U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40650432

Date: DEC. 16, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a chief architect of digital transformations for large businesses, seeks 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 found that the Petitioner met two of ten alternative evidentiary criteria – one less than needed for a final merits determination. On appeal, he contends that SCOPS erred in finding that he did not satisfy six other alternative evidentiary criteria and that he has extraordinary ability in his field.

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 a requisite third alternative evidentiary requirement but that he did not establish his claimed extraordinary ability in his field. We will therefore 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 an Indian university awarded the Petitioner a bachelor of engineering degree. He then worked for various companies for more than 11 years as a computer software consultant. Since 2013, he has helped large enterprises digitally transform their business operations. He now works for a large U.S. cloud computing company as chief architect, consumer and business services. In this role, he implements digital transformation projects, overhauling operations for major business enterprises. He advises executives on digital transformation and business process re-engineering initiatives, collaborating with management, enterprise architects, and other business stakeholders to identify and deliver best practices in data, applications, and technology.

The Petitioner proposes to remain working in the United States in his current job and to eventually become an organization's chief information officer, "ushering in a new era of artificial intelligence [AI] innovation."

B. The Alternative Evidentiary Criteria

The record does not indicate – nor does the Petitioner claim – his receipt of a major internationally recognized award. He therefore must meet 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:

- Participation as a judge of others' work in his or an allied field; and
- Performance in a leading or critical role for organizations with distinguished reputations.

See 8 C.F.R. § 204.5(h)(3)(iv), (viii).

On appeal, the Petitioner claims that he also submitted evidence of his:

- Receipt of lesser nationally or internationally recognized prizes or awards for excellence in his 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).

- Membership in associations in the field requiring outstanding achievements as judged by recognized national or international experts in their disciplines or fields;
- Appearance in published material about him in professional or major trade publications or other major media relating to his work in the field;
- Original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field;
- Authorship of scholarly articles in the field; and
- Commandment of a high salary or other significantly high remuneration for services in relation to others in the field.

8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (v), (vi), (ix).

To satisfy an evidentiary criterion, the Petitioner must objectively meet the parameters of the applicable regulatory description. *See generally* 6 *USCIS Policy Manual* F.2(B). "[N]either USCIS nor [the] AAO [Administrative Appeals Office] may unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5." *Kazarian*, 596 F.3d at 1121.

The record shows that the Petitioner met at least one more alternative evidentiary criterion: authorship of scholarly articles in the field. *See* 8 C.F.R. § 204.5(h)(3)(vi). To satisfy this evidentiary requirement, a petitioner must submit "[e]vidence of the[ir] authorship of scholarly articles in the field, in professional or major trade publications or other major media." *Id.*

When adjudicating this evidentiary criterion, USCIS first determines whether a petitioner has authored scholarly articles in their field. 6 *USCIS Policy Manual* F.2(B)(1), Criterion 6. "Scholarly articles are … generally peer reviewed by other experts in the field of specialization." *Id.* Next, USCIS determines whether a publication qualifies as a professional publication, major trade publication, or major media publication. *Id.* Relevant factors for determining whether a publication is professional include its intended audience. *Id.*

SCOPS found that, in 2024, the Petitioner wrote two scholarly articles published in separate journals. But SCOPS concluded that he did not demonstrate that the publications were professional. SCOPS stated: "None of the informational materials [submitted by the Petitioner] suggested that intended audiences of the [journals] are focused on specific professional or trade groups."

We disagree. The journals' titles, themselves, indicate that the publications' contents focus on specific professions. The titles indicate that one journal focuses on "Computer Architecture," while the other contains articles about "Management, IT [Information Technology] and Engineering." Thus, the journals' titles indicate that they target their contents to professionals in the stated fields. *See Zizi v. Cuccinelli*, No. 20-CV-07856-SVK, 2021 WL 2826713, at *6 (N.D. Cal. July 7, 2021) ("[I]ndependent evidence of a publication's stature as a major trade publication is not required when that stature is self-evident.") (citation omitted).

The Petitioner also submitted copies of information about the publications from their websites. The materials state that the first journal seeks "to publish all the latest and outstanding research articles, reviews and letters in all areas of bioinformatics and computational biology" and "in the areas of computer architecture," including: "Artificial Intelligence" and "Computer Architecture and High

Performance Computing." The materials state that the second journal "aims to promote the links between engineering and management. The journal focuses on issues related to the development and implementation of new methodologies and technologies, which improve the operational objectives of an organization." The materials also state:

> The journal provides a forum for researchers and practitioners for the publication of innovative scholarly research, which contributes to the adoption of a new holistic managerial approach that ensures a technologically, economically, socially and ecologically acceptable deployment of new technologies in business practice.

The journals' titles and corresponding information from their websites sufficiently indicate that the publications target professionals in the stated fields. Thus, the Petitioner has demonstrated the publications' professional natures.

The Petitioner has submitted evidence of his authorship of scholarly articles in his field in professional publications. Thus, he has met the requisite amount of three alternative evidentiary criteria. We therefore need not review SCOPS' findings regarding the other alternative evidentiary requirements the Petitioner claims to have met. *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).

SCOPS did not make a final merits determination on this petition. As the Petitioner now qualifies for one, we will make it.

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 [they have] achieved sustained national or international acclaim and recognition in their field of expertise." *Id.* USCIS must review all evidence in the totality and 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.*

The Petitioner has demonstrated his receipt of acclaim and recognition in his field. He submitted letters and other evidence that he developed two online platforms that several large companies have used to provide employee group insurance and to "onboard" workers. For one of these platforms, his former employer won an award in 2017 from the company that makes the underlying software. Also, in 2020, the Petitioner became one of about only 400 people in the world to receive that software company's highest technical architect certification. Further, he has been the subject of three online news articles about him and his work, and submits evidence that his base salary is among the top 10% in his occupation.

Despite these achievements, however, the Petitioner has not established himself among "that small percentage who have risen to the very top of the field of endeavor." *See* 8 C.F.R. § 204.5(h)(2). For

example, the record shows that the award his former employer won for the online platform he developed was limited to users of the underlying software brand and was among annual awards issued in several categories. Thus, while the Petitioner's award reflects acclaim and recognition, we cannot conclude that it places him among the small percentage at his field's very top.

Similarly, the record indicates that the Petitioner's technical architect certification is not mandatory in his field, and he has not shown how many people have applied for it. Thus, despite being among only about 400 people in the world who have the certification, his credential does not necessarily place him among the small percentage at his field's very top.

The three online news articles about the Petitioner and his work were published in India in 2023. But he has not established that three online articles reflect a person who is among the small percentage at the field's very top. *See Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4 (D.D.C. June 8, 2021), *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (upholding our finding that the petitioner did not show that "his press coverage is indicative of a level of success consistent with being" at the top of his field).

Further, the Petitioner demonstrated that his base salary exceeds at least 90% of U.S. workers in his occupation. But that does not place him among the *small percentage* at his field's *very top*. *See Bodhankar v. USCIS*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) ("[W]hile Plaintiff's salary is high, it is not so high as to indicate that he has risen to the very top of his field.") Also, the record does not establish that his scholarly articles appeared in highly-ranked journals or that his articles generated a high rate of citations in the field. *See Kazarian*, 596 F.3d at 1121 ("[O]ther authors' citations (or a lack thereof) might be relevant to the final merits determination of whether a petitioner is at the very top of his or her field of endeavor."); *see generally* 6 *USCIS Policy Manual* F.(2)(B)(2) (identifying high-ranking journals and high citation rates as potential signs of extraordinary ability in a field). In sum, the Petitioner has demonstrated that he is very good at what he does. But the record as a whole does not ultimately place him among the small percentage at his field's very top.

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 satisfied the requisite number of alternative evidentiary requirements and has demonstrated acclaim and recognition in his field. But he has not demonstrated his claimed place among the small percentage at his field's very top.

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.