U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41001010

Date: FEB. 27, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an environmental science professor and researcher, seeks classification as an alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate his or her extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in his or her field through extensive documentation.

SCOPS denied the petition, concluding that the Petitioner did not satisfy at least three of the ten initial evidentiary criteria. 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

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). 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 his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient 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). If an evidentiary standard under 8 C.F.R. § 204.5(h)(3)(i) - (x) does not "readily apply" to a petitioner's occupation, the petitioner may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

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").

II. ANALYSIS

The Petitioner is a professor and researcher specializing in soil and water conservation. He currently works as the Director of the [redacted] located in [redacted] China. He indicates that his work focuses on artificial intelligence (AI) powered remote monitoring systems and developing smart soil and water conservation systems. He is seeking to be classified as an alien of extraordinary ability in environmental science with the intent of establishing a consulting company in the United States which provides advanced technologies for soil and water conservation.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, the issue to be addressed on appeal is whether the Petitioner satisfied at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i) - (x). In denying the petition, SCOPS determined that while the Petitioner fulfilled two criteria, participation as a judge of others' work and authorship of scholarly articles, he did not fulfill the following four claimed evidentiary criteria:

- lesser nationally or internationally recognized awards or prizes;
- memberships in associations;
- original contributions of major significance; or
- leading or critical role.

8 C.F.R. § 204.5(h)(3)(i), (ii), (v), and (viii).

On appeal, the Petitioner claims that the evidence demonstrates he meets the four claimed criteria. Upon de novo review, the Petitioner has not demonstrated he meets at least three of the initial evidentiary criteria.[1]

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).

To meet this criterion, the Petitioner must demonstrate that he received prizes or awards, and they are nationally or internationally recognized for excellence in the field of endeavor. 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. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.

The Petitioner claims eligibility for this criterion based on three awards. For the first award, the Petitioner submitted evidence that he earned first prize for the [redacted] in 2023 based on the project entitled [redacted]." The award was provided by the [redacted] A technical report for the award indicates the Petitioner was the project leader and one of 15 main participants for the project.

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). The documentation relating to the award regulations indicates the award competitors were limited to individuals and units within the [redacted] stating the award "mainly rewards collectives and individuals from the [redacted] offices and affiliated units who have made outstanding contributions to the progress of water conservancy science and technology . . . ." *See Hristov v. Roark*, 2011 WL 4711885 (E.D.N.Y. 2011) (upholding AAO finding that an award which was limited to students was not granted for excellence in the field of endeavor); *see also Strategati, LLC v Sessions*, 2019 WL 2330181 (S.D. CA 2019) (upholding finding that "Woman of the Year" award eliminated men from consideration and thus did not "measure the petitioner's standing or selection from the whole field"). The Petitioner has not shown that he faced competition throughout his field for this competition, which was restricted to those individuals and units from the [redacted]. Due to the competition excluding a majority of the field, the Petitioner has not established that the award is for excellence in the field, as required by the regulation. *See* 8 C.F.R. § 204.5(h)(3)(i).

Moreover, while the Petitioner provided background information abou[redacted] from its website, the evidence does not discuss the national or international recognition of the award. The Petitioner argues that a Chinese government ministry, [redacted] issues the award to recognize innovations for progress in water conservancy and technology. A national government agency's issuance of an award, however, does not alone establish an award's national 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

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

the *award,* not the awarding organization") (emphasis in original). The Petitioner must show how others beyond the [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"). In addition, the Petitioner argues that his project, [redacted] is internationally recognized based on it having been selected as a model case for the 2022 [redacted] However, the plain language of the criterion requires that the award or prize, not the project, be nationally or internationally recognized. *See* 8 C.F.R. § 204.5(h)(3)(i). The record lacks evidence indicating that the award is recognized beyond the awarding organization. [redacted] Without further evidence, the Petitioner did not demonstrate that his field views the [redacted] as a nationally or internationally recognized award for excellence.

For his other two awards, the Petitioner submitted evidence that he earned second prize for the [redacted] in 2019 and the [redacted] Honor in 2012. The awards, however, relate to achievements for teaching and academic leadership, respectively, rather than the Petitioner's intended field of endeavor, environmental science. *See Lee v. Ziglar*, 237 F. Supp. 2d 914 (N.D. Ill. 2002) (finding that extraordinary ability as a baseball player does not imply that he also has extraordinary ability in all positions or professions in the baseball industry such as a manager, umpire or coach); *Mussarova v. Garland*, 562 F.Supp.3d 837 (C.D. Ca. 2022) (determining that the plaintiff's awards as a water polo player were not awarded as a water polo coach); *Integrity Gymnastics & Pure Power Cheerleading, LLC v. USCIS*, 131 F.Supp.3d 721 (S.D. Oh. 2015) (concluding that the AAO's reasoning, relevant statutory and regulatory language, and case law was not arbitrary, capricious, or otherwise not in accordance with the law in finding that an Olympic gold medal gymnast must meet the extraordinary ability classification through her achievements as a coach, her intended area of expertise). The Petitioner did not explain how earning an award for teaching and academic leadership demonstrates recognition for excellence in his field of endeavor, environmental science.

For these reasons, the Petitioner has not demonstrated he meets this criterion.

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).

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).

Although the Petitioner submitted evidence that he is a member of several associations, he did not demonstrate that any of the associations require outstanding achievements of their members, as judged by recognized national or international experts in the field. For instance, the Petitioner submitted a certificate indicating that from 2017 to 2021 he was appointed as a committee member of the [redacted]

[redacted] Articles 7 and 8 of [redacted] articles of association state that corporate members and individual members may voluntarily apply to [redacted] if they meet certain conditions, including a willingness to join [redacted]; having certain influence in the geographic information industry; and being in an enterprise, institution, or individual working in the geographic information industry. While the Petitioner provides background information for notable members of [redacted] the articles of association and other evidence in the record do not indicate that members of [redacted] are required to have outstanding achievement.

In addition, the Petitioner submitted evidence that he is a board member of the [redacted] and a board member of the [redacted] While he provided background information about [redacted] and information on their notable members, the record lacks evidence about the requirements of membership and that their members require outstanding achievement. Similarly, while he provided evidence that he was a Vice President of the [redacted] in November 2016 and head of the [redacted] program at [redacted], he did not provide evidence of the membership requirements or that members are required to have outstanding achievements.

Finally, some of the associations for which the Petitioner is a member are not in the field which is the basis for this petition, environmental science. For instance, he indicates he was a member of the academic committee of [redacted] from 2019 to 2021 and a director of the [redacted] in 2019 for five years. The record lacks evidence to understand how the Petitioner's affiliation with these organizations meets the requirement that he has been a member of associations in his field, 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).

For these reasons, the Petitioner has not established that he meets the requirements for this criterion.

3. "Evidence of the alien'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).

In order to satisfy this criterion, a petitioner must establish that not only has he or she made original contributions, but that they have been of major significance in the field. For example, a petitioner may show that the contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. *See Visinscaia v. Beers,* 4 F.Supp. 3d. at 134. Examples of relevant evidence include, but are not limited to: published materials about the significance of the petitioner's original work; testimonials, letters, and affidavits about the original work; documentation that the original work was cited at a level indicative of major significance in the field; and patents or licenses deriving from the work or evidence of commercial use of the work. *See generally* 6 USCIS Policy Manual, *supra,* at F.2(B)(l).

The evidence indicates that the Petitioner's claims of original contributions to his field are based on four main areas of research, namely 3D living vegetation volume (LVV) assessment; multi-mode remote sensing algorithms and the vegetation structural index (VSI); HydrSAI cloud-AI integrated

platform sensing; and soil and water conservation remote sensing. The Petitioner claims the major significance of his original research contributions is demonstrated through letters of recommendation from colleagues, the wide citation of his published articles, his patents, adoption of his research findings by provinces in China, and recognition of his 3D LVV assessment as a model for the 2020 United Nations Convention on Biological Diversity (COP15).

The Petitioner submitted several letters from colleagues on his behalf. While most of the authors express having knowledge of the Petitioner's research work, they do not specify the capacity of their familiarity with the Petitioner's work. For instance, most of the authors do not indicate having collaborated with the Petitioner or implementing his research for their own work, instead indicating having followed the Petitioner's research. The letters mainly provide summaries of the Petitioner's research work and his published papers while generally stating that his innovative contributions are of significance to research in his field. The letters do not detail how the Petitioner's contributions have been of major significance in his field.

The Petitioner emphasizes three letters submitted with his request for evidence reply. One of the letters is from a professor who collaborated with the Petitioner at [redacted] in China and the other two letters are from colleagues working at academic institutions in Turkey and South Korea who have not collaborated with the Petitioner but have followed his research work. While the three letters provide some details of the Petitioner's projects and how certain projects have contributed to his field, the letters use similar language with all the letters making references to the same specific contributions, achievements, and potential contributions to the United States. For instance, the three letters express that the Petitioner's innovations are relevant to addressing U.S. environmental challenges, specifically referencing post-wildfire vegetation analysis in California, decertification in the Southwest, watershed resilience at the Mississippi River Basin, and U.S. governmental agency challenges. Moreover, the letters emphasize the regulatory language for the criterion. For instance, W-J-[2] states, "[h]is work has produced original contributions of major significance," and J-W- states, "he has made original scientific contributions of major significance." Repeating the language of the statute or regulations does not satisfy the Petitioner's burden of proof. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F. 2d 41 (2d. Cir. 1990); *Avyr Associates, Inc. v. Meissner*, No. 95 CIV. 10729, *1, *5 (S.D.N.Y. Apr. 18, 1997). Similarly, USCIS need not accept primarily conclusory assertions that are not supported by sufficient evidence, which proves the allegation. *See 1756, Inc. v. The US. Att'y Gen.*, 745 F. Supp. 9, 17 (D.D.C. 1990). The letters mainly reiterate many of the Petitioner's assertions, while stating the regulatory language. The assertions in the letters are helpful to understanding the Petitioner's research work; however, the claimed significance of his contributions has not been corroborated with probative evidence.

In addition, the Petitioner claims that the significance of his research contributions is demonstrated by his highly cited papers, which have significantly influenced others' research. Although the Petitioner points out that his published articles related to 3D LVV had been cited more than 60 times at the time of filing, he did not demonstrate how his cumulative number of citations represents contributions of major significance in the field. The burden is on the Petitioner to identify his original contributions and explain why they are of major significance. For example, a petitioner may submit evidence

[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.

comparing his citations to other similarly, highly cited articles that the field views as having been of major significance, as well as factoring in other corroborating evidence. The aggregate citation figures tend to reflect a petitioner's overall publication record rather than identifying which research the field considers to be majorly significant. Citation frequency, which may include self-citations, is quantitative in nature and does not reveal the reasons for the citations, which involve a qualitative analysis. Published research that has provoked widespread commentary on its importance from others working in the field and documentation that it has been highly cited relative to others' work in that field may be probative of the significance of the person's contributions in the field of endeavor. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Although his citations are indicative that his research has received some attention from the field, the Petitioner did not establish that his citation numbers for his individual articles represent majorly significant contributions in the field.

Further, the Petitioner claims the significance of his work is demonstrated by multiple patents and software copyrights, submitting patent application certificates in support of his claims. Evidence that a petitioner developed a patented technology that has attracted significant attention or commercialization may establish the significance of the petitioner's original contribution in the field. *Id.* The Petitioner's application certificates, however, do not reflect approval of the patents and copyrights, only that the Petitioner applied for the patents and copyrights.

Moreover, the Petitioner has not shown that his claimed patent and copyright work has attracted significant attention or commercialization. The Petitioner claims that his 3D LVV model has been adopted by 14 provinces, as outlined in application materials he submitted on behalf of the Pearl River Hydraulic Research Institute of the [redacted] for the award in 2022. The award application materials include details about the 3D LVV model and its implementation in the field; however, the award application states it was completed by the Petitioner. Without further independent evidence to corroborate the Petitioner's patent and copyright applications, he has not demonstrated that the citation or usage of his work represents an original contribution of major significance in the field.

Finally, the Petitioner submitted a certificate dated in December 2021 from the Soil and Water Conservation Department of the Ministry of Water Resources of the People's Republic of China stating, "'The Comprehensive Management of Soil and Water Loss and Ecological Restoration Practice in Changing County' reported by [the [redacted] and [redacted]," was "selected as a typical case of ecological restoration at the 15th Conference of the Parties to the [2020] United Nations Convention on Biological Diversity (COP15)." While the Petitioner states that this case model constitutes his original contribution, the certificate does not mention the Petitioner. Moreover, the certificate indicates that the case model was reported by the [redacted] and [redacted], but the Petitioner does not explain how he is affiliated with the [redacted] and [redacted] The record lacks evidence to understand that this selected work reflects his original scholarly contribution. Without further evidence, we are unable to determine whether the case model is the Petitioner's original contribution.

For the reasons discussed, the Petitioner did not show he meets this criterion.

4. "Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii).

For this criterion, the role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. Evidence of a leading role should show that the petitioner was a leader for the claimed component, and a job title with matching duties may help to establish that a role was leading. For a critical role, evidence should show that the petitioner has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment. In determining whether the organization or establishment, or a department or division thereof, has a distinguished reputation, relevant factors include its size, longevity, scale of its customer base, and relevant media coverage. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1).

The Petitioner claims eligibility for this criterion based on two leading or critical roles. First, as Vice Dean of the [redacted] the Petitioner argues that he held more than an administrative role by shaping the institution's direction and innovation. He, however, did not establish that his vice president role was leading or critical. The informational documents from the website for the [redacted] confirm the Petitioner's role as a vice president but only provide brief statements about his role. In addition, the submitted meeting and conference summaries do not reflect the Petitioner's role as leading or critical, as they reference the Petitioner's job training and his involvement with student and faculty professional development, such as encouraging students to clarify their goals and overseeing teaching awards. He also provided certificates indicating he was recognized for his teaching, being an author of an academic article, and his supervising a student's academic paper. Without further evidence, the Petitioner did not establish that he performed in a leadership capacity or he contributed in a way that was of significant importance to the outcome of the [redacted]

Second, the Petitioner claims eligibility based on his work as [redacted]. The Petitioner provided evidence that as a Director of the Institute, he performed a leading role. However, he did not establish that the Institute has a distinguished reputation. This regulatory criterion requires the organization or establishment, or the department or division for which the person holds or held a leading or critical role, to have a distinguished reputation. *Id. Meriam-Webster's* online dictionary defines "distinguished" as "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Id.* The Petitioner provided documents that the Institute recognized research projects for which the Petitioner was a project lead or on a project team. However, the Petitioner did not explain or show how recognition for these certain projects garnered the [redacted] a distinguished reputation. The evidence mainly emphasizes the Petitioner's professional achievements but does not show the [redacted] excellent reputation or standing. For instance, he did not demonstrate that the [redacted] garnered significant media coverage or has been recognized as an organization with distinction, or otherwise is an organization that has a distinguished reputation.

For the reasons discussed, the Petitioner did not show he meets this criterion.

B. Reserved Issues

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that he is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian v. USCIS*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *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).

III. CONCLUSION

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*, 2025 WL 815087, at *1 (stating that EB-1 visas 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 her field. *See* 8 C.F.R. § 204.5(h)(2).

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