U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40798127

Date: JAN. 7, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

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

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner met the initial evidentiary requirements through evidence of a one-time achievement or meeting at least three of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3). 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

To establish eligibility as an individual of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that the petitioner's achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that the term "extraordinary ability" refers only to those aliens in "that small percentage who have risen to the very top of the field of endeavor." A petitioner

can demonstrate that they meet the initial evidence requirements for this immigrant visa classification through evidence of a one-time achievement (that is, a major, internationally recognized award). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. §§ 204.5(h)(2),(3).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the alien possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *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, 394 (5th. Cir. 2022).

II. ANALYSIS

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that she received 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 decided that the Petitioner satisfied two of the criteria relating to judging and authorship of scholarly articles. SCOPS found that the Petitioner did not meet the remaining two claimed evidentiary criteria associated with membership and performing in a leading or critical role at 8 C.F.R. § 204.5(h)(3)(ii) and (viii). On appeal, the Petitioner again asserts that she meets the same four criteria. After reviewing all of the evidence in the record, we agree with SCOPS that the Petitioner has satisfied the judging and authorship of scholarly articles criteria. Additionally, we conclude that she has also satisfied the leading or critical role criteria. As a result, we will conduct a final merits determination.

The Petitioner contends that SCOPS did not fully consider all the evidence submitted and did not properly weigh the evidence under the preponderance of the evidence standard. Under the preponderance standard, we consider not only the quantity, but also the quality of the evidence, including its relevance, probative value, and credibility. *Matter of Chawathe*, 25 I&N Dec. at 376; *see also Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). We also note that it is the Petitioner's burden to submit evidence that sufficiently corroborates her claims. Statements made without supporting documentation are of limited probative value and are insufficient to satisfy the Petitioner's burden of proof. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998).

> *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).

The Director determined that the Petitioner did not meet the requirements of this criterion. However, the record supports the Petitioner's eligibility claims related to this requirement because she provided letters from employers and colleagues regarding her leading and critical roles. For example, the Petitioner was a head veterinarian responsible for over 3000 animals where she established a

reproductive protocol that increased the breeding success by more than 40% and an animal welfare system that reduced disease rates by 60%. In her role at a UNESCO-recognized park, she designed and led the "Super Animal Handling" model to reduce anesthesia-related risks by 80%. She also pioneered a [redacted] service in Northeast Brazil. In addition, the Petitioner was involved in environmental initiatives and programs for local schools. The Petitioner worked for several organizations throughout her career and the record includes information regarding these organizations and shows they hold a distinguished reputation. As a result, the Petitioner has satisfied this criterion's requirements.

Our above analysis comprises all the criteria that the Petitioner satisfied within part one of this two-step adjudicative process. As she has met the initial evidence requirements of at least three criteria, it is unnecessary that we discuss any additional eligibility claims relating to the regulatory provisions at 8 C.F.R. § 204.5(h)(3)(i)–(x).

B. Final Merits Determination

As the Petitioner has submitted the requisite initial evidence, we will evaluate whether she has demonstrated, by a preponderance of the evidence, her sustained national or international acclaim and that she is one of the small percentage at the very top of the field of endeavor, and that her achievements have been recognized in the field through extensive documentation. 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.[1] In this matter, we determine that the Petitioner has not shown her eligibility.

The Petitioner is a "licensed veterinarian with over 20 years of global experience in wildlife conservation, exotic animal medicine, and advanced veterinary diagnostics." As indicated above, the Petitioner authored scholarly articles, judged others, and held critical roles. The record, however, does not demonstrate that her personal and professional achievements rise to a level of a "career of acclaimed work in the field" as contemplated by Congress.[2] In a final merits determination, 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.

The evidence generally reflects participation and activity within veterinary services but does not demonstrate broad recognition beyond those circles or a level of influence indicative of extraordinary

[1] *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. *See also* U.S. Citizenship and Immigration Services (USCIS) Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14* 4 (Dec. 22, 2010) (Policy Memo), https://www.uscis.gov/ legal-resources/policy-memoranda (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established by a preponderance of the evidence the required high level of expertise of the immigrant classification).

[2] H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

ability. The record as a whole does not establish that she has risen to the level of the small percentage at the very top of the field or that he enjoys sustained national or international acclaim.

As a general matter, the Petitioner did not show that her work has garnered wide attention in her field indicative of being at the very top of her field of endeavor. The Petitioner did not demonstrate how her work distinguishes her from other head veterinarians that work in wildlife and exotic animal care, conservation medicine, and veterinary medicine. The Petitioner submitted the full text of three peer-reviewed articles she wrote in 2013, 2009 and 2007. The Petitioner stated that her research has been cited in multiple scholarly works but the record does not contain a citation record. In addition, the Petitioner did not provide evidence to attest that the citations to her work are high compared to other published research by veterinarians in her area of expertise. Additionally, an expert opinion letter stated that the "consistent referencing" of the Petitioner's work indicate that her clinical and scientific insights are being applied and studied by veterinary professionals around the world. But the record as a whole does not establish the significance or influence of the Petitioner's specific work such that it showcases a career of acclaimed work in the field. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the Petitioner did not show the significance of authorships reflect that he is among the small percentage at the very top of the field). Here, the Petitioner did not demonstrate that her publication record is consistent with having a career of acclaimed work, sustaining national or international acclaim, and being among the small percentage at the very top of his field.

Regarding her judging roles, the Petitioner submitted evidence of her evaluating academic performance. For example, the Petitioner submitted evidence that she served as a member of the Thesis Defense Committee for the [redacted] where she evaluated the final course projects and mandatory supervised internship of two students. She also served as a full member of the examination committee for the undergraduate research project of a former student at the [redacted]. The Petitioner also served as a supervisor for the mandatory curricular internship of a student in the [redacted] The Petitioner's judging experience is a relevant consideration as to whether the evidence is indicative of the Petitioner's national or international acclaim. *See Kazarian*, 596 F.3d at 1122. Her experience consists of supervising and evaluating academic work at an unspecified career level. Without evidence that sets her apart from others in her field, such as evidence that she has a consistent history of reviewing or judging recognized, acclaimed individuals in her field, the Petitioner has not shown that her judging experience places her among that small percentage who has risen to the very top of the field of endeavor.

In addition, we acknowledge the recommendation letters from employers and colleagues which corroborate the Petitioner's professional experience, discuss her contributions, and assert that her expertise has been sought by distinguished organizations and national and international conferences. Several letters indicate the extensive professional contributions she has made. The reference letters submitted by the Petitioner are universal in their praise for the Petitioner. But they are not sufficient to establish that her work in her field has sustained national or international acclaim or extends beyond the circle of colleagues and contacts she encountered in the course of her career. Letters that make general and expansive statements regarding the Petitioner and her accomplishments are generally not persuasive. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3). The letters do not demonstrate that the Petitioner has attracted a level of attention placing her at the very top of her field. In addition,

the letters do not show that she has enjoyed a career of acclaimed work. *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 do not compare him to others).

In addition, the letters do not contain sufficient information and explanation to show that she is viewed by the overall field, rather than by a solicited few, 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. Although the letters highlight the Petitioner's talents, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding the plaintiff submitted letters only from people within his circle of professional acquaintances, and none of the letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim).

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[3] Here, the Petitioner seeks a highly restrictive visa classification intended for individuals already at the top of their respective fields. *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2002) (stating that extraordinary ability is such an elite level of accomplishment); *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"); *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. 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 she is among the envisioned 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 demonstrated her eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.

[3] *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).