern of contributions and recognition . . . demonstrates sustained acclaim in her area of expertise," did not state that he was aware of the Petitioner or her work before he was approached to write the letter on the Petitioner's behalf. Instead, he voiced opinions regarding information in other letters and record materials.

stated: "it is useful to compare [one's] record to what is typical for professionals at a similar career stage." Likewise, stated that the Petitioner's contributions are "rare for a graduate student," and he called her "one of the most impactful early-career contributors I have had the privilege to work with." But the regulatory standard at 8 C.F.R. § 204.5(h)(2) is "the very top of the field of endeavor," and the Petitioner's field of endeavor is not limited to "graduate student[s]," "professionals at a similar career stage" or "early-career contributors."

For this reason, the Petitioner's reliance on a detailed breakdown of credentials serves to show that those individuals appear to be considerably more accomplished and recognized than the Petitioner herself. For instance, stated: "I am a recipient of the awarded in recognition of my work at the intersection of artificial intelligence, data systems, and large-scale computing." The Petitioner, on appeal, observes that the is "commonly known as the 'genius grant.'" stated that his own "publication record includes over 200 peer-reviewed articles and conference papers in leading venues," and that he "was elected a in recognition of [his] contributions to the field." The Petitioner cites these accolades to support the assertion that the letters from these individuals should have significant weight in this proceeding. But those recognitions also appear to substantially exceed the recognition that the Petitioner herself has received.

On appeal, the Petitioner states that her "six patents have received forward citations from Google, Adobe, IBM, Microsoft, SAP, Bank of America, Verizon, Dell, Tencent, and other major corporations. Patent citations from unrelated companies are the most objective indicator that subsequent innovators found the Petitioner's inventions sufficiently foundational to cite in their own work." The implication is that a patent is only cited if it has major significance in the field, but the record does not sufficiently support this claim. The Petitioner's own patent from 2017 cites 20 earlier patents issued to others. Citations in patent applications appear to serve a similar purpose to citations in scholarly publications, acknowledging the sources of earlier information mentioned in the new document and selected for their relevance rather

than their greater significance. The Petitioner has not provided objective evidence to give context to her patent citations, to show that the citations of her work have exceeded those of others in frequency or significance.

The Petitioner's claim of "six patents" echoes a timeline submitted with the petition in 2025, which refers to "[m]ultiple U.S. and international patents issued." But the record identifies only one issued patent, issued by the U.S. Patent and Trademark Office in 2017. The record also includes copies of four U.S. patent *applications* filed between 2011 and 2015 and one "international application" filed with the World Intellectual Property Organization in 2013, but the record includes no evidence that any of those other applications resulted in the issuance of patents in the United States or any other jurisdiction.

The *Google Scholar* printout in the record shows that the Petitioner has not produced public-facing material during the decade immediately preceding the petition's 2025 filing date. Her patent applications were filed between 2010 and 2012, and her most recent published paper appeared in 2014, when she was still a graduate student. The Petitioner has not shown that the lack of published output between 2014 and the 2025 filing date is consistent with the *sustained* acclaim that the statute demands. The Petitioner has also not shown how, in the absence of continued publication, her recent work could have attracted sufficient field-wide attention to result in such acclaim. Her employers' own regard for her work does not rise to the level of sustained national or international acclaim.

The Petitioner has submitted letters indicating that her employers and teachers value her contributions, but these materials do not show recognition at the broader level the statute and regulations demand. The Petitioner's involvement in high-profile projects does not necessarily convey the individual acclaim that she must show to qualify for the highly restrictive immigrant classification she seeks.

For instance, the Petitioner has established that [redacted] project won a 2012 [redacted] Award from the *Wall Street Journal*. The published list of winners did not identify individual participants. [redacted] senior director of [redacted] and [redacted] stated that the Petitioner's "contributions were part of the body of work that led to this recognition," but the record does not establish that the Petitioner received public credit and recognition for her work outside of [redacted] As a result, the Petitioner has not shown how her work on the project could have contributed to national or international acclaim.

The Petitioner has worked on government-funded projects, but the record does not show that government funding is contingent on, or results in, every project participant achieving the required level of acclaim and recognition, or that her work has been publicly acknowledged as the basis for that funding.

The Petitioner has shown little if any public recognition of her work in the decade preceding the filing of the petition, and the recognition she received earlier does not appear sufficient to put her at the top of her field. We agree with the fundamental determination in the denial decision that the Petitioner has not met her burden of proof to establish sustained national or international acclaim in her field.

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.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Visinscaia*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design"); *Hamal v. Dep't of Homeland Sec.*, No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021), *aff'd*, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *see also Hamal v. Dep't of Homeland Sec.*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing *Kazarian,* 596 at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 918 (N.D. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for visa as a baseball coach).

Here, while the Petitioner has established a successful career with major companies, she has not shown a degree of recognition of her work that rises to the level of sustained national or international acclaim and demonstrates 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) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

The Petitioner has not demonstrated eligibility as an alien of extraordinary ability. We will therefore dismiss the appeal.

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.