U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40738182

Date: JAN. 05, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, an art history 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 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 the Petitioner did not establish, as required, either a one-time achievement or that she met at least three of the ten initial evidentiary criteria for this immigrant classification. 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 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 achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or qualifying documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Amin v. Mayorkas*, 24 F.4th 383 (5th Cir. 2022); *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

A. Evidentiary Criteria

Because the Petitioner has not claimed or established her receipt of a major internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS determined the Petitioner met two criteria, relating to judging the work of others in her field and authorship of scholarly articles in professional publications. *See* 8 C.F.R. § 204.5(h)(3)(iv) and (vi). Upon further review, we conclude that the Petitioner also satisfies the published material criterion at 8 C.F.R. § 204.5(h)(3)(iii). Therefore, we will proceed to a final merits determination.

B. Final Merits Determination

Given the structure of the regulations and the two-step analysis described in *Kazarian*, the satisfaction of three evidentiary criteria alone does not automatically or presumptively establish eligibility. In a final merits determination, we evaluate whether a petitioner has demonstrated, by a preponderance of the evidence, their sustained national or international acclaim,[1] that they are among the small percentage at the very top of the field of endeavor, and that their achievements have been recognized in the field through extensive documentation. Therefore, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[2]

On appeal, the Petitioner contends that the totality of the evidence is sufficient to establish she "is a distinguished scholar in arts who has risen to the top of her field of endeavor with sustained national

[1] *See generally* 6 *USCIS Policy Manual* F.2(A)(1), https://www.uscis.gov/policy-manual (stating that 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").

[2] *See generally* 6 *USCIS Policy Manual supra*, at F.2(B)(2) (stating that USCIS officers should evaluate the evidence together when considering the petition in its entirety to determine if a petitioner has established by a preponderance of the evidence, the required high level of expertise required for this immigrant classification).

or international acclaim." She points to her authorship of scholarly articles in professional journals, her service as a judge or panel member in evaluating the work of others in the field, media reports about her relating to her work, her leading or critical role for her employer, and letters of support from colleagues discussing her original scholarly contributions. Below, we will evaluate the totality of the evidence, based on the documentation presented to SCOPS, in the context of the final merits determination.

The record indicates that the Petitioner received a bachelor's degree in history (2004) from [redacted] and a Ph.D. in East Asian studies (2010) from the [redacted]. After receiving her doctorate, she worked as a teacher and researcher at [redacted]. The Petitioner has taught courses such as Chinese Art History, Introduction of East Asian Art and Archaeology, East Asian Religious Arts, Study of Chinese Funerary Arts, and Special Topic of Chinese History of Painting. At [redacted], she currently serves as a researcher at the [redacted] and as an associate dean of the [redacted]. In February 2025, the Petitioner was invited to conduct research "as a visiting scholar in the [redacted] from August 1, 2025 through June 30, 2026."[3]

With respect to published material, the Petitioner provided articles about her in [redacted] ([redacted] 2024), [redacted] ([redacted] 2023), and [redacted] ([redacted] 2023). While the Petitioner provided data from World Association of News Publishers indicating [redacted] is a form of major media, the information about [redacted] and [redacted] was from their publishers. *See Victorov v. Barr*, No. CV 19-6948-GW-JPRX, 2020 WL 3213788, at *8 (C.D. Cal. Apr. 9, 2020) (upholding self-promotional material from the website was not especially reliable evidence). *See also Braga v. Poulos*, No. CV 06-5105 SJO FMOX, 2007 WL 9229758, at *7 (C.D. Cal. July 6, 2007), *aff'd*, 317 F. App'x 680 (9th Cir. 2009) (finding self-serving assertions on the cover of a magazine insufficient to show the status or standing of a publication).

The Petitioner also presented material indicating that she was on the [redacted] podcast ([redacted] 2024). In addition, she submitted an article in [redacted] stating that the [redacted] podcast has "more than 590,000 subscribers on [redacted], becoming the largest brand podcast program in the Chinese podcast field," but she did not provide comparative statistics for other Chinese podcasts showing that the one in which she appeared represents a form of major media.[4] *See Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *5 (E.D. Wis. Nov. 4, 2024) (indicating that the failure to provide context to circulation figures makes it difficult to assess their significance).

Here, the Petitioner has not demonstrated that the limited press coverage she received from November 2023 until August 2024 is consistent with the sustained national or international acclaim necessary for this highly restrictive classification. *See* section 203(b)(1)(A) of the Act. Nor has she shown how her overall media coverage is indicative of a level of success consistent with being among that small percentage who has risen to the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). Thus,

[3] The invitation letter further stated: "We understand you will continue to hold outside paid employment as a professor at [redacted]. This is an unpaid appointment . . ." The Petitioner has not shown that the [redacted] is part of [redacted] rather than an independent organization.

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

the Petitioner has not established that the limited media reporting on her and her activities is reflective of a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). 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 (July 5, 1991). The Petitioner's minimal media exposure does not meet this very high standard. *See Amin v. Mayorkas*, 24 F.4th at 386-87 (stating that the narrow definition reflects the stringency of the extraordinary ability standard). The Petitioner has not shown that the volume, duration, and type of media coverage she has received since November 2023 demonstrate her sustained national or international acclaim and place her among that small percentage at the very top of her field.

Regarding the Petitioner's service as a judge of the work of others in her field, an evaluation of the significance of her 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.[5] Participation in the peer review process does not automatically demonstrate that an individual has sustained national or international acclaim. Here, the Petitioner provided evidence that she completed four manuscript reviews for three different journals in her field between 2016 and 2024. Specifically, the Petitioner presented documents showing that she peer reviewed one manuscript each for *Collection Journal of Chinese Calligraphy and Painting Research* ([redacted] 2023) and *Taida Journal of Art History* ([redacted] 2016). In addition, as an Editorial Board Member for *Art Studies and Criticism*, the Petitioner reviewed two papers ([redacted] 2023 and [redacted] 2024) submitted for publication in the journal.[6]

With respect to *Art Studies and Criticism*, the Petitioner provided information indicating that the following requirements are applied to its reviewers: "they hold no conflicts of interest with the authors, including if they have published together in the last five years"; "they hold a Ph.D."; "[t]hey must have recent publications in the field of the submitted paper"; and "[t]hey have not recently been invited to review a manuscript for any Frontier Scientific Publishing." This information, however, does not support the Petitioner's claim that the specific journals that invited her to serve as a peer reviewer reserve those invitations for those with an "elite reputation" or for those who otherwise enjoy standing in the field consistent with sustained national or international acclaim. This context is relevant, as reviewing manuscripts for journals that select peer reviewers based on subject matter expertise would not provide strong support for the petition. Possessing expertise in a field is a considerably lower threshold than enjoying sustained acclaim at the very top of the field.

The Petitioner also submitted documents indicating that she was invited to review a paper for *Journal of Chinese Literature and Culture* ([redacted] 2018) and to write a book review for *College Art*

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

[6] The record also includes a May 2025 letter from Dr. J-R-, a professor at [redacted], stating that the Petitioner evaluated manuscript submissions for *Studies in East Asian Visual Cultures*, but the letter does not identify the manuscripts she reviewed (including their titles and authors) and the dates of her evaluations. In addition, the May 2025 letter from Dr. J-R- does not include letterhead from the [redacted] or Dr. J-R-'s contact information (such as an address, email, or telephone number).

Association Reviews (2016), but she did not provide evidence she completed either review. Furthermore, while she received additional invitations to serve as a member of the International Advisory Board for *University of Tokyo Studies on Asia Series* (2021) and as a guest editor for *The Visual Culture of Mid-Imperial China* (2021), she did not provide evidence demonstrating that she participated as a judge of the work of others in either capacity. The Petitioner asserts that the journals that invited her to serve as a peer reviewer are "top-ranked journals in her field," but she did not offer comparative journal metrics to support the claim. Nor has she shown that her occasional invitations to participate as a reviewer demonstrate or contribute to her sustained national or international acclaim.

In addition, the Petitioner presented documentation showing that she served on the interview panel for candidates for the 's training programs (2019), but she has not shown the extent to which her activities on this panel have required, reflected, or resulted in her national or international acclaim. Nor has the Petitioner demonstrated how her judging experience compares to others in her field, showing the significance of conducting trainee candidate interviews, or otherwise providing context regarding her involvement. *See Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801, at *2 (D.C. Cir. Jan. 31, 2023) (finding the petitioner did not provide needed context for his judging experience and the response to his work).

Therefore, although the record shows that the Petitioner has occasionally evaluated others' work since earning her Ph.D., it does not show how performance of these peer review activities and trainee candidate interviews elevates her above most others in the field. Similarly, the record does not show that the type of judging performed by the Petitioner is an opportunity reserved for the most accomplished and recognized professors and researchers, rather than a service expected of active members of the academic community. Finally, the evidence in the record does not demonstrate that the Petitioner has received any independent acclaim or recognition for her service as a peer reviewer or interviewer. Without this or other evidence differentiating her from others in the field, the Petitioner has not established how her judging experience contributes to establishing her national or international acclaim or how it places her among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2); *see also Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the relevance of USCIS' consideration of whether the petitioner documented judging activities that sets him apart from others in her field, such as evidence of a consistent history of completing a substantial number of review requests relative to others, serving in editorial positions for distinguished journals or publications, or chairing technical committees for reputable conferences).

Likewise, authorship and publication of original work do not automatically place an individual at the top of their field. The Petitioner claims that she is among the top scholars in her field because her work has been published in professional publications, and because others have cited three of her articles at a high rate. She submitted articles she authored in

The Petitioner also provided information about several of these journals from their publishers. 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 particularly highly ranked journals.[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 to show that publication in the aforementioned journals is an accomplishment only achieved by those at the top of the field, or one which automatically elevates a researcher to that level. For example, a recommendation letter from Dr. J-R-, a professor at [redacted], states that the Petitioner's work in [redacted] "significantly enhanced our understanding of the exceptionally important and unusual way Chinese created major works of art." But the Petitioner's contribution to the pool of knowledge in her field is not at issue; rather, she must demonstrate how the publication of work in this book demonstrates her sustained national or international acclaim.

As authoring scholarly articles is often inherent to the work of professors 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 emphasized that the individual and collective citations to her work, according to metrics and statistics, show that she has received the required recognition for her scholarly achievements.

Regarding the Petitioner's overall citation record, she provided citation reports from CNKI.net for three of her articles that received 29, 28, and 10 citations, respectively. The record, however, does not establish how many of these are self-citations. The CNKI.net reports for her two most frequently cited articles indicate that their citation frequency "ranks in the top 5% . . . in the field of archeology." The report for her remaining article states that its citation frequency ranks in "the top 5% . . . in the Lingcheng of Ancient Chinese History." While the CNKI.net reports indicate that three of Petitioner's individual articles have been cited at a rate that is well above average compared to others in the field, the comparative ranking for just three papers is not sufficient to establish that she is recognized as being among the small percentage of academics at the top of her field. Further, citation frequency which is quantitative in nature does not reveal the reasons for the citations, which involve a qualitative analysis. In other words, a higher citation number might show that others in the field have noticed the Petitioner's work, but it does not confirm that her work has impacted or advanced the field in a significant way that renders her nationally or internationally acclaimed.

Overall, the Petitioner has not shown that the citations to her published research demonstrate recognition at a level consistent with being among that small percentage at the very top of her field. *See* 8 C.F.R. § 204.5(h)(2). The statute demands "extensive documentation" of recognition. *See* section 203(b)(1)(A) of the Act. Here, the Petitioner relies to a significant extent on CNKI.net metrics and data to mathematically place herself at the top of the field. However, the record does not

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

sufficiently demonstrate the relevance and reliability of the metrics and comparative data provided and lacks other persuasive evidence of her sustained acclaim.[8]

With respect to her roles at [redacted], the record indicates that she has served as a researcher at the [redacted] and as an associate dean of the [redacted]. While the Petitioner provided general information about [redacted], she did not offer evidence showing the distinguished reputation of either the [redacted] or the [redacted]. Without further evidence showing the reputation of these institutions, the record does not demonstrate that the Petitioner's positions at the [redacted] and the [redacted] are indicative of her high standing in the field or otherwise establish that she has sustained national or international acclaim in her field.

Finally, we acknowledge that the Petitioner provided recommendation letters praising her for her talents, skills, and capabilities as a professor and researcher.[9] Letters of this kind are helpful to explain the nature and impact of the Petitioner's contributions to the field. However, while not without weight in the final merits determination, reference letters should explain in specific terms why the authors believe the Petitioner qualifies as a person with extraordinary ability, and should be supported with sufficient corroborating documentary evidence to establish that the Petitioner is recognized as being among that small percentage at the very top of the field of endeavor and that she has garnered the required sustained national and international acclaim for her achievements. *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(3) (discussing the evidentiary value of letters of support at the final merits determination stage).

X-B-, a Chinese artist and MacArthur Fellowship recipient, describes the Petitioner as "a highly accomplished, internationally renowned scholar in understanding fine arts and cultural archaeology of ancient China," summarizes some of the Petitioner's projects, and concludes that she "is among the foremost scholars in her field of endeavor." In addition, Dr. C-L-, a professor at [redacted], asserts that the Petitioner is a "prestigious scholar whose passion for antiquarian arts is unmatched." Dr. C-L- credits the Petitioner with developing "an art theory that bridges historical perspectives by comparing the funerary art cultures of China and Europe in the 18th century." Likewise, Dr. D-S-, a professor at [redacted], states that the Petitioner "has made great achievements in the field of Chinese mortuary art by providing new perspectives such as ritual and art, technology and images, as well as visual culture and literature." These letters primarily summarize aspects of the Petitioner's work and praise her skills and contributions as a scholar, but they do not address whether her specific achievements have been widely recognized in her field or otherwise demonstrate that she has garnered the sustained national or international acclaim required for this classification.

We acknowledge that X-B- states in his letter that the Petitioner "internationally renowned scholar" and that N-J-, a Chinese artist, describes the Petitioner as "an extraordinary woman scholar." However, letters that merely reiterate the statutory and regulatory language relating to this classification or make general and expansive statements regarding a petitioner and their

[8] *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").

[9] While we discuss a sampling of these letters, we have reviewed and considered each one.

accomplishments are generally not persuasive. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3).

Overall, while these letters attest to the Petitioner's skills and accomplishments, they do not establish her extraordinary ability when considered in the totality of the evidence. The letters do not claim, nor do their contents indicate, that the Petitioner has achieved national or international acclaim from the field or attracted a level of attention placing her at the very top of her field. *See Jafarov v. USCIS*, No. 23 CIV. 3372 (PAE), 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). The authors did not provide sufficient information and explanation to show that the Petitioner is viewed by the overall field, rather than by a solicited few, to be among the upper echelon or that she has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor. *Mishra v. Richardson*, No. 1:20-cv-991 (LMB/TCB), 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding that none of the plaintiff's letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim). 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 Bodhankar v. USCIS*, No. 1:19-CV-706 (MAD/CFH), 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (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.[10] 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 that the significance of her 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. The evidence related to her media coverage, scholarly articles, citation rates, peer review service, and work at [redacted] reflects that she has received some recognition for her contributions and expertise in the field but falls short of establishing that she satisfied the requirements for this classification at the time of filing. 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 is among the small percentage at the top of her field. *See* 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

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

[10] *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).

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.