U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40777009

Date: JAN. 6, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks classification as an alien of extraordinary ability in plant science and agronomy. *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 satisfy at least three, as required, of the initial evidentiary criteria. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes visas available to immigrants with extraordinary ability if:

> (i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
>
> (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
>
> (iii) the alien's entry into the United States will substantially benefit prospectively the United States.

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). *See also Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) (holding that extraordinary ability visas are known as "Einstein" visas, are extremely "coveted," and are "reserved for only the most talented aliens"). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or qualifying documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

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

II. ANALYSIS

Because the Petitioner has not claimed or established his receipt of a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS determined the Petitioner met only two (judging under 8 C.F.R. § 204.5(h)(3)(iv) and scholarly articles under 8 C.F.R. § 204.5(h)(3)(vi)) of the five claimed categories of evidence. On appeal, the Petitioner asserts that he fulfills two additional criteria.[1]

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

A. Contributions

The regulation at 8 C.F.R. § 204.5(h)(3)(v) requires "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field."[2] The Petitioner argues eligibility for this criterion based on "the rice varieties that [he] developed" and his

[1] Any ground of ineligibility that is not raised on appeal is waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

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

"work is being discussed at the national level in Ghana and his work has already been implemented to enhance rice breeding in Ghana." Analysis under this criterion focuses on whether the person's original work constitutes major, significant contributions in the field.[3]

The Petitioner provided screenshots from *Google Scholar* indicating that his published works have been cited a total of 153 times, with his highest cited article, [redacted] cited 48 times.[4] Examples of relevant evidence documentation that the person's original work was cited at a level indicative of major significance in the field.[5] Generally, citations can serve as an indication that the field has taken interest in a petitioner's research or written work. However, the Petitioner has not sufficiently shown that the citations for any of his published articles are commensurate with contributions of major significance. The Petitioner did not articulate the significance or relevance of the citation figures. For example, he did not demonstrate that these citations are unusually high in his field or how they compare to other articles that the field views as having been majorly significant. While he provided some article titles that cited to his *Agronomy* article, the Petitioner did not show the significance of his research in the overall field beyond the authors who cited to his work.[6] Although his citations are indicative that his research has received some attention from the field, the Petitioner did not establish that his citation numbers to his individual articles represent majorly significant contributions in the field.[7] *See also Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that plaintiff did not provide evidence demonstrating that work has been widely cited); *Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *7-8 (E.D. Pa. Sept. 18, 2023) (upholding plaintiff did not demonstrate the number of citations received by his published articles reflect a level of interest in his work from relevant parties to meet this criterion); *Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *5 (N.D. Tex. Oct. 19, 2023) (finding the record contained little evidence that contextualized the number of citations the petitioner's work had received); *Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *7 (S.D.N.Y. Jan. 5, 2024) (finding the absence of detail about the actual impact of the petitioner's work and the limited citations his work had thus far received meant that he did not satisfy this criterion).

Moreover, the Petitioner offered a few articles reporting on that [redacted]" The Petitioner also submitted background information about the West and Central African Council for Agricultural Research and Development, which was established to coordinate and facilitate research products. Although the development of five rice varieties may reflect the originality of his work, the Petitioner did not demonstrate that the release resulted in majorly significant contributions. The

[3] *Id.*

[4] In response to SCOPS' request for evidence, the Petitioner offered an updated Google Scholar screenshot reflecting 159 total citations for his published works.

[5] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

[6] *See* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2); *see also Visinscaia*, 4 F. Supp. 3d at 134-35 (upholding a finding that a ballroom dancer had not met this criterion because she did not corroborate her impact in the field as a whole).

[7] *See* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing an example that published research provoking widespread commentary on its importance from others working in the field, and documentation that is has been highly cited relative to others' work in that field, may be probative of the significance of the person's contributions to the field of endeavor).

Petitioner, for instance, did not show the influence or effect of the rice varieties in the field. Without evidence indicating the actual impact of his work, the Petitioner did not establish they qualify as contributions of major significance in the field. *See Nelson v. U.S. Citizenship & Immigr. Servs.*, No. CV 21-10334-LTS, 2022 WL 20583561, at *8 (D. Mass. June 15, 2022) (upholding evidence requires both an original contribution and its impact of the broader field); *see also Sun v. Jaddou*, No. 3:24-CV-01466-E, 2025 WL 1556944, at *5 (N.D. Tex. June 2, 2025) (upholding that the plaintiff did not provide specific evidence showing a major impact on the field as a whole).

For the reasons discussed above, the Petitioner did not establish he fulfills this criterion.

B. Roles

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) requires "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." The Petitioner claims eligibility for this criterion based on his role with the [redacted] For a leading role, USCIS looks at whether the evidence establishes that the person is (or was) a leader within the organization or establishment or a division or department thereof. A title, with appropriate matching duties, can help to establish that a role is (or was), in fact, leading.[8] For a critical role, USCIS looks at whether the evidence establishes that the person 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.[9]

The Petitioner submitted a letter from [redacted] of [redacted] who stated:

> [The Petitioner joined [redacted] as a [redacted] on April 1, 2011. Since then, he has made remarkable contributions to the [redacted] and the Institute as a whole. He rose to the rank of [redacted] and served as the [redacted] and the [redacted] [The Petitioner] has been a cornerstone of the [redacted] leading its breeding section with exceptional skill and dedication. His key responsibilities include (a) leading the establishment of breeding objectives and designing product profiles, (2) overseeing genetic and on-farm research to advance rice breeding, and (3) supervising breeder and foundation seed production to ensure quality and availability for farmers.

[redacted] also described some of the Petitioner's accomplishments and indicated funding projects.

USCIS determines whether the person has performed in a leading or critical role for an organization, establishment, or a division or department of an organization or establishment.[10] As it relates to [redacted] overall, although [redacted] claimed that the Petitioner made contributions to [redacted] "as a whole," [redacted] did not explain how the Petitioner's performance as a senior research scientist or head

[8] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[9] *Id.*
[10] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

within [redacted] reflects a leading or critical role for [redacted] *See Agrawal*, 2025 WL 2879217, at *21 (finding that testimonial letters are not particularly valuable unless the letters specifically address how the role was leading or critical); *see also Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *7 (E.D. Wis. Nov. 4, 2024) (finding "USCIS reasonably concluded that, as to the ultimate question, it cannot simply take an employer's word for it that [the] role was leading or critical" without the submission of corroborating evidence, including letters from persons with personal knowledge). Furthermore, while the Petitioner references various research grants received by [redacted], including some media coverage, the Petitioner did not establish that simply receiving grants demonstrates the distinguished reputation of [redacted] Moreover, the media coverage reports on the funding without any indication or discussion of [redacted] reputation to show it enjoys a distinguished one. *See Tapia v. Jaddou*, No. 8:23-CV-813-CEH-AAS, 2025 WL 2780815, at *5 (M.D. Fla Sept. 30, 2025) (upholding that being an accredited university is not enough to fulfill the requirement of a distinguished reputation).

Regarding [redacted] a division or department within [redacted] letter indicates the Petitioner's performance in a leading role. However, the Petitioner does not reference, nor does the record contain, evidence reflecting the reputation of [redacted] Again, the Petitioner's submitted documentation relates to [redacted] without evidence of [redacted] reputation, let alone a distinguished one.

Accordingly, the Petitioner did not show he meets this criterion.

III. CONCLUSION

The Petitioner did not establish eligibility for any of the categories of evidence discussed above. 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*, 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 also 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).

Regardless, 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 383, 394 (5th Cir. 2022) (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 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 his 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.