U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40138779

Date: DEC. 10, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a biotechnology company, seeks to classify the Beneficiary, a radiochemist, 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 (EB-1) classification makes immigrant visas available to aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their fields through extensive documentation.

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish that the Petitioner had satisfied at least three of the ten initial evidentiary criteria. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. On appeal, the Petitioner contends that SCOPS' decision was arbitrary and capricious because SCOPS failed to follow statutory and case law and created its own standard of proof that far exceeds what is legally sufficient. The Petitioner claims that he submitted more than sufficient evidence to meet the burden of proof to establish that he is an individual of extraordinary ability.

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) of the Act makes visas available to aliens 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). *See also Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) ("EB-1 petitions, nicknamed Einstein visas, are coveted visas reserved for only the most talented noncitizens with extraordinary ability in the sciences, arts, education, business, or athletics"). 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 recognition of the beneficiary's achievements in the field through a one-time achievement, that is, a major, internationally recognized award. If that petitioner does not submit this evidence, then they must provide sufficient 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). Additionally, if the criteria at 8 C.F.R. § 204.5(h)(3) do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility. 8 C.F.R. § 204.5(h)(4).

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 beneficiary 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

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that the Beneficiary has received a major, internationally recognized award, the Petitioner must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). SCOPS decided that the Beneficiary satisfied two criteria relating to judging and scholarly articles but did not satisfy any of the four remaining claimed criteria relating to lesser recognized awards, published material, original contributions, and a leading or critical role. After reviewing all the evidence in the record, we conclude that the Petitioner has not demonstrated eligibility for this highly restrictive immigrant classification by a preponderance of the evidence. While we may not address each piece of evidence individually, we have reviewed and considered each one.

1. "Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 204.5(h)(3)(i).

In order to fulfill this criterion, the Petitioner must first demonstrate that the Beneficiary was the recipient of prizes or awards. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. Second, the award must be a lesser nationally or internationally recognized prize or award, which the Beneficiary received for excellence in the field of endeavor. *Id.* Relevant considerations regarding whether the basis for granting the prizes or awards was excellence

in the field include: (1) the criteria used to grant the awards or prizes, (2) the national or international significance of the awards or prizes in the field, (3) the number of awardees or prize recipients, and (4) limitations on competitors. *Id.*

The Petitioner claims eligibility for this criterion based on the evidence that the Beneficiary was the first-place winner of 2023 [redacted] presented by the Society of Nuclear Medicine and Molecular Imaging (SNMMI) at the SNMMI annual meeting for an abstract co-authored by the Beneficiary. We agree with SCOPS that the Petitioner provided insufficient documentation to establish that the awards are nationally or internationally recognized awards for excellence in the field.

According to the information provided by the SNMMI on its website, the SNMMI is a nonprofit scientific and professional organization that promotes the science, technology, and practical application of nuclear medicine and molecular imaging. The [redacted] Awards recognize the best abstracts presented during the [redacted] sessions at the SNMMI annual meeting. The objective of the [redacted] young investigators session is to recognize promising young investigators working in the field of molecular imaging that incorporates non-nuclear techniques. A support letter from a professor in the Department of Psychiatry at the [redacted] who is also the director and chief radiochemist of the [redacted] states that the Beneficiary's receipt of the award "signifies the promising trajectory of his scientific career." While the record establishes that the Beneficiary presented the best abstract during the [redacted] session at the 2023 SNMMI annual meeting and that he was recognized as a promising young investigator working in the field of molecular imaging that incorporate non-nuclear techniques, the Petitioner did not submit sufficient documentary evidence beyond the awarding entity to demonstrate that the awards are recognized nationally or internationally for excellence in the field of radiochemistry. *See* 8 C.F.R. § 204.5(h)(3)(i).

On appeal, as supplemental evidence of the SNMMI's reputation, the Petitioner offers articles or press releases published by the American College of Nuclear Medicine, Siemens Healthineers, GE HealthCare, and Philips Global. While these articles or press releases provide the latest government relations news and updates on nuclear medicine and the companies' participation at the SNMMI annual meeting to showcase their innovative molecular imaging solutions or technologies, these documents do not establish that the Beneficiary has received nationally or internationally recognized prizes or awards for excellence in his field. *See id.* Accordingly, the Beneficiary does not meet this criterion.

2. "Published 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. Such evidence shall include the title, date, and author of the material, and any necessary translation." 8 C.F.R. § 204.5(h)(3)(iii).

To meet this criterion, the Petitioner must first establish that the published material was related to the Beneficiary and his specific work in the field for which classification is sought. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). The published material should be about the person, relating to the person's work in the field, not just about the person's employer and the employer's work or about another organization and that organization's work. *Id.* However, the person and the person's work

need not be the only subject of the material; published material that covers a broader topic but includes a substantial discussion of the person's work in the field and mentions the person in connection to the work may be considered material about the person relating to the person's work. *Id.*

Second, the Petitioner must show that the publication qualifies as a professional publication, major trade publication, or major media publication. *Id.* In evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience for professional and major trade publications and the relative circulation, readership, or viewership for major trade publications and other major media. *Id.*

The record includes an abstract co-authored by the Beneficiary and published in *The Journal of Nuclear Medicine* in 2023. The Petitioner provided evidence that this abstract was presented at the 2023 SNMMI annual meeting, highlighted on the SNMMI website's news page, and included in the SNMMI's online searchable database. The Petitioner did not sufficiently establish that the SNMMI annual meeting, the SNMMI website, or the SNMMI's online searchable database constitutes a professional publication, major trade publication, or major media publication. *See* 8 C.F.R. § 204.5(h)(3)(iii).

The Petitioner also submitted internet articles published by *Applied Radiation Oncology*, *Aunt Minnie*, *Imaging Technology News*, *Medical Xpress*, and *Medical News Today*. While these articles discuss a newly discovered radionuclide-based agent and the theranostics potential of this agent in cancer imaging and targeted drug delivery, these articles are not about the Beneficiary and do not mention the Beneficiary's name in connection with the work. An article that is not about the Beneficiary does not meet this regulatory criterion. *See, e.g., Negro-Plumpe v. Okin,* 2:07-CV-820-ECR-RJJ at *1, *7 (D. Nev. Sept. 8, 2008) (upholding a finding that articles about a show are not about the actor). Moreover, the Petitioner did not include the author of most of these internet articles, as required by 8 C.F.R. § 204.5(h)(3)(iii). Furthermore, The Petitioner did not submit independent, objective evidence establishing that the websites are major media. *See* 8 C.F.R. § 204.5(h)(3)(iii). *See also Braga v. Poulos,* No. CV 06 5105 SJO (C. D. CA July 6, 2007) *aff'd* 2009 WL 604888 (9th Cir. 2009) (concluding that self-serving assertions on the cover of a magazine as to the magazine's status is not reliant evidence of major media). The evidence to establish that the publication qualifies as a professional publication, major trade publication, or major media publication submitted should be specific to the media format in which it was published. Because the articles were published online, the evidence should relate to the websites.

In addition, the Petitioner claims that the Beneficiary's work on [redacted] has been published, cited, and featured in peer-reviewed journals. However, scholarly articles that cite the Beneficiary's work do not meet the plain language of this criterion because they do not discuss the Beneficiary and are not about the Beneficiary relating to his work. *See* 8 C.F.R. § 204.5(h)(3)(iii). Rather, they are about the authors' own work or provide a general review of new research in the field. Thus, citations to the Beneficiary's work are not relevant to this criterion, and they will be considered below as they relate to the significance of the Beneficiary's original contributions under the regulation at 8 C.F.R. § 204.5(h)(3)(v).

The Petitioner's documentary evidence does not reflect published material about the Beneficiary relating to his work in professional or major trade publications or other major media. Accordingly, the Beneficiary does not meet this criterion.

3. "Evidence 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 specialization for which classification is sought." 8 C.F.R. § 204.5(h)(3)(iv).

To fulfill this criterion, the Petitioner must demonstrate that the Beneficiary has acted as a judge of the work of others in the same or an allied field of specification. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). SCOPS determined that the Petitioner established eligibility for this criterion, and we agree. The Petitioner submitted evidence that the Beneficiary has reviewed manuscripts for scientific journals, establishing that the Beneficiary meets the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(iv).

4. "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).

To satisfy this criterion, the Petitioner must demonstrate that the Beneficiary has made original contributions in the field and that the original contributions are of major significance to the field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). Evidence that the person's work was funded, patented, or published, while potentially demonstrating the work's originality, will not necessarily establish, on its own, that the work is of major significance to the field. *Id.* For example, published research that has provoked widespread commentary on its importance from others working in the field, and documentation that it has been highly cited relative to others' work in the field, may be probative of the significance of the person's contributions to the field of endeavor. *Id.* Similarly, evidence that the person developed a patented technology that has attracted significant attention or commercialization may establish the significance of the person's original contribution to the field. *Id.*

Detailed letters from experts in the field explaining the nature and significance of the person's contributions may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance. *Id.* Submitted letters should specifically describe the person's contribution and its significance to the field and should also set forth the basis of the writer's knowledge and expertise. *Id.*

The Petitioner provided the Beneficiary's Google Scholar profile showing a list of his published articles and citation record, copies of articles co-authored by the Beneficiary, lists of publications that cite the Beneficiary's work, copies of sample articles that cite the Beneficiary's work, and an assignment of an invention co-invented by the Beneficiary. While the Petitioner provided documentation showing that the Beneficiary is listed as a co-inventor of an invention on a patent application, the record lacks sufficient evidence that the invention has attracted significant attention or commercialization. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). Additionally, while the record includes copies of scholarly articles co-authored by the Beneficiary and his citation record, the Petitioner has not sufficiently established that the number of independent cites per article for the Beneficiary's published work is indicative of original scientific contributions of major significance in

the field. *See* 8 C.F.R. § 204.5(h)(3)(v). In other words, the Petitioner has not sufficiently demonstrated that the level of citation for the articles demonstrates an original contribution of major significance in the field. Moreover, while presentation of the Beneficiary's abstract at the 2023 SNMMI annual meeting demonstrates that his findings were shared with others and may be acknowledged as original contributions based on their selection for presentation, the Petitioner has not sufficiently established the impact or influence of the Beneficiary's presentation once disseminated in the field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1).

The Petitioner also provided support letters from experts in the field. A professor of radiology at the [redacted] states that the Beneficiary's scientific expertise in chemistry, bioorganic chemistry, and radiochemistry has been "instrumental in achieving successful outcomes on several high-impact initiatives." The chief executive officer of [redacted], a biotechnology company, states that the Beneficiary's work on novel chelator chemistries "significantly improved the tumor-targeting precision, retention, and pharmacokinetic profiles of radiopharmaceutical agents, directly enhancing their clinical utility in cancer imaging and targeted radiotherapy." The scientific director at the [redacted] states that the Beneficiary's research showcases "remarkable innovation and scientific rigor in creating radiopharmaceutical agents for molecular imaging and targeted therapy" and that "his contributions tackle significant challenges in the field, including enhancing tumor uptake, optimizing pharmacokinetics, and reducing non-target organ retention." The director and chief radiochemist of [redacted] states that the Beneficiary's "[redacted] agents not only surpass current standards but also effectively address critical limitations related to scalability and biodistribution." The chief executive officer of [redacted], a radiopharmaceutical company, states that the Beneficiary's work on "[synthesizing [redacted] involved in tumor immune evasion] enable real-time imaging of IDO1 activity - allowing clinicians to identify responders to immunotherapy and monitor drug efficacy more precisely."

The opinions of the Beneficiary's references are not without weight and have been duly considered. We may, in our discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we are ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of reference letters supporting the petition is not presumptive evidence of eligibility; we may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). Thus, the content of the references' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of a scientist who has made original contributions of major significance in the field. *Cf. Visinscaia v. Beers*, 4 F.Supp.3d 126, 134-35 (D.D.C. 2013) (concluding that our decision to give little weight to uncorroborated assertions from professionals in the field was not arbitrary and capricious).

The support letters acknowledge the Beneficiary's scientific expertise in chemistry and provide details on the Beneficiary's research in radiopharmaceutical development, molecular imaging, and radiochemistry, his research results, and the impact of his research work in the field. The letters reflect

that the Beneficiary's research constitutes original contributions based. However, the letters do not sufficiently demonstrate that his contributions are "of major significance in the field." *See* 8 C.F.R. § 204.5(h)(3)(v). The phrase "major significance" is not superfluous and, thus, it has some meaning. *Silverman v. Eastrich Multiple Investor Fund, L.P.*, 51 F. 3d 28, 31 (3rd Cir. 1995) *quoted in APWU v. Potter*, 343 F.3d 619, 626 (2nd Cir. 2003). To be considered a contribution of major significance in the field of science, it can be expected that other experts would have reproduced or otherwise applied the petitioner's results. Otherwise, the impact of the petitioner's work is difficult to gauge. *Cf. Visinscaia v. Beers*, 4 F.Supp.3d 126, 134-35 (D.D.C. 2013) (upholding a finding that a ballroom dancer had not met this criterion because she did not demonstrate her impact in the field as a whole).

While the Beneficiary's research is original, the record lacks sufficient evidence showing that other scientists or radiochemists are implementing or currently applying the Beneficiary's research findings, so as to establish that these findings have already impacted the field "in a significant manner." While the record shows that the Beneficiary co-authored scholarly articles detailing his research findings and these articles were published in scientific journals, publications and presentations are not sufficient evidence under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were "of major significance." *Kazarian v. USCIS,* 580 F.3d 1030, 1036 (9th Cir. 2009) *aff'd in part* 596 F.3d 1115 (9th Cir. 2010). In 2010, the *Kazarian* court reaffirmed its holding that we did not abuse our discretion in finding that the alien had not demonstrated contributions of major significance. 596 F.3d at 1122. Without sufficient documentation corroborating the claimed significance asserted in the letters, the record does not sufficiently establish the Beneficiary's original scientific contributions of major significance in the field. *See* 8 C.F.R. § 204.5(h)(3)(v). Therefore, the Petitioner has not sufficiently demonstrated that the Beneficiary meets this criterion.

5. "Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." 8 C.F.R. § 204.5(h)(3)(vi).

To satisfy this criterion, the Petitioner must first establish that he has authored scholarly articles in the field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). Second, the Petitioner must demonstrate that the publication qualifies as a professional publication, major trade publication, or major media publication. *Id.* SCOPS determined that the Petitioner established eligibility for this criterion, and we agree. The Petitioner submitted copies of scholarly articles co-authored by the Beneficiary and published in professional publications, establishing that the Beneficiary meets the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(vi).

6. "Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii).

In order to meet this criterion, the Petitioner must first show that the Beneficiary has performed in a leading or critical role for an organization or establishment. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). For a leading role, we look at whether the evidence establishes that the Beneficiary was a leader within the organization or establishment or a division or department thereof. *Id.* For a critical role, we look at whether the evidence establishes that the Beneficiary 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. *Id.*

Second, the Petitioner must demonstrate that the organization or establishment for which the Beneficiary held a leading or critical role has a distinguished reputation. *Id.* The relevant size or longevity of an organization or establishment is not a determining factor but is considered together with other information to determine whether a distinguished reputation exists. *Id.* Other relevant factors for evaluating the reputation of an organization or establishment include the scale of its customer base or relevant media coverage. *Id.* *Merriam-Webster.com Dictionary* defines "distinguished" as "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Distinguished*, Merriam-Webster.com, www.merriam-webster.com.

The Petitioner asserted that the Beneficiary has performed in a leading or critical role for three organizations that have a distinguished reputation: (1) [redacted] (2) [redacted] and (3) [redacted] To support this claim, the Petitioner provided letters from the Beneficiary's research supervisor and chief executive officers. A letter from a professor of radiology at the [redacted] states that the Beneficiary's scientific expertise in chemistry, bioorganic chemistry, and radiochemistry has been "instrumental in achieving successful outcomes on several high-impact research initiatives" at the [redacted] The professor further explains that the Beneficiary "played an indispensable role" in a research project by "[c]onceptualizing and designing the research project," "[l]eading and executing comprehensive experimental work," "[c]onducting thorough data analysis and interpretation, and authoring the manuscript detailing these innovative findings."

A letter from the chief executive officer of [redacted], a biotechnology company, acknowledges the Beneficiary's contributions to its patented technology stating that "a great portion of experiments were completed by [the Beneficiary]" and the Beneficiary's "efforts are integral to the commercial viability and clinical potential of these groundbreaking technologies." A letter from the chief executive officer of [redacted], a biotechnology company, states that the Beneficiary holds the position of a scientist in radiochemstry and "plays a vital leadership role at [their] facility in [redacted]" and the Beneficiary's "expert contributions are essential for [their] operational success, especially in assisting intricate research initiatives led by pioneering biotechnology companies and esteemed academic institution." The letter also asserts that the Beneficiary's "technical expertise, innovative research capabilities, and leadership are indispensable to the success of [their] site, considerably enhancing [the] company's capacity to facilitate progress in biotechnology."

While the letter from the professor explains the Beneficiary's significant contributions to the government-funded research projects at the [redacted] the record does not establish that the Beneficiary served in a leading or critical role for the university as required under this regulatory criterion. *See* 8 C.F.R. § 204.5(h)(3)(viii). The Petitioner provided evidence that the university's graduate chemistry program was ranked by *U.S. News & World Report* as the top 16th best science school in 2023. While the university may have a distinguished reputation for its graduate chemistry program, not every postdoctoral research fellow who performs an important role in a distinguished university's laboratory performs a leading or critical role for the university as a whole. Without an organization chart or other sufficient evidence documenting how the Beneficiary fits within the general hierarchy of the university, the Petitioner cannot sufficiently establish that the Beneficiary has performed in leading role for the university. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). With regard to a critical role, the letter does not sufficiently demonstrate that the Beneficiary's research activities have contributed in a way that is of significant importance to the

outcome of the university. *See id.* Participating in the continuous stream of scientific output from a laboratory that adds to the general pool of knowledge in the field does not rise to the level of a critical role for the university.

In addition, the letters from the chief executive officers of two biotechnology companies discuss the Beneficiary's significant contributions to his current or former employers. However, the letters fall short of specifying how the Beneficiary has contributed to the companies in a way that is significant to the companies' outcome or how the Beneficiary was responsible for the success or standing of the companies. *See id.* As the Beneficiary is a radiochemist at a biotechnology company, it is expected that the Beneficiary will perform the routine duties of a radiochemist. But, performance, even if the performance is considered noteworthy, does not equate to a critical role. The Petitioner did not sufficiently demonstrate that the Beneficiary's roles in the performances were leading or critical. *See* 8 C.F.R. § 204.5(h)(3)(viii).

Furthermore, the Petitioner did not submit sufficient independent, objective evidence demonstrating that [redacted], and [redacted] have a distinguished reputation. *See id.* For example, the Petitioner did not submit sufficient documentary evidence distinguishing [redacted] from other biotechnology companies, so as to establish that they have a distinguished reputation pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(viii). Accordingly, the Petitioner has not established that the Beneficiary meets the plain language of this regulatory criterion.

Although the Petitioner argues that SCOPS' decision was arbitrary and capricious because SCOPS created its own standard of proof that far exceeds what is legally sufficient, SCOPS has acknowledged and analyzed various documents on record by a preponderance of the evidence but concluded overall that the quality of the evidence lacked probative value in supporting the Beneficiary's eligibility for the EB-1 classification. Under the preponderance standard, we consider not only the quantity, but also the quality of the evidence, including its relevance, probative value, and credibility. *Matter of Chawathe*, 25 I&N Dec. at 376; *see also Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). When SCOPS provides a reasoned consideration to the petition and has made adequate findings, it will not be required to specifically address each claim the petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993). Here, the record reflects that SCOPS provided a reasoned consideration to the petition and had made adequate findings.

B. Final Merits Determination

The Petitioner has not submitted the required initial evidence of either a major one-time achievement or documents that meet at least three of the ten criteria. As a result, we do not need to provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119–20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

C. O-1 Nonimmigrant Status

The Petitioner claims that the Beneficiary is currently on an O-1A nonimmigrant visa as an individual of extraordinary ability in the sciences. While U.S. Citizenship and Immigration Services (USCIS) has approved an O-1 nonimmigrant visa petition filed on behalf of the Beneficiary, the prior approval does not preclude USCIS from denying an immigrant visa petition based on a different standard, if similarly phrased. USCIS denies many Forms I-140 after it approves prior nonimmigrant petitions. *See, e.g., Q Data Consulting, Inc. v. INS*, 293 F. Supp. 2d 25 (D.D.C. 2003); *IKEA US v. US Dept. of Justice*, 48 F. Supp. 2d 22 (D.D.C. 1999); *Fedin Brothers Co. Ltd. v. Sava*, 724 F. Supp. 1103 (E.D.N.Y. 1989). Some nonimmigrant petitions are simply approved in error. *Q Data Consulting, Inc. v. INS*, 293 F. Supp. 2d at 29-30; *see also Texas A&M Univ. v. Upchurch*, 99 Fed. Appx. 556, 2004 WL 1240482 (5th Cir. 2004) (finding that prior approvals do not preclude USCIS from denying an extension of the original visa based on a reassessment of petitioner's qualifications).

III. CONCLUSION

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for those progressing toward that goal. 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 sufficiently shown the significance of the Beneficiary's work is indicative of the required sustained national or international acclaim or that it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not sufficiently demonstrate that the Beneficiary has garnered national or international acclaim in the field and that he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2).

For the reasons we have discussed above, the Petitioner has not demonstrated by a preponderance of the evidence the Beneficiary's eligibility for the EB-1 classification. The appeal will be dismissed for the above-stated reasons, with each considered as an independent and alternate basis for the 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.