U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40230088

Date: JAN. 15, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a physician and research fellow, 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, concluding the record did not establish that the Petitioner had satisfied at least three of ten initial evidentiary criteria for this classification, as required. 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

An alien is eligible for the extraordinary ability classification if he or she has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and his or her achievements have been recognized in the field through extensive documentation; he or she seeks to enter the United States to continue work in the area of extraordinary ability; and his or her entry will substantially benefit prospectively the United States. Section 203(b)(1)(A) of the Act.

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 a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then the petitioner must provide documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) to (x) (including items such as awards, published material

in certain media, and scholarly articles). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if the petitioner is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation.

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, 1119-20 (9th Cir. 2010); *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 (published material under 8 C.F.R. § 204.5(h)(3)(iii) and judging under 8 C.F.R. § 204.5(h)(3)(iv)) of the four claimed categories of evidence. On appeal, the Petitioner asserts that he fulfills the two remaining claimed criteria. Any ground of ineligibility that is not raised on appeal is waived.[1] *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)).

1. Lesser Recognized Prizes or Awards for Excellence in the Field (8 C.F.R. § 204.5(h)(3)(i))

In order to fulfill this criterion, the Petitioner must demonstrate that he received prizes or awards, and they are nationally or internationally recognized for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i). We first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner initially claimed this criterion on the basis of his receipt of three lesser purportedly nationally or internationally recognized prizes or awards for excellence in the field of endeavor,

[1] The Petitioner initially claimed eligibility under 8 C.F.R. § 204.5(h)(3)(ii) (membership in associations in the field requiring outstanding achievements of their members) but did not respond to SCOPS' request for evidence (RFE) on that point. An RFE is intended to clarify eligibility as of the petition's filing date. *See* 8 C.F.R. §§ 103.2(b)(8), (12). Under 8 C.F.R. § 103.2(b)(13)(i), failure to respond to specific RFE elements constitutes abandonment or waiver of those claims. A petitioner cannot later revive such claims on appeal after knowingly declining to respond. *See Matter of R-S-H-*, 23 I&N Dec. 629, 638 (BIA 2003) (filing party must offer a response and advance their arguments to preserve that topic for consideration on appeal). So, we need not consider the Petitioner's renewal of his claim of eligibility under 8 C.F.R. § 204.5(h)(3)(ii). However, even if we chose to consider the Petitioner's claim under this criterion, we would conclude that he did not demonstrate eligibility. The evidence in the record does not demonstrate that the American Society of Nephrology (ASN) is in the Petitioner's field of immunology or that the Petitioner's membership in ASN requires outstanding achievement as judged by recognized national or international experts in the field. Similarly, the record does not demonstrate the Petitioner's admission to membership in the European Academy of Allergy and Clinical Immunology required his demonstration of outstanding achievement as judged by recognized national or international experts in his field.

namely his receipt of the [redacted] in 2020, the [redacted] (which he was awarded in 2014 and 2015), and a letter of appreciation from [redacted] Türkiye (aka Turkey).

The Petitioner claimed that the [redacted] Scholarship was awarded to him twice to pursue his doctoral studies and for a "research studentship at the Immunology Research Center and participation in Japanese language studies" at [redacted] The Petitioner declared that the [redacted] Scholarship is "one of the most esteemed awards supporting international students." The [redacted] Scholarship "provides full financial support" and "fosters global academic collaboration and innovation." The Petitioner's response to SCOPS' RFE[2] described the [redacted] Scholarship's prestige, its professed selection process, and asserted it supported his claimed extraordinary ability.

But the record does not persuasively demonstrate that the [redacted] Scholarship is an award for excellence in the Petitioner's field of endeavor. Firstly, the evidence in the record describes the [redacted] Scholarship as a "grant" and recipients as "grantees." So, it is more akin to a type of funding than an award. And even if the grant were considered an award, evidence in the record states that a grant of the [redacted] Scholarship is for "those who are willing to contribute to mutual understanding between Japan and [his or her] home country." Or in other words, the purpose of the grant is not "excellence" in his field as would be expected of an award meeting the claimed criterion. Moreover, the fields of endeavor the [redacted] Scholarship applies to are not limited to the Petitioner's field of immunology. The record describes a vast universe of fields to which the [redacted] Scholarship could apply, such as politics and international relations, bioengineering/biology, physical geography/remote sensing/oceanography, Japanese modern history, Japanese studies, architecture, and philosophy. The Petitioner also submitted several letters from individuals to support his claim that the [redacted] Scholarship supports his eligibility under this criterion. The letters do not progress further than to note the Petitioner's receipt of the [redacted] Scholarship and ascribe a measure of positive reinforcement. And whilst the contents of the letters discuss the high regard in which the [redacted] Scholarship is held, akin to the Department of State's Fulbright Scholarship, the letters do not provide material, relevant, or probative evidence to demonstrate the [redacted] Scholarship is awarded to individuals for excellence in their field of endeavor.

So, for the reasons discussed above, the Petitioner did not demonstrate eligibility under this criterion.

2. Original Contributions of Major Significance. (8 C.F.R. § 204.5(h)(3)(v))

For the criterion at 8 C.F.R. § 204.5(h)(3)(v), the Petitioner must submit evidence of his "original scientific, scholarly, artistic, or business-related contributions of major significance in the field." First, we determine that a petitioner's contributions in their field were original. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. Next, we examine whether the original contributions are of major significance to the field. *Id.* For example, a petitioner may show that his or her contributions have been widely implemented throughout the field or have otherwise

[2] The Petitioner's RFE response focused solely on the merits of the twice awarded [redacted] Scholarship. The Petitioner's response did not mention or clarify his claim to the criterion with additional information about the features of his travel award or the letter of appreciation. We note that the travel award and letter of appreciation would not support the Petitioner's eligibility under this criterion because the record reflects the travel award is not bestowed for excellence in the Petitioner's field of endeavor. And the letter of appreciation is not an award bestowed upon the Petitioner.

risen to a level of major significance in the field. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (for a petitioner's contributions to be "of major significance," evidence must demonstrate that his or her work has been widely adopted or replicated by industry actors with whom he or she is unaffiliated).

The Petitioner's initial petition self-identifies himself as an "alien of extraordinary ability in the field of Immunology." The Petitioner claims that he "is a leader in developing innovative solutions at the interface of multiple disciplines." The Petitioner also credits himself with a "unique blend of skills enabl[ing] him to tackle complex scientific problems, such as advancing kidney organoid technology and exploring immune mechanisms in autoimmune diseases by using kidney organoids as disease models." The Petitioner noted his doctoral research describing "the functional mechanisms of immune checkpoint proteins, specifically CTLA-4 and PD-L1, expressed by regulatory T cells and antigen-presenting cells" as "critical targets for cancer immunotherapy and the treatment of chronic autoimmune disorders."

On appeal, the Petitioner clarifies that his "original scientific contributions can be categorized into four major areas of significance." His discovery of a [redacted]. His "uncover[ing of] the novel role of [redacted] in immune evasion within pancreas and colon cancer models." His "elucidat[ion of] the [redacted] signaling axis in an invasive and metastatic breast cancer model." And "interdisciplinary advances…integrating immunology and regenerative medicine, developing scalable vascularized kidney organoids."

In support of his assertions, the Petitioner submitted his Google Scholar profile page, a copy for a project proposal, a published article, a published abstract, copies of articles that cited his work, certificates of attendance at academic conferences, copies of published articles he authored, and several expert opinion letters.[3] Whilst the copies of his authored publications and evidence of citation by others in the field supports our observation that the Petitioner contributed original scientific work to his field, we conclude that the record does not contain persuasive material, relevant, or probative evidence to establish that the original scientific contributions he claims to have made exert major significance on his field. So, we conclude the Petitioner does not meet this criterion.

The testimonial letters in the record only provide general statements about the Petitioner's contributions and their significance. For example, [redacted] professor of medicine, [redacted] states "[t]he significance of [the Petitioner's mechanistic insights into immune regulation] is exemplified by its publication in the [redacted]" which he describes as a prestigious journal. But [redacted] does not go further to provide insight into whether publication in [redacted] is reserved for those original scientific contributions that reach a level of major significance. Nor does [redacted] explain, for example, how the "new light" the Petitioner's mechanist insights into immune regulation shed on the field had impact, adoption, or influence that heralded a scientific contribution of major significance in the field.

[3] While we may not discuss every document submitted, we have reviewed and considered each one.

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And [redacted] professor of pediatrics in allergy and immunology at [redacted] states the Petitioner's "introduc[tion] and defin[ition of] the mechanism of [redacted] dependent trogocytosis and its role in modulating [redacted] availability…offered novel insights into the synergistic interaction and regulation of immune checkpoint receptors." But [redacted] did not outline or emphasize these insights and how they constitute matters considered majorly significant in the field of immunology. Or in other words, whilst [redacted] commented that the Petitioner's work "changes [the] understanding of immune homeostasis and opens the door for new strategies in immunotherapy, particularly in the contexts of autoimmunity and cancer" he did not sufficiently describe why the Petitioner's original contribution to change the understanding of immune homeostasis and generalized description of new strategies in autoimmunity and cancer had a major significance in the field of immunology.

[redacted] professor of immunotherapy at [redacted] outlines three of the Petitioner's academic works to describe its "sophistication...and its potential clinical applications," and noted publication in "leading journal[s] in the field" to opine about "the honors and recognition" the Petitioner has received. But [redacted] high esteem for the Petitioner's work does not materially demonstrate the major significance of any one out of the three academic works he discussed in his letter by discussing, for example, whether one or more of the works brought about a specific result or advanced the field in an acclaimed manner.

Finally, [redacted] professor at the [redacted] wrote a letter serving as a biographical outline of the Petitioner's career thus far and expressed enthusiasm about his accomplishments and hope for his success in the future. [redacted] also discussed the Petitioner's "ongoing exploration of DNA repair mechanisms [and] investigations into [redacted] ..paving the way for transplantable lab-grown kidneys and improved treatments for renal insufficiency and immune rejection." However, the record does not identify any specific contribution attributable to the Petitioner "paving the way for transplantable lab-grown kidneys" or identify how his "demonstrat[ion of] the alloimmune rejection response against human kidney organoids implanted in humanized mouse models" has bestowed, for example, adoption, influence, or impact of major significance to the field of immunology.

In sum, the letters the Petitioner submitted are essentially explanations of the nature of his contributions that do not provide a context for evaluating the significance of the Petitioner's contributions to the field and if they can be classified as "of major significance." The letters do not adequately describe details such as widespread commentary on the importance of the Petitioner's work in the field. or similar context that could describe in detail the nature and significance of the Petitioner's contributions. The letters mainly express the writers' independent opinion of value and appreciation for the Petitioner's professional activities. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.

The same can be said about the scholarly publications memorializing his contributions and the citation history stemming from the scholarly publications that the Petitioner leans on to showcase his claimed assertion of the major significance of his contributions. Whilst publication and citation can demonstrate some noteworthiness of the claimed contribution to the field, it is not sufficiently preponderant by itself to the question of whether the claimed contribution has exerted major significance on the field. So, in sum, we cannot glean the significance of the Petitioner's claimed

original contributions from the citation data he submits because it does not reliably describe the level of discourse or commentary the original contributions have generated in the Petitioner's field. [4]

And we recognize the Petitioner has attended several academic conferences where he presented his research articles in the form of poster presentations. The Petitioner contends that "conferences are places where many academic and researchers 'test' their ideas and put them out for the audience to receive critical responses." He also states conferences expose attendees to "the latest studies and ideas from researchers' fields of expertise." The Petitioner avers that "[t]he acceptance of [his] research papers and posters at [conferences] attests to the relevance and importance of [the] research work and skill and his contribution to his field." And the Petitioner lists the conferences he attended and the presentations he made. But the record does not demonstrate that the conferences that he attended accepted the identified works because they were original contributions of major significance to the field. And the record does not indicate that the conferences were limited to presentations and attendance by individuals whose original scientific contributions were of major significance in the field. So, the record does not support the Petitioner's contention that his attendance at conferences and presentations of work at the conferences ascribed major significance to his original scientific contributions.

For the reasons discussed above, the Petitioner did not show he meets this criterion.

III. CONCLUSION

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. Here, 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*, --- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we 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 at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087 at *1 (stating that EB-1

[4] Demonstration of an unusually high amount of citation frequence for an original scientific contribution compared to other original scientific work of major significance in the field could potentially demonstrate the major significance of an original scientific contribution. However, the Petitioner in the instant matter has not submitted material, relevant, or probative evidence in the record to document or otherwise asserted the citation frequency of his work relative to others of major significance to his field.

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 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. Whilst 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.