U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39774989

Date: AUGUST 29, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an animal science researcher, seeks immigrant 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).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner had won a major, internationally recognized award or met at least three of the remaining criteria for initial evidence of extraordinary ability. 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 immigrant visas available to individuals 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, provided that the individual seeks to enter the United States to continue work in the area of extraordinary ability, and the individual'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, petitioners can demonstrate international recognition of their accomplishments in the field through a one-time achievement (that is, a major, internationally recognized award). If petitioners do not submit this evidence, then they must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x). The regulation at 8 C.F.R. § 204.5(h)(4) allows petitioners to submit

comparable evidence if they are able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)–(x) do not readily apply to their occupation.

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

II. ANALYSIS

The Petitioner holds a Doctor of Philosophy degree in animal science and is a postdoctoral fellow in the Department of Agriculture at the [redacted] in South Africa. The Petitioner claimed to meet six of the initial evidentiary criteria. SCOPS determined the Petitioner met only one criterion and denied the petition. On appeal, the Petitioner claims SCOPS improperly elevated the evidentiary burden beyond the required standard of preponderance of the evidence and "did not weigh the cumulative record under the final merits test required by Kazarian." For the reasons discussed below, the preponderance of the evidence does not establish that the Petitioner meets at least three of the initial evidentiary criteria. Consequently, a final merits determination need not be conducted.

A. Evidentiary Criteria

Because the Petitioner has not shown that he received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). SCOPS determined the Petitioner met the criterion relating to authorship of scholarly articles at 8 C.F.R. § 204.5(h)(3)(vi). The record supports this determination as it shows the Petitioner has co-authored numerous articles published in scientific journals. The record does not establish that the Petitioner meets the remaining criteria he claimed to satisfy.

Membership in associations in the field

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) requires "documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields."

The Petitioner submitted evidence of his student membership in the [redacted] of Southern Africa, his membership in the [redacted], and his membership in the [redacted]. The Petitioner did not, however, submit evidence that the [redacted] of Southern Africa, the [redacted] or [redacted] require outstanding achievements of their members as judged by recognized national or international experts in their disciplines or fields.

The Petitioner submitted his [redacted] certificate from the [redacted] but did not submit evidence of his membership in the Institute. Although the Petitioner submitted the [redacted] which indicates that outstanding achievements are required of members at the Associate and Fellow levels, the Petitioner did not submit evidence that he holds membership in the Institute at either of those levels.

The Petitioner does not meet this criterion.

Published material about the alien

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires "[p]ublished material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought." These materials must include "the title, date, and author of the material, and any necessary translation." *Id.* The published material should be about the alien and their work, rather than the alien's employer and its work (or about an organization and its work). *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual. Professional or major trade publications may be identified by their intended audience, while other major media and major trade publications are assessed by their relative circulation, readership, or viewership. *Id.*

The Petitioner claims to meet this criterion based on the article, "[redacted]" published in the [redacted] which the Petitioner co-authored with two other individuals. This article is not "about" the Petitioner because it is co-authored by the Petitioner. Although the record indicates this article has been cited four times, the Petitioner did not submit evidence of the citing articles showing that they are about the Petitioner. Consequently, the Petitioner does not meet this criterion.

Judge of the work of others in the same field

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) requires "[e]vidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought."

The Petitioner submitted a 2022 Confidentiality Agreement between himself and the [redacted]) stating he agreed to assist the [redacted] "in the assessment of research proposals to be considered for funding by the [redacted] as part of the [redacted]." The Petitioner did not submit evidence that he actually reviewed research proposals pursuant to the agreement.

The Petitioner submitted support letters which state he supervised and mentored an undergraduate student and assisted in the supervision of one doctoral student. However, the Petitioner did not submit supporting evidence that he, for example, was a member of the students' thesis or dissertation review committees or otherwise actually served as a judge of their work. On appeal, the Petitioner asserts SCOPS "discounted documented evidence of [his] participation in evaluating the work of others as a peer reviewer" and claims he submitted "letters from journal editors and scientific panels," but the record does not contain such letters.

As the record lacks evidence of the Petitioner's service as a judge of the work of others in his or an allied field, he does not meet this criterion.

Original contributions of major significance

The regulation at 8 C.F.R. § 204.5(h)(3)(v) requires "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

On appeal, the Petitioner asserts SCOPS erroneously dismissed his scholarly articles and citations. The Petitioner submitted his Google Scholar profile which shows he has published 17 articles in scientific journals and numerous papers in conference proceedings, and that his publications have been cited a total of 374 times. The Petitioner's Google Scholar profile alone is not sufficient to meet this criterion. The Petitioner did not submit, for example, citing articles that discuss his work in depth, review articles that highlight his research as particularly significant, or other evidence that his published research has made contributions of major significance to his field.

The Petitioner highlights three of his articles. Regarding his article, '[redacted]' published in the [redacted] the Petitioner states it "examines nutrient digestibility, a critical area of animal science that enhances understanding of feed efficiency." The record indicates this article has been cited seven times, but the Petitioner did not submit evidence of these citations showing the research has made a major contribution to his field. The Petitioner also claims his article, "Histomorphometric traits and nutrient digestibility in broiler chickens" published in the [redacted] "examines nutrient digestibility, a critical area of animal science that enhances understanding of feed efficiency." The record indicates this article has been cited only one time. The Petitioner also asserts his article, "Potential relevance of pomegranate peel in poultry nutrition" published in the [redacted] "explores innovative ways to improve poultry health and production." The record indicates this article has been cited only once. The evidence does not establish that these three articles have made contributions of major significance to the Petitioner's field.

The Petitioner submitted letters from other researchers who attest to the Petitioner's skills, but do not discuss any specific contributions he has made to his field. E-A-,[1] a postdoctoral research fellow at the [redacted] South Africa, states she was supervised and mentored by the Petitioner. E-A- asserts the Petitioner's "strong commitment to advancing knowledge" in his field is evidenced

[1] We use initials to protect the privacy of the referenced individuals.

by his scientific publications in reputable peer-reviewed scholarly journals. E-A- does not discuss any specific research or articles of the Petitioner that have made a major contribution to his field.

A-O-A-, Professor of Animal Nutrition and Biochemistry at the [redacted] explains he was the Petitioner's undergraduate and postgraduate supervisor and praises the Petitioner's research conducted under his supervision, which assisted two other researchers at the [redacted]. A-O-A- commends the Petitioner's publication record and expresses confidence that "he can accomplish his vision of being . . . a leader in meat and livestock sciences." A-O-A- does not discuss any specific aspect of the Petitioner's research in detail and does not indicate that the impact of his work has extended beyond the [redacted] to majorly contribute to his field. F-L-, Professor of Agriculture at the [redacted] in South Africa and the Petitioner's supervisor, praises the Petitioner's publication record and role in securing funding from the [redacted] and the [redacted]. F-L- does not discuss any of the Petitioner's research in detail or otherwise indicate that the Petitioner has made major contributions to his field.

V-M-, Professor of Animal Science at the [redacted], states the Petitioner was his doctoral student and praises the Petitioner as "a young researcher with a precocious scientific acumen." V-M- does not discuss any of the Petitioner's research or otherwise indicate that he has made major contributions to his field. O-J-B-, Professor of Ruminant Nutrition and Biochemistry at the [redacted] describes the Petitioner as "a young, upcoming scientist who has contributed immensely to the body of science." O-J-B- praises the Petitioner's publication and citation record, but does not discuss any particular aspect of his research or explain how any of his work has made significant contributions to his field.

The Petitioner's support letters are insufficient to meet this criterion as they do not specifically identify any contributions of major significance to his field. *See id.* (stating support letters "should specifically describe the person's contribution and its significance to the field").

The Petitioner submitted evidence that he received a grant from the [redacted] in 2023 for his research on "the effect of pomegranate peel meal on the performance broilers." The Petitioner does not explain the significance of this grant, identify any publications that resulted from this grant-funded research, or otherwise establish that his receipt of the [redacted] grant led to contributions of major significance in his field. The grant notification is insufficient to support the general claims in the Petitioner's support letters. *See id.* (explaining that support letters are valuable when they are detailed, explain the nature and significance of the person's contributions, and are accompanied by corroborating documentation).

The Petitioner's publication and citation record, support letters, and grant notification are insufficient to establish he meets this criterion.

Leading or critical role

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) requires "evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." The role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual. In determining whether the organization or establishment,

or a department or division thereof, has a distinguished reputation, relevant factors include its size, longevity, scale of its customer base, and relevant media coverage. *Id.*

The Petitioner claims to meet this criterion through his roles as an assessor for the [redacted] and as a postdoctoral fellow at [redacted]. The Petitioner did not submit any evidence from the [redacted] attesting to his leading or critical role. While F-L- praises the Petitioner's publication record and role in securing funding, he does not describe the Petitioner as holding a leading or critical role in his laboratory, the Department of Agriculture at [redacted], or the University as a whole. The Petitioner also did not submit evidence that the [redacted], F-L-'s laboratory, the Department of Agriculture at [redacted] or the University as a whole have distinguished reputations. Consequently, the Petitioner does not meet this criterion.

B. Final Merits Determination

Congress set a very high benchmark for aliens of extraordinary ability by requiring petitioners to demonstrate "sustained national or international acclaim" and present "extensive documentation" to show that their 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 he is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, -- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing towards the top. USCIS 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 and recognition of his work are indicative of sustained national or international acclaim as one of that small percentage who have risen to the very top of his field, as extraordinary ability is described at section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2). The Petitioner is consequently ineligible for classification as an alien of extraordinary ability.

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