U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40988745

Date: FEB. 25, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a synthetic organic chemist, 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 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. U.S. Citizenship & Immigr. Servs.*, 596 F.3d 1115, 1119-20 (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. U.S. Citizenship & Immigr. Servs.*, 772 F. Supp. 2d 1339, 1346 (W.D. Wash. 2011), *aff'd*, 683 F.3d 1030 (9th Cir. 2012).

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 the Petitioner met at least three of the claimed evidentiary criteria. However, the SCOPS concluded the Petitioner did not show he garnered sustained national or international acclaim and 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, we will review the totality of the evidence in the context of the final merits determination below.[1]

B. Final Merits Determination

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

[1] *See also generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policymanual.

[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").

the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[3] In this matter, we determine the Petitioner has not shown his eligibility.

The Petitioner works as a senior scientist at [redacted], Iowa. Previously, the Petitioner has been employed by [redacted] Missouri), [redacted] California), [redacted] Missouri), and [redacted] India). In addition, the Petitioner earned a doctor of philosophy in chemistry from the [redacted] and a master of science in organic chemistry from [redacted] (India).

As discussed further below, the Petitioner reviewed papers, conducted research, and authored material. 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 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).

Regarding the Petitioner's service as a judge of the work of others in his field, an evaluation of the significance of his experience is appropriate to determine if such evidence is indicative of the extraordinary ability required for this highly restrictive classification. *See Kazarian*, 596 F. 3d at 1121-22.[4] Participation in the peer review process does not automatically demonstrate that an individual has sustained national or international acclaim. The Petitioner indicated that he reviewed 95 papers for 32 different scientific journals since 2017 and provided journal rankings and impact factors.[5] However, the Petitioner did not demonstrate the significance of his judging experience. The Petitioner, for instance, did not compare his judging to others among the top of the field, let alone to others in his overall field. *See Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023

[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).

[4] *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).

[5] The Petitioner presents new evidence on appeal; however, because the Petitioner was put on notice and given a reasonable opportunity to provide this evidence, we will not consider it for the first time on appeal. *See Matter of Furtado*, 28 I&N Dec. 794, 801-02 (BIA 2024) (declining to consider new evidence on appeal when the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it) (citing *Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988)); *see also* 8 C.F.R. § 103.2(b)(11) (requiring that in response to a request for evidence or notice of intent to deny, all evidence must be submitted together at one time and that submitting only some of the requested evidence will be considered a request for a decision on the record).

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).

In addition, the Petitioner offered evidence of his appointments to the editorial boards of *Science Journal of Chemistry* (*SJC*) and *ARKIVOC*. Regarding *SJC*, the Petitioner provided screenshots showing editorial board members require a minimum of 4 years of research or professional experience and a minimum of 5 publications on the same topic, with priority given to associate professors or higher and having relevant experience in editorial roles or similar positions. However, the Petitioner did not show that such requirements signify his standing among that small percentage at the very top of the field or how his position as an editorial board member, for instance, compares to a chief editor of a highly ranked or prestigious journal. As it relates to *ARKIVOC*, the Petitioner submitted screenshots of a partial list of other editorial board members, which appear to show that ARKIVOC has over 600 editors. Again, the Petitioner did not demonstrate how his role as an editorial board member sets him apart from the other hundreds of other reviewers for *ARKIVOC*. *See Job v. Jaddou*, No. 4:22-CV-03017, 2024 WL 2963795, at *4 (S.D. Tex June 12, 2024) (upholding mere service on a review board, without more, cannot evince extraordinary ability).

Furthermore, the Petitioner pointed to letters from B-D-U- and K-C-K- and claimed that these "expert statements confirm [his] significant peer-review contributions." However, the letters make general statements, such as "[h]is participation in the importance [sic] task of peer review demonstrates that the staff of these journals have come to respect [the Petitioner's] scientific acumen and in-depth knowledge" and "[the Petitioner's] frequent invitations to peer review demonstrate the recognition of his outstanding reputation and the high caliber of his research." The letters do not show that the Petitioner has risen to the upper echelon of his field or that he garnered national or international acclaim based on his judging reputation. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *23 (D. Neb. Sept. 12, 2025) (upholding that plaintiff did not show how she judged to such an extent, or at a high enough level, that her judging surpasses the majority of the field and places her in the top echelon of the field).

Here, the Petitioner did not show, for instance, that he garnered wide attention from the field based on his journal paper reviews. Without 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 or that he serves in an editorial position for a highly ranked or prestigious journal, 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 Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the petitioner did not offer 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 do not automatically place one at the top of the field.[6] The Petitioner presented evidence showing that he published 12 articles and 7 abstracts, with 18 occurring between 2012 – 2018 and 1 in 2024. However, the Petitioner did not demonstrate that his publication

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

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. *See Agrawal*, 2025 WL 2879217, at *23 (upholding that plaintiff's articles do not demonstrate her work has placed her at the top of the field or has sustained national or international acclaim throughout the field). The Petitioner, for instance, 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). Moreover, the Petitioner did not show how publishing 1 article in the past 8 years demonstrates sustained national or international acclaim or a career of acclaimed work in the field.

The Petitioner also emphasizes that his "work has been published in some of the most authoritative and influential journals in the field," such as *Angewandte Chemie International Edition* and *AAPS Journal*. He provided information about these journals from their publishers and journal rankings from Google Scholar. A high ranking or impact factor reflects a publication's overall citation rate, rather than the influence of any individual researcher. Depending on a journal's level of recognition, as demonstrated by evidence in the record, there may be an elevated level of prestige or acclaim associated with publication in a particularly highly ranked journal.[7] However, publication in a journal with a high impact factor alone does not demonstrate that an individual researcher has achieved wide recognition consistent with national or international acclaim. The Petitioner did not provide sufficient support for his claim that publication in the journals is an accomplishment indicative of sustained national or international acclaim, or one which automatically elevates a researcher to the very top of the field.

As authoring scholarly articles is often inherent to the work of scientists and researchers in academia, the citation history or other evidence of the influence of an individual's articles can be an indicator to determine the recognition they have received in the field and whether such recognition has been sustained. Such an analysis at the final merits determination stage is appropriate pursuant to *Kazarian,* 596 F. 3d at 1122. Here, the Petitioner has consistently emphasized that the individual and collective citations to his work, according to several metrics and statistics, show that he has received the required recognition for his research achievements.

Regarding his overall citation record, the Petitioner provided evidence from Google Scholar (GS) reflecting 268 citations, with his highest cited articles receiving 62, 44, 27, and 26 citations, respectively.[8] The Petitioner, however, did not specify how many citations were self-citations by him or his coauthors. Furthermore, the Petitioner submitted data from Clarivate Analytics (CA) regarding baseline citation rates and percentiles by year of publication for the chemistry field. The Petitioner claimed his citations from articles published in 2018 ranked among the top 10%. However, the Petitioner did not indicate whether he factored in any self-citations in determining these percentile rankings. Moreover, the documentation from CA states that "[c]itation frequency is highly skewed, with many infrequently cited papers and relatively few highly cited papers. Consequently, citation rates should not be interpreted as representing the central tendency of the distribution."

[7] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2).

[8] In response to a request for evidence, the Petitioner provided updated GS figures reflecting a slight increase in numbers; however, the Petitioner did not demonstrate whether the revisions resulted from papers published prior to the filing of the initial petition. *See* 8 C.F.R. § 103.2(b)(1).

Further, the Petitioner submitted an article in *Scientometrics* written by Lutz Bornmann and Werner Marx, entitled "How to evaluate individual researchers working in the natural and life sciences meaningfully? A proposal of methods based on percentiles of citations." This article presents recommendations for "how to evaluate individual researchers in the natural and life sciences" for purposes of funding and promotion or hiring decisions. The authors state that "publications which are among the 10% most cited publications in their subject area are as a rule called highly cited or excellent" and that "the top 10% based excellence indicator" should be given "the highest weight when comparing the scientific performance of single researchers." While the authors offer proposed methods for bibliometric analysis of research performance, the record does not indicate that their methods have been accepted and implemented by the academic community. Moreover, with respect to citation information from GS, the authors advise against "using (GS) as a basis for bibliometric analysis. Several studies have pointed out that GS has numerous deficiencies for research evaluation." Moreover, regarding "self-citations," the authors state that "if the question of an evaluation study explicitly means to what extent a scientist has influenced other scientists' work, self-citations should be obviously ignored."

The Petitioner also submitted information from OpenAlex reflecting 95.82% for "Citation Percentile" and 99.98% for "Publication Percentile." However, none of the evidence from OpenAlex describes the method used to calculate the percentile figures provided. Without additional explanation, we cannot make an informed assessment of the relevance and reliability of this evidence.[9] Regardless, citation frequency which is quantitative in nature does not reveal the reasons for the citations, which involve a qualitative analysis. In other words, a high citation number might show that others in the field have noticed the Petitioner's work, but it does not confirm that he has sustained national or international acclaim or places him among that small percentage at the very top of the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(2).

Here, the Petitioner did not provide credible documentation establishing that his publication percentiles garnered sustained national or international acclaim. Even if we accepted his claims that his 62 citations for a 2018 article qualifies him in the top 10% in chemistry, which we do not, the Petitioner did not demonstrate that such rankings or citations place him among the very top of the field. *See Bhanu*, 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). Overall, the Petitioner did not show that the citations to his published research demonstrate recognition at a level consistent with being among that small percentage at the very top of his field. *See* 8 C.F.R. § 204.5(h)(2). The statute demands "extensive documentation" of recognition. In this case, the Petitioner relies to a significant extent on various metrics and data to mathematically place himself at the top of the field. However, the record does not sufficiently demonstrate the relevance and reliability

[9] The Petitioner provided general information from the OpenAlex website (https://help.openalex.org) regarding works included in its dataset and the sources of those works; however, he did not provide information regarding its methodologies for calculating citation, publication and h-index percentiles for individual researchers or include any statements regarding the intended use of such percentiles.

of the metrics and comparative data provided and lacks other persuasive evidence of his sustained acclaim.[10]

The Petitioner also indicated his role as a senior specialist and project leader at [redacted]. Although he presented letters from J-M- and A-B- confirming his employment and praising his work, they do not show that he served in a capacity that places him among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). Moreover, the record does not show how the Petitioner's position indicates a high standing in his field or reflects that he has received sustained acclaim or recognition for his achievements. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the plaintiff's work for organizations did not result in national or international acclaim).

In addition, the Petitioner submitted an [redacted] article he authored indicating that the National Science Foundation funded the research. However, the Petitioner did not provide needed context regarding the relevance of this funding. For instance, the Petitioner did not establish the significance of this funding, that it is limited to those with distinguished reputations or a record of past successes, or otherwise reflects national or international acclaim, placing him among the small percentage at the very top of his field. *See Donskoy v. United States Citizenship & Immigr. Servs.*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *6 (N.D. Cal. Nov. 11, 2021) (finding the Petitioner did not establish that he garnered sustained national or international acclaim for his contributions and his achievements have been recognized).

Finally, the record reflects that the Petitioner provided around a dozen recommendation and reference letters. However, the letters are not sufficiently persuasive. The letters generally highlight the Petitioner's work and indicate the authors' personal implementation of the Petitioner's work into their own work. Letters that make general and expansive statements regarding the beneficiary and the beneficiary's accomplishments are generally not persuasive. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3). The letters do not claim, nor does the content show, that the Petitioner achieved national or international acclaim from the field. Moreover, the letters do not demonstrate that the Petitioner has attracted a level of attention placing him the very top of his field. In addition, the letters do not show that he has enjoyed a career of acclaimed work. *See Jafarov*, 2024 WL 69056, at *9 (finding testimonial letters were insufficient to establish his relative status in the field and do not compare him to others).

Here, the letters do not contain sufficient information and explanation to show that the Petitioner is viewed by the overall field, rather than by a solicited few, 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. 120CV991LMBTCB, 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). Although the letters highlight the Petitioner's work, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See*

[10] *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(2) (stating that "[d]epending on the field and the comparative data the petitioner provides" evidence demonstrating the total rate of citations is high relative to others "*may* indicate a person's high overall standing").

Bodhankar, 2020 WL 777211, at *5 (finding the submitted letters failed to establish the plaintiff's contributions resulted in significant acclaim).

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[11] 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). In this case, the Petitioner has not shown the significance of his work is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual 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.

[11] *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).