U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38866802

Date: AUG. 22, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a researcher/beamline scientist, requests classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203 (b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish the Petitioner received a one-time achievement of a major, internationally recognized award, or, in the alternative, that the Petitioner satisfied at least three of the initial evidentiary criteria. 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

An alien is eligible for the extraordinary ability classification if he or she has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and his or her achievements have been recognized in the field through extensive documentation; he or she seeks to enter the United States to continue work in the area of extraordinary ability; and his or her entry will substantially benefit prospectively the United States. Section 203(b)(1)(A) of the Act.

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 a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then the petitioner must provide documentation that meets at least three of the ten

categories listed at 8 C.F.R. § 204.5(h)(3)(i) to (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 the petitioner 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 filed of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115, 1119-20 (9th Cir. 2010); *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

Because the Petitioner has not claimed or established her receipt of a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS determined the Petitioner met only two (judging either individually or on a panel the work of others in the same or an allied field under 8 C.F.R. § 204.5(h)(3)(iv) and authorship of scholarly articles in the field in professional or major trade publication or other major media under 8 C.F.R. § 204.5(h)(3)(vi)) of the five claimed categories of evidence. On appeal, the Petitioner asserts that she fulfills the three remaining claimed criteria. Any ground of ineligibility that is not raised on appeal is waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

We do not disturb SCOPS' determination that the record satisfies the criteria at 8 C.F.R. § 204.5(h)(3)(iv) and (vi). Furthermore, for the reasons discussed below, we conclude that the record satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(viii). Therefore, the record satisfies at least three of the 10 initial evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). Because the record satisfies at least three initial evidentiary criteria, we reserve our opinion regarding whether it satisfies the remaining claimed criteria at 8 C.F.R. § 204.5(h)(3)(i) and (v). *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision). However, for the reasons discussed below, the record does not show sustained national or international acclaim or that the Petitioner is among the small percentage at the top of the field of endeavor. *See Kazarian*, 596 F.3d at 1110-20 (citing section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2) and (3)).

A. Leading or Critical Role

The Petitioner claims a critical supporting role as a beamline scientist at the [redacted], one of three subsets of its [redacted] responsible for operating Sector 13, a collection of five beamlines housed at the [redacted] located at the [redacted] (a Department of Energy facility) providing X-ray microprobe and spectroscopy, interface, surface and powder diffraction, high pressure and temperature diamond anvil cell and large volume press studies, and X-ray computer microtomagraphy.

The criterion at 8 C.F.R. § 204.5(h)(3)(viii) requires "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." A leading role may be demonstrated by evidence that establishes the individual is or was a leader within an organization or establishment, or a division or department thereof. An alien may fulfill a critical role in an organization or establishment, or a division or department thereof under this criterion. And a critical role may encompass a supporting role. But the evidence must establish that the alien's contributions through the critical or supporting role are of "significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment." *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.

SCOPS determined that letters of support describing the Petitioner's leading and critical roles did not specifically address how her roles were leading or critical or that the organization for which the Petitioner performed her roles was distinguished. SCOPS noted the record indicated the Petitioner was a valued individual providing services and contributions but the record as it was constituted did not distinguish her from others and did not describe the distinguished reputation of [redacted]. Upon de novo review, we withdraw SCOPS' determination and conclude the record supports the Petitioner's claim to this criterion.

The Petitioner claims her supporting role in the installation and commissioning of a new X-ray diffraction detector and designing an advanced optical layout for laser heating constitutes significant important contributions to [redacted] activities rendering her role critical. Dr. [redacted], the executive director of the [redacted] at the [redacted] states that [redacted] "performs synchrotron-based research in the field of Earth science." Specifically, Dr. [redacted], research professor at [redacted] in the [redacted] clarifies that Sector 13 at the [redacted] operated by [redacted] provides "earth scientists with access to the high-brilliance hard X-rays from [a] third-generation synchroton light source." As stated above, beamlines housed at [redacted] provide X-ray microprobe and spectroscopy, interface, surface and powder diffraction, high pressure and temperature diamond anvil cell and large volume press studies, and X-ray computer microtomagraphy.

Multiple individuals, such as Dr. [redacted], chair of the department of geosciences at [redacted] and Dr. [redacted], professor of mineral physics at [redacted] described the criticality of national or large-scale "user facilities" like [redacted] at [redacted] in [redacted]. Both Dr. [redacted] and Dr. [redacted] as well as Dr. [redacted] associate professor in the department of earth and environmental sciences at [redacted] submitted letters describing their work and how their work interfaced with the work the Petitioner performed as a beamline scientist with [redacted] in Sector 13 at the [redacted] in [redacted] operated by [redacted]. Dr. [redacted] described the Petitioner's technical role in [his] project's mission" as well as her "valuable collaborat[ion]" in the form of "installing and calibrating" the "precise alignment and synchronous motion of multiple sensitive components." Dr. [redacted] states beamline scientists "are a key element in the success" of research conducted at photon sources, of which Sector 13 at the [redacted] operated by [redacted] at [redacted] is an example. And Dr. [redacted] similarly describes the contributions of the Petitioner as "essential" in the context of her students' completion of thesis projects during the COVID-19 pandemic. So, it follows that installation and commissioning of a new X-ray diffraction detector followed by continued

maintenance, development, and recalibration is a contribution of significant importance to the continued operation of the beamlines at Sector 13 operated by [redacted] because it supports the Petitioner's work as well as the work of individual scientists across the nation.

Moreover, letters in the record sufficiently describe [redacted] distinguished reputation in the field. [redacted] director of [redacted] at [redacted] describes [redacted] as a "beach of excellence in the international scientific community" based on "more than 100,000 citations" from an "impressive output of over 2,000 peer-reviewed publications" which "represent a significant advancement in our understanding of critical scientific phenomena." Moreover, he states [redacted] has "international stature…further reinforced by its role in fostering global collaborations." So, the record preponderantly demonstrates the Petitioner meets the plain language of the criterion by serving in a critical support role with an organization or establishment, or a division or department thereof of distinguished reputation and we withdraw SCOPS' conclusion to the contrary.

B. Final Merits Analysis

As addressed above, the record satisfies at least three of the 10 initial evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). But the totality of the record does not preponderantly demonstrate the alien's sustained national or international acclaim or that the Petitioner is among the small percentage at the very top of her field of endeavor. *See Kazarian*, 596 F.3d at 1119-20 (citing section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2) and (3)).

The Petitioner is employed as a beamline scientist/researcher at the [redacted] since 2019. As stated above, she performs her work at [redacted], one of three subsets of [redacted] responsible for operating Sector 13, a collection of five beamlines housed at the [redacted] located at the [redacted]. She earned her bachelor's degree in geology from [redacted] in Greece and her master's degree in experimental geosciences and PhD from [redacted] in Germany. As discussed further below, the Petitioner has judged the work of others in her field, authored scholarly articles published in professional or major trade publications or other media, and served in a supporting role that is critical to an organization or establishment that has a distinguished reputation. But, in considering the totality of the evidence, the Petitioner has not demonstrated that her achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-7223, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Furthermore, the Petitioner has not shown that she has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3). The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation that that required" for lesser classifications. 56 Fed. Reg. 30703, 30704. Here, the Petitioner has not established that she enjoys a career that meets this very high standard. *See Amin v. Mayorkas*, 24 F.4th 383, 386-87 (5th Cir. 2002) (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

The Petitioner has not established that her instances of judging the work of others in her field contributed to a finding that she has a career of acclaimed work in the field or indicative of the required sustained national or international acclaims. It is not evident in the record that her commencement

and undertaking of judging activities, coincident with the commencement of her career as a post-doctoral researcher transitioning to the researcher/beamline scientist position she currently holds, demonstrates her sustained international or national acclaim in the field or that she is amongst that small percentage at the very top of her field of endeavor. Moreover, a portion of her judging activities are confined to work submitted to [redacted] It is not sufficiently clear how judging the work of others either individual or as a panel of work submitted to [redacted] is sufficiently indicative of the Petitioner's sustained acclaim or if such activities at a facility like [redacted] support that she is amongst the small percentage at the very top of her field of endeavor. Furthermore, the Petitioner has not submitted evidence demonstrating how her judging activities compares to others who may have sustained national or international acclaim or exist amongst the small percentage to have reached the top of the field of endeavor, either from her internal or external judging activities. *See Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801, at *2 (D.C. Cir. Jan. 31, 2023) (finding the petitioner did not provide needed context for his judging experience and the response to his work).

And the Petitioner did not sufficiently show, for instance, that she garnered any wide attention from her field on her judging and reviews of papers. If the evidence in the record does not provide adequate contextualization of how the Petitioner's judging or reviewing activities distinguish her from others performing work in her field, the Petitioner has not established that her judging or reviewing experiences place her among that small percentage who has risen to the very top of the field of endeavor. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the petitioner did not offer evidence of a consistent history of completing a substantial number of review requests relative to others, serving in editorial positions for distinguished journals or publications, or chairing technical committees for reputable conferences).

Likewise, authorship and publication do not automatically place one at the top of the field.[1] The record reflects the Petitioner has authored over 100 articles between 2017 and 2024. The record also reflects the Petitioner participated in 28 conference poster presentations between 2014 and 2024. But, the Petitioner did not demonstrate that her publication record is consistent with having a career of acclaimed work, sustaining national or international acclaim, and being among the small percentage at the very top of her field. The Petitioner, for instance, did not show the significance of the number of her authorships or how her publication record compares to others who are viewed to be at the very top of the field. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding it reasonable for USCIS to focus on the fact that a publication record of six publications over seven years inconsistent with a career of acclaimed work and sustained national or international acclaim).

The Petitioner also claimed that her scholarly work has a high frequency of citation. The Petitioner, however, did not specify how many citations were self-citations by herself and her coauthors. And the Petitioner did not provide context or a touchstone of comparison to demonstrate how the citation record of her works place her at the very top of other researcher/beamline scientists in the Petitioner's field. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (upholding the Petitioner did not

[1] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that the second step requires USCIS to evaluate the person's publications to determine whether it is indicative of being one of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

show the significance of authorships reflecting that he is among the small percentage at the very top of the field).

The Petitioner received a '[redacted] award" from the [redacted] and several travel grant awards. However, the record does not sufficiently demonstrate that the travel grant awards the Petitioner received contributed to sustained national or international acclaim for her in the field. The record does not adequately support that the travel grant awards are considered to be of such significance in her field that their receipt demonstrates national or international recognition placing the Petitioner at the very top of her field. And evaluation of the "[redacted] award" from the [redacted] labors under similar challenges. Even if we were to set aside concerns stemming from the receipt of the "award" by the [redacted] and not the Petitioner, we would still conclude the record does not describe this "award's" support of the Petitioner's occupation of a place at the very top of her field supported by her sustained national or international acclaim in her field of endeavor.

Finally, the record reflects that the Petitioner provided recommendation and reference letters. However, the letters are not sufficiently persuasive. The letters generally highlight the Petitioner's work and indicate the authors' personal implementation of the Petitioner's work into their own work. Letters that make general and expansive statements regarding the beneficiary and the beneficiary's accomplishments are generally not persuasive. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3). The letters do not claim, nor does the content show, that the Petitioner achieved national or international acclaim from the field. Moreover, the letters do not demonstrate that the Petitioner has attracted a level of attention placing her the very top of her field. In addition, the letters do not show that she has enjoyed a career of acclaimed work. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding testimonial letters were insufficient to establish his relative status in the field and do not compare him to others).

Here, the letters do not contain sufficient information and explanation to show that the Petitioner is viewed by the overall field, rather than by a solicited few, among the upper echelon or that she has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor. *Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding that none of the plaintiff's letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim). Although the letters highlight the Petitioner's work, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the submitted letters failed to establish the plaintiff's contributions resulted in significant acclaim).

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence). Here, 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,"); *Amin v. Mayorkas*, 24 F.4th at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visa are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, the Petitioner has not shown the significance of her work is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that she is among the small percentage at the top of her field. *See* 8 C.F.R. § 204.5(h)(2).

Because the Petitioner does not establish on appeal that the totality of the material provided demonstrates both sustained national or international acclaim and that the Petitioner is among the small percentage at the very top of the field of endeavor, the Petitioner is not eligible for the requested classification. *See Kazarian*, 596 F.3d at 1119-20 (citing section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2) and (3)).

III. CONCLUSION

The evidence meets at least three of the 10 criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). However, the totality of the record does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought. *See Kazarian*, 596 F.3d at 1119-20. U.S. Citizenship and Immigration Services 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 that the significance of her 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. 101-7223, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. The record does not otherwise demonstrate that the Petitioner has garnered the national or international acclaim in the field and that she 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; *see also* 8 C.F.R. § 204.5(h)(2).

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.