U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39702345

Date: DEC. 11, 2025

Appeal of Service Center Operations (SCOPS) Decision

Form I-129, Petition for a Nonimmigrant Worker (Extraordinary Ability – O)

The Petitioner, a healthcare artificial intelligence business, seeks to classify the Beneficiary as a chief technology officer of extraordinary ability. This O-1 nonimmigrant visa classification is available to individuals with extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i).

SCOPS denied the petition concluding that the Petitioner did not show the Beneficiary satisfied at least three of eight possible forms of documentation. The matter is now before us on appeal. 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

As relevant here, section 101(a)(15)(O)(i) of the Act establishes O-1 classification for an individual who has extraordinary ability in the sciences, arts, education, business, or athletics that has been demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field through extensive documentation, and who seeks to enter the United States to continue work in the area of extraordinary ability. Department of Homeland Security (DHS) regulations define "extraordinary ability in the field of science, education, business, or athletics" as "a level of expertise indicating that the person is one of the small percentage who have arisen to the very top of the field of endeavor." 8 C.F.R. § 214.2(o)(3)(ii).

Next, DHS regulations set forth alternative evidentiary criteria for establishing a beneficiary's sustained acclaim and the recognition of achievements. A petitioner may submit evidence either of "a major, internationally recognized award, such as a Nobel Prize," or of at least three of eight listed categories of documents. 8 C.F.R. § 214.2(o)(3)(iii)(A)-(B). If the petitioner demonstrates a criterion

does not readily apply to the beneficiary's occupation, it may submit comparable evidence to establish eligibility. 8 C.F.R. § 214.2(o)(3)(iii)(C).

The submission of documents satisfying the initial evidentiary criteria does not, in and of itself, establish eligibility for O-1 classification. *See* 59 Fed. Reg. 41818, 41820 (Aug. 15, 1994) ("The evidence submitted by the petitioner is not the standard for the classification, but merely the mechanism to establish whether the standard has been met.") Accordingly, where a petitioner provides qualifying evidence satisfying the initial evidentiary criteria, we will determine whether the totality of the record and the quality of the evidence show sustained national or international acclaim such that the individual is among the small percentage at the very top of the field of endeavor. *See* section 101(a)(15)(o)(i) of the Act and 8 C.F.R. § 214.2(o)(3)(ii), (iii).[1]

II. ANALYSIS

Because the Petitioner did not indicate or establish the Beneficiary has received a major, internationally recognized award, it must demonstrate the Beneficiary satisfies at least three of the alternate regulatory criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*)-(*8*). SCOPS determined the Beneficiary fulfilled only two (judging under 8 C.F.R. § 214.2(o)(3)(B)(iii)(*4*) and scholarly articles under 8 C.F.R. § 214.2(o)(3)(B)(iii)(*6*)) of the seven claimed categories. The Petitioner maintains on appeal that the Beneficiary meets five additional criteria.

A. Awards

The Petitioner argues the Beneficiary's eligibility based on the securing of venture capital funding for the Petitioner and [redacted]. Regarding the Petitioner, it offered "Post-Money Valuation Cap" documentation reflecting $250K investments between the investors and the Petitioner. The evidence does not show that the Beneficiary received the funding. In fact, the evidence reflects the investors' contributions with the Petitioner without any indication of the Beneficiary's receipt of the venture capital funding. While the Petitioner submitted a joint letter from T-M- and A-K-, two of the investors, claiming that they "awarded [the Beneficiary] venture capital funding," the Beneficiary is never mentioned in the Post-Money Valuation Cap documentation, let alone having received the funding.

As it relates to [redacted], the Petitioner submitted an October 2024 letter from G-T-, president and CEO of [redacted] ([redacted]), who stated that "[redacted] was accepted into, and [the Beneficiary] participated in [redacted]'s] Summer 2024 cycle, which took place from June through September 2024" and "[i]n connection with its acceptance into [redacted], [redacted] received $500,000 in venture funding from [redacted]." The letter does not indicate that the Beneficiary received the funding rather than [redacted].

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*) requires "[d]ocumentation of the *alien's* receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor." (emphasis added). USCIS determines whether the person was the recipient of prizes or awards in the field of endeavor.[2] Here, the Petitioner did not demonstrate that the Beneficiary received the venture

[1] *See also generally* 2 *USCIS Policy Manual*, M.4(C)(2), https://www.uscis.gov/policymanual.
[2] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).

capital funding, nor did it establish that individuals receive venture capital funding rather than businesses.

Furthermore, SCOPS determined that the venture capital funding does not qualify as a prize or award consistent with the regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*) and referenced a 1998 *Havard Business Review* article. Specifically, SCOPS concluded:

> . . . [P]ublicly available records indicate that venture capital funding is an exchange of value between your company and the venture capitalist. Specifically, venture capital firms provided you the funding in exchange for an equity share in your company. However, a prize or award does not typically consist of an exchange between parties; rather it is generally an honor that one party gives to another without reciprocal obligation. Your receipt of such venture funding in and of itself many not constitute an award without evidence to demonstrate the funding was "awarded" for excellence in the field.

We generally agree with SCOPS that the Petitioner did not establish the Petitioner's receipt of venture capital funding qualifies as a prize or award. Although the Petitioner submitted background information about venture capital funding, including the importance, criteria, and trends, it did not demonstrate how the evidence establishes that venture capital funding is viewed as a prize or an award rather than an investment or business transaction. Again, venture capital funding reflects a business transaction between the investor and the business; the investor does not bestow a type of honor on the business recognizing an accomplishment or achievement. The investor usually provides funding with the intent of making a profit from the business's activities but also risks losing some or all of the investment. Here, the Petitioner did not show that the venture capital funding resulted in prizes or awards from the investors rather than business investments and transactions between the two parties.

Notwithstanding the above, the Petitioner did not establish that any of its venture capital funding is nationally or internationally recognized for excellence in the field. Besides the above-mentioned joint letter from T-M- and A-K-, the Petitioner did not submit any independent, objective evidence showing that the particular capital venture funding from T-M-, A-K-, or any other investors is nationally or internationally recognized for excellence in the field. Furthermore, although the Petitioner offered background information about [redacted], the material relates to the business and does not indicate the national or international recognition for excellence of its venture capital funding.

For all these reasons, the Petitioner did not demonstrate the Beneficiary meets this criterion.

B. Memberships

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*2*) requires "[d]ocumentation 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." USCIS determines if the association for which the person claims present or past membership requires that members have outstanding achievements in the field as judged by recognized experts in the field.[3]

[3] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).

The Petitioner claims the Beneficiary's eligibility for this criterion based on membership with YC and references a letter from J-F-, general partner at YC, who stated:

> [YC] is an elite network of entrepreneurs and the application process for acceptance is extremely competitive. In a recent application batch, over 27,000 applications were received, and only 260 companies were accepted as members, a less than 1% acceptance rate. Since 2005, [YC] has accepted over 5,000 companies into its network. The combined value of [YC] companies is over $600B.

Similar to one of the issues discussed under the awards criterion, the Petitioner did not demonstrate the Beneficiary's membership with YC. Again, the regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*2*) requires "[d]ocumentation of the *alien's* membership" (emphasis added). According to J-F-'s letter, "companies" receive membership rather than individuals. Although J-F- indicates that "[the Beneficiary] and his co-founding team were accepted into the YC program," the letter reflects company membership.

Regardless, J-F- also stated that "[b]ecause of the sheer volume of applications, founders must be able to clearly express why they and their businesses stand out, with characteristics like a formidable founding team, a clear value proposition, a distinctive contribution within a high-value target market, and exceptional potential economic value." The petitioner must show that membership in the association requires outstanding achievements in the field for which classification is sought.[4] Here, J-F-'s letter discussed the requirements for potential or prospective benefits rather than a determination of past outstanding achievements. While J-F- claimed that YC has a 1% acceptance rate, the Petitioner did not establish that membership with YC requires outstanding achievements of it members rather than how financially successful YC believes that the company might be at some time in the future.

Moreover, the regulation requires membership to be "judged by recognized national or international experts in their disciplines or fields."[5] Although J-F- named two other individuals and their companies, along with himself, who review the applications, the Petitioner did not provide independent, objective evidence establishing that these individuals qualify as recognized national or international experts.

Accordingly, the Petitioner did not show the Beneficiary fulfills this criterion.

C. Published Materials

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*3*) requires "[p]ublished material in professional or major trade publications or major media about the alien, relating to the alien's work in the field for which classification is sought, which shall include the title, date, and author of such published material, and any necessary translation." USCIS first determines whether the published material was related to the person and the person's specific work in the field for which classification is sought.[6] USCIS then determines whether the publication qualifies as a professional publication, major trade publication, or major media publication.[7]

---

[4] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).
[5] *See also generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).
[6] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).
[7] *Id.*

The record contains two articles posted on physiciansweekly.com and healthcare.com referencing the findings of a study from an article co-authored by the Beneficiary. Published material that includes only a brief citation or passing reference to the beneficiary's work is not "about" the beneficiary, relating to the beneficiary's work in the field, as required under this criterion.[8] However, the beneficiary and the beneficiary'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 beneficiary's work in the field and mentions the beneficiary in connection to the work may be considered material "about" the beneficiary relating the work.[9] Here, the articles are not about the Beneficiary but regarding the study. In fact, the Beneficiary is never mentioned, and the articles do not qualify as published material about him.

Similarly, the Petitioner submitted three articles posted on amazon.science.com about the '[redacted]' along with the Beneficiary's co-authored article. The articles never mention the Beneficiary, and the Petitioner did not establish the connection between the materials or if the Beneficiary was involved with the competition. Regardless, the Petitioner did not demonstrate that the evidence reflects published material about him relating to his work rather than about the competition.

For the reasons discussed above, the Petitioner did not provide evidence showing published material about the Beneficiary. Therefore, we need not determine whether the websites qualify as professional publications, major trade publications, or major media.[10]

Accordingly, the Petitioner did not demonstrate the Beneficiary satisfies this criterion.

D. Original Contributions

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*5*) requires "[e]vidence of the alien's original scientific, scholarly, or business-related contributions of major significance in the field." Analysis under this criterion focuses on whether the beneficiary's original work constitutes major, significant contributions in the field.[11] The Petitioner argues the Beneficiary's eligibility for this criterion based on the "measurable impact of [the Beneficiary's] publication in JAMA Network Open, a peer-reviewed journal of national and international renown" and references Altmetric figures and testimonial letters.

Regarding the claim of publication in a "journal of national and international renown," the Petitioner did not establish that articles published in highly ranked journals or from reputable conference proceedings reflect majorly significant contributions in the field, nor are we persuaded that all articles appearing in highly esteemed journals are automatically considered to be of major significance in the

[8] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).
[9] *Id.*
[10] *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).
[11] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).

field.[12] The issue for this criterion is not reputation of the journal or conference but whether the article is considered by the field to be of major significance. Moreover, a publication that bears a high ranking or impact factor reflects the publication's overall citation rate; it does not show an author's influence or the impact of research on the field or that every article published in a highly ranked journal inevitably indicates a contribution of major significance. Here, the Petitioner has not established that publication in a popular or highly ranked journal alone demonstrates a contribution of major significance in the field.

Regarding the *JAMA Network Open* article, the Petitioner provided Google Scholar information reflecting the article received 44 citations and Altmetrics data showing various numbers, such as an "Altmetric Attention Score of 59" and "[t]his is our high-level measure of quality and quantity of online attention," "this one has done particularly well and is in the 97th percentile," "[t]his one has gotten more attention than average, scoring higher than 63% of its peers," "[t]his one has done particularly well, scoring higher than 95% of its contemporaries," and "[t]his one has gotten more attention than average, scoring higher than 65% of its contemporaries." However, the Petitioner did not contextualize the Google Scholar or Altmetrics information to show how these particular figures establish a contribution of major significance in the field.[13] While the data may indicate that the Beneficiary's article received some attention, the Petitioner did not demonstrate that these numbers raise the Beneficiary's article to a contribution of major significance in the field. Without further information, including the relevance of the Altmetrics statistics and the factors contributing to the data, the Petitioner did not establish that the Beneficiary's article qualifies as a contribution of major significance in the field, consistent with this regulatory criterion.

Likewise, the Petitioner asserts that the Beneficiary's "article has been . . . featured in national medical news outlets such as *Physician Weekly*, and widely disseminated across academic and clinical networks." Here, the Petitioner did not further elaborate and explain how the Beneficiary's co-authored article reported in two publications reflects its status as a contribution of major significance in the field. The Petitioner did not show that being reported in two publications indicates widespread commentary or significant attention.[14] For example, the Petitioner did not compare the media coverage of the Beneficiary's co-authored article to the media coverage of other articles in the Beneficiary's field that are viewed as contributions of major significance in the field.

Moreover, the Petitioner provided a letter from P-R- who broadly claimed that the Beneficiary "presented groundbreaking findings that address the pressing issue of time management in healthcare through novel AI-driven systems" and "[t]his publication has received significant attention, reflected in an Altmetric score of 59 and extensive media coverage." Likewise, the previously mentioned letter from T-M- and A-K- generally assert that the Beneficiary's "publications have received dozens of

[12] For instance, the Petitioner did not explain how articles garnering no or little attention from the field demonstrate original contributions of major significance even if published in highly ranked journals. *See also generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2) (instructing that documentation of original work published in a scholarly journal of distinguished reputation may be relevant but not an automatic indication).

[13] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2) (instructing that documentation reflecting original work cited at a level of major significance in the field may be relevant and documentation that published research has been highly cited relative to others works in that field may be probative of the significance of the beneficiary's contributions in the field of endeavor).

[14] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).

citations, earned strong Altmetric scores, and been featured in industry media, reflecting broad influence in the field." However, the letters do not further elaborate and provide detailed information to support their assertions or to explain their claims.[15] Here, the Petitioner did not demonstrate that the letters offered on behalf of the Beneficiary show his contributions of major significance in the field.

Accordingly, the Petitioner did not establish the Beneficiary meets this criterion.

E. Capacity

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*7*) requires "[e]vidence that the alien has been employed in a critical or essential capacity for organizations or establishments that have a distinguished reputation." The record reflects that the Beneficiary served in a critical or essential capacity for the Petitioner as its co-founder and chief technology officer. However, the Petitioner did not show that it possesses a distinguished reputation.

USCIS determines whether the organization or establishment has a distinguished reputation.[16] Relevant factors for evaluating the reputation of an organization or establishment can include the scale of its customer base, longevity, or relevant media coverage.[17] For a startup business, USCIS may consider evidence that the business has received significant funding from government entities, venture capital funds, angel investors, or other such funder commensurate with funding rounds generally achieved for that startup's stage and industry, as a positive factor regarding its distinguished reputation.

According to the petition and supporting the petition, the Petitioner was established in [redacted] 2025, approximately two months prior to the filing. The Petitioner did not demonstrate how in only two months it was able to acquire a distinguished reputation. Moreover, as discussed under the awards criterion, the Petitioner secured capital venture funding from three investors totaling $250K. However, the Petitioner did not contextualize the amount of $250K or establish that the amount is tantamount to significant funding from venture capital funds. Thus, the Petitioner did not show that its receipt of venture capital funding in the amount of $250K reflects its distinguished reputation. Moreover, the Petitioner did not offer any other evidence, such as customer base information or relevant media coverage, to indicate how it differentiates itself from other healthcare artificial intelligence businesses.

Accordingly, the Petitioner did not demonstrate the Beneficiary fulfills this criterion.

[15] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2) (instructing that detailed letters from experts in the field explaining the nature and significance of the beneficiary's contributions may also provide context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance).
[16] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).
[17] *Id.*

III. CONCLUSION

The Petitioner did not establish the Beneficiary meets any additional criteria discussed above. Because the Petitioner did not demonstrate that the Beneficiary fulfilled the initial evidentiary requirement of at least three under 8 C.F.R. § 214.2(o)(3)(iii)(B), we need not provide a totality determination to establish whether the Beneficiary has sustained national or international acclaim and is one of the small percentage who has risen to the very top of the field. *See* section 101(a)(15)(O)(i) of the Act and 8 C.F.R. § 214.2(o)(3)(ii) and (iii).[18] Accordingly, we reserve this issue.[19] Consequently, the Petitioner has not shown the Beneficiary's eligibility for the O-1 visa classification as an alien of extraordinary ability. 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.

[18] *See also* 2 *USCIS Policy Manual*, *supra*, at M.4(B).
[19] *See Bagamasbad*, 429 U.S. at 25.