U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40643613

Date: FEB. 27, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a researcher and academic in the aerospace engineering field, seeks classification as an individual of extraordinary ability in the sciences. *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, she did not show her sustained national or international acclaim and demonstrate she is among the small percentage at the very top of the field of endeavor. 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 dismiss the appeal.

I. LAW

Under section 203(b)(1)(A) of the Act, an individual is eligible for the extraordinary ability classification if: (i) they have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and their achievements have been recognized in the field through extensive documentation; (ii) they seek to enter the United States to continue work in the area of extraordinary ability; and (iii) their 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). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner may demonstrate international recognition of their achievements in the field through a one-time achievement (that is, a major, internationally recognized award). Absent such an achievement, the petitioner must provide

sufficient qualifying documentation demonstrating that they meet at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x).

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, 1121 (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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (upholding USCIS' two-step review process as "consistent with the governing statute and regulation"); *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

The Petitioner has not indicated or established that she received a one-time achievement. Instead, she claimed to have met five of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), namely:

- lesser nationally or internationally recognized awards or prizes;
- memberships in associations;
- judge of others' work;
- original contributions of major significance; and
- authorship of scholarly articles;

8 C.F.R. § 204.5(h)(3)(i), (ii), (iv) – (vi).

SCOPS determined that the Petitioner fulfilled all the claimed criteria but concluded in a final merits determination that she did not establish her sustained national or international acclaim in the field or show that she is one of that small percentage at the very top of that field and denied the petition accordingly.

For the reasons discussed below, we do not agree with SCOPS that the Petitioner met three of the criteria claimed, namely awards or prizes; membership in associations; and original contributions of major significance. The Petitioner's evidence must objectively satisfy the parameters of the applicable regulatory description. *See generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

On appeal, the Petitioner asserts that SCOPS erred in its final merits' determination by applying an "inappropriate" legal standard, ignoring "key evidence" and by failing to consider the evidence "in its entirety." She claims she meets the standard for EB-1 classification because she is one of that small percentage of aerospace engineers and researchers who has risen to the top of her field and has sustained and maintained national or international acclaim within her field. In addition, she maintains that her entry substantially benefits the United States.

Upon de novo review, the Petitioner has not demonstrated she meets at least three of the initial evidentiary criteria. In addition, she has not demonstrated her sustained national or international acclaim and that she is among the small percentage at the very top of her field.[1]

A. Evidentiary Criteria

The Petitioner claims eligibility for this classification as an individual of extraordinary ability in the field of aerospace engineering. She earned a Ph.D. at [redacted] in [redacted], Colorado in 2002 and currently works as a professor and researcher at [redacted] in Turkey, specializing in multidisciplinary design optimization for aerospace engineering applications. She intends to work in the United States for a university as an academic and research professor.

In evaluating evidence submitted under 8 C.F.R. § 204.5(h)(3), USCIS' first step of evidentiary review is limited to determining whether the evidence submitted with a petition meets the plain language of the regulatory criteria. In doing so, we consider the quality and caliber of the evidence to determine whether a particular criterion has been met, to the extent the criterion has qualitative elements. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). While some criteria do not have such qualitative elements, we are nevertheless bound by the plain language of the regulations in evaluating whether the evidence before us satisfies all requirements.

1. "Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 204.5(h)(3)(i).

SCOPS stated that the Petitioner met this criterion without providing an explanation for its determination. Upon de novo review, we conclude that the Petitioner has not met the requirements for this criterion.

The Petitioner submitted evidence she earned the [redacted] from the [redacted] in 2024. While the record shows the Petitioner's receipt of the award, it does not show that the award is nationally or internationally recognized for excellence in the field under the regulation at 8 C.F.R. § 204.5(h)(3)(i).

As pointed out by the Petitioner, examples of qualifying awards for this criterion may include, but are not limited to, certain awards from well-known national institutions or well-known professional associations; certain doctoral dissertation awards; and certain awards recognizing presentations at nationally or internationally recognized conferences. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). When considering such qualifying awards, relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to, the criteria used to grant the prizes or awards, the national or international significance of the prizes or awards in the field, and the number of awardees or prize recipients, as well as any limitations on competitors. *Id.*

[1] While we may not discuss every document submitted, we have reviewed and considered each one.

Here, the Petitioner provided background information about [redacted] from its website. However, the [redacted] background information and other evidence in the record do not discuss that the [redacted] is for excellence in the field or its national or international recognition. The award certificate states it is "[redacted]." The Petitioner did not submit evidence that the basis for granting the award was excellence in her field. For instance, she did not show the criteria used for granting the award, the number of awardees, or any limitations on competitors for the award. *Id.*

Moreover, while [redacted] may be a nationally or internationally recognized organization, the criterion requires that the prize or award be nationally or internationally recognized for excellence in the field. A national or international organization's issuance of an award does not alone establish an award's national or international recognition. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) (stating, "as reflected in the regulation's plain text, the focus is on the *award,* not the awarding organization") (emphasis in original). The Petitioner must show how others beyond [redacted] viewed the award. *See Visinscaia v. Beers,* 4 F.Supp. 3d. 126, 136 (D.D.C. 2013) (requiring evidence of "how a larger audience viewed [the] awards"). Without further evidence, the Petitioner did not demonstrate that her field views the [redacted] as a nationally or internationally recognized award for excellence in the field.

For the reasons discussed, the Petitioner has not established meeting this criterion. We withdraw SCOPS' contrary finding.

2. "Documentation 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." 8 C.F.R. § 204.5(h)(3)(ii).

SCOPS stated that the Petitioner met this criterion without providing an explanation for its determination. Upon de novo review, we conclude that the Petitioner has not met the requirements for this criterion.

To demonstrate that membership in an association meets this criterion, a petitioner must show that the association requires outstanding achievement as an essential condition for admission to membership, and that such achievements are judged by recognized experts in the field. Membership requirements based on employment in a certain occupation, minimum education or experience, or payment of dues or fees do not satisfy this criterion as such requirements do not constitute outstanding achievements. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(2).

The Petitioner claims she meets the criterion as an associate fellow with the [redacted]; an associate editor for the publication, [redacted] *Journal*; and an associate editor for special issues for the publication, *Journal* [redacted]

For the [redacted] the Petitioner submitted evidence of her being an associate fellow of [redacted] and that [redacted] requires outstanding achievements of its fellow associate members. The Petitioner, however, did not establish that such achievements of fellow associate members are judged by recognized

national or international experts in her field. She submitted [redacted] the [redacted] constitution and by-laws, and [redacted] associate fellow informational documents which indicate that the Honors and Awards Committee of [redacted] selects the associate fellows from the most qualified nominees. The evidence, however, does not discuss whether the Honors and Awards Committee is comprised of national or international experts in their field. Without further evidence, the Petitioner has not demonstrated that the outstanding achievements of associate fellow membership to [redacted] is judged by national or international experts in her field.

For her associate editor positions at [redacted] and [redacted] *Journal*, the Petitioner did not establish that eith[redacted]tstanding achievement of its associate editors, as judged by recognized national or international experts in the field. The Petitioner submitted a letter from the managing editor of [redacted] *Journal* explaining the selection process for its associate editors. The managing editor states, "[t]he selection process is designed to identify qualified, committed and professionally excellent candidates who will strengthen the quality and reputation of the journal" and associate editors are "selected following a thorough review of their academic careers and/or experience in aeronautics-related research and technology . . . activities, including EU and [redacted] programmes. Their publication record must demonstrate significant recent work of interest to the community, as evidenced by citations." While the managing editor indicates that the Petitioner's "international collaborations are outstanding, and her career is undeniably impressive and multifaceted," the letter and other evidence in the record do not indicate that [redacted] *Journal* requires outstanding achievement of its associate editors, as judged by national or international experts in her field. Likewise, for her being an associate editor for special issues for the [redacted] the Petitioner submitted a letter from its editor-in-chief, but it also does not indicate its associate editors require outstanding achievement. The letter, instead, describes the mission of [redacted] and that [redacted] values the Petitioner being on its editorial board, emphasizing her professional and academic experience in aerospace engineering.

For the reasons discussed, the Petitioner has not established meeting this criterion. We withdraw SCOPS' contrary finding.

3. "Evidence of the person's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v).

To meet this criterion, the Petitioner must establish not only that she has made original contributions to the field of aerospace engineering, but also that her contributions have been of major significance to the field. *See generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Upon de novo review, while we find the Petitioner has made original contributions to her field, for the following reasons, we do not find that her contributions have been of major significance to the field of aerospace engineering. As such, we will withdraw SCOPS' contrary determination on her eligibility for this criterion.

The Petitioner's work focuses on addressing aerospace design optimization, sustainability in aviation technology, and high-speed supersonic and hypersonic flight systems. The Petitioner asserts she is "[redacted]" According to the Petitioner, her contributions have led to the understanding of the coupling of Euler flow solvers, reliability constraints in aeroelastic structures, low-boom supersonic aircraft design, and aerodynamics in solid rocket

motors. She highlights that her work has been cited 948 times by peers using her "innovative methods" and "original findings" to make additional discoveries related to fluid-structure interactions, aeroelasticity, sonic boom propagation under atmospheric uncertainties, and hybrid rocket engine design. The Petitioner emphasizes that her contributions to the research ecosystem and innovations in the field are exemplified by her h-index of 13, which she asserts places her in the top 3% of authors publishing in the field of aerospace engineering.

In her personal statement accompanying the petition, the Petitioner describes her significant contributions to the field as including:

> The development of direct and adjoint sensitivity analyses for fully coupled fluid-structure interaction problems, high-fidelity aeroelastic and aeroacoustic predictions, reliability-based design optimization, uncertainty quantification, reduced order modeling (ROM), multi-fidelity surrogate modeling, and the application of scientific machine learning, deep learning, and artificial intelligence techniques in advanced computational engineering applications for aerospace and mechanical systems design concepts.

To corroborate her assertion that her original contributions are of major significance to the field of aerospace engineering, the Petitioner provided letters from researchers in her field. Dr. K.K.,[2] a professor of aerospace engineering at the [redacted] frames the Petitioner's contributions as advancing "both supersonic flight optimization and reliable aircraft design methodologies . . . [and that] her project on reliability-based design optimization offers solutions for enhancing aircraft safety and performance through the integration of multiple software tools and probabilistic constraints, addressing uncertainties in material properties and environmental conditions."

Dr. J.M., professor of aerospace engineering at the [redacted], explains the Petitioner's contributions to the field are her research publications in journals such as the *Journal* [redacted] and *Frontiers in Materials*. The professor also explains that the Petitioner's work "provides solutions for designing lighter, more efficient, and environmentally sustainable aircraft." Dr. J.V., a professor in [redacted]'s department of aeronautics and astronautics attests that the Petitioner's research contributions "are immensely valuable to aerospace engineering, particularly in military applications and satellite-launching systems . . . [and that a]part from driving innovation in rocket propulsion technology, her research also impacts national efforts to enhance defense capabilities, maintain space dominance, and improve satellite deployments across the United States and the entire world." Dr. J.V. also points out that the Petitioner's research has led to a "more sophisticated understanding of solid rocket motor design dynamics," and that her work is relied upon by him and other researchers.

Dr. D.Z., a professor at the [redacted]'s department of computational aerodynamics and sustainable aviation, attests that the Petitioner's work in the field "expands our knowledge of fluid-structures interactions and sensitivity analysis." He also describes his reliance and citation to the Petitioner's research in his work, which allowed him to explore "the complex dynamics of

[2] Because our decisions are published and available in the public domain, we use the first and last name initials of the individuals who provide letters of reference to protect their privacy.

aerostructural optimization with integrated geometry parameterization and mesh movement." The writer further attests that her contributions include her research in "reputable journals" such as the "*Journal of Spacecraft and Rockets*, the *International Journal of Design Engineering*, and *Acta Astronautica*." The writer concludes that the Petitioner's work "establishes a foundation for more innovative and effective aircraft design techniques, delivering tangible solutions to longstanding aerospace challenges" particularly with regard to aircraft performance and reduced environmental impact for the aerospace industry.

In response to SCOPS' request for evidence, the Petitioner submitted her Google Scholar profile to demonstrate that her research garnered additional citations and submitted several additional letters of support. Dr. R.K., a senior scientist at the [redacted], describes the Petitioner as an "internationally recognized expert in the field of multidisciplinary analysis and optimization (MADO)" and places her "among the most accomplished researchers in this field." He also describes her publications as "groundbreaking" and cites to one of her papers to emphasize that the paper was "one of the first to develop coupled sensitivities for nonlinear aeroelastic systems, enabling large design space exploration for aerospace vehicles." Furthermore, he describes her "exceptional research" into reliability-based design. Dr. R.K. further confirms the Petitioner's sabbatical year collaboration working with the [redacted] in 2014-2015, on "various [redacted] efforts" and attests to her "exceptional ability," which resulted in "new and innovative ideas in an area" related to their capacity to carry out literature survey efforts, which ultimately advanced their research. Dr. R.K. also confirms that his collaboration with the Petitioner resulted in several research publications, one of which focused on "developing a set of benchmarks that could be utilized by researchers when developing new optimization techniques." Dr. R.K. describes his collaboration with the Petitioner on a workshop which "brought together world experts to identify the benefits of using [artificial intelligence-machine learning] AI-ML for military vehicle design." Finally, the writer confirms the Petitioner's leadership abilities as technical chair of an initiative during which she led representatives from "over 20 nations to identify, develop, and execute research projects in areas such as vehicle design, structural loads and dynamics, noise and vibration control, smart and multifunctional materials and structures, structural materials, and manufacturing processes" and attests to her ability to make "significant contributions to the development of next generation aerospace technologies."

Dr. N.I., leader of the [redacted] team, attests that the Petitioner and her team developed a Machine Learning capability where the user can create "a complex Convolutional Neural Network (CNN) model through a Graphic-User-Interface." Dr. N.I. explains that this contribution enables his design engineers to "develop Machine Learning models themselves rather than requiring the support of other teams." Dr. N.I. also describes how the Petitioner's work enhanced a tool (APOW) that is used by [redacted] and now the tool is available to "APOW user communities across [redacted] businesses to be used in their engineering applications." Finally, Dr. N.I. attests to the Petitioner's skills as a lecturer and supervisor of younger researchers.

Dr. B.S., a research engineer at the [redacted], describes using and citing to the Petitioner's research in his own research as well as their 2015-2016 collaboration when the Petitioner worked at [redacted], which culminated in a research paper presented at the 2017 [redacted] conference. Dr. B.S. also attests to the Petitioner's role at [redacted] where she leads international collaboration efforts and displays her leadership abilities. Finally, Dr. B.S. couches the Petitioner's

contributions in terms of the largesse of the U.S. aerospace industry's which "contributes billions in export sales and a positive trade balance."

Dr. R.C., an associate professor and director of the master in aeronautical engineering at the [redacted], describes the Petitioner's "significant impact" on the field, as including his own citations to the Petitioner's research and further noting that her work "contributed to [his] understanding of data flow, synchronization, and the structure of a robust simulation loop, insights [he] applied during the architecture phase of our platform." The writer also explains that the optimization methods initially shaped by the Petitioner's work has been extended to new contexts, including sustainable aircraft design, and disseminated through doctoral training and collaborative research, and that her influences extends into funded European research and next-generation engineering frameworks. Finally, the writer attests to her leadership of the [redacted], which brings together "renowned speakers" from [redacted] countries and serves as a high-level scientific dissemination effort, as well as the Petitioner's role as co-chair of the 2025 [redacted], which brought together 130 international participants who discussed machine learning and artificial intelligence topics, "underscoring [her] positioning at the leading edge of the field."

As to the letters of reference provided, as noted above, we acknowledge that the Petitioner's colleagues in various countries have relied on her research in their own work. However, the letters do not provide sufficient context to understand where the field was prior to the Petitioner's contributions such that her work could be considered of major significance within the meaning of the regulation. Moreover, none of the letters provide a point of comparison for us to evaluate how the Petitioner's contributions relate to other researchers in the field. For example, because many of the Petitioner's research publications are co-authored, the writers do not distinguish if the Petitioner's co-authors would also be considered to have made original contributions of major significance to the field, or if it was the Petitioner's work alone that merits their praise. Similarly, the testimonial letters describe the Petitioner's impact on the writers' individual research and her strong leadership abilities and technical knowledge (which we acknowledge is well-above an entry level researcher), however none of the authors compare her to other researchers in the field to provide a standard for finding that her contributions should be deemed of major significance. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding testimonial letters were insufficient to establish his relative status in the field and did not compare him to others). Lastly, the Petitioner's collaboration with international scholars and researchers in her field demonstrates that she has consistently worked and garnered a level of visibility in her field, however that alone is insufficient to establish the "major significance" of her contributions, as contemplated by the regulation.

The Petitioner asserts that her contributions are of major significance because they have advanced the field of aerospace engineering. In addition, she notes that her contributions to academic journals as an editor and contributor, and her international collaborations and reputation in the field, collectively amount to original contributions of major significance, within the meaning of the regulation.

On appeal, the Petitioner contends that our policy emphasizes that a relatively high citation rate and a high h-index is "considered a highly reliable metric for ranking researcher impact." We acknowledge that the h-index of a researcher is the number of papers authored by the researcher with at least h number of citations for each publication, which the Petitioner has co-authored at least 13 publications

that garnered at least 13 citations. However, the Petitioner does not provide evidence to establish if this is high "relative to others in the field" such that this measure demonstrates the "major significance" of the impact of her research on the field. Furthermore, while we have considered the Petitioner's assertion that her h-index of 13 places her in the top 3% of authors publishing in aerospace engineering, this is a quantitative measure of impact whereas our inquiry requires us to undergo a qualitative analysis of the impact of her work on the field.[3]

Taken as a whole, the Petitioner's research, leadership, and academic contributions to the field of aerospace engineering are well documented and demonstrate that she has progressed to positions of higher visibility and that she has garnered a positive international reputation among her peers. However, as presently constituted, the record falls short of establishing that her original contributions have been of "major significance" to the field.

For all these reasons, the Petitioner has not met the requirements for the criterion and we withdraw SCOPS' contrary finding.

B. Final Merits Determination

While we have concluded that the Petitioner has not fulfilled the initial evidentiary requirement of three criteria, and thus need not provide the type of final merits determination referenced in *Kazarian v. USCIS*, 596 F.3d at 1119-20, we will nonetheless consider the issue of the Petitioner's qualification under that standard, as it is the focus of both SCOPS' decision and the appeal. We have reviewed the record in the aggregate and agree with SCOPS that the Petitioner has not established eligibility as a person of extraordinary ability.

In a final merits determination, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if her successes are sufficient to demonstrate that she 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 v. USCIS*, 596 F.3d at 1119-20.[4] Because extraordinary ability is an elite level of accomplishment whose recognition necessarily entails a judgement call, it cannot be established through meeting at least three of the evidentiary criteria alone. *See Amin v. Mayorkas*, 24 F.4th at 394-395. The final merits determination is the ultimate statutory inquiry of whether the applicant has extraordinary ability, as demonstrated by a preponderance of the evidence, her sustained national or international acclaim,[5] she is one of the small percentage at the very top of the field of endeavor, and her achievements have been recognized in the field through extensive documentation.

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[3] Though not a basis for our decision, we note that the Petitioner's most cited paper, published in 2001, was co-authored by two other individuals; one of which has an h-index of 102, while the other has an h-index score of 58. Thus, while the Petitioner's h-index of 13 demonstrates her research is cited, relative to just these two other researchers in her field, her h-index indicates her research has been significantly less impactful. We note this information to underscore how a quantitative measure, such as a researcher's h-index is not always a good indicator of impact given that the h-index may also reflect longevity in the field.

[4] *See 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).

[5] *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").

As noted above, the Petitioner is a professor and researcher in the field of aerospace engineering, with a focus on advanced multidisciplinary design optimization. The Petitioner intends to work as an academic and research professor and has applied for several tenure-track positions at various universities in the United States. The Petitioner's education includes a bachelor's degree in mechanical engineering from a foreign university, a master's degree in mechanical engineering from a foreign university, and a master's degree and Ph.D. in aerospace engineering from the [redacted]. In addition to her educational credentials, the Petitioner has over twenty years' experience as an academic professor and researcher and has performed in various other leadership and collaborative roles in her field, including as a chair of the department of astronautical engineering, professor, founder and director of the [redacted], and faculty advisor, vice dean, and ERASMUS coordinator at the [redacted], Turkey. The Petitioner has also previously held positions at [redacted] (senior research engineer), [redacted] (part-time faculty member), [redacted] (visiting faculty, consultant), [redacted] (visiting professor), the [redacted] (visiting professor), the [redacted] (visiting professor and research assistant), [redacted] (research and development leader), [redacted] (part time instructor), and [redacted] (research and development engineer).

The Petitioner asserts she is of extraordinary ability because of her record of success as a researcher and academic, and highlights the following aspects of her career which she asserts place her among the small percentage of aerospace engineers at the top of the field: she has been on five Ph.D. dissertation committees at major universities in Europe and North America; she has performed 22 grant application reviews for the [redacted], the [redacted] and [redacted], the [redacted], the [redacted], and the [redacted]; she has conducted 26 reviews for prominent journals in her field; and she has had 99 peer-reviewed articles published in international journals such as [redacted] *Journal*. Moreover, the Petitioner notes that "[redacted] . . . adopted [her] [redacted]"[6] Lastly, she asserts that she has been invited to speak at renowned conferences, such as the [redacted] on Multidisciplinary Design Optimization of Aerospace Systems, and that her publications have been cited by researchers in 42 countries over 900 times.

On appeal, the Petitioner highlights that researchers from many different countries have used her research to "inform their own investigations into topics such as aero-structural design optimization for aircraft wings, adjoint sensitivity analysis for fluid-structure interactions, and low-boom supersonic transport design, all endeavors that contribute to the well-being of the United States." The Petitioner further emphasizes that because her work has been funded by the "Air Force Office of Scientific Research, the National Science Foundation, the TUBITAK[7] National Young Researcher Career Development Program, and the Defense Advanced Research Projects Agency" she has established she

[6] We note that the letter provided by Dr. B.S. confirms her work at [redacted] in 2015, and her research and publications, but does not corroborate her claim that [redacted] adopted her methodology.

[7] TUBITAK is the Scientific and Technological Research Council of the government of Turkey.

is an aerospace engineer of extraordinary ability. Lastly, her appeal emphasizes that her award from the [redacted], her designation as an associate fellow at the [redacted] and her associate editor positions at [redacted] and [redacted] *Journal*, together provide sufficient evidence to find she is of extraordinary ability.

SCOPS evaluated the Petitioner's [redacted] award and determined the record did not show that the award "garnered her sustained national or international acclaim." SCOPS further considered that her work for high-impact journals did not include comparative evidence to put in context whether her work "exceeds that of other researchers or reflects sustained acclaim." As to her work on the editorial board of scholarly journals, SCOPS determined that "[w]ithout evidence that sets the petitioner apart from others in her field, such as . . . [her] consistent history of reviewing or judging recognized, acclaimed experts in his [sic] field, the record has not shown that the petitioner's narrow judging experience places her among that small percentage who has risen to the very top of the field of endeavor." As to the Petitioner's authorship and research publications in peer-reviewed journals, conference papers, and book chapters, SCOPS determined that "[w]hile the petitioner's collaborations have received some attention from the field, this does not demonstrate that the [P]etitioner's work has significantly influenced others in the field." Lastly, SCOPS considered that since January 2017, the Petitioner has been an Associate Fellow with the [redacted] and determined that there is insufficient "evidence that the petitioner received national or international recognition based on her membership . . .," or that her membership "distinguished her[] from others in the field."

We adopt and affirm, for the following reasons, SCOPS' decision regarding the Petitioner's award, her editorial work for academic journals, her publication record and her membership in the [redacted] *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below has been "universally accepted by every other circuit that has squarely confronted the issue"); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case).

As to the Petitioner's editorial work for academic journals, the Petitioner provided a letter from Dr. C.H. from the [redacted] *Journal* confirming the Petitioner's appointment as an associate editor of the journal and explaining that selection for the position requires the individual to be a "known author" or "peer reviewer" who has published in or worked for their journal, or who comes to them by way of "recommendations from other Board members." The writer further notes that the Petitioner was chosen because of her "remarkable scientific contributions" and that her work in the field is "ground-breaking," and that she had an "excellent reputation in the scientific community" as well as confirming that the Petitioner's collaboration with international teams is "outstanding." Dr. M.G. from the [redacted], writes as editor-in-chief of [redacted] and confirms that the Petitioner was selected for the editorial board because she is internationally recognized, and attests that the Petitioner's contributions to the field make her an "ideal fit" because she has "consistently demonstrated a deep commitment to advancing the aerospace sciences." We

[8] The Petitioner evidence shows that there are 3,393 [redacted] Associate Fellows, which indicates that selection for this designation does not require that the individual be at the very top or one of that small percentage at the top of the field of endeavor.

acknowledge that these letters, along with the other above-cited letters, are evidence that the Petitioner has advanced in her field. However, her selection to these journals' editorial boards, even when considered alongside the other cited evidence, is insufficient to establish she is among the small percentage at the very top of the field of aerospace engineering, because it is unclear from the letters how many others are chosen for these positions, or if being chosen for the boards indicates international acclaim. In general, the description of her contributions to the journals' editorial boards is insufficiently persuasive to establish that she is among the small percentage at the top of her field.[9]

On appeal, the Petitioner emphasizes that SCOPS did not evaluate her receipt of funding from U.S. government sources in the final merits determination analysis. The record shows that some of the Petitioner's research publications in 2001, 2002, and 2003, received grant funding from the Air Force Office of Scientific Research, and that two of her publications (one in 2005 and the other in 2007) received funding from the Defense Advanced Research Projects Agency (DARPA) and ICEM CFD Engineering, Inc. (two U.S. government funding entitles). And, in 2010 and more recently in 2023, the Petitioner published a total of three research papers with TUBITAK grant funding support. We acknowledge that this funding shows support from government entities in the United States and in Turkey, and that some of her work was funded under U.S. defense contracts, which does show that her research may have applicability to U.S. defense systems. However, because most of this funding is more than 20 years ago, and her more recent funding does not appear to require sustained national or international acclaim, this evidence is unpersuasive. Furthermore, the record does not contain comparative evidence to establish that receiving these funds is indicative of being recognized as one of those small percentage who has risen to the very top of the field of endeavor or that she enjoys a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

The Petitioner asserts SCOPS ignored her unsolicited invitation to speak at the [redacted] on MDO of Aerospace Systems, which she describes as a "renowned conference." Our policy manual indicates that receiving unsolicited invitations to speak or present at nationally or internationally recognized conferences is generally indicative of an individual's high standing and recognition for achievements. *See generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2). However, there is insufficient evidence to evaluate the significance of the

[9] For example, Dr. C.H.'s letter describes the selection process for associate editors, stating "[p]otential candidates for the Editorial Board are recruited from among known authors or peer reviewers who have published in or worked for our journal, or through recommendations from other Board members." After recruitment, the interested candidates send their CV and indicate which field of research they wish to cover, and they are selected following a thorough review of their academic careers and/or experience in aeronautics-related research and technology (R&T) activities, including EU and [redacted] programs. In addition, C.H. points out that their publication record must demonstrate significant recent work of interest to the community, as evidenced by citations. After selection, invitation and confirmation, the candidate is officially assigned by the Editor-in-Chief, added to the handling system, and an onboarding meeting is arranged." As described, the Petitioner's designation as an associate editor does not appear to require sustained acclaim or achievements that are recognized in the field or that indicate the associate editors are one of that small percentage who has risen to the top of the field, as required by this classification.

The Petitioner also provided a letter from Dr. M.G., the editor-in-chief of the [redacted] explaining that the Petitioner's "extensive contributions in structural mechanics, aeroelasticity, multidisciplinary design optimization, and aircraft technologies make her an ideal fit for the mission and scope of [redacted]." However, Dr. M.G.'s letter does not describe the process of choosing the editorial board or explain how her achievements would mean the Petitioner enjoys a "career of acclaimed work in the field," as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

conference within the context of her field to understand how her participation indicates she is among the small percentage at the top of her field. For example, Dr. A.Z. a professor at the [redacted] and Dr. A.M. of the [redacted] at the [redacted], and a chair of the [redacted], co-signed a letter of support for the Petitioner, attesting to her role as keynote lecturer at the [redacted] and to her "deep technical knowledge [and] also her exceptional ability to communicate complex concepts with clarity and enthusiasm." Thus, while we acknowledge her participation as a keynote speaker at this conference, nevertheless, the letter provided is insufficient to establish that this particular conference is renowned or that being asked to speak is sufficient to establish the sustained acclaim or recognition that would indicate she is one of those small percentage who has risen to the very top of the field of endeavor.

Overall, the Petitioner's academic advising, graduate student mentorship, [redacted] award, work as a journal editor, invitation to be a keynote speaker at an international conference, government research funding grants, academic research publication record and citations from other researchers, as well as her prior and current affiliations with internationally recognized organizations indicate her research work has had an impact, however the evidence does not persuasively establish how her record shows that her "achievements have been recognized in the field of expertise." *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(3). USCIS has long held that even athletes performing at the major league level do not automatically meet the statutory standards for classification as an individual of "extraordinary ability." *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not established, for instance, that she competed against other accomplished aerospace engineers for any of these recognitions or how her achievements compare to other aerospace engineers at her career-level, to demonstrate that she "is one of that small percentage who [has] risen to the very top of the field of endeavor." *See* 8 C.F.R. § 204.5(h)(2).

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. 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. *See Matter of Price*, 20 I&N Dec. at 954 (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Visinscaia v. Beers*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design,"); *Hamal v. Dep't of Homeland Sec. (Hamal II)*, No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *and see also Hamal v. Dep't of Homeland Sec. (Hamal I)*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing *Kazarian v. USCIS,* 596 F.3d at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 918 (N.D. Ill. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for visa as a baseball coach). 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 she has sustained national or international acclaim and is among the small percentage at the top of her field. *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an alien of extraordinary ability. The appeal will be dismissed for the above-mentioned 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.