U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40797286

Date: JAN. 08, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an automotive design engineer, 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 that the Petitioner had satisfied only two of the initial evidentiary criteria, of which he must meet at least three. 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.

The Petitioner asserts that he qualifies as an alien of extraordinary ability based on his work as an automotive design engineer. SCOPS determined that the Petitioner met two of the initial evidentiary criteria, however, SCOPS ultimately determined that the Petitioner did not meet the third asserted criterion, of having an original contribution of major significance. 8 CFR 204.5(h)(3)(v). The Petitioner states on appeal that SCOPS misidentified his field of work as cloud computing and software engineering rather than automative design engineering and this resulted in an error in analysis. We acknowledge that SCOPS' decision mistakenly uses the term "cloud computing and software engineering" in reference to the Petitioner's field of work. However, upon review, we conclude that this claimed error was, at most, harmless. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless or scrivener's errors).

The decision accurately states that the Petitioner "intends to work as a design engineer." Additionally, SCOPS properly analyzed the Petitioner's work and the letters of recommendation submitted in support of the Petitioner's claim of an original contribution of major significance. For example, SCOPS details the Petitioner's work in the development of vehicle body structures and determines that the letters of recommendation "recount the Petitioner's work, indicate its use in products for his employer, and comment on their potential and possible future applications, [but] do not demonstrate

that his work has made the required impact in the field." Therefore, we conclude that although SCOPS mistakenly referenced an incorrect field of work, SCOPS properly analyzed the evidence and its error did not impact the outcome of the decision.

The Petitioner does not offer any additional errors to evaluate on appeal. We note that the Petitioner stated on the Form I-290B, Notice of Appeal or Motion, that his brief and/or additional evidence would be submitted to the AAO within 30 calendar days of filing the appeal. To date, we have not received a brief or additional evidence. Accordingly, we must dismiss the appeal.

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.