U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40643767

Date: JAN. 20, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a research scientist in the field of pharmaceutical science, 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 (EB-1) classification makes immigrant visas available to aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their fields through extensive documentation.

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish that the Petitioner had satisfied at least three of the ten initial evidentiary criteria. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. On appeal, the Petitioner contends that SCOPS' failure to properly review and analyze his evidence in accordance with the USCIS policy amounts to an abuse of discretion and that SCOPS deemed his evidence insufficient by deploying a standard of proof that well exceeds the preponderance of the evidence. He maintains that the evidence supports his eligibility for the EB-1 classification.

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) of the Act makes visas available to aliens 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) ("EB-1 petitions, nicknamed Einstein visas, are coveted visas reserved for only the most talented noncitizens with extraordinary ability in the sciences, arts, education, business, or athletics"). 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 recognition of the beneficiary's achievements in the field through a one-time achievement, that is, a major, internationally recognized award. If that petitioner does not submit this evidence, then they must provide sufficient 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). Additionally, if the criteria at 8 C.F.R. § 204.5(h)(3) do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility. 8 C.F.R. § 204.5(h)(4).

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 beneficiary is among the small percentage at the very top of the field of endeavor. *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 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

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, he 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 criteria relating to judging and scholarly articles but did not satisfy the remaining criterion claimed relating to contributions. After reviewing all the evidence in the record, we conclude the Petitioner has not demonstrated eligibility for this highly restrictive immigrant classification by a preponderance of the evidence. While we may not address each piece of evidence individually, we have reviewed and considered each one.

1. "Evidence 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 specialization for which classification is sought." 8 C.F.R. § 204.5(h)(3)(iv).

To fulfill this criterion, the Petitioner must demonstrate that he has acted as a judge of the work of others in the same or an allied field of specification. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. SCOPS determined that the Petitioner established eligibility for this criterion, and we agree. The Petitioner submitted evidence that he has reviewed manuscripts

for scientific journals, thereby establishing that he meets the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(iv). Therefore, the Petitioner meets this criterion.

2. "Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." 8 C.F.R. § 204.5(h)(3)(vi).

To satisfy this criterion, the Petitioner must first establish that he has authored scholarly articles in the field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). Second, the Petitioner must demonstrate that the publication qualifies as a professional publication, major trade publication, or major media publication. *Id.* SCOPS determined that the Petitioner established eligibility for this criterion, and we agree. The Petitioner submitted copies of the first few pages of scholarly articles co-authored by him and published in professional publications, thereby establishing that he meets the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(vi). Accordingly, he satisfies this criterion.

3. "Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v).

Analysis under this criterion focuses on whether the person's original work constitutes major, significant contributions to the field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). Evidence that the person's work was funded, patented, or published, while potentially demonstrating the work's originality, will not necessarily establish, on its own, that the work is of major significance to the field. *Id.* For example, published research that has provoked widespread commentary on its importance from others working in the field, and documentation that it has been highly cited relative to others' work in the field, may be probative of the significance of the person's contributions to the field of endeavor. *Id.* Similarly, evidence that the person developed a patented technology that has attracted significant attention or commercialization may establish the significance of the person's original contribution to the field. *Id.* Detailed letters from experts in the field explaining the nature and significance of the person's contributions may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance. *Id.*

The Petitioner asserts that his work contributes to "the advancement of modern pharmaceutical manufacturing by developing advanced, scalable, and regulatory-aligned manufacturing techniques, such as [redacted]." As evidence of eligibility under this criterion, the Petitioner provided his statement, letters from his current employer, support letters from experts in the field, his Google Scholar profile showing a list of his published articles and citation record, copies of the first few pages of articles co-authored by the Petitioner, his citation and publication counts from OpenAlex, and copies of the first few pages of sample articles citing his work. The record also includes a report published by RAND Europe (a research organization) citing an article co-authored by the Petitioner, evidence that three articles co-authored by the Petitioner are available on the [redacted] website (a digital platform designed to accelerate adoption of pharmaceutical continuous manufacturing), evidence of his peer review and editorial board services for various journals, and his invitations to speak at conferences and contribute to articles and newsletters.

The Petitioner's statement and letters from his employers describe the Petitioner's job responsibilities as a research scientist for his current employer and as a formulation and validation associate for his former employer and his research projects and explain the importance of the projects and the Petitioner's contributions to his employers. However, they do not sufficiently demonstrate that the Petitioner's work constitutes major, significant contributions to the field of pharmaceutical science. The Petitioner must establish that his original contributions have been "of major significance in the field." *See* 8 C.F.R. § 204.5(h)(3)(v). The evidence does not rise to the level of original scientific contributions "of major significance in the field." Recognition received from his employers for his contributions to their investigative drug programs or other research projects does not necessarily equate to major significance in the field.

The Petitioner's statement and a letter from a professor at [redacted] in India indicate that the Petitioner and the professor have worked on a patent to create a novel technique. But the record lacks sufficient evidence showing that the technique has attracted significant attention or commercialization. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). Courts have routinely affirmed our decisions concluding that 8 C.F.R. § 204.5(h)(3)(v) "requires substantial influence beyond one's employers, clients, or customers." *Strategati, LLC v. Sessions*, 2019 WL 2330181, at *6 (S.D. Cal. May 31, 2019) (upholding an agency decision that held "[a] patent is not necessarily evidence of a track record of success with some degree of influence over the field as a whole."); *see also Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (upholding agency decision that held evidence insufficient "because it did not show widespread replication of [the petitioner's invention]"). The significance of innovation must be determined on a case-by-case basis. Here, neither the Petitioner nor the professor indicates that the patent has been granted or that they have licensed or marketed their patented technology, if the patent has been granted. Thus, the Petitioner has not sufficiently established the impact of the novel technique.

The record also includes copies of articles co-authored by the Petitioner and his citation record. The Petitioner's field, like most science, is research-driven, and scientists are unlikely to publish research that does not add to the general pool of knowledge in the field. According to the regulation at 8 C.F.R. § 204.5(h)(3)(v), an alien's contributions must be not only original but of major significance. For example, published research that has provoked widespread commentary on its importance from others working in the field may be probative of the significance of the person's contributions to the field of endeavor. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). Otherwise, the impact of the petitioner's work is difficult to gauge. *Cf. Visinscaia v. Beers*, 4 F.Supp.3d 126, 134-35 (D.D.C. 2013) (upholding a finding that a ballroom dancer had not met this criterion because she did not demonstrate her impact in the field as a whole). Publications and presentations are not sufficient evidence under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "major significance." *Kazarian v. USCIS,* 580 F.3d 1030, 1036 (9th Cir. 2009) *aff'd in part* 596 F.3d 1115 (9th Cir. 2010). In 2010, the *Kazarian* court reaffirmed its holding that the AAO did not abuse its discretion in finding that the alien had not demonstrated contributions of major significance. 596 F.3d at 1122.

Regarding the Petitioner's citation record, while the number of total citations is a factor, it is not the only factor to be considered in determining the Petitioner's eligibility for this criterion. Citations demonstrate that the field has taken some interest in the Petitioner's work. However, they are not an automatic indicator that the Petitioner's work has been of major significance in the field. In this case, the number of the Petitioner's citations is not reflective that his work has been "of major significance

in the field." Furthermore, the Petitioner did not submit sufficient documentary evidence demonstrating that his articles have been unusually influential. The Petitioner's documentary evidence is not reflective of having a significant impact on the field. Submitting documentation reflecting that the Petitioner's work has been cited by others in their published material is insufficient to establish eligibility for this criterion without documentary evidence reflecting that his work has been "of major significance in the field." The Petitioner did not sufficiently establish how those findings or citations of his work by others have significantly contributed to his field as a whole. *See* 8 C.F.R. § 204.5(h)(3)(v).

The support letters indicate that the Petitioner has presented his research findings at a conference held by the American Association of Pharmaceutical Scientists. The Petitioner also submitted email messages showing that he was invited to speak at conferences and contribute to articles and newsletters. Many professional fields regularly hold meetings and symposia to present new work, discuss new findings, and to network with other professionals. These conferences are promoted and sponsored by professional associations, businesses, educational institutions, and government agencies. Participation in such events, however, does not equate to original contributions of major significance in the field. *See Kazarian v. USCIS,* 596 F.3d at 1115 (stating that publications and presentations are not sufficient evidence under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "major significance"). The record does not include sufficient documentary evidence showing that any of the Petitioner's specific conference presentations are frequently cited by other researchers, have significantly impacted the field, or otherwise rise to the level of contributions "of major significance in the field." *See* 8 C.F.R. § 204.5(h)(3)(v). While presentation of the Petitioner's work demonstrates that his findings were shared with others and may be acknowledged as original contributions based on their selection for presentation, he has not established the impact or influence of his presentations once disseminated in the field.

The Petitioner submitted support letters from experts in the field. The opinions of the Petitioner's references are not without weight and have been duly considered. We may, in our discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we are ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of reference letters supporting the petition is not presumptive evidence of eligibility; we may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). Thus, the content of the references' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of a scientist who has made original contributions of major significance in the field. *Cf. Visinscaia v. Beers*, 4 F.Supp.3d at 135 (concluding that USCIS' decision to give little weight to uncorroborated assertions from professionals in the field was not arbitrary and capricious).

The support letters acknowledge the Petitioner's technical expertise in product development, manufacturing process optimization, and cross-functional support in the field of pharmaceutical science and his innovative contributions to his employers, provide details on drug products that he played a leading role, and recommends the Petitioner as a distinguished pharmaceutical researcher in

drug delivery and formulation or a leading figure in pharmaceutical science research. For example, a professor at [redacted] states that the Petitioner's "groundbreaking research in pharmaceutical science, particularly in the realms of sustained release drug delivery and hot melt extrusion methods, positions him as a luminary figure in the field." A senior pharmacologist at the U.S. Food and Drug Administration asserts that the Petitioner's "pioneering efforts in integrating advanced manufacturing technologies with scalable formulation strategies make him an asset to the global pharmaceutical community." A professor at [redacted] expresses that the Petitioner's "research supports formulation development globally, including in laboratories[,] and continues to influence innovation in patient-friendly medication design." The support letters establish that the Petitioner's research constitutes original contributions. However, the letters do not sufficiently demonstrate that his contributions are "of major significance in the field." The phrase "major significance" is not superfluous and, thus, it has some meaning. *Silverman v. Eastrich Multiple Investor Fund, L.P.*, 51 F. 3d 28, 31 (3rd Cir. 1995) *quoted in APWU v. Potter*, 343 F.3d 619, 626 (2nd Cir. 2003). Here, without sufficient documentation corroborating the claimed significance asserted in the letters, the record does not sufficiently show that the Petitioner has made original contributions in the field and the original contributions are of major significance to the field.

In short, without additional, specific evidence showing that the Petitioner's work has been unusually influential, widely applied throughout his field, or has otherwise risen to the level of contributions of major significance, the Petitioner has not established that he meets this criterion. *See* 8 C.F.R. § 204.5(h)(3)(v).

The Petitioner contends that SCOPS failed to properly review and analyze his evidence and applied a standard of proof that far exceeds 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). When USCIS provides a reasoned consideration to the petition and has made adequate findings, it will not be required to specifically address each claim the petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993). Here, although SCOPS did not address every piece of evidence the Petitioner presented, the record reflects that SCOPS acknowledged and analyzed various documents on record, provided a reasoned consideration to the petition under the preponderance of the evidence standard, and has made adequate findings.

B. Final Merits Determination

The Petitioner has not submitted the required initial evidence of either a major one-time achievement or documents that meet at least three of the ten criteria. As a result, we do not need to provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119–20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

III. CONCLUSION

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for those progressing toward that goal. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not shown the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. The record does not sufficiently demonstrate that the Petitioner has garnered national or international acclaim in the field and that he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2).

For the reasons we have discussed above, the Petitioner has not demonstrated by a preponderance of the evidence his eligibility for the EB-1 classification. 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.