U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38696881

Date: AUG. 19, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a research associate, seeks first preference immigrant classification as an individual of extraordinary ability. *See* section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can show 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's evidence did not satisfy at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). This matter is before us on appeal, which we review de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). The Petitioner must establish her eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). 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 this country 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.

"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). The regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, an alien can show sustained acclaim and the recognition of achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or qualifying documentation that satisfies at least three of the ten criteria 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 regulatory 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).

II. ANALYSIS

The record reflects the Petitioner obtained an undergraduate degree in 2011 in health administration and a Ph.D. in neurobiology in December 2016 from a medical university in China. She then served as a postdoctoral fellow at the [redacted] Department of [redacted] for four years, and in September 2021, the department hired her as a "research associate" in part to conduct research "in the spinal cord injury/traumatic brain injury field" and perform data analysis. A letter from her employer states that she is "expected to" publish her work and expand her field by applying for grant funding.[1]

Because the Petitioner has not indicated, and the record does not otherwise show, receipt of a major, internationally recognized award, she must satisfy at least three of the ten regulatory criteria. She specifically claimed eligibility for three criteria at 8 C.F.R. § 204.5(h)(3)(iv), (v), (vi), and SCOPS found that the record satisfied one of the three criteria at 8 C.F.R. § 204.5(h)(3)(vi) (authorship of scholarly articles in the field). However, SCOPS determined that the evidence did not satisfy the remaining two criteria as set forth in 8 C.F.R. § 204.5(h)(3)(iv) and (v) relating to judging and original contributions of major significance, respectively, and denied the case, concluding that the Petitioner's documents did not satisfy at least three of the ten regulatory criteria.[2]

On appeal, she maintains that the record satisfies the above three criteria and alleges that SCOPS failed to properly consider all relevant evidence. We conclude that the evidence does not demonstrate that she has made original contributions of major significance in her field, and it thus does not satisfy the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(v). Without satisfying this criterion, the Petitioner cannot establish that she has met at least three of the ten evidentiary criteria as regulation requires.

The criterion at 8 C.F.R. § 204.5(h)(3)(v) requires threshold evidence of "the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." U.S. Citizenship and Immigration Services (USCIS) first determines whether the alien has made original contributions in the field, and if so whether they were of "major significance." *See* 6 *USCIS Policy Manual*, F.(2)(B)(1), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2.

The Petitioner reasserts that she has made original contributions of major significance in the field of neurotrauma research. In support of this assertion, and to meet the regulatory criterion, she primarily relies on her coauthored papers published over the years since she obtained her Ph.D. in 2016; related citation records and ratings; experience in research, peer review, and conference presentation; and four recommendation letters from her colleagues. SCOPS did not address whether the Petitioner has made *original* contributions in the field, but concluded that the evidence did not demonstrate that her contributions were of major significance in the field. For the reasons discussed below, we agree.

As stated, to satisfy 8 C.F.R. § 204.5(h)(3)(v)'s criterion, the Petitioner must show not only that she has made original contributions, but that they have been of major significance in the field. For instance, she may present evidence that shows that her research findings have been widely discussed,

[1] The Petitioner currently has a nonimmigrant (H1-B) work visa, filed by the university, which expires in March 2027.
[2] SCOPS's denial provided individual findings for each of the three criteria the Petitioner claimed below and determined that she has met only the scholarly articles criterion. However, the decision contains a typographical sentence inadvertently stating that she has met all three regulatory criteria she claimed.

adopted, or utilized by others in her field; her research-based suggestions have been implemented throughout the field; or her work has otherwise impacted the field at a level of major significance.

The Petitioner reiterates that the four recommendation letters (two pages each and dated 2023) "fully corroborate" the claimed major significance of her contributions in neuroscience research. They generally praise the Petitioner as an "outstanding" and "extraordinary" researcher with high skills; reiterate her publication history and the reputation of the journals that accepted her coauthored articles; and highlight her peer review experience. The letters also describe: her education and professional background; current duties as a research associate specializing in neurotrauma and related objectives; research projects she has worked on involving spinal cord injury (SCI) and neurotrauma that also may negatively affect brain function, in part using mice as test subjects; coauthored publication history; and peer review experience. The letters also describe in a technical manner a few specific examples of her research work, and they appear to indicate that the described projects may have resulted in some original findings with potential treatment implications for SCI and related brain conditions.

For instance, a letter from Dr. R-R-[3], an assistant neurology professor in Texas (and the Petitioner's former postdoctoral colleague who also coauthored with her at least a dozen articles) states that her studies represent "a groundbreaking advance in neuroscience." A letter from Dr. A-K-, an associate professor in India (and one of 10 co-contributors of a 2019 article the Petitioner coauthored), generally describes "the importance of [her] work" as well as the field of SCI neurotrauma research. Both of these letters also generally mention her background as well as publication and peer review experience, which they claim show high regard for her work in the field. Another letter from a neurology professor (S-L-) in China also describes the Petitioner's background and highlights the importance of neurotrauma research, and generally states that her work is "invaluable for medical personnel and patients around the world"; she has an "advantage" over her peers; and she is at the "forefront of any research efforts, making her an invaluable asset to any country that secures her services." Although S-L- in her letter explicitly states that she has "yet to collaborate with [the Petitioner] on any research" and thus able to provide "an unbiased perspective" about her, two of the Petitioner's coauthored graduate papers submitted below, respectively published in China in 2014 and 2016, each appear to list S-L- as a coauthor. A fourth letter from a physiology professor in Kentucky (J-G-) also generally mentions the Petitioner's publication history and provides technical descriptions of her two research projects, which J-G- believes "expanded the understanding of spinal cord-injury induced brain inflammation mechanisms" and "provided experts with the necessary knowledge related to spinal cord injuries, allowing for the improved management of this condition and its aftereffects."

However, apart from the general assertions as to the impact of the Petitioner's team research and the technical descriptions of some of her research projects that the letter writers claim are of exceptional quality, the support letters do not delineate the specific contributions she made that are of *major significance* in her field or otherwise explain how her research has had major, significant impact to the field. The letters do not discuss in any substantive detail whether or how her research has provoked widespread commentary on its importance from others in the field or resulted in patented technologies or treatments that have attracted attention or commercialization). *See* 6 *USCIS Policy Manual*, *supra*, F.(2)(B)(1) (setting forth considerations that may be probative of major, significant contributions in the field). The support letters also do not specifically address whether the Petitioner's research has

[3] We use initials to protect individuals' privacy.

been widely utilized or highly cited compared to other researchers in the field, or as noted, otherwise explain how her work and research represents contributions of major significance in the field. *See id.*

The record also lacks corroborating evidence that independently support the claim that the Petitioner's contributions as a research associate have been of major significance in the field. *Id.* (stating that, *detailed* expert letters explaining the nature and significance of the contributions may provide valuable context, *particularly where there is corroborating evidence of claimed significance*).

The Petitioner references her coauthored articles as another form of evidence that she claims satisfies 8 C.F.R. § 204.5(h)(3)(v)'s criterion, comprising 23 papers she and her (six to 16) contributors wrote from 2013 to 2023, eight of which list her first, indicating lead authorship. Ten of these articles were published between 2017 and 2021, as a postdoctoral fellow in Maryland; nine after she became a research associate in 2021; and four as a graduate student in China from 2013 to 2016. Although we acknowledge that these articles show her achievements in the field, the record does not support the claim that having published 23 articles (for 15 of which she was not the first author) during a period of a decade, by itself, is indicative of contributions of major significance in the field. *See generally 6 USCIS Policy Manual, supra, at* F.(2)(B)(1) (explaining that evidence that the person's work was funded, patented, or published, while may show the work's originality, will not necessarily establish its major significance to the field).

The Petitioner also relies on citation records of her coauthored articles based on her Google Scholar profile as well as excerpts of other articles that briefly cite her coauthored papers (along with other articles written by others) to support their own findings. While we recognize that the Google Scholar profile reflects that her coauthored research papers have been cited two to 159 times, it is not sufficient to show the major significance of her research in the field. The Google profile submitted with the Form I-140 in December 2023 lists her coauthored graduate papers, none of which she first-authored and of which she was one of six to nine contributors. Two of these graduate papers are from 2013, which 10 years later (as of 2023) received 114 and 19 citations, respectively; one from 2014 has 150 citations; and three from 2016 have 81, 45, and 16 citations, respectively. Of the nine articles she coauthored as a postdoctoral fellow in this country from 2017 to 2021, the Google information shows she is listed as the first author on six articles. Two of these coauthored articles were written in 2017, which 6 years later (as of 2023), respectively received 26 and 17 citations; one written in 2019 has 37 citations; two from 2020 respectively have 88 and 45 citations; and one from 2021 has 42 citations. The remaining postdoctoral articles from 2017, 2018, 2020, and 2021, for which the Petitioner was not the lead author, received 8, 105, 51, and 46 citations, respectively. The Google profile also lists five 2022 articles she wrote as a research associate, two of which list her as the lead author and received 23 and 15 citations, respectively. The remaining three 2022 articles received 17, 13, and 2 citations.

The updated Google Scholar profile information submitted below indicates that, as of December 2024, the above articles received approximately 10 to 25 more citations. The updated information also lists eight new articles she coauthored in 2023 and 2024, two of which from 2023 received eight citations each; three from 2024, one citation each; and the two remaining 2024 articles had no citation.

The Petitioner reiterates that, along with the individual citation record of some of her articles she claims were notable, the total number of citations of all her articles (1,432 based on the updated Google profile information) shows that her contributions were of major significance in her field. However,

she does not specify if any of the citations were self-citations or by her co-contributors, and she did not provide sufficient evidence that the publications and their citation rates compared to that of other SCI neurotrauma researchers distinguishably set her work apart that may indicate contributions of major significance to the field. The record also lacks evidence that the total number of around 1,400 citations of about two dozen published articles coauthored with many other individuals during the last 12 years inherently indicate an extremely high and impactful citation record, as the Petitioner claims. Thus, the number of citations received, in and of themselves, do not sufficiently reflect contributions of major significance in the field to meet the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(v).

Additionally, although we acknowledge the excerpts of publications citing the Petitioner's coauthored articles, they cite to them as one of many studies involved in similar efforts and do not show the claimed qualitative nature and impact of her work. They therefore do not establish that her research is "groundbreaking" and has "fundamentally" transformed the field of neurotrauma research that is of major significance, as she and the letter writers describe, or otherwise show that her efforts have been adopted or "has provoked widespread commentary on its importance from others working in the field." *6 USCIS Policy Manual, supra,* at F.(2)(B)(1).

Further, open source information that generally compare her citation records with other "average citation ratings" (such as that used by "Clarivate Analytics"), or comparing what she calls "inferior" online citation ratings of other researchers in other fields (such as that of a neuro-anesthetist, neuroimaging statistician, biomedical engineers, neuroscientists, neurosurgeons, or policy experts, most of whom also hold academic research positions, unlike the Petitioner) do not specifically relate to her endeavor as a research associate. Online citation data indicators (like "OpenAlex" and "Essential Science Indicator") which compare her citation percentiles to general ratings of others' work in the field of "neuroscience" or "neuroscience and behavior" also are not probative of the claimed major impact of her work in SCI neurotrauma research. She has not submitted probative evidence confirming that open source online information extrapolated from large datasets and larger fields equally or accurately applies to each subfield within neuroscience, including her own field.

Lastly, the Petitioner reiterates that the fact that she has peer-reviewed other researchers' papers and was invited to speak at reputable conferences also show a major, significant contribution to the field. However, she did not provide evidence that she was in fact a speaker at any of the conferences she claims are well-respected in the field. Even if she actually made respectable conference appearances, the record lacks evidence about the nature of her presentation and of what (if any) impact her research work may have had in the field as a whole through such speaking engagements that may be indicative of major significance. Although there is evidence that she has peer-reviewed about a dozen drafts submitted for potential publication, the record indicates she may have self-registered and volunteered to serve as a peer reviewer, rather than being invited. Even if she was invited to serve as a peer reviewer for renowned journals through strict merit-based selection criteria and process, evidence of which is not included in the record, she does not provide any detail, or submit probative evidence on, the nature and extent of her peer review experience or the claimed quality and resulting impact of the drafts she reviewed. It is also unclear how general peer review experience specifically relates to her endeavor as a SCI and neurotrauma scientist and how being a peer reviewer, a common task for most researchers and scientists, demonstrates major significance of her specific efforts as a researcher.

While we acknowledge the Petitioner's evidence, she did not submit sufficient probative evidence that her coauthored research findings during the last 12 years received any field-wide recognition or accolades; were adopted or rigorously replicated by objective parties; won any grant fundings; resulted in patents; or provoked widespread discussions in the field that may indicate high influence and significance of her work as a research associate.

Considered together, the evidence consisting of the citations to the Petitioner's coauthored publications, the related citation statistics, and the recommendation letters from her colleagues, establish that the Petitioner has been a productive and successful research associate in the field, and that her published data and findings have been cited and relied upon by others in their own research. However, the evidence does not demonstrate that her contributions in the field of SCI and neurotrauma research were of major significance. The Petitioner therefore has not met her burden of satisfying the threshold evidentiary criterion as set forth in 8 C.F.R. § 204.5(h)(3)(v).

Congress set a very high benchmark for aliens of extraordinary ability by requiring them to establish sustained national or international acclaim and present extensive documentation to demonstrate their achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, the Petitioner's inability to meet the above regulatory criterion means that she is unable to satisfy the initial evidentiary threshold at 8 C.F.R. § 204.5(h)(3).[4] Therefore, we cannot conclude that she is an alien of extraordinary ability and need not further analyze the merits under the Act. *See Kazarian*, 596 F.3d at 1119-1120; *see also Nagaiah v. Allen*, F.Supp.3d, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding that the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa.").

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.

[4] As such, we reserve and do not reach whether the Petitioner has participated "as a judge of the work of others in the same or an allied field of specification" as she also argues and regulation requires. *See, e.g., INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to reach issues unnecessary to the ultimate conclusion).