U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 40534601

Date: DEC. 4, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an electrical engineer in the "semiconductor power electronics engineering" field, 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. SCOPS concluded that the Petitioner met two of ten alternative evidentiary criteria – one less than needed for a final merits determination. On appeal, the Petitioner contends that SCOPS relied on evidence supporting his prior denied EB-1 petition and did not fully review the evidence with this petition. He argues that he satisfied four additional evidentiary criteria.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that he met at least three alternative evidentiary criteria. But, because he has not established his receipt of enough acclaim and recognition to place himself among the small percentage at his field's very top, we will dismiss the appeal.

## I. LAW

To qualify for this immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability" in the sciences, arts, education, business, or athletics;
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the country as a permanent resident.

Section 203(b)(1)(A)(i-iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

Unless a petitioner received "a major, international recognized award," they must satisfy at least three of ten alternative evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[1] If a petitioner meets either evidentiary standard and the requirements at section 203(b)(1)(A)(ii), (iii) of the Act, U.S. Citizenship and Immigration Services (USCIS) must then make a final merits determination. To merit final approval, the record – as a whole – must establish a petitioner's "sustained national or international acclaim" and recognized achievements placing them among the small percentage at their field's very top. *See Kazarian v. USCIS*, 596 F.3d 1115, 1119-20 (9th Cir. 2010) (implementing a two-step extraordinary ability analysis); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

## II. ANALYSIS

### A. The Petitioner

The record shows that, in his home country of Nigeria, the Petitioner received a bachelor of engineering degree in electrical/electronic engineering and a master's degree in business administration. He also has a U.S. master of science degree in electrical and computer engineering and has published research articles in the semiconductor power electronics field. The Petitioner has more than 15 years of employment experience in the energy and manufacturing industries. He worked in Africa as a project lead engineer for one company, advancing wireline logging operations on a rig site, and as a technical sales and product manager for three other firms, handling industrial automation and instrumentation/control projects.

The Petitioner currently works for a U.S. energy company as a systems test continuous engineer. In this role, he develops new energy optimization and control devices. He stated: "My work is motivating new energy frontiers and innovations with the industrialization and digitalization of energy manufacturing processes that will lead to economic empowerment of US businesses, national security, contribute to medical progress, improved logistics, and economic growth."

### B. The Alternative Evidentiary Criteria

The record does not demonstrate – nor does the Petitioner claim – his receipt of a major international award. *See* 8 C.F.R. § 204.5(h)(3). He must therefore satisfy at least three of the ten alternative evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i-x).

The record supports SCOPS' findings that the Petitioner submitted evidence of his:

- Authorship of scholarly articles in his field; and
- Commandment of a high salary or significantly high remuneration for his services, in relation to others in this field.

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

*See* 8 C.F.R. § 204.5(h)(3)(vi), (ix). Upon review, we find that he met at least one additional alternative evidentiary criterion: judging others' work in his field. *See* 8 C.F.R. § 204.5(h)(3)(iv).

To meet this requirement, a petitioner must submit "[e]vidence of the[ir] 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." 8 C.F.R. § 204.5(h)(3)(iv). "The petitioner must show that [they have] not only been invited to judge the work of others, but also that [they] actually participated in the judging of the work of others in the same or allied field of specialization." 6 *USCIS Policy Manual* F.2(B)(1), Criterion 4.

SCOPS found that the technical project reviews the Petitioner completed for companies did not satisfy this evidentiary criterion. But SCOPS did not discuss evidence that he reviewed others' research articles in his field. He submitted copies of letters and email messages asking him to review multiple manuscripts for a quarterly scientific and industrial journal and thanking him for his services after their completion. Examples of judging others' work under this criterion may include "[p]eer reviewing for a scholarly journal, as evidenced by a request from the journal to the person to do the review, accompanied by proof that the review was actually completed." 6 *USCIS Policy Manual* F.2(B)(1), Criterion 4. Thus, the Petitioner met this evidentiary requirement.

The Petitioner has satisfied the requisite minimum number of alternative evidentiary criteria. *See* 8 C.F.R. § 204.5(h)(3). We therefore need not reach and hereby reserve consideration of whether he met the other evidentiary requirements he claims to have satisfied. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

USCIS must now conduct a final merits determination on the petition. SCOPS did not make such a finding in this case. We will therefore conduct the final merits determination ourselves.

C. The Final Merits Determination

To merit final approval as an alien with extraordinary ability, a petitioner must demonstrate – through evidence of sustained national or international acclaim and recognition of their achievements in their field – that they are one of the small percentage who has risen to their field's very top. 6 *USCIS Policy Manual* F.2(B)(2). They "must explain the significance of the submitted evidence, and how it demonstrates that the person has achieved sustained national or international acclaim and recognition in their field of expertise." We review evidence in the totality and must consider "any potentially relevant evidence in the record, even if such evidence does not fit one of the … regulatory criteria or was not presented as comparable evidence." *Id.*

On appeal, the Petitioner claims that "[h]is contributions have been vital to the energy industry." He notes that a former employer issued him a 2018 "[redacted]" for developing a system that monitors critical energy equipment. The system uses wireless transmitter sensors to measure vibration depth and temperature to detect mechanical faults and defects in rotating pumps, heat exchangers, turbines, and other vibratory equipment. An area director with the former employer stated: "Previously, companies would often wait until the critical assets equipment failed and then have to scramble to make repairs losing valuable time." The area director said his company was the first to

deploy the system worldwide and continues to use and sell it. The system includes software allowing customers to monitor their equipment in "real-time." The area director stated that the monitoring system:

> had a significant impact to the field because it helps prevent unexpected plant shutdowns and failures for customers in the oil and gas, food and beverage, chemical, life sciences, power, water and wastewater industries. [The Petitioner]'s original monitoring solution led to an 85% increase in the [company's] reliability services business revenue with the award of several lifecycle services and maintenance contracts, operational excellence achievements status, and improved machinery health monitoring systems.

The area director stated: "Other companies in the energy industry have started using [the Petitioner's] vibration monitoring solutions to reduce carbon emissions, mitigate climate change and create environmental sustainability initiatives."

A managing director of a Nigerian energy service company stated that his firm has also used the Petitioner's solutions in various multi-million-dollar projects and operations. He stated: "[The Petitioner]'s technical value propositions and product solutions led to the upgrade of legacy systems at [a large energy company's] prolific energy installations in offshore West Africa, resulting in improved performance of critical assets, and enhanced operational excellence." He stated that other large energy companies, together comprising about 12% of the global industry, have also adopted the Petitioner's solutions in critical projects. He stated:

> The fact that they have adopted [the Petitioner]'s solutions means that his original solutions have had a major impact on the field as a whole. It also indicates that his innovations are not just theoretically sound but also practically viable and beneficial in real-world scenarios.

The reported use of the Petitioner's solutions by major energy companies is impressive. But the evidence falls short of placing him among the small percentage at his field's very top. His former employer issued him the 2018 [redacted], and the record does not demonstrate the award's availability to others in the field. *See Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *4 (E.D. Va. Apr. 20, 2021) (affirming that internal awards from an employer did not "translate[] to sustained national or international acclaim"). Also, none of the major energy companies that reportedly adopted the Petitioner's solutions provided letters on his behalf. Rather, the letters he submitted are from his current or former employers, clients, or others who personally know him. "It is generally expected that one whose accomplishments have garnered sustained national or international acclaim would have received recognition for their accomplishments well beyond the circle of their personal and professional acquaintances." 6 *USCIS Policy Manual* F.2(B)(3).

As additional evidence of his claimed extraordinary ability in his field, the Petitioner cites critical roles he has purportedly played for energy companies. For example, a manager at the Petitioner's current employer described the Petitioner as "one of the few people that have the skills and experience of providing original solutions and making improvements in both industrial and residential energy settings." But the record does not explain whether the Petitioner is one of the few people with such

capabilities in his field or merely at his employer. *See Joseph v. Dir. of Texas Serv. Ctr., USCIS*, No. 24-40249, 2 WL 458001, at *4 (5th Cir. Feb. 11, 2025) (affirming USCIS' finding that a petitioner's leading role in a successful or distinguished company does not demonstrate that "the impact of his work has risen to the level where it places him at the very top of the field").

Similarly, the record shows the Petitioner's authorship of published scholarly articles in his field. But he has not demonstrated that his papers have generated a high number of citations in his field. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *23 (D. Neb. Sept. 12, 2025) (affirming USCIS' finding that evidence of a petitioner's scholarly articles "does not demonstrate that the research reported in those articles has made an impact on the field sufficient to provoke widespread commentary").

Congress intended to set "a very high standard" for aliens of extraordinary ability. Proposed Rule for Employment-Based Immigrants, 56 Fed. Reg. 30703, 30704 (July 5, 1991). Congress indicated that this immigrant visa category was meant "for that small percentage of aliens who have risen to the very top of their field of endeavor." *Id.* The Petitioner met the category's initial evidentiary requirements and demonstrated his receipt of acclaim and recognition in his field. But, considering the evidence as a whole, he has not established his claimed place among the small percentage of his field's very top. *See Amin v. Mayorkas*, 24 F.4th 383, 386 (5th Cir. 2022) ("[G]iven the lofty bar for extraordinary ability classifications, we cannot say that the agency acted arbitrarily when it determined that [a petitioner] was not 'extraordinary' but merely very good."); *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (holding that even athletes performing in their sport's premier league do not automatically meet the extraordinary ability standards).

## III. CONCLUSION

The Petitioner has met the requisite amount of alternative evidentiary criteria. But he not demonstrated that he is among the small percentage at his field's very top. We will therefore affirm the petition's denial.

**ORDER:** The appeal is dismissed.

**NOTICE:** This is the final decision in this matter. A motion's filing would not postpone the decision's effect. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are unlawfully present, or who are otherwise inadmissible or deportable, may receive Forms I-862, Notices to Appear, placing them in removal proceedings. See section 240 of the Act, 8 U.S.C. § 1229a. Removal proceedings may result in an alien's removal from the United States and ineligibility for future U.S. visas or other immigration benefits.