U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39481198

Date: JAN. 28, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a Principal Scientist in the field of chemistry, 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 classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner had satisfied only two of the ten evidentiary criteria, of which she must meet three. 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

To establish eligibility as an alien of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that their achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that 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." A

petitioner can demonstrate that they meet the initial evidence requirements for this immigrant visa classification through evidence of a one-time achievement (that is, a major, internationally recognized award). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. §§ 204.5(h)(2),(3).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the individual possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *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

The Petitioner, with her petition, claimed that she satisfied five of the ten possible evidentiary criteria, relating to published material about her work in professional or major trade publications, participation as a judge of the work of others, original contributions of major significance, publication of scholarly articles, and commanding a high salary. We have reviewed all of the evidence in the record and conclude that it does not support a finding that the Petitioner has satisfied the requirements of at least three criteria.[1]

> *Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation.* 8 C.F.R. § 204.5(h)(3)(iii).

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires "[p]ublished material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought." These materials must include "the title, date, and author of the material, and any necessary translation." *Id.* The published material should be about the alien and their work, rather than the alien's employer and its work (or about an organization and its work). Professional or major trade publications may be identified by their intended audience, while other major media and major trade publications should have elevated circulation or readership relative to other media in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

Following a review of the evidence provided with her petition and in response to the request for evidence issued by SCOPS, we issued a notice of intent to dismiss (NOID) the Petitioner's appeal. In our NOID, we noted that the Petitioner provided copies of three articles, which she claimed discussed her work. The NOID discussed our concerns with the fact that the articles did not appear to include

[1] Although we do not mention every piece of evidence in the record, we have reviewed and considered each one.

authors, and that two of the English language translations, which the Petitioner contended were from two different outlets and authors, were identical.

In response to our NOID, the Petitioner asserts that her understanding of Russian law led her to believe that individual names included on the articles indicated that they were the authors of the articles as "an author can only be an individual or natural person, not an organization." Our NOID noted that she submitted a copy of an article from [redacted] and that a review of the Russian language version of the article indicated that the article was "posted"[2] by [redacted] and that the "author" was [redacted]. The Petitioner's own English language translation of the article indicated at the conclusion that the "source of information" for the article was [redacted]. Her statement included in the NOID response indicates that "[redacted] provided the original information and owned the scientific achievements, which the media representatives for these publications then adapted for presentation to the general public." Although she continues to maintain that "an institution is not a natural person under the law," she does not explain why the article from [redacted] states that its "author" was [redacted].

Regarding the English language translations from [redacted] and [redacted] being identical, the Petitioner states in response to the NOID that she "mistakenly uploaded the same translation for both" articles and that it was not intentional. She submits a new translation of the [redacted] article with her NOID response. This brief article discussed the results of a study from [redacted] and mentions that the Petitioner was a Senior Research Scientist at [redacted]. The article further indicates that it was "published" by [redacted], which the Petitioner translated to English as "written."[3] Finally, regarding the article from [redacted], the Petitioner does not provide any substantiating information to establish that the article included an author, and as such this article does not meet the basic requirements found at 8 C.F.R. § 204.5(h)(3)(iii).[4]

As stated in the U.S. Citizenship and Immigration Service (USCIS) Policy Manual, marketing materials are not generally considered to be published materials about the person. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual. In response to the NOID, the Petitioner provides a letter from a [redacted] representative which states that "the [redacted] Press Office prepared and disseminated press materials summarizing the key outcomes," which were then adapted and published by the outlets noted above. This statement, and the statement provided by the Petitioner, are insufficient to establish that the provided copies of articles do not constitute marketing materials, nor that the websites for these articles listing individuals as having "published" or "posted" the articles constitutes them as being author of the articles. For the above reasons, the Petitioner has not established that the submitted articles and printouts are published material about her, relating to her work in the field. As such, we conclude that she did not show that she meets this criterion.

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[2] In the Petitioner's English translation of the article, she translated a Russian term to say "written" when a direct translation of the term to English indicates a meaning of "posted" as noted above.

[3] The Petitioner does not provide any documentation to establish that in Russian media, terms such as "posted" and "published" are used interchangeably with terms that translate to English such as "author" or "written."

[4] The Petitioner presented a copy of this article, which included a photograph, underneath which was included "(c) [redacted]." A second copy of this article provided by the Petitioner moved this caption, as she maintained that [redacted] was the author of the article. Although we do not conclude that the Petitioner's editing of the copy of the article constitutes a willful misrepresentation of a material fact, the Petitioner does not establish that this attribution constitutes the author of the article and instead only states that she "presumed this attribution to indicate that he was the author of this particular article."

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).

The regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." A petitioner may show that their contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. *See Visinscaia*, 4 F. Supp. 3d at 134-35. Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner contends that she has made original contributions of major significance "to the field of targeted therapy, including but not limited to the development of a novel combination therapy for liver cancer treatment[.]" The Petitioner discusses how "her work related to the improvement of RNA-based therapeutic treatments methodology has been cited 669 times by peers," and her overall citation record, which she asserts establishes her work's major significance. The Petitioner points to her articles in *Light: Science & Applications*, *Nucleic Acids Research*, *Analytical Chemistry*, *Colloids and Surfaces B: Biointerfaces*, *FEBS Journal*, and *Cells*, among others. However, the Petitioner has not established that the publication of articles in highly ranked or popular journals inevitably demonstrates that the field considers the research and work to be an original contribution of major significance. 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 their research on the field or that every article published in a highly ranked journal automatically indicates a contribution of major significance. *See Venkatnarayan v. Jaddou*, No. 1:23CV256, 2024 WL 4008312, at *7 (M.D.N.C. Aug. 30, 2024), *report and recommendation adopted sub nom. Venkatnarayan v. Jaddou Dir. of United States Citizenship & Immigr. Servs.*, No. 1:23-CV-256, 2024 WL 4267307 (M.D.N.C. Sept. 23, 2024) (upholding journal rankings did not show an author's influence or impact). Here, the Petitioner has not established that publication in a popular or highly ranked journal alone demonstrates a contribution of major significance in the field. *See Kazarian v. U.S. Citizenship & Immigr. Servs.*, 580 F.3d 1030 (9th Cir. 2009), aff'd in part, 596 F.3d 1115 (9th Cir. 2010) (finding publications and presentations alone are not sufficient to demonstrate major significance).

In addition, the Petitioner included "detailed descriptions of three of [her] key projects . . . as evidence of her contributions to and expertise in the field of targeted therapy." She asserts that her work on "the development of and validation of novel biomarkers and therapeutic targets in cancer has resulted in 3 peer-reviewed papers" which received 81, 15, and 4 citations, respectively. She claims that the results of publishing these papers serves "as a testament to the value of her research" and provides a

list of other published papers that cited to her work. Similarly, the Petitioner contends that her work on "[redacted]," resulted in another three peer-reviewed papers, which received 51, 28, and 7 citations respectively, and also provides other published papers that cited her work on this project. Another study for "[redacted]" resulted in an additional three peer-reviewed papers which received 20, 4, and 0 citations respectively, and also provided publications citing to her work.

On appeal, the Petitioner contends that the SCOPS decision failed to acknowledge the Essential Science Indicators statistics which demonstrated that six "of her published articles have received enough citations to rank among the top 10% of the most cited papers in Biology & Biochemistry in their respective years of publication. The record contains data from InCites Essential Indicators regarding baseline citation rates and percentiles by year of publication for various research fields, including biology and biochemistry. However, the documentation reflects that "[c]itation frequency is highly skewed, with many infrequently cited papers and relatively few highly cited papers," and "[c]onsequently, citation rates should not be interpreted as representing the central tendency of the distribution." Thus, the Petitioner did not establish the reliability of the figures.

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 that field may be probative of the significance of the person's contributions in the field of endeavor.[5] However, the comparative ranking to baseline or average citation rates does not automatically establish majorly significant contributions in the field.[6] Again, the issue for this criterion is whether the Petitioner has made original contributions of major significance in the field rather than where her citation rates rank among the averages of others in his field. A more appropriate analysis, for example, would be to compare the Petitioner's citations to other similarly, highly cited articles that the field views as having been of major significance, as well as factoring in other corroborating evidence. The Petitioner has not demonstrated, as she asserts, using InCites Essential Science Indicators methodology through citation numbers and percentiles, that she made original contributions of major significance in the field.

In addition, the Petitioner contends that her published articles reflect "an impressive 669 citations to her body of work." The burden is on the Petitioner to identify her original contributions and explain why they are of major significance. The Petitioner did not demonstrate how her cumulative number of citations represents contributions of major significance in the field. Moreover, aggregate citation figures tend to reflect a petitioner's overall publication record rather than identifying which research the field considers to be majorly significant. Citation frequency, which may include self-citations, is quantitative in nature and does not reveal the reasons for the citations, which involve a qualitative analysis.

The record reflects that the Petitioner initially submitted evidence from Google Scholar reflecting that her three highest cited articles received 89 ([redacted]), 81 ([redacted]), and 57 ([redacted]

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

[6] The Petitioner has not demonstrated that papers with such citation counts have necessarily had a major, significant impact or influence in the field as evidenced by being among the top 10% of most highly cited articles according to year of publication.

[redacted]) citations, respectively.[7] Generally, citations can serve as an indication that the field has taken interest in a petitioner's research or written work. However, the Petitioner has not sufficiently shown that the citations for any of her published articles are commensurate with contributions of major significance. Nor has she demonstrated the significance or relevance of the citations to her articles. *See Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *5 (N.D. Tex. Oct. 19, 2023) (finding the record contained little evidence that contextualized the number of citations the petitioner's work had received). For example, she did not demonstrate that these citations are unusually high in her field or how they compare to other articles that the field views as having been majorly significant. Although her citations are indicative that her research has received some attention from the field, the Petitioner did not establish that her citation numbers for her individual articles represent majorly significant contributions in the field.

The Petitioner claims that she presented testimonials attesting to her majorly significant contributions. In general, the letters recount the Petitioner's research and findings, indicate their publications in journals, and point to the citations of her work by others. Although they reflect the novelty of her work, they do not sufficiently articulate how her research and findings have been considered of such importance and how their impact on the field rises to the level of major significance required by this criterion. For example, [redacted], the Head of [redacted] at [redacted] stated that the Petitioner is a "remarkable biotechnology researcher who has innovatively enhanced the stability and delivery efficiency of RNA therapeutics by introducing new chemical modifications." Although the letter discusses the Petitioner's research, there is no discussion of how the research has impacted the field. The letter from [redacted], from [redacted], noted the various institutions where the Petitioner has conducted her research and stated that the Petitioner's research is multifaceted and is "central to modern cutting-edge medicine," but similarly does not provide details regarding how her research has impacted the field. An independent advisory opinion from [redacted] at the [redacted] referred to the Petitioner's "impressive projects" and further discussed her research. [redacted] further stated that the Petitioner's "identification of novel biomarkers and therapeutic targets for cancer represents a major contribution to the field of Targeted therapy," but did not expound on this statement specifically to explain how the Petitioner's research has impacted the field. The independent advisory opinion from [redacted], Professor in Chemistry at [redacted], similarly discussed some familiarity with the Petitioner's research and provided an example of a further study that referenced the Petitioner's work and stated that "given the scarcity of studies in this area her research was crucial." However, the fact that the Petitioner's research has been cited in additional studies and one individual calls one of her studies "crucial," without further expanding on why. is insufficient to establish that she has met this criterion.

Detailed letters from experts in the field explaining the nature and significance of the person's contribution may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.[8] Here, the Petitioner's letters do not contain specific, detailed information explaining the unusual influence or high impact her research or work has had on the overall field to establish that

[7] The Petitioner did not specify how many citations, if any, for each of her individual articles contained self-citations.
[8] *See generally* 6 *USCIS Policy Manual*, supra, at F.2(B)(1).

it has been of major significance. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *8 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's testimonial letter mostly consisted of conclusory statements about the significance of his work and his potential).

Finally, the Petitioner provided evidence reflecting that her research has been funded by the Russian Research Fund. Again, the Petitioner did not submit needed context regarding the relevance of this funding. For instance, the Petitioner did not establish that these funding sources are exclusive, limit funding to those with distinguished reputations in the field, or otherwise reflect national or international acclaim and place her among the small percentage at the very top of her field. *See Donskoy v. United States Citizenship & Immigr. Servs.*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *6 (N.D. Cal. Nov. 11, 2021) (finding the Petitioner did not establish that he garnered sustained national or international acclaim for his contributions and his achievements have been recognized).

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown that she has made original contributions of major significance in the field.

> *Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.* 8 C.F.R. § 204.5(h)(3)(ix).

The regulation at 8 C.F.R. § 204.5(h)(3)(ix) calls for "evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field." A credible employment contract or job offer may establish that an alien "has commanded" such salary or remuneration, as may evidence of past earnings such as tax returns and pay statements. Comparative wage or remuneration data that is appropriate for the alien's occupation and location should be submitted to establish that their compensation is high relative to others working in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner argues her eligibility for this criterion based on her salary as a Principal Scientist. As evidence, she initially submitted an employment offer letter, pay stubs, and a copy of the Occupational Employment and Wage Statistics from May 2023 for Medical Scientists, Except Epidemiologists, SOC 19-1042, as reported by the United States Bureau of Labor Statistics (BLS). In response to SCOPS' RFE, the Petitioner provided a copy of her 2024 Form W-2, Wage and Tax Statement, and the Occupational Employment and Wage Statistics for Life Scientists, All Other, from May 2023, as reported by the BLS.[9]

However, the Petitioner did not provide the proper comparable salary information for her particular occupation. The Petitioner asserts on appeal that the occupation listed on her Form I-140, Immigrant Petition for Alien Workers, indicated an occupation code of SOC 19-1099, which relates to the BLS report noted above for Life Scientists, All Other. The report from BLS does not include a position description under SOC 19-1099, and only states, "[a]ll life scientists not listed separately." Further, the Petitioner's position as a Principal Scientist suggests a higher job classification than a general "life scientist."

[9] With her appeal, the Petitioner also provided the updated BLS report from May 2024 for SOC 19-1099.

Both precedent and case law support this application of 8 C.F.R. § 204.5(h)(3)(ix). *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. Dep't. 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). Thus, in order to meet this criterion, the Petitioner must show that she received a high salary in relation to others in the field rather than to lower job classifications and pay. Because she did not provide sufficient evidence demonstrating the salaries of other principal scientists, the Petitioner did not establish that she commands a high salary in relation to others in her field.

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

III. CONCLUSION

Although the Petitioner established that she satisfied the criteria relating to judging the work of others and scholarly articles, she did not demonstrate that she satisfies the criteria relating to published materials about her work, original contributions, or remuneration. Accordingly, we need not 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 that it does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not shown that the significance of her 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. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, or that she 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 and 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an individual 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. In visa petition proceedings, the petitioner bears the burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. 799, 806 (AAO 2012). Here, that burden has not been met.

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.