U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41022189

Date: FEB. 17, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a senior IT consultant, seeks classification as an individual 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 although the Petitioner satisfied at least three of the initial evidentiary criteria, as required, he did not show his sustained national or international acclaim and demonstrate that he is among the small percentage at the very top of the field of endeavor. 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

Section 203(b)(1)(A) of the Act makes visas available to immigrants 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) (holding that extraordinary ability visas are known as "Einstein" visas, are extremely "coveted," and are "reserved for only the most talented" aliens"). 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 the recognition of achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or 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).

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 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).

II. ANALYSIS

A. Evidentiary Criteria

Because the Petitioner has not claimed or established his receipt of 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). SCOPS determined that the Petitioner met at least three of the claimed evidentiary criteria. Nevertheless, SCOPS concluded that the Petitioner did not show that he garnered sustained national or international acclaim and that his achievements have been recognized in the field of endeavor, demonstrating he is one of that small percentage who has risen to the very top of the field.

On appeal, the Petitioner contends that he satisfies an additional criterion and that the evidence in the aggregate establishes his eligibility as an individual of extraordinary ability. We need not determine whether the Petitioner satisfies additional evidentiary criteria because the appeal hinges on the final merits determination.[1] Therefore, we will evaluate the totality of the evidence based on the documentation presented to SCOPS in the context of the final merits determination below.

B. Final Merits Determination

As indicated above, we will evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, their sustained national or international acclaim,[2] that they are among the small percentage at the very top of the field of endeavor, and that their achievements have been recognized

[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(A)(1) (stating the definition of sustain is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time").

in the field through extensive documentation. In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has 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.[3]

On appeal, the Petitioner contends that SCOPS mischaracterized the evidence and did not give proper weight to recommendation letters and testimonials from experts in the field regarding the "widespread industry adoption" of his AI-driven frameworks. The Petitioner also argues that SCOPS "reweighed and discounted" evidence that was previously deemed to have satisfied at least three of the ten criteria. In this matter, we conclude that the Petitioner has not shown his eligibility.

In the denial notice, SCOPS concluded that the evidence does not establish sustained national or international acclaim. While much of the discussion in the final merits determination is couched in terms referring to the initial criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x), SCOPS also addressed the broader issue of sustained national or international acclaim and the lack of independent corroboration, and did not, as asserted by the Petitioner, re-adjudicate the criteria or impose novel requirements at the final merits stage. Within the context of a broader discussion, it is proper to explain how particular evidence may facially satisfy the requirements of a given criterion but still not establish the necessary acclaim and recognition. Approval or denial of a petition is based on the type and quality of evidence submitted. Further, a petitioner must explain the significance of the submitted evidence and state how it demonstrates that they have achieved sustained national or international acclaim and recognition in their field of expertise. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2).

In a supporting cover letter, the Petitioner reviewed his employment history in the information technology (IT) field, leading up to his current position as a senior IT consultant at [redacted] where his stated focus is on "monitoring tools implementation and data analytical solutions." The Petitioner further explained that he builds "comprehensive monitoring platforms by integrating solutions . . . with machine learning and cognitive automation." He described himself as "an extraordinary IT Consultant Sr." who has "expertise spanning IT systems optimization, customer experience management, data analytics, cloud migration, and regulatory compliance" and has "demonstrated exceptional skill in leveraging technology to solve complex challenges."

As discussed below, the Petitioner has received an award and was the subject of media coverage; has participated as a judge in assessing award candidates, evaluating manuscripts, and engaging in the peer review process; has authored research material; used his IT expertise in holding critical roles at various financial services institutions; and earned salaries for his work. However, in considering the totality of the evidence, the Petitioner has not demonstrated that his achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. 1990 U.S.C.C.A.N. 6710, 6739. Furthermore, the Petitioner has not shown that he has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3). The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the

[3] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (instructing that USCIS officers should consider the petition in its entirety to determine eligibility according to the standard – sustained national or international acclaim and the achievements have been recognized in the field of expertise, indicating that the person is one of that small percentage who has risen to the very top of the field of endeavor).

petitioner to present more extensive documentation than that required" for lesser classifications. 56 Fed. Reg. 30703, 30704. Here, the Petitioner has not established that he enjoys a career that meets this very high standard. *See Amin v. Mayorkas*, 24 F.4th 383, 386-87 (5th Cir. 2002) (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

The Petitioner provided evidence showing that he was recognized in various news articles for his work and contributions in the IT industry, particularly for his work with artificial intelligence (AI). The Petitioner provided the articles along with their respective global, country, and industry rankings. One article acknowledges the Petitioner as "a distinguished IT professional and AI solutions expert" who has "played a pivotal role in implementing AI-driven solutions . . . across multiple industries." However, the Petitioner did not show how such recognition resulted in sustained national or international acclaim or a career of acclaimed work. *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 plaintiff did not show his press coverage was indicative of a level of success consistent with being at the top of his field). We also note that of the eight articles the Petitioner submitted, seven were published in sources whose rankings are not consistent with "major media,"[4] with one of the publications receiving a global and country ranking of 1,409,041 and 57,430, respectively. And although one of the articles [redacted] is from a page on the MSN.com website, the Petitioner has not established that this article was a product of MSN's own reporting, as opposed to an article that was uploaded to the MSN website by another platform. We therefore agree with SCOPS' finding that the evidence of media coverage is not indicative of the Petitioner's acclaim in the field.

Regarding the Petitioner's service as a judge of the work of others, an evaluation of the significance of his experience is appropriate to determine if such evidence indicates the required extraordinary ability for this highly restrictive classification. *See Kazarian,* 596 F. 3d at 1121-22.[5] Here, the record shows that the Petitioner has served as a judge for the [redacted] and has conducted peer reviews as an Editorial Board Member for professional journals in his field, including [redacted] the [redacted] However, as noted in SCOPS' decision, participation in the peer review process, even when it involves reputable journals or conferences, does not automatically result in a finding that the petitioner has sustained national or international acclaim at the very top of their field.

Importantly, the Petitioner has not shown how his judging experiences compare to those of others at the very top of his field, nor is there evidence that his involvement as a judge resulted in widespread attention from the field. *See Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801, at *2 (D.C. Cir. Jan. 31, 2023) (finding the petitioner did not provide needed context for his judging experience and the response to his work).

[4] *See* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that evidence of published material for major trade publications and other major media should establish their "relative circulation, readership, or viewership."

[5] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (providing that the second step requires USCIS to evaluate the person's judging participation to determine whether it was indicative of the person being of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

The record also does not show that the journals that invited the Petitioner to serve as a peer reviewer reserve those invitations for those who are at the top of the field or otherwise enjoy standing in the field consistent with sustained national or international acclaim. This context is relevant, as reviewing manuscripts for journals that select peer reviewers based on subject matter expertise would not provide strong support for the petition. While we do not doubt that the journals that invited the Petitioner to perform reviews seek to rely on subject matter experts for this purpose, possessing expertise in a field is a lower threshold than enjoying sustained acclaim in the field. The record similarly lacks evidence that the journals that invited the Petitioner to perform reviews enjoy high rankings or impact factors. Without sufficient evidence that sets the Petitioner apart from others in his field, such as evidence that he has a consistent history of reviewing or judging recognized, acclaimed experts in his field, the Petitioner has not shown that his judging experience places him among that small percentage who has risen to the very top of the field of endeavor. *See id.* (finding the petitioner did not show that he served as a judge of renowned directors as opposed to aspiring artists or the competitions were considered prestigious or attracted significant attention by the field). Therefore, although the record shows that the Petitioner has reviewed manuscripts for several scholarly journals, it does not show how performance of these peer review activities elevates him above most others in his field.

Finally, the evidence in the record does not demonstrate that the Petitioner has received any independent acclaim or recognition for his service as a peer reviewer. Without this or other evidence differentiating him from others in his field, the Petitioner has not established how his peer review experience contributes to establishing his national or international acclaim or how it places him among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2); *see also Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the relevance of USCIS' consideration of whether the petitioner documented judging activities that sets him apart from others in her field, such as evidence of a consistent history of completing a substantial number of review requests relative to others, serving in editorial positions for distinguished journals or publications, or chairing technical committees for reputable conferences).

Likewise, authorship and publication of original research do not automatically place an individual at the top of their field. The Petitioner claims that his publication record supports his extraordinary ability claim, noting that his "contributions have been recognized . . . in reputable journals and conference proceedings." The citation history or other evidence of the influence of written work can be indicators to determine the impact and recognition that the Petitioner's publications have had on the field and whether such influence has been sustained. For example, numerous independent citations for an article authored by the Petitioner may provide solid evidence that his work has been recognized and that others have been influenced by his work. Such an analysis at the final merits determination stage is appropriate pursuant to *Kazarian,* 596 F. 3d at 1122. Here, however, the Petitioner largely focused on the volume of his published work and did not provide his citation record or discuss the rankings of the journals where his work was published.

Although the record shows that the Petitioner published 22 articles, the evidence provided, such as letters of recommendation from six IT professionals, does not adequately demonstrate that any of his articles received a level of interest in the field that is commensurate with sustained national or international acclaim or a career of acclaimed work. Further, the Petitioner did not show the impact or influence his articles have had on the field or otherwise show the significance or relevance of his

publications. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (upholding the Petitioner did not show the significance of authorships reflecting that he is among the small percentage at the very top of the field).

On appeal, the Petitioner contends that the record includes "independent citations and professional acknowledgement of [his] contributions," arguing that he has provided "substantial documentation showing that his AI-driven frameworks have been adopted and operational by major organizations across multiple industries." We disagree. First, as previously noted, the Petitioner has not provided a citation record for his published work. We do, however, acknowledge the Petitioner's submission of recommendation letters from IT professionals at various organizations. In their respective letters, the IT professionals praised the Petitioner for his research in AI, citing several of his published articles and crediting him with ideas that they claimed had impacted on their respective businesses. However, while the letters referenced and summarized several of the Petitioner's articles, the content of the letters was generally vague and lacked details as to precisely how the various organizations had or planned to implement the Petitioner's research findings.

For instance, in one letter, an IT executive at [redacted] stated that the Petitioner's article titled "[redacted] provided us with valuable insight into leveraging AI to better understand and serve our customers"; the article titled [redacted] . . offer[s] promising opportunities to detect and respond to potential issues in real-time"; and the article titled [redacted] has inspired new ways of thinking . . . about strengthening network security." While the letter claims that the Petitioner "has significantly influenced the direction of our internal discussions and inspired us to push the boundaries of innovation," it offers no details about specific company initiatives that have been influenced by the Petitioner's work.

In another letter, a senior software engineer at the [redacted] takes a similar approach, naming and summarizing the general content of two of the Petitioner's articles followed by broad declarations that the methodologies suggested in one of those articles enabled the organization "to integrate AI tools into our CRM system, allowing for real-time analysis of customer interactions."

Aside from the overall lack of a detailed explanation of how these companies implemented the Petitioner's research within their respective organizations, the Petitioner has not established that the recommendation letters establish that he had received a level of recognition for his publications that is indicative of sustained national or international acclaim, or showing he is viewed by the overall IT field as being among the small percentage at the very top.

Also worth noting is the lack of clarity as to how the Petitioner was able to research and publish 22 articles as sole author in the span of approximately four years, all the while working as a full-time IT professional for various employers.[6] Moreover, despite providing evidence which shows that the articles were published between 2020 and 2024, the Petitioner has not demonstrated that his publication record is consistent with having a career of acclaimed work, sustaining national or international acclaim, and being among the small percentage at the very top of his field. Importantly,

[6] The Petitioner's résumé shows that in the four-year span between 2020 and 2024, he worked as a data analyst at [redacted] then as "Adviser I" at [redacted] and most recently as a senior IT consultant at [redacted]

the Petitioner did not show the significance of the number of his authorships or how his publication record compares to others who are viewed to be at the very top of the field. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding it reasonable for USCIS to focus on the fact that a publication record of six publications over seven years inconsistent with a career of acclaimed work and sustained national or international acclaim).

As noted earlier, the Petitioner argues that SCOPS did not give sufficient weight to "expert opinion letters from highly qualified authorities" who attested to the "transformative" nature of his work in "pioneering advancements in AI-powered data analytics and scalable cloud infrastructure." The Petitioner claims that his contributions are responsible for "shaping both the practice and understanding of AI-based marketing analytics" and highlights one letter (whose author he does not specify on appeal) as evidence that the Petitioner's predictive-analytics methodology have been implemented and resulted in benefits to the user.

We note that the record contains several letters of recommendation that were submitted initially in support of the petition and later, in response to a request for evidence. The letters discuss the Petitioner's research and credit him with creating new methodologies implementing the use of AI. For example, Dr. S-K-, an assistant professor at [redacted], discussed media coverage about the Petitioner and named several of the Petitioner's articles, attributing "two key industry shifts" to the Petitioner's research. Dr. S-K- did not, however, explain how he ascertained the industry shifts and on what basis he determined that the Petitioner was chiefly responsible for those shifts. In another letter, K-K-, a "Senior Manager" at [redacted], a Canadian organization, also discussed the Petitioner's media coverage and published articles, stating that his organization "adopted [the Petitioner's] anonymization and access control frameworks to refine how we handle sensitive user data." Similar to the previously discussed letters of recommendation, here too the Petitioner has not established that the level of recognition he received for his publications is indicative of sustained national or international acclaim, nor do these letters establish that the Petitioner is viewed by the overall IT field as being among the small percentage at the very top.

Further, even if we concluded that the Petitioner has made an original research contribution of major significance pertaining to the frameworks and methodologies discussed in the letters of recommendation, the broader question in the final merits determination is whether that contribution resulted in or contributed to the Petitioner achieving recognition that rises to the level of sustained national or international acclaim. The submitted letters that reference the Petitioner's research do not show how his work in the field of AI has resulted in his sustained recognition in the field.

And although several letters from the Petitioner's prior and current employers highlight his talents and responsibilities, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (finding the plaintiff's work for organizations did not result in national or international acclaim). Moreover, the Petitioner did not establish that his roles, such as his current role as "IT Consultant SR" at [redacted] or his prior role of "associate's position" as "Software Development Engineering – Advisor I" at [redacted], received widespread acclaim from the field, drew significant attention from the greater field, or the overall field views him among the leading dentists in the field. *See Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4, *aff'd sub nom. Hamal v. United States Dep't of Homeland*

Sec., No. 21-5160, 2023 WL 1156801 (upholding plaintiff did not contextualize his work at an organization demonstrating recognition by the field as being significantly important or viewed as unusually influential). Furthermore, the Petitioner did not show that he attracted a level of attention from his employment that places him among that small percentage at the very top of the field or enjoys a career of acclaimed work.

Overall, while the letters of recommendation attest to the Petitioner's significant skills and accomplishments, they do not establish his extraordinary ability when considered in the totality of the evidence. The authors did not provide sufficient information and explanation to show that the Petitioner is viewed by the overall field, rather than by a solicited few, to be among the upper echelon or that he has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor. *Mishra v. Richardson*, No. 1:20-cv-991 (LMB/TCB), 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding that none of the plaintiff's letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim).

And although SCOPS agreed with the Petitioner's assertion that he has received a high salary relative to others in the field, it is unclear which evidence was considered in reaching this determination. Regardless, having considered the Petitioner's salary in the totality of the evidence, SCOPS concluded, and we agree, that the Petitioner did not differentiate himself from other senior IT consultants. Although the Petitioner documented his income as "IT Consultant Sr" with his current employer, [redacted] since December 2023, the Petitioner has not established that he commanded earnings commensurate with sustained national or international acclaim. The Petitioner did not show that his wages of $121,200 annually are tantamount to an individual who is among that small percentage at the very top of the field of endeavor. He did not demonstrate, for example, how his earnings compare to others at the very top of the field or other renowned senior IT consultants, or that he received notoriety or attention based on his salary separating himself from others in the field or placing him in the upper echelon. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (finding that the plaintiff's high salary was not so high as to indicate that he has risen to the very top of the field). Furthermore, the Petitioner provided comparative salaries for IT consultants, but it does not appear that these figures are relevant in this instance, given that the Petitioner's current position title of "IT Consultant Sr" is indicative of a higher-ranking employee.

Finally, we acknowledge the Petitioner's receipt of the Global Recognition Award in 2024 and his claim that this award serves as evidence of "his remarkable achievements and expertise in monitoring tools and data analytics." While this appears to be a notable achievement, the record lacks sufficient evidence of this award's significance to demonstrate that the award contributes to, or is otherwise indicative of, the Petitioner's inclusion among the small percentage at the very top of her field. The Petitioner did not, for example, show how that award is viewed by the broader field. In fact, while the Petitioner submitted more than a dozen support letters from industry experts, only K-B, who was the "Senior Vice President of Technology Operations at [redacted]" and the Petitioner's direct superior, mentioned this award or recognized the Petitioner as a recipient.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[7] Here, the Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability"); *Amin v. Mayorkas*, 24 F.4th at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visa are intended to be available to only an exceedingly small amount of individuals with extraordinary ability).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not established his eligibility as an alien of extraordinary ability.

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.

[7] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence).