U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40778088

Date: JAN. 28, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner, a Ph.D. student, seeks second preference immigrant classification as an individual of exceptional ability, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

Service Center Operations (SCOPS) denied the petition, concluding the Petitioner had not established eligibility as an individual of exceptional ability and a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The matter is now before us on appeal. 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

To establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification, which in this case, is as an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act. Exceptional ability in the sciences, arts, or business means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business. 8 C.F.R. § 204.5(k)(2). In addition, the regulation at 8 C.F.R. § 204.5(k)(3)(ii) sets forth the specific evidentiary requirements for demonstrating eligibility as an individual of exceptional ability. A petitioner must submit documentation that satisfies at least three of the six categories of evidence listed at 8 C.F.R. § 204.5(k)(3)(ii). However, meeting the minimum requirements by providing at least three types of initial evidence does not, in itself, establish that the individual in fact meets the requirements for exceptional ability. *See* 6 *USCIS Policy Manual* F.5(B)(2), https://www.uscis.gov/policymanual. In the second part of the analysis, officers should evaluate the evidence together when considering the petition in its entirety for the final merits determination. *Id*. The officer must determine whether or not the petitioner, by a preponderance of

the evidence, has demonstrated a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business. *Id.*

II. ANALYSIS

As it relates to eligibility as an individual of exceptional ability, SCOPS found the Petitioner met three of the categories of evidence: official academic record at 8 C.F.R. § 204.5(k)(3)(ii)(A), membership in professional associations at 8 C.F.R. § 204.5(k)(3)(ii)(E), and recognition for achievements and significant contributions at 8 C.F.R. § 204.5(k)(3)(ii)(F). Because SCOPS determined the Petitioner fulfilled at least three criteria, it conducted a final merits determination, concluding the Petitioner did not possess a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

At the outset, we do not concur with SCOPS' assessment of the Petitioner's eligibility under 8 C.F.R. § 204.5(k)(3)(ii)(F), which requires "[e]vidence of recognition for achievements and significant contributions to the industry or field by peers, government entities, or professional or business organizations." Although the record contains documentation reflecting recognition of the Petitioner's achievements, the record does not show significant contributions. Therefore, the Petitioner did not demonstrate that she meets at least three of the six categories of evidence listed under 8 C.F.R. § 204.5(k)(3)(ii). Regardless, because SCOPS conducted a final merits determination, we will also evaluate the totality of the evidence, including the documentation relating to her achievements and significant contributions claim below.

The Petitioner received a bachelor of science in environmental earth systems science from [redacted] (Singapore) in 2019, and she is currently a Ph.D. student in earth and environmental science at the [redacted] In this case, the Petitioner did not demonstrate how a bachelor of science degree, as well as pursuit of a Ph.D., sets her apart from others to show a degree of expertise significantly above that ordinarily encountered in her field. She did not, for example, establish how her education compares to others who have already received their Ph.D or that her education distinguishes her from other students.

In addition, the Petitioner indicated memberships with American Geophysical Union (AGU) and Seismological Society of America (SSA). However, the Petitioner did not contextualize her memberships, such as comparing her memberships with AGU and SSA to others. Here, the Petitioner did not show how her two memberships represent a level of expertise significantly above others in her field. The Petitioner, for instance, did not demonstrate that memberships with AGU and SSA represents a level strikingly over others.

As it relates to her achievements and contributions, the Petitioner initially provided evidence reflecting that she published three journal articles and three meeting abstracts. However, the Petitioner did not demonstrate that her publication record demonstrates significant contributions or a degree of expertise significantly above that ordinarily encountered in the sciences. Moreover, the Petitioner did not show the significance of the number of her authorships or how her publication record compares to others.

Moreover, the Petitioner claimed that she "has been published in at least one highly-ranked journal, [redacted] which was ranked [redacted] in Geophysics by Google Scholar." However,

the Petitioner did not demonstrate how publishing in a "highly ranked" journal shows her significant contributions or indicates a level of expertise significantly above that ordinarily encountered in the sciences. Further, articles published in highly ranked journals or from reputable conference proceedings do not necessarily establish that the articles or research have been significant, nor are we persuaded that all articles appearing in highly esteemed journals are automatically considered to be significant. The issue for the regulation at 8 C.F.R. § 204.5(k)(3)(ii)(F) is not reputation of the journal or conference but whether the person has been recognized for achievements and significant contributions to the industry or field. Moreover, a publication that bears a high ranking or impact factor reflects the publication's overall citation rate; it does not show an author's influence or the impact of research on the field or that every article published in a highly ranked journal inevitably indicates a significant contribution. Here, the Petitioner did not establish that publication in a popular or highly ranked journal alone demonstrates a significant contribution or reflects a degree of expertise significantly above that ordinarily encountered in her science field.

Regarding her overall citation record, the Petitioner initially provided evidence from Google Scholar (GS) reflecting 27 citations, with her three journals articles receiving 13, 12, and 2 citations, respectively, and none of her conference abstracts receiving any citations. The Petitioner did not specify how many citations were self-citations by her or her coauthors. In response to the request for evidence, the Petitioner provided updated citation figures, claiming that "[redacted]" of her citations were independently cited. However, the Petitioner did not show how many of her revised citation figures occurred prior to the filing of the petition. *See* 8 C.F.R. § 103.2(b)(1).

Regardless, the Petitioner submitted data from Clarivate Analytics (CA) regarding baseline citation rates and percentiles by year of publication for geosciences. The Petitioner claimed her citations from articles published in 2021 ranked among the top [redacted]%. However, the Petitioner did not indicate whether she factored in any self-citations in determining these percentile rankings. Moreover, the documentation from CA states that "[c]itation frequency is highly skewed, with many infrequently cited papers and relatively few highly cited papers. Consequently, citation rates should not be interpreted as representing the central tendency of the distribution." Additionally, the Petitioner presented an article in [redacted] written by [redacted] and [redacted], entitled "[redacted]" This article presents recommendations for "how to evaluate individual researchers in the natural and life sciences" for purposes of funding and promotion or hiring decisions. The authors state that "publications which are among the 10% most cited publications in their subject area are as a rule called highly cited or excellent" and that "the top 10% based excellence indicator" should be given "the highest weight when comparing the scientific performance of single researchers." While the authors offer proposed methods for bibliometric analysis of research performance, the record does not indicate that their methods have been accepted and implemented by the academic community. Moreover, with regard to citation information from Google Scholar, the authors advise against "using Google Scholar (GS) as a basis for bibliometric analysis. Several studies have pointed out that GS has numerous deficiencies for research evaluation." Here, the Petitioner did not provide credible documentation establishing that her publication percentiles establish a significant contribution and a degree of expertise significantly above that ordinarily encountered.

Further, the Petitioner offered samples of articles that cited to her work. Although the samples indicates recognition of her original work by being cited by others in their own papers, the Petitioner did not establish that her articles were distinguished from the other articles cited or somehow set apart to indicate a significant contribution. Here, the Petitioner did not demonstrate that simply being cited by others shows a significant contribution or that she possesses a level of expertise significantly above others.

Likewise, the Petitioner offered two conference presentation invitations and an email request for additional information reported in one of her papers. Again, the evidence shows interest in her work and may indicate recognition of her achievements, but the Petitioner did not demonstrate that her work resulted in significant contributions and shows a degree of expertise significantly above that ordinarily encountered in her science field.

Finally, the record contains a few recommendation letters. However, the letters are not sufficiently persuasive. The letters generally highlight the Petitioner's work, state her original findings, and indicate publication in journals. Although the letters make broad claims as the impact or influence on the field, the letters do not contain specific information establishing how her research or work has significantly contributed to the field. While the letters show recognition of her achievements in the field, the lack of detailed content does not demonstrate her significant contributions, nor do they show that she possesses a level of expertise significantly above that ordinarily encountered.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's qualification for the regulation at 8 C.F.R. § 204.5(k)(3)(ii)(F), nor does it demonstrate that she possesses a degree of expertise significantly above others that ordinarily encountered in her science field.[1]

III. CONCLUSION

The Petitioner did not establish eligibility as an individual of exceptional ability. As such, we need not reach a decision on whether, as a matter of discretion, she is eligible for or otherwise merits a national interest waiver. Accordingly, we reserve this issue.[2] 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.

[1] *See also* 6 *USCIS Policy Manual*, *supra*, F.5(B)(2).

[2] *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).