U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40554058

Date: DEC. 10, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a research scientist specializing in remote sensing, 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.

SCOPS denied the petition, concluding that, although the Petitioner satisfied the initial evidentiary requirements, he did not establish, as required, that he has sustained national or international acclaim and is an alien in the small percentage at the very top of the field. The matter is now before us on appeal under 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 aliens 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. A petitioner must establish that these aliens seek to enter the United States to continue work in the area of extraordinary ability, and that their entry into the United States will substantially benefit the United States. The term "extraordinary ability" refers only to those aliens 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 international recognition of an alien's achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Or the petitioner can submit evidence that meets at least three of the ten criteria 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. If those

standards do not readily apply to the alien's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once a petitioner has met the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the alien 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 earned a bachelor's degree in environmental science and a master's degree in botany in his native Cameroon. He has spent most of his time in the United States since 2011, when he arrived as an F-1 nonimmigrant student to study at the [redacted]. There, he earned a doctorate in geography and environmental science and policy in 2017. Since 2017, the Petitioner has worked at [redacted], as a postdoctoral research fellow, assistant professor, and most recently as a research scientist. The Petitioner's research involves analyzing satellite imagery to track the growth of trees and vegetation.

A. Evidentiary Criteria

Because the Petitioner has not indicated or 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). The Petitioner claimed to have satisfied five of these criteria, summarized below:

- (iii), Published material about the alien in professional or major media;
- (iv), Participation as a judge of the work of others;
- (v), Original contributions of major significance;
- (vi), Authorship of scholarly articles; and
- (viii), Leading or critical role for distinguished organizations or establishments.

SCOPS concluded that the Petitioner met three of the criteria, pertaining to published material, judging, and scholarly articles, and proceeded to a final merits determination. On appeal, the Petitioner asserts that he meets all five claimed criteria.

We need not address these initial criteria at length, because the outcome of the appeal hinges on the final merits determination. But we will briefly state that the Petitioner's evidence of a leading or critical role is stronger than the evidence relating to published material.

To satisfy the requirements of 8 C.F.R. § 204.5(h)(3)(iii), published material about the alien, the alien and the alien's work need not be the only subject of the material, but that material must include a substantial discussion of the alien's work in the field. *See, generally*, 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.

In this case, the submitted materials do not include a substantial discussion of the Petitioner's work. Four of the submitted articles include brief mentions of the Petitioner's work. Two of these articles are primarily about the work of a research team at the [redacted], Denmark, and they briefly quote from the Petitioner's commentary about the Danish article. The other two articles – one an editorial, the other a review article – provide brief summaries of several recent articles, including some co-written by the Petitioner. The Petitioner co-authored two of the 227 articles cited in the review article.

The Petitioner's role as a principal investigator in NASA-funded research may be compatible with current policy guidance relating to leading or critical roles under 8 C.F.R. § 204.5(h)(3)(viii). We need not explore this issue in great depth because the final merits determination, already the key element in SCOPS' denial decision, determines the outcome of the proceeding.[1]

B. Final Merits Determination

Because SCOPS determined that the Petitioner submitted the required initial evidence, SCOPS considered the question of whether he has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim and that he is one of the small percentage at the very top of the field of endeavor, and that his achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate that they have extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[2] In this matter, we agree with SCOPS that the Petitioner has not established eligibility.

In the final merits determination, SCOPS concluded that, while the Petitioner's evidence meets the basic requirements of at least three initial evidentiary criteria, that evidence does not show a level of recognition consistent with sustained national or international acclaim.

On appeal, the Petitioner asserts that SCOPS erred by discussing individual criteria in isolation rather than considering the record as a whole. But in addition to discussing the granted criteria, SCOPS stated: "In considering the totality of the evidence, the petitioner has not demonstrated that his achievements are of the level of eminence reflective of a 'career of acclaimed work in the field' as contemplated by Congress." SCOPS concluded that, although the Petitioner "has been recognized for his work to a certain degree," "the record does not differentiate the petitioner amongst other similarly employed Research Scientists to show that he has garnered a career of acclaimed work of such preeminence and distinction as to elevate him to that small percentage at the very top of the field of endeavor with sustained national or international acclaim."

The Petitioner contends that SCOPS, having concluded that the Petitioner's evidence satisfies three initial criteria, impermissibly sought to "nullify" that same evidence "by imposing a higher arbitrary standard" during the final merits determination. But there is no fundamental conflict here. As the

[1] *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).

[2] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established, by a preponderance of the evidence, the required high level of expertise for the immigrant classification).

court understood in *Kazarian*, evidence that "might be relevant to the final merits determination of whether a petitioner is at the very top of his or her field of endeavor . . . [is] not [necessarily] relevant to the antecedent procedural question of whether the petitioner has provided at least three types of evidence." *Kazarian v. USCIS*, 596 F.3d at 1121. Satisfaction of the basic requirements of individual evidentiary criteria does not necessarily establish sustained national or international acclaim. *See Amin v. Mayorkas*, 24 F.4th 383, 395 (5th Cir. 2022).

In this instance, the Petitioner's peer review work and other activities with dissertation committees and conference panels qualifies as judging the work of others, satisfying the requirements of 8 C.F.R. § 204.5(h)(3)(iv). But we agree with SCOPS that the Petitioner has not established that the circumstances under which he performed that work amount to sustained national or international acclaim. The Petitioner did not establish the requirements to perform peer review and other activities for the organizations named in the record. The reputation or prestige of a given organization does not establish those requirements. The Petitioner therefore has not supported his claim, on appeal, to have "judged at the highest levels of the field."

Particularly with regard to peer review work, the record indicates that thousands of peer reviewed articles appear every year, each one typically reviewed by more than one reviewer. The volume of publications also indicates that publication of scholarly articles is routine, even expected, in the field. A researcher can certainly *achieve* acclaim through his or her published work, if that work is sufficiently consequential and influential.

The Petitioner places particular emphasis on a "[redacted]" commentary that he co-authored for *Nature* in 2020. When he submitted the article, he asserted that these "articles are editor-commissioned from leading experts." The evidence submitted to support this claim indicates "[redacted]" "is a commission-only section" of the journal. The Petitioner, however, did not establish that these commissions are limited to "leading experts." It is also very significant that the Petitioner co-authored the article with his mentor, a full professor and associate department head at [redacted]. The record does not show that *Nature* approached the Petitioner, rather than his mentor, to write the article.

We acknowledge evidence that some of the Petitioner's published work has been highly cited, and this is a positive factor in the Petitioner's favor. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2). But a *positive* factor is not by itself a *determinative* or *dispositive* factor. We must consider the record as a whole, rather than focus on the most positive (or most negative) elements of that record.

The *USCIS Policy Manual* gives weight to "evidence demonstrating that the total rate of citations to the person's body of published work is high relative to others in the field, such as the person has a high h-index for the field." *Id.* Raw citation numbers do not establish that the citations are "high relative to others in the field." The Petitioner did not provide sufficient evidence to establish how the citation of his work stands in relation to others' work in his field.

The Petitioner noted that researchers in several different countries have cited his work and requested source codes from him. The geographic scope of these requests does not necessarily place the Petitioner at the top of his field. The record shows that any given article may cite dozens or even hundreds of sources from different countries. In the absence of other objective evidence, these citations alone would not establish international acclaim.

A printout from ResearchGate indicates that the Petitioner's "Research Interest Score is higher than 89% of ResearchGate members," but citation rates vary widely from field to field, and the printout did not provide statistics specific to his "research area."[3] Also, the Petitioner did not establish that "ResearchGate members" constitute a representative sampling of researchers in his field. Without this information, the numbers provided by the Petitioner lack necessary context. In this respect, we note that, while the Petitioner has demonstrated 888 citations of his work at the time of filing, the author of one of the letters the Petitioner submitted stated that his own published work has earned "over 6000 citations overall," roughly an order of magnitude higher than the Petitioner's citation total.

The submitted letters contain praise for the Petitioner's abilities, but the letters do not provide strong evidence that the Petitioner has earned sustained national or international acclaim and reached the top of his field. The writers, and the Petitioner himself, often qualify their statements by comparing the Petitioner to other researchers who, like the Petitioner, received their doctoral degrees fairly recently. Likewise, the ResearchGate printout indicates that the Petitioner's "Research Interest Score is higher than 97% of ResearchGate members who first published in 2016."

The regulatory standard for extraordinary ability at 8 C.F.R. § 204.5(h)(2) for this category is "the very top of the field of endeavor." Nothing inherently prevents a researcher from reaching the top of a given field at an early stage of his or her career, but a petitioner cannot show this level of distinction by limiting discussion to exclude the most experienced members of that field.

In response to a request for evidence, the Petitioner submitted copies of seven email messages from researchers in various countries, requesting the Google Earth source codes used in a mapping project. These messages show that the Petitioner's work is useful and of interest, but the Petitioner did not provide context to show that seven such requests is an unusually high number, indicating sustained acclaim. Likewise, a printout from a government website shows that a dataset created in conjunction with a 2019 study had been downloaded 391 times since May 2020. The Petitioner did not establish that this is a significantly high number of downloads, and did not corroborate his claim that the government database "only curates datasets of high value and impact after extensive review."

The Petitioner has shown that his position at [redacted] is funded by a grant from NASA. The Petitioner has not established that this grant funding demonstrates, or requires, national or international acclaim. Without further corroborative and explanatory evidence, the prestige of the funding entity does not establish or imply such acclaim. The record tends, instead, to indicate that such funding is a relatively common means of support for non-tenured research positions. The Petitioner's job offer letters from [redacted] indicate that his employment is non-tenured and "contingent upon funding." The Petitioner has not shown that this arrangement demonstrates or is consistent with national or international acclaim at the top of his field.

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

[3] The submitted printout reads: "Your Research Interest Score is higher than - - % of researchers with work related to [Select a discipline or start typing]." The blank space indicates that the Petitioner did not select a discipline.

show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, SCOPS has concluded that the Petitioner has satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), but this "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa." *Nagaiah v. Allen*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 2025).

In this instance, the record as a whole indicates that the Petitioner is a talented and productive researcher who has undertaken some influential work. But the evidence provided does not reach the much higher threshold of sustained national or international acclaim.

The Petitioner has not demonstrated eligibility as an alien of extraordinary ability. We will therefore dismiss the appeal.

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.