U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40778765

Date: JAN. 8, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a medical doctor who studies cerebral venous diseases, requests classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition. SCOPS concluded that the Petitioner met two of ten initial evidentiary criteria – one less than needed for a final merits determination. On appeal, the Petitioner contends that he satisfied two additional evidentiary requirements and demonstrated sufficient acclaim and recognition for classification as an alien with extraordinary ability.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that he met at least three alternative evidentiary criteria but that the record does not ultimately establish his claimed extraordinary ability in his field. We will therefore dismiss the appeal.

I. LAW

To qualify for this immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability" in the sciences, arts, education, business, or athletics;
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the country as a permanent resident.

Section 203(b)(1)(A)(i-iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

Unless a petitioner received "a major, international recognized award," they must satisfy at least three of ten alternative evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[1] If a petitioner meets either evidentiary standard and the requirements at sections 203(b)(1)(A)(ii), (iii) of the Act, U.S. Citizenship and Immigration Services (USCIS) must then make a final merits determination. To merit final approval, the record – as a whole – must establish a petitioner's "sustained national or international acclaim" and recognized achievements placing them among the small percentage at their field's very top. *See Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step review process to be "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner

The record shows that Chinese medical universities awarded the Petitioner bachelor's and master of medicine degrees and a doctor of science degree in neurobiology. He completed a neurology residency at a Chinese hospital and continues to work for the facility as a doctor. Between 2014 and the petition's filing in April 2025, the Petitioner first-authored 22 research papers regarding cerebral cardiovascular disease and reviewed 14 articles by others in the field before their papers' publications. Also by the petition's filing, he and co-researchers received three approved patents for devices in the field, with three additional applications pending.

The Petitioner proposes to continue working in his field in the United States. He stated that he seeks to enhance understanding, diagnosis, and research of the conditions of cerebral venous sinus thrombosis and other brain venous pathologies. He said that he would focus on improving early detection methods, understanding molecular mechanisms, and developing more effective therapeutical approaches.

B. The Alternative Evidentiary Requirements

The record does not indicate – nor does the Petitioner claim – his receipt of a major internationally recognized award. He therefore must meet at least three of the ten alternative evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i-x).

The record supports SCOPS' findings that the Petitioner submitted evidence of:

- Published materials about him and his work in his field; and
- His authorship of scholarly articles in the field.

See 8 C.F.R. § 204.5(h)(3)(iii), (vi).

On appeal, the Petitioner claims that he also submitted evidence of his:

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

- Participation as a judge of others' work in his field; and
- Original contributions of major significance in the field.

See 8 C.F.R. § 204.5(h)(3)(iv), (v).

To satisfy an evidentiary criterion, the Petitioner must objectively meet the parameters of an applicable regulatory description. *See generally* 6 *USCIS Policy Manual* F.2(B). "[N]either USCIS nor [the] AAO [Administrative Appeals Office] may unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5." *Kazarian v. USCIS*, 596 F.3d 1115, 1121 (9th Cir. 2010).

We will first review SCOPS' finding regarding the evidentiary requirement at 8 C.F.R. § 204.5(h)(3)(iv). This criterion requires "[e]vidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought." 8 C.F.R. § 204.5(h)(3)(iv).

The Petitioner submitted copies of e-mail messages indicating that, upon request from scientific journals, he reviewed scholarly articles by other neuroscience researchers before their papers' publications. Under USCIS policy:

> Examples of judging the work of others may include, but are not limited to: ... Peer reviewing for a scholarly journal, as evidenced by a request from the journal to the person to do the review, accompanied by proof that the review was actually completed.

6 *USCIS Policy Manual* F.2(B)(1), Criterion 4.

SCOPS issued a request for additional evidence (RFE), finding that the record did not answer the following questions: "Why was [the Petitioner] selected as a judge? Was the opportunity to judge prestigious? Was the opportunity to judge given because of his extraordinary accomplishments? [And w]hat kind of press coverage did the events he judged receive?" The Petitioner's RFE response included additional information about the rankings and peer review guidelines of the scientific journals that asked him to review articles. SCOPS, however, found the evidence insufficient, stating that it did not answer any of the RFE's four questions.

As the Petitioner argues on appeal, SCOPS erred by requesting evidence that the criterion at 8 C.F.R. § 204.5(h)(3)(iv) does not require. SCOPS' inquiries into the reasons for his selection as a peer reviewer and the nature of his judging opportunities sought evidence beyond the regulatory requirement. As previously indicated, "neither USCIS nor [the] AAO may unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5." *Kazarian*, 596 F.3d at 1121. The Petitioner's e-mail evidence showed that scholarly journals asked him to review the work of other researchers in his or an allied field and that he completed the reviews. *See* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 4. Thus, contrary to SCOPS' finding, the Petitioner submitted evidence demonstrating that he judged others' work in his or an allied field.

The Petitioner has met three alternative evidentiary criteria, the minimum number required for a final merits determination. *See* 8 C.F.R. § 204.5(h)(3). We therefore need not determine whether he also

submitted evidence of original contributions of major significance in his field. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

SCOPS did not make a final merits determination on the Petitioner's filing. We will therefore now do so.

C. The Final Merits Determination

To merit final approval as an alien with extraordinary ability, a petitioner must demonstrate – through evidence of sustained national or international acclaim and recognition of their achievements in their field – that they are one of the small percentage who has risen to their field's very top. 6 *USCIS Policy Manual* F.2(B)(2). They "must explain the significance of the submitted evidence, and how it demonstrates that [they have] achieved sustained national or international acclaim and recognition in their field of expertise." *Id.* USCIS must review all evidence in the totality and consider "any potentially relevant evidence in the record, even if such evidence does not fit one of the … regulatory criteria or was not presented as comparable evidence." *Id.*

The Petitioner contends that he demonstrated extraordinary ability in the cerebral venous disease field. He states:

> The record establishes original and influential scientific contributions that have achieved nationwide adoption; independent recognition through published materials about the Petitioner's work; editorial roles in national reports within the field; prestigious membership in a professional association recognizing outstanding achievements; and a publication record commensurate with that of leading experts.

The Petitioner established that he has made original contributions advancing his field. Expert letters state that his research was the first to indicate that [redacted] A chief physician at the hospital where the Petitioner works stated that "[h]is groundbreaking work on [redacted] has provided a theoretical direction for [redacted] research and has laid the foundation for key [redacted]" She stated that a later research paper by others incorporated the Petitioner's theory and received more than 200 citations. She said that the later research "validat[ed the Petitioner's] theoretical framework, which has brought new perspectives to [redacted] treatment and promoted the clinical application of [redacted] advancing medical practice more broadly." The chief physician also stated that the Petitioner developed the first [redacted] for the Chinese population. She described these innovations as "more accurate assessment tools for the diagnosis and treatment of [redacted], particularly in the Chinese population, greatly advancing clinical practice and research development in the field."

Also, a vice president of the university where the Petitioner studied for his doctorate stated that the Petitioner has "actively participated in the development of specialized thrombectomy devices." The record shows that ten large Chinese hospitals have adopted use of an intracranial stent that he helped develop to treat [redacted] The vice president stated that medical technical companies have also used the patent to develop similar stents. He stated: "This innovation marks the enormous

potential of [the Petitioner]'s patented technology in improving treatment outcomes and patient prognosis, bringing more hope and options for [redacted]

Further, a vice president of the hospital where the Petitioner works stated that the Petitioner's research on Parkinson's disease indicates that electroacupuncture therapy can continuously regulate neural function, significantly improving motor systems and promoting nerve repair. The vice president stated that the Petitioner "has deeply validated the therapeutic effects of electroacupuncture on motor defects in Parkinson's disease models, providing new treatment targets in this field."

Despite these advancements, however, the Petitioner has not demonstrated sufficient acclaim and recognition to place himself among the small percentage at his field's very top. *See* 8 C.F.R. § 204.5(h)(2) (defining the term "extraordinary ability" as "a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor"). All three experts who provided letters on his behalf are affiliated with the hospital where he works and/or the university where he obtained his doctoral degree. "It is generally expected that one whose accomplishments have garnered sustained national or international acclaim would have received recognition for their accomplishments well beyond the circle of their personal and professional acquaintances." 6 *USCIS Policy Manual* F.2(B)(3). The record lacks evidence that the Petitioner has received sufficient acclaim and recognition for his advancements beyond his workplace and school.

Also, the Petitioner refers to the three patents on which he has worked and their corresponding technologies as his own. But the patent certificates each list at least six other inventors. The university vice president referred to the Petitioner as a "key" and "core" member of the vice president's research team. But the record does not establish the degree to which the Petitioner contributed to the patented technologies. Thus, the evidence of his technological contributions does not demonstrate his claimed extraordinary ability in his field.

The Petitioner argues that independent Chinese news articles about him and his work demonstrate his receipt of national acclaim and recognition. The record contains copies of two 2024 articles about him: one in a health and wellness newspaper; and the other on a popular online news portal. The national publications respectively discuss his development of the severity and prognosis scales for treating cerebral venous thrombosis in China and a procedure for treating Parkinson's disease with dopaminergic neural progenitor cells derived from neural stem cells.

The Petitioner, however, has not demonstrated that the two news articles reflect sufficient acclaim and recognition to place him among the small percentage at his field's very top. Where a "few" articles discussed an electrical engineer's "accomplishments" in his field, a U.S. district court found that that evidence "is not consistent with national or international acclaim." *Bodhankar v. USCIS*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020). In contrast, the Acting Associate Commissioner of the former Immigration and Naturalization Service found that publications about a professional golfer supported his classification as an alien with extraordinary ability where "[v]irtually every major newspaper has covered the petitioner's progress in the world of golf." *Matter of Price*, 20 I&N Dec. 953, 955 (Acting Assoc. Comm'r 1994).

The Petitioner submitted evidence that he wrote a section about strokes in two reports on neurological diseases that the Chinese government used to formulate health policies. The hospital vice president

said that the reports also serve as "important references" for scholars on Chinese disease research. The Petitioner states that his "selection as an editorial committee member demonstrated that [his] original research findings have achieved significant recognition, which indicates the impact and high professional esteem for [his] original contributions."

The record, however, lacks evidence explaining how editorial committee members were selected to work on the reports. *See* 6 *USCIS Policy Manual* F.2(B)(3) ("[T]he statements made by the witnesses should be corroborated by documentary evidence in the record.") The hospital vice president stated that the Petitioner's "writing is clear, well-organized, detailed and illustrated, earning high praise from industry experts." But the Petitioner has not demonstrated that his selection to the editorial committee or his work on the reports generated sufficient acclaim or recognition to place him among the small percentage at his field's very top.

The record also does not support the Petitioner's claim of his "prestigious membership in a professional association recognizing outstanding achievements." He submitted evidence of his senior membership in a Chinese stroke organization. He contends that the organization's senior members cannot constitute more than 0.5% of the group's total membership and that the organization's constitution reserves senior membership "for those who enjoy high academic prestige, and have achieved remarkable achievements in the development of discipline."

The record, however, lacks sufficient corroborating evidence to support the Petitioner's contentions. He did not provide a copy of the organization's constitution or other documentary evidence to support his claims. He submitted evidence of his membership in numerous other stroke, neuroscience, and neurology organizations in China, Europe, and the United States and printouts of online information about some of the groups. But the record does not demonstrate that any of the organizations require outstanding achievements of their members. Thus, his association memberships do not sufficiently support his claimed extraordinary ability in his field.

Finally, the Petitioner contends that his publication record is "commensurate with that of leading experts." As previously indicated, the record shows that, by the petition's filing, he first-authored 22 scholarly research papers in his field, which generated more than 300 total citations. But the record does not demonstrate that his research's quantity or quality places him among the small percentage at his field's very top. For example, the record indicates that the author of each of his expert letters has written at least 90 published papers, substantially more than him. He also has not established that he has a high number of citations relative to others in his field. *See Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (affirming USCIS's finding that a petitioner "did not show the significance of his authorships or how his publications compare to others who are viewed to be at the very top of their field."); *see also* 6 *USCIS Policy Manual* F.2(B)(2) ("[S]uch evidence may indicate a person's high overall standing for the purpose of demonstrating that the person is among the small percentage at the top of the field.")

Congress intended to set "a very high standard" for aliens of extraordinary ability. Proposed Rule for Employment-Based Immigrants, 56 Fed. Reg. 30703, 30704 (July 5, 1991). The legislature indicated that this immigrant visa category was meant "for that small percentage of aliens who have risen to the very top of their field of endeavor." *Id.* The Petitioner met the category's initial evidentiary requirements and demonstrated his receipt of acclaim and recognition in his field. But, considering

the evidence as a whole, he has not established his claimed place among the small percentage at his field's very top. *See Amin*, 24 F.4th at 386 ("[G]iven the lofty bar for extraordinary ability classifications, we cannot say that the agency acted arbitrarily when it determined that [a petitioner] was not 'extraordinary' but merely very good."); *Matter of Price*, 20 I&N Dec. at 954 (holding that even athletes performing in their sports' premier leagues do not automatically meet the extraordinary ability standards).

III. CONCLUSION

The Petitioner met the required number of alternative evidentiary requirements. But he did not demonstrate his claimed extraordinary ability in his field.

ORDER: The appeal is dismissed.

NOTICE: This is the final decision in this matter. A motion's filing would not postpone the decision's effect. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are unlawfully present, or who are otherwise inadmissible or deportable, may receive Forms I-862, Notices to Appear, placing them in removal proceedings. See section 240 of the Act, 8 U.S.C. § 1229a. Removal proceedings may result in an alien's removal from the United States and ineligibility for future U.S. visas or other immigration benefits.