U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39174069

Date: AUG. 26, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a molecular biologist, seeks classification as an individual 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 qualifies as an individual of extraordinary ability either as the recipient of a one-time achievement that is a major, internationally recognized award, or as someone who initially satisfied at least three of the ten required regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). 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 a multi-part analysis. First, a petitioner can demonstrate 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 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).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner is a molecular biologist working in related areas of computational biology. Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, he must show that he satisfies at least three of the ten regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner submitted evidence related to the criteria at 8 C.F.R. § 204.5(h)(3)(iv), (v), and (vi) and SCOPS concluded that he satisfied one of the criteria. Specifically, that the Petitioner met his burden to demonstrate his authorship of scholarly articles under 8 C.F.R. § 204.5(h)(3)(vi). However, SCOPS determined that the Petitioner did not establish his service as a judge of the work of others or the criteria for original contributions of major significance under 8 C.F.R. § 204.5(h)(3)(iv)-(v).

In response to a request for evidence (RFE), the Petitioner submitted emails and communications demonstrating that he has judged the work of others in his field by peer reviewing manuscripts for professional journals and articles. The material he reviewed appeared in journals including *Epigenetics & Chromatin*, *Biomedicines*, and *Genes*. Because the record indicates the Petitioner has judged the work of others, he satisfied the criteria at 8 C.F.R. § 204.5(h)(3)(iv).

On appeal, the Petitioner alleges that SCOPS failed to meet the preponderance of evidence standard in the adjudication of the petition and asserts that SCOPS abused its discretion and claims the Petitioner meets the plain language requirements of the criteria. Specifically, the Petitioner maintains that SCOPS failed to thoroughly analyze the evidence presented and resorted to boilerplate assertions in its review of the evidence. However, SCOPS' determination did discuss the letters of support, the citation record, the patent information where the Petitioner's work was referenced, the Petitioner's research, and his work in the development of the [redacted] and [redacted] In reviewing SCOPS' decision, we do not identify any indication that the standard was raised beyond the preponderance of the evidence by demanding more evidence than the regulation calls for.

As we have determined the Petitioner satisfied the criteria for judging the work of others, we now review whether he has made original contributions of major significance. *See* 8 C.F.R. § 204.5(h)(3)(v).[1]

> *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 the regulation at 8 C.F.R. § 204.5(h)(3)(v), a petitioner must establish that not only have they made original contributions, but that the contributions have been of major significance in the field. For example, a petitioner may show that their 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. *See Visinscaia v. Beers*, 4 F. Supp. 3d at 134-35 (D.D.C. 2013).

The Petitioner claims to have made original contributions of major significance in the field, as evidenced by his published research, citation record, and letters from experts in the field, among other evidence. Specifically, he highlighted his publications in prestigious journals such as [redacted] and [redacted] for example. He also explains that there are numerous patents that cite to his work on [redacted] and [redacted] as evidence of the original contributions of major significance to the field.

The Petitioner asserts that his original contributions of major significance to the field of molecular biology include identifying RNA-RNA and protein-RNA interaction networks, characterizing the regulation of neuronal and glial cell types, defining the distinct DNA methylation patterns in different neurons and unveiling the relationship between DNA methylation and histone modification during postnatal neuronal development. He has published extensively in the field of molecular biology and maintains that his work has direct applicability in global efforts to address the increase in neurological disease and the impact of his work is evident from his published research.

The Petitioner's assertion that the recommendation letters demonstrate the originality of his research is not persuasive. Although the letters recount the Petitioner's research and explain the potential applications, the writers do not provide specific examples of contributions that are indicative of major significance. While the writers detail that the Petitioner has advanced technologies within the field, the letters do not show how these advancements amount to a contribution of major significance.

The Petitioner submitted a letter from an Associate Professor at the [redacted] who discusses the Petitioner's accomplishments. Specifically, the Associate Professor explains that the Petitioner's work in "investigating DNS methylation is useful for enhancing research on the brain

[1] The Petitioner did not claim eligibility under 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (vii), (viii), (ix), or (x) before the SCOPS or on appeal. As the Petitioner provides no evidence or arguments addressing these seven criteria on appeal, we consider these issues to be abandoned. *See Matter of R-A-M-*, 25 I&N Dec. 657. 658 n.2 (BIA 2012) (stating that when a filing party fails to appeal an issue addressed in an adverse decision, that issue is waived). *See also Sepulveda v. U.S. Atty. Gen.*, 401 F.3d 1226. 1228 n. 2 (11th Cir. 2005). citing *United States v. Cunningham*, 161 F.3d 1343, 1344 (11th Cir. 1998); *Hristov v. Roark*, No. 09-CV-27312011, 2011 WL 4711885 at *1, *9 (E.D.N.Y. Sept. 30, 2011) (finding plaintiffs' claims abandoned as he failed to raise them on appeal to the AAO).

and its cell types." Further, the Petitioner's projects are "beneficial throughout the U.S. as they open up new pathways to create diagnostics and targeted therapies for various neurological disorders, saving millions of American lives."

A letter from a professor of Neurology at [redacted] details the importance of the Petitioner's work explaining that the Petitioner "developed bioinformatic analysis tools to systematically identify RNA-RNA and protein-RNA interaction networks associated with non-coding RNA. In contrast to conventional studies, which focus on distinguishing the regulatory functions of ncRNA on protein-coding genes, [the Petitioner]'s investigation examined a broader range of processes, including cell proliferation, differentiation, and apoptosis." The professor noted that she relied on the data provided in the Petitioner's study of mircroRNA and messenger-RNA interactions to predict the downstream effects of extracellular components and that he is a leading contributor in the molecular biology field evidenced by his position as a frequent peer reviewer for prestigious journals.

Although the above letters recount the Petitioner's research and findings and make broad statements regarding the significance in the field, they do not contain sufficient information detailing how his work has been of major significance. While the letters indicate that the Petitioner is an authority in molecular biology research, they do not clearly detail his original contributions of major significance. For example, in the above letters, the professors describe his important work and explain how his research is vital for enhancing research on the brain and cells but fail to explain the major significance beyond the theoretical importance. The letters do not show that the significant nature of his research has already been realized or has been implemented or utilized in a manner consistent with major significance. The letters discussed above primarily contain attestations of the novelty of the Petitioner's work and research studies without describing a specific original contribution that has impacted the broader field of molecular biology.[2] The authors' assertions in the above-referenced letters do not explain how the Petitioner's research findings have been widely implemented in the field or establish that the Petitioner's work has had a demonstrable impact on the field as a whole commensurate with a contribution of major significance.

The record includes documentation from Clarivate Analytics showing that one of his articles, [redacted] was cited [redacted] times in 2014, which according to the baseline percentiles would make his published materials above the top [redacted] percent in the molecular biology and genetics field. However, without more context regarding the citations, these comparative rankings to baseline or average citation rates do not automatically establish that a given petitioner has made a contribution of major significance in the field. A more appropriate analysis, for example, would be to compare the Petitioner's citations for individual articles to other similarly, highly cited articles that the field views as having been of major significance, as well as factoring in other corroborating evidence. Although the record includes recommendation letters, there are few indications as to how the Petitioner's citations were utilized. Further, the widespread nature of the Petitioner's citations is not necessarily indicative of the major significance of his work without the context to demonstrate the importance of the work. Highly cited publications alone are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent

[2] *See generally* 6 *USCIS Policy Manual*, F.2 Appendix, https://www.uscis.gov/policy-manual (providing guidance for the evaluation of evidence submitted under 8 C.F.R. § 204.5(h)(3)(i)-(x) and 204.5(h)(4)).

evidence that they were of "major significance," as a citation ranking does not provide sufficient context to determine the impact or importance of a given researcher's work in the field.

We also acknowledge that the Petitioner provided evidence that his research for [redacted] and [redacted] was utilized for patents. The submitted patents reference the Petitioner's work as evidence of the significance of his contributions. While the patents indicate that others have built upon the Petitioner's work, as well as the work of the other cited scientists, the Petitioner did not demonstrate that the overall field views his published findings as original contributions of major significance. Although documentation that published research has been highly cited may be probative of the significance of the contributions, here, the Petitioner did not show that his research utilized in these patents rise to a level of "major significance," as required by this regulatory criterion.

In the initial filing the Petitioner asserted that his research has been published in some of the top publication venues in his field such as [redacted] and [redacted] to name a few. He explains that publication in these journals is extremely selective, and publication is a rare accomplishment. We acknowledge that the Petitioner's work has been published in prestigious journals, but this alone does not demonstrate the major significance of his work and there is little documentation that the importance of the contributions has been realized beyond the theoretical value.

Considered together, the evidence consisting of the citations to the Petitioner's published findings, the citation statistics, the information regarding his research, and the reference letters from his fellow researchers and other experts, establishes that the Petitioner has been productive, and that his published data and findings have been relied upon by others in their own research. It does not demonstrate that the Petitioner has made a contribution of major significance in the field of molecular biology. Therefore, he has not met this criterion.

For the above-stated reasons, of the three claimed criteria, the Petitioner has demonstrated that he meets two of the criteria. He has not shown that he satisfies the criterion related to original contributions of major significance at 8 C.F.R. 204.5(h)(3)(v). Accordingly, we conclude that the Petitioner has not met three of the initial evidentiary criteria, as required.

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that they are an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, -- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. 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).

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.