U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39685056

Date: DEC. 1, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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.

Service Center Operations (SCOPS) denied the petition, concluding the Petitioner had not established that he met the initial evidence requirement for this classification through evidence of either a one-time achievement or that he meets three of the alternative evidentiary criteria under 8 C.F.R. § 204.5(h)(3). 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

Because the Petitioner has not indicated or established that he has 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). The Petitioner initially claimed to have met five criteria, summarized below:

- (iii), Published material;
- (iv), Participation as a judge of the work of others in the same or an allied field;
- (v), Original contributions of major significance in the field;
- (vi), Authorship of scholarly articles; and
- (viii), Leading or critical role for distinguished organizations or establishments that have a distinguished reputation.

In denying the petition, SCOPS determined that the Petitioner did not satisfy any of the criteria. On appeal, the Petitioner continues to assert that he meets the evidentiary criteria relating to (iii), published material; (v), original contributions; and (viii), leading or critical role. Upon de novo review, the record does not reflect that the Petitioner meets the requirements of at least two of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3).[1]

A. Original Contributions of Major Significance in the Field

The regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 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.

[1] While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety.

See Visinscaia, 4 F. Supp. 3d at 134-35. 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 contends that his "[redacted] apps[2] are significant contributions in the field of technology." As evidence under this criterion, the record contains media articles, evidence of the Petitioner's presentations at two of the "world's premier conferences for the use of digitization and IT in agriculture," documentation that establishes that [redacted] was implemented in 50 farms in India, and a letter establishing the mandatory use of [redacted] for female students at a university in India. The Petitioner also submitted letters in support. SCOPS considered the documentation in the record but concluded that they were not sufficient to demonstrate that the Petitioner's contributions had risen to the level of major significance in the field.

The Petitioner has not submitted any documentation on appeal to address the deficiencies raised by SCOPS. Detailed letters from experts in the field explaining the nature and significance of the person's contribution may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.[3] Here, the Petitioner's letters, reviewed and considered by SCOPS, do not contain specific, detailed information explaining the unusual influence or high impact his research or work has had on the overall field to establish that it has been of major significance. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *8 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's testimonial letter mostly consisted of conclusory statements about the significance of his work and his potential). As noted by SCOPS, "while the authors of the letters attribute products and services to the petitioner's work, the letters do not provide specific detail (sic) examples of how the petitioners (sic) contributions have been of major significance in the field."

Furthermore, the Petitioner has not established how his involvement with the above-referenced platforms has been implemented or provoked widespread commentary on its importance from others working in the field.[4] Nor has the Petitioner established that the platforms are of "major significance" beyond the "50 small farms" in India and for female students at a university in India.

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[2] Counsel maintains that [redacted] is a "mobile-based farming system which automates the monitoring of crops, irrigation, security, and environmental conditions" and [redacted] is an app which was made mandatory at a university in India for all female students, and "which makes it easy for a smartphone to send out an SOS in the event someone is being assaulted or kidnapped."

[3] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

[4] *Id.*

The record lacks evidence that the Petitioner's original contributions have major significance in his field. We will therefore affirm SCOPS' finding regarding this evidentiary criterion.

B. Role

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for "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. Evidence of a leading role should show that the alien was a leader for the claimed component, and a job title with matching duties may help to establish that a role was leading. For a critical role, evidence should show that the alien has contributed in a way that is 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. 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. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner maintains on appeal that he has performed in a leading or critical role for the [redacted]. He contends that he is the only one in his organization with the title of HIB Business Analyst and his responsibility is "to make sure that the surveillance and reporting systems work properly and efficiently, and that the state's public health strategies are supported with the most modernized technology." Testimonials from colleagues, submitted on appeal, establish that there are no other employees at the [redacted] who do what the Petitioner does. B-F-,[5] lead of HIV Surveillance at the [redacted] states that the Petitioner "is the only dedicated HIV Business Analyst that works with the HIV Surveillance team" and the Petitioner "has been a vital member of our team, showing consistent dedication to enhancing HIV surveillance, prevention, and treatment efforts across the [redacted]." Furthermore, the Petitioner has "played a key role as a peer reviewer for several government funded HIV technology initiatives." His "understanding of both the business and technical aspects of the full software development lifecycle make him a mission-critical asset to our team." S-R-, an epidemiologist at the [redacted] also confirms that the Petitioner is the "team's sole HIV Business Analysis and a vital team member in advancing HIV surveillance, prevention, and treatment efforts throughout [redacted]."[6] Documentation regarding HIV/AIDS in [redacted] including a [redacted] HIV/AIDS Annual Surveillance Report 2024, has also been provided on appeal.

While we acknowledge the documentation in the record, the letters in the record do not establish how the Petitioner's role as a business analyst for the HIV surveillance team distinguishes him from others within the [redacted] as a whole, nor do they establish where the Petitioner is in the overall hierarchy. Nor do the letters sufficiently discuss or indicate how the Petitioner's role as the "only dedicated HIV business Analyst" resulted in the Petitioner serving in a leading role or performing in a critical capacity for the [redacted]. We note that in multiple letters, the Petitioner is referred to as a member of "the team" and a "vital team member"; but the individuals do not maintain that the Petitioner has performed in a "leading or critical role. While the Petitioner

[5] Initial are used to protect individuals' privacy.

[6] While we discuss a sampling of letters, we have reviewed and considered each one.

appears to be a "mission-critical asset to [redacted]," we agree with SCOPS' determination that these letters do not contain the detailed and specific information needed to demonstrate the Petitioner's performance in a leading or critical role for an organization or establishment.

Further, this criterion also requires the organization or establishment, or the department or division for which the person holds or held a leading or critical role, to have a distinguished reputation.[7] *Meriam-Webster's* online dictionary defines "distinguished" as "marked by eminence, distinction, or excellence" or "benefitting an eminent person."[8] As the Petitioner has not established that he has performed in a leading or critical role, we reserve this issue. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)); *see also Matter of G-C-I-*, 29 I&N Dec. 176, 184–85 n.6 (BIA 2025) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

For these reasons, the Petitioner has not shown he fulfills this criterion.

III. CONCLUSION

We conclude that although the Petitioner claims on appeal that he meets three criteria, because his arguments fail on two criteria, as discussed above, that means he cannot numerically meet the required number of criteria. Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner to 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.").

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 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.

[7] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

[8] *Id.*