U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40527023

Date: JAN. 22, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

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

Service Center Operations (SCOPS) denied the petition, concluding the Petitioner was not the recipient of a major, internationally recognized award, and, while he demonstrated five of the ten regulatory criteria, he did not show sustained national or international acclaim and that he is among the small percentage at the very top of the field of endeavor. 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

Section 203(b)(1)(A) of the Act makes immigrant visas available to aliens with extraordinary ability if: they have extraordinary ability in the sciences, arts, education, business, or athletics which have been demonstrated by sustained national or international acclaim; they seek to enter the United States to continue work in the area of extraordinary ability; and their entry will substantially benefit the United States prospectively. 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 of the evidence to determine whether a petitioner has sustained national or international acclaim and whether their achievements have been recognized in the field. First, a petitioner can provide evidence of either "a

major, international recognized award," or satisfaction of at least three of ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3).[1]

Where a petitioner meets these initial evidence requirements, U.S. Citizenship and Immigration Services (USCIS) then considers the totality of the material provided in a final merits determination and assesses 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, 1121 (9th Cir. 2010) (discussing a two-step 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); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual (providing, as guidance, USCIS' two-step extraordinary ability analysis).

II. ANALYSIS

In 2012, the Petitioner obtained the foreign equivalent of a master's degree in cell biology from the [redacted] in Brazil and attended some post graduate classes in public health emergency management. He worked as a biologist specialist for the state of [redacted] in Brazil from 2011 to 2014 and then as a technical coordinator of environmental surveillance for the [redacted] of [redacted] in Brazil from 2014 to 2019. From 2019 to 2021 he was a health professional in training for the [redacted] at the [redacted]. According to his personal statement, he intends to work as an epidemiologist in the public health sector applying his knowledge in epidemiological surveillance and health data analysis.

The Petitioner has not indicated or established that he has received a major, internationally recognized award under 8 C.F.R. § 204.5(h)(3). He must therefore satisfy at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). Based on our de novo review, the Petitioner has not met this showing.[2]

A. Evidentiary Criterion Established

SCOPS determined the Petitioner met the criteria at 8 C.F.R. § 204.5(h)(3)(iv), which requires that he establish his 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. SCOPS also found the Petitioner met the criteria at 8 C.F.R. § 204.5(h)(3)(vi), which requires that he establish authorship of

[1] The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she 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.

[2] In the record below, the Petitioner asserted his eligibility under 8 C.F.R. § 204.5(h)(3)(vii), which requires demonstrating his work in the field was displayed at artistic exhibitions or showcases. SCOPS determined he had not established the criterion, and the Petitioner does not contest the finding on appeal. Further, the Petitioner did not assert in the record below or on appeal that he meets the criterion at 8 C.F.R. § 204.5(h)(3)(x), which requires, in general terms, a showing of commercial success in the performing arts. We therefore deem the Petitioner's eligibility under the criteria at 8 C.F.R. § 204.5(h)(3)(vii) and (x) waived. *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))(An eligibility ground that is not raised on appeal is waived.)

scholarly articles in the field, in professional or major trade publications or other major media. We affirm SCOPS' determination with respect to these two criteria.

B. Evidentiary Criteria Withdrawn

We disagree with SCOPS' determination that the Petitioner has established the criteria at 8 C.F.R. § 204.5(h)(3)(iii), (viii), and (ix).

The criterion at 8 C.F.R. § 204.5(h)(3)(iii) requires the Petitioner to submit evidence of published material about himself in professional or major trade publications or other major media, relating to his work in the field. While the Petitioner submitted evidence of published material about himself, he did not demonstrate that the published material appeared in professional or major trade publications, which may be identified by their intended audience, or other major media and major trade publications, which should have elevated circulation or readership relative to other media in the field. *Id.* He submitted a 2013 [redacted] article and provided information from its website that it is the newspaper for the state of [redacted], had about 13.2 million visits in the month of November 2024. However, the Petitioner did not provide circulation or readership numbers for 2013, and comparative circulation data to demonstrate the newspaper had, for example, elevated circulation relative to other media, is nationally prominent in Brazil, or other evidence demonstrating it would be considered major media. The Petitioner also submitted a 2019 article from [redacted], which the record identifies as a print media outlet that covers three regions of [redacted], but he similarly did not provide circulation and readership data. He also included printouts from two government websites, the [redacted] and the municipality of [redacted], which reference him. However, he provides no explanation for how the websites amount to a professional or major trade publication or other major media to meet the plain language of the criterion.

The criterion at 8 C.F.R. § 204.5(h)(3)(viii) requires the Petitioner to submit evidence that he performed in a leading or critical role for organizations or establishments that have a distinguished reputation. The role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1). The Petitioner claimed he played leading and critical roles in his progressively senior roles with the [redacted]'s Training Program in [redacted] ([redacted]) where he led trainings. However, the Petitioner does not explain how the [redacted] "program" meets the plain language of the criterion requiring the role be in "organizations or establishments." While the Petitioner stated the program was through the "General Coordination of public Health Emergencies of the [redacted] in the [redacted]" he does not claim a leading and critical role within the [redacted] or any department or division therein. He also claims he played a leading and critical role as a technical coordinator for the [redacted] of the municipality of [redacted]. As part of our analysis, we determine whether the organization or establishment, or the department or division for which the person holds or held a leading or critical role, has a distinguished reputation. The Petitioner did not present evidence demonstrating the distinguished nature of the [redacted] of the municipality of [redacted] or any of the government entities he claimed a role within to demonstrate his assertions of their distinguished nature.

The criterion at 8 C.F.R. § 204.5(h)(3)(ix) requires evidence that the Petitioner demonstrate he has commanded a high salary or other significantly high remuneration for services, in relation to others in the field. However, the Petitioner has not provided comparative data to demonstrate that his salary is high compared to others in the field. For example, the Petitioner provided a letter stating he has been working as a technician for the [redacted] since 2019 with a monthly remuneration of 8,500 Brazilian Reals (R$) per month. He provided a salary stub from 2018 showing he was paid R$7,624 for work in technical coordination of environmental surveillance. However, he does not provide comparative wage or remuneration data for epidemiologists during this time. Rather, he provides general 2025 pay data for biologists, with no explanation for how this amounts to comparative data in the field of epidemiology. Relevant caselaw has confirmed that "in relation to others in the field" should be interpreted as allowing comparisons to those employed in the same occupation at a similar level. *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering a professional golfer's earnings versus other PGA Tour golfers); *see also Skokos v. U.S. Dept. of Homeland Sec.*, 420 F. App'x 712, 713-14 (9th Cir. 2011) (finding salary information for those performing lesser duties is not a comparison to others in the field); *Grimson v. INS*, 934 F. Supp. 965, 968 (N.D. Ill. 1996) (considering NHL enforcer's salary versus other NHL enforcers); *Muni v. INS*, 891 F. Supp. 440, 444-45 (N. D. Ill. 1995) (comparing salary of NHL defensive player to salary of other NHL defensemen). Even if we were to use the pay data as comparison, we note that it only provides an average and does not identify salaries for those who are high earners. Nor does the data consider geographical or position-appropriate compensation. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1) (providing, as guidance, evidence regarding whether the person's compensation is high relative to that of others working in the field may include geographical or position-appropriate compensation surveys and organizational justifications to pay *above* the compensation data) (emphasis added).

As a result, the Petitioner has not established the criteria at 8 C.F.R. § 204.5(h)(3)(iii), (viii), and (ix) and we withdraw SCOPS' findings to the contrary.

C. Remaining Criteria Not Met

While our analysis differs from SCOPS on some elements, we agree with its ultimate determination that the Petitioner did not provide sufficient evidence to establish the criteria at 8 C.F.R. § 204.5(h)(3)(i), (ii), (v).

The criterion at 8 C.F.R. § 204.5(h)(3)(i) requires the Petitioner to establish he received a lesser nationally or internationally recognized prize or award for excellence in his field of endeavor. We first determine whether the Petitioner is the recipient of prizes or awards. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1). In support of this criterion the Petitioner submitted a 2021 award for best oral presentation at the "[redacted]" in [redacted], a 2022 research award given at the "[redacted]" and his ranking of second place at a training program. However, the Petitioner does not explain or demonstrate how his ranking in a training program amounts to a prize or award. We then address whether the prize or award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. The Petitioner has provided no evidence of his two awards being nationally or internationally recognized. While he argues on appeal that his awards stem from peer-reviewed public health institutions and represent merit-based selection among national and

international experts, the record does not support or corroborate his assertions. For example, he has not demonstrated that his awards were given by national institutions or well-known professional associations or presented at nationally or internationally recognized conferences. *See id.* Further, the Petitioner has not provided, for example, evidence of the criterion used to grant his awards, the number of awardees, or the national or international significance of his awards in the field to demonstrate that these two awards were for excellence in the field of epidemiology. *See id.* As a result, the Petitioner has not demonstrated this criterion.

The criterion at 8 C.F.R. § 204.5(h)(3)(ii) requires the Petitioner to establish his membership in associations in the field for which classification is sought, requiring outstanding achievements of its members, as judged by recognized national or international experts in their disciplines or fields. The Petitioner submitted documents demonstrating his membership in the Centro de Operacoes de Emergencias de Saude Publica (COE) but did not provide evidence of the COE's membership requirements. On appeal, the Petitioner asserts SCOPS did not properly weigh his evidence. However, the Petitioner does not identify what evidence SCOPS did not consider. Further, we agree with SCOPS' determination that the Petitioner's membership in the COE in and of itself is not sufficient to demonstrate this criterion and that the Petitioner did not provide supporting evidence that his membership required outstanding achievements of its members as judged by recognized national or international experts, as required under the criterion.

The criterion at 8 C.F.R. § 204.5(h)(3)(v) requires the Petitioner to demonstrate his original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field. The Petitioner argued he made original scientific contributions in the field of epidemiology. He asserted he collaborated with other health professionals to create for the [redacted]: guidelines and protocols aimed at controlling the spread of monkeypox, pages identifying venomous animals, a booklet refresher course for students on environmental health surveillance, and a guidebook on venomous animals in [redacted] for identification and treatment. He discussed working on an article titled "[redacted]: [redacted]" published in 2023 by [redacted], which he described as a professional publication. He also discussed working on research for a training program to ensure access to safe drinking water. However, he does establish that his contributions were of major significance to the field. For example, the record does not contain any corroborated discussion about the significance of his work to the field, and he did not provide evidence indicating his published work was cited at a level indicative of major significance. We acknowledge that the record contains letters of recommendation, but they discuss his skills and dedication, not the significance of his work. For example, he included an August 2024 letter from his supervisor at [redacted], who described the health publications the Petitioner was involved in but did not describe the impact of those publications and whether they were of major significance to the field. The Petitioner has therefore not established this criterion.

E. Final Merits Determination

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. The visa classification is highly restrictive, intended for individuals already at the top of their

respective fields. *See* 8 C.F.R. § 204.5(h)(2) (explaining "extraordinary ability" refers only to those in "that small percentage who have risen to the very top of the field of endeavor"). 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. *See also Kazarian*, 596 F.3d at 1119-20. However, because SCOPS dismissed on a final merits determination, we will review the record in the aggregate.

The Petitioner received two awards in the field at two scientific meetings held in 2021 and 2022 but did not demonstrate that his awards were nationally or internationally recognized. While the Petitioner argues on appeal that SCOPS did not give enough weight to his awards, he does not explain how they demonstrate he 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. The Petitioner also contends that SCOPS did not properly consider that he is a member of the COE, but as discussed above, he did not show that his membership required outstanding achievements as judged by recognized national or international experts in the field and he does not explain how his membership demonstrates sustained national or international acclaim. In addition, although the Petitioner claimed he held leading and critical roles for programs run by the [redacted] and the municipality of [redacted], he does not demonstrate that the roles he had were for distinguished organizations or establishments and that they show he is among the small percentage who has risen to the very top of his field.

We also consider that the Petitioner provided his salary data but, as noted above, he did not provide comparative data for epidemiologists and has therefore not demonstrated his salary is for one who has risen to the very top of his field of endeavor. We also reviewed the published material about the Petitioner. In addition to concluding that they did not appear in professional or major trade publications or other major media, we also determine that the materials did not contain a substantial discussion of his work to show his achievements have been recognized in the field. For example, the Petitioner submitted a 2013 article from [redacted] which identifies him as, "a biologist and technical reference on accidents by venomous animals at the [redacted]" and summarizes him saying that "accidents by venomous animals increase during the rainy season and that [redacted] is one of the states that most often reports accidents by venomous animals in Brazil." The article did not elaborate more than this to, for example, discuss his experience or background or how he came by this conclusion in his work. Similarly, he submitted a 2019 article from [redacted], which included only a brief passing reference about him. The article identified him as a biologist and technical coordinator and noted his presence at a health surveillance meeting of a neighboring town. He also included references to himself on government websites which use the same quote as above and reference his presence at a training on venomous animals. As a result, the submitted published material did not demonstrate a level of success among that small percentage who have risen to the very top of the field of endeavor, achieved sustained national or international acclaim, or a career of acclaimed work. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the lack of press about the plaintiff was not consistent with national or international acclaim).

The Petitioner also highlighted his contributions to the [redacted] and discussed his publications and research project but did not establish how these contributions were of major significance in the field. For example, the Petitioner submitted recommendation letters, which discuss his skills and talent, but did not demonstrate the impact of his work. In a letter dated July 2024, one

author, who identifies herself as a public servant at the [redacted], claims the Petitioner implemented innovative strategies that resulted in significant reduction of poisoning incidents, but does not provide, for instance, any corroboration for these claims, does not identify what the innovative strategies were and whether they garnered any attention by the field. Similarly, the Petitioner included evidence of his work being displayed at scientific conferences and asserted the venues have significant standing but provided no evidence regarding the conferences to support these claims. Nor did he provide evidence that his presentations are recognized achievements identifying him as being at the top of his field.

We acknowledge that the Petitioner met the criteria at 8 C.F.R. § 204.5(h)(3)(v) and submitted evidence that he authored articles in professional journals such as the *Journal of Applied Pharmaceutical Science* and the *American Journal of Field Epidemiology*. The Petitioner claims that his publication record supports his extraordinary ability claim. However, authorship and publication of original research do not automatically place an individual at the top of their field. Here, the Petitioner has not provided evidence that his published research has been cited by others to demonstrate sustained national or international acclaim and that he is among the small percentage at the top of the field. We also give weight to the evidence demonstrating that the Petitioner served on a debating panel for graduate students in microbiology at the [redacted] in 2016, a panel by the [redacted] evaluating candidates of an applied epidemiology training program and served as a member of the scientific committee at a clinal pharmacology symposium judging abstracts submitted to the Journal of Applied Pharmaceutical Sciences in 2020. However, the Petitioner did not provide background information on the panels and symposium to demonstrate the significance of his experience as the judge of others and whether it indicates the required extraordinary ability for this highly restrictive classification. Moreover, the Petitioner did not show, for example, how his judging experience compares to others at the very top of the field, or that he gained wide attention from the field based on his evaluation work. *See Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801, at *2 (finding the petitioner did not show that he served as a judge of renowned directors as opposed to aspiring artists or the competitions were considered prestigious or attracted significant attention by the field).

Based on our de novo review, the Petitioner has not shown that his achievements have been recognized in the field through extensive documentation and that the significance of his work is indicative of the required sustained national or international acclaim. *See* 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 he is among the small percentage at the very top of his field. *See* 8 C.F.R. § 204.5(h)(2).[3]

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated eligibility as an individual of extraordinary ability.

[3] The Petitioner included some of our non-precedent decisions for consideration, asserting we have, for example, remanded cases where SCOPS did not review evidence. However, these cases were adjudicated on separate facts, and we do not conclude that SCOPS did not review relevant evidence. Further, the decisions were not published as precedent and therefore do not bind USCIS officers in future adjudications. *See* 8 C.F.R. § 103.3(c).

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 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.