U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40766298

Date: FEB. 11, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an assistant professor and researcher in neurodegenerative diseases, 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.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner had satisfied at least three of the initial evidentiary criteria for this classification, as required. The matter is now before us on appeal pursuant to 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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

Immigrant visas are available to individuals 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. Section 203(b)(1)(A) of the Act. These individuals must seek to enter the United States to continue work in the area of extraordinary ability and show that their entry will substantially benefit the United States. *Id*. 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).

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 the individual'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 individual'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 individual 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).

The Petitioner is an assistant professor at the [redacted] and a researcher with 15 years of professional experience dedicated to neurogenerative diseases. The Petitioner states she is one of the "leading specialists in Alzheimer's and Parkinson's disease."

Because the Petitioner has not indicated or shown that she has received a major, internationally recognized award, she 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. In the decision denying the petition, SCOPS determined that she satisfied one claimed criterion, relating to judging the work of others in the same or allied field. *See* 8 C.F.R. § 204.5(h)(3)(iv).

On appeal, the Petitioner maintains that she submitted evidence satisfying the five claimed criteria relating to published materials about her, judging, original contributions, scholarly articles, and performing in leading or critical roles for organizations with a distinguished reputation. *See* 8 C.F.R. § 204.5(h)(3)(iii), (iv), (v), (vi) and (viii). She asserts that SCOPS did not properly evaluate the evidence submitted with the petition and the response to the request for evidence, did not provide any meaningful reasoning addressing the criteria, and did not apply the proper standard of evidence in this case.

On appeal, the Petitioner states that although she submitted documentation to establish the criteria under 8 C.F.R. § 204.5(h)(3)(iii) and (viii), SCOPS did not review the evidence or discuss the criteria at all in the final decision. On appeal, the Petitioner further notes additional inaccuracies in the decision. For example, SCOPS stated that the Petitioner was an "early career researcher" and a "pre-doctorate researcher," although she has already earned her doctorate at the time of filing and had several years of professional experience. SCOPS also stated that "most cited articles were published prior to having a baccalaureate degree," when none of the submitted publications predate her bachelor's degree. The Petitioner also noted that when SCOPS evaluated the criteria of scholarly articles, SCOPS indicated that "at least one [article] was published in an open journal which is the petitioner paying to get her article published" but did not explain what evidence SCOPS reviewed to make that determination. On appeal, the Petitioner identified several other deficiencies suggesting that SCOPS did not evaluate the evidence submitted.

Given these discrepancies and the lack of a reasoned explanation, we must withdraw the decision and remand the case so that SCOPS may review the entire record and issue a full decision. The regulation at 8 C.F.R. § 103.3(a)(1)(i) states that when denying a petition, SCOPS shall explain in writing the specific reasons for denial. An officer must fully explain the reasons for denying the petition in order

to allow the Petitioner a fair opportunity to contest the decision and our opportunity for meaningful appellate review. *Cf. Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that an Immigration Judge must fully explain the reasons for denying a motion to allow the respondent a meaningful opportunity to challenge the determination on appeal). Here, SCOPS misidentified the evidence, did not discuss all of the claimed criteria, and did not discuss the evidence in the record or fully explain the reasons for their conclusion. Consequently, as the decision lacks a sufficient explanation for concluding the Petitioner had not satisfied at least three of the initial evidentiary criteria for this classification; the decision does not provide an opportunity for meaningful appellate review, as is required. *Id.*

Therefore, for the reasons discussed, we will withdraw SCOPS' decision and remand this matter. On remand, SCOPS should review the entire record, including the Petitioner's submission and arguments on appeal, to evaluate eligibility under each claimed criterion at 8 C.F.R. § 204.5(h)(3)(i)–(x) and issue a new, fully reasoned decision. SCOPS may request any additional evidence considered pertinent to the new determination. As such, we express no opinion regarding the ultimate resolution of this case on remand.

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.