U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40778046

Date: JAN. 30, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an engineer in the sustainable energy field, 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. SCOPS concluded that the Petitioner met two initial evidentiary requirements – one less than needed for a final merits determination. On appeal, he contends that he satisfied two other evidentiary criteria and demonstrated sufficient acclaim and recognition to establish his claimed extraordinary ability in his field.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we agree with SCOPS that he did not meet the minimum number of evidentiary criteria to qualify for the requested immigrant visa category. We will therefore dismiss the appeal.

I. LAW

To qualify for this immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability" in the sciences, arts, education, business, or athletics;
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the country as a permanent resident.

Section 203(b)(1)(A)(i-iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

Unless a petitioner received "a major, international recognized award," they must satisfy at least three of ten alternative evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[1] If a petitioner meets either evidentiary standard and the requirements at sections 203(b)(1)(A)(ii), (iii) of the Act, U.S. Citizenship and Immigration Services (USCIS) then makes a final merits determination. To merit final approval, the record – as a whole – must establish a petitioner's "sustained national or international acclaim" and recognized achievements placing them among the small percentage at their field's very top. *See Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step review process to be "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner

The record shows that an Indian university awarded the Petitioner a bachelor of engineering degree in mechatronics, a field that integrates mechanical engineering, electronics, computer science, and control systems to create smart products and automated systems. He continued his studies in the United States, earning a master of science degree in energy systems. While in school, he designed a portable thermoelectric heating and cooling fan for refugee camps and low-income communities, and a modular waste-to-energy microgrid generator for disaster-prone areas. Since August 2019, he has worked in this country as an energy engineer for an energy consulting company.

If allowed to remain in the United States, the Petitioner states that he seeks to establish a "public-interest technology enterprise focused on energy access, disaster resilience, and equity-driven climate innovation." He states that his enterprise would: commercialize thermoelectric and waste-to-energy systems; support government grant programs; collaborate with state energy offices; develop educational pipelines; and contribute to national resilience, clean infrastructure, and equity design priorities. He states that "[h]is continued presence in the United States will result in significant and demonstrable national benefits and will contribute directly to federal climate and equity goals, accelerate commercialization of public-interest technology, and support resilience infrastructure serving at-risk populations."

B. The Initial Evidentiary Criteria

The record does not indicate – nor does the Petitioner claim – his receipt of a major internationally recognized award. He therefore must meet at least three of the ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i-x).

SCOPS' found that the Petitioner submitted evidence of:

- Published materials about himself and his work; and
- His original contributions of major significance to the field.

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

See 8 C.F.R. § 204.5(h)(3)(iii), (v).

On appeal, the Petitioner claims that he also provided evidence of his:

- Receipt of nationally or internationally recognized awards for excellence in his field; and
- Authorship of scholarly articles in the field.

See 8 C.F.R. § 204.5(h)(3)(i), (vi).

To satisfy an evidentiary criterion, the Petitioner must objectively meet the parameters of an applicable regulatory description. *See generally* 6 *USCIS Policy Manual* F.2(B). "[N]either USCIS nor [the] AAO [Administrative Appeals Office] may unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5." *Kazarian v. USCIS*, 596 F.3d 1115, 1121 (9th Cir. 2010).

We will first review SCOPS' favorable evidentiary findings.

1. Published Material

This evidentiary criterion 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." 8 C.F.R. § 204.5(h)(3)(iii). "Such evidence shall include the title, date, and author of the material, and any necessary translation."

When adjudicating this evidentiary requirement, USCIS first determines whether the published material relates to a petitioner and their specific work in their field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 3. The Agency next considers whether a publication qualifies as a professional publication, major trade publication, or major media publication. *Id.* Relevant factors for professional and trade publications include their intended audiences. *Id.* For major trade publications and other major media, relevant factors include their relative circulations, readerships, or viewership. *Id.*

The Petitioner submitted copies of publications about his selection as one of five students from among thousands of worldwide applicants to present their inventions onstage at a 2018 meeting addressing global problems. He and his team developed the thermoelectric heating and cooling fan for refugee camps and low-income communities. He submitted copies of articles about his selection in publications of the U.S. university that issued his master's degree. The articles include photographs of him and others on stage with a former U.S. president who founded the organization that holds the annual meetings. The record also contains copies of the organization's 2019 e-mail message to its subscribers, which contains similar photos.

Despite describing the Petitioner as part of a team, the published materials sufficiently relate to him and his work in his field.

> [O]fficers may consider material that focuses solely or primarily on work or research being undertaken by a team of which the person is a member, provided that the material

> mentions the person in connection with the work or other evidence in the record documents the person's significant role in the work or research.

6 *USCIS Policy Manual* F.2(B)(1), Criterion 3. The published materials mention the Petitioner and describe him as the team's leader. Also, a copy of a 2020 Indian patent certificate identifies him as the thermoelectric fan's inventor. Thus, the materials satisfy the first part of this criterion's evaluation.

The Petitioner, however, has not demonstrated that the submitted published materials qualify as professional or major trade publications or other major media. A letter from a former deputy director of the organization that honored the Petitioner's thermoelectric fan states that "the selected participants were announced during the plenary session [before an audience of about 2,000 people], promoted in official [organization] media channels, and featured on websites and publications viewed by global audiences." But the Petitioner did not submit evidence that the publications' intended audiences were professionals or others in his field or of the publications' relative circulations, readerships, or viewership. *See Kumar v. Dir. of USCIS*, No. CV RDB-23-2251, 2024 WL 1374794, at *5 (D. Md. Apr. 1, 2024) (ruling that, because a senior data analyst did not "submit sufficient evidence to establish that the material qualified as professional or major trade publications or other major media", he did not meet this evidentiary requirement). The Petitioner therefore did not document his materials' appearance in professional or major trade publications or other major media.

The Petitioner did not establish his submission of published material about himself and his work in professional or major trade publications or other major media. We will therefore withdraw SCOPS' contrary finding.

2. Original Contributions of Major Significance

The record supports SCOPS' finding that the Petitioner submitted evidence of original contributions of major significance in his field. *See* 8 C.F.R. § 204.5(h)(3)(v). We will therefore proceed to review SCOPS' findings regarding the additional evidentiary criteria that the Petitioner claims to have met.

3. Nationally or Internationally Recognized Awards for Excellence

To meet this evidentiary requirement, a petitioner must submit "[d]ocumentation of the[ir] receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 204.5(h)(3)(i).

USCIS first determines if a petitioner – as opposed to their employer, for example – received prizes or awards. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 1. If so, USCIS next considers whether an award is nationally or internationally recognized and given for excellence in the appropriate field. *Id.*

The Petitioner submitted evidence that, at a U.S. student innovation exposition, he won an "outstanding research" award regarding his waste-to-energy generator. Based on that research, he was selected to participate in a U.S. National Science Foundation (NSF) program that matched student inventors with mentors to help the students' develop their ideas. During the program, the Petitioner further developed his waste-to-energy system, and, at the program's end, the NSF chose his project to

receive protype funding. He also submitted evidence of his selection to present the thermoelectric fan invention on stage and that, based on his waste-to-energy generator, he placed within the top 50 in an international entrepreneurship competition.

As SCOPS found, however, the Petitioner did not sufficiently demonstrate that these honors received national or international recognition. He submitted evidence that the U.S. university where he studied published articles about his awards. But the record does not establish that the university publications have sufficient audiences to reflect national or international recognition. He also provided evidence that the organization that honored his thermoelectric fan publicized his award on the organization's social media and in email messages to its subscribers. But these materials are insufficient to show that people nationally or internationally beyond the awarding organization learned of the Petitioner's honor. *See Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013) ("Without evidence of how a larger audience viewed Plaintiff's awards, there was no way for the agency to evaluate whether those awards were recognized widely enough to satisfy this criterion.")

On appeal, the Petitioner argues that SCOPS improperly required national or international media articles about his awards. He contends that, under USCIS policy, "awards conferred by national or international institutions ... are inherently nationally or internationally recognized. Media coverage is not required under the regulation."

We agree with the Petitioner that, to show an award's national or international recognition, he need not necessarily have provided examples of media coverage. Also, we agree that the NSF and the organization that honored his thermoelectric fan are nationally or internationally recognized institutions. "But, as reflected in the regulation's plain text, the focus is on the *award,* not the awarding organization." *Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) (emphasis in original). Thus, the Petitioner had to show that his specific awards – not the organizations that issued them – garnered national or international recognition. He submitted insufficient evidence to show that the awards received such recognition beyond their awarding organizations.

The Petitioner also argues that, because SCOPS credited his published materials as meeting 8 C.F.R. § 204.5(h)(3)(iii), SCOPS must also accept the same evidence to meet this awards criterion at 8 C.F.R. § 204.5(h)(3)(i). He stated: "USCIS accepted national/international media coverage of these awards but then declined to credit them as national/international media coverage of those awards under the Awards criterion. This is logically inconsistent and contrary to law."

As previously discussed, however, SCOPS erred in its decision on the published materials under 8 C.F.R. § 204.5(h)(3)(iii). Thus, the premise of the Petitioner's argument is no longer true.

The Petitioner did not submit evidence of his receipt of nationally or internationally recognized awards for excellence in his field. We will therefore affirm SCOPS' finding regarding this evidentiary criterion.

4. Authorship of scholarly articles

This evidentiary criterion requires "[e]vidence 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).

> [A] scholarly article reports on original research, experimentation, or philosophical discourse. It is written by a researcher or expert in the field who is often affiliated with a college, university, or research institution. Scholarly articles are also generally peer reviewed by other experts in the field of specialization.

6 *USCIS Policy Manual* F.2(B)(1), Criterion 6.

The Petitioner's evidence included documentation indicating that he first-authored a 2015 scholarly article on thermoelectric configurations in an international journal on energy and statistics. In response to SCOPS' request for additional evidence, he submitted printouts of additional online information about the journal and his publication record.

SCOPS questioned the journal's reputation, stating that "some sources classify[] it as a predatory journal with a lack of clear information on the journal's review process and its adherence to standard academic publishing practices." SCOPS concluded:

> Given the concerns surrounding the [journal]'s reputation and considering that the petitioner's record contains only one authorship record tied to this journal, USCIS is unable to accept this article as evidence of the petitioner's evidence of alien's authorship of scholarly articles in professional or major trade publications or other major media.

SCOPS did not identify its sources. Our online search indicated that the journal stopped publishing in 2017. But we found no evidence disparaging its reputation or academic review practices. Thus, a preponderance of the evidence indicates that a scholarly journal in the Petitioner's field published his article using a peer-review process. We therefore find that he met this evidentiary criterion. *See* 6 *USCIS Policy Manual* F.2(B) ("[A]lthough some of the regulatory language relating to evidence occasionally uses plurals, it is entirely possible that the presentation of a single piece of evidence in a specific evidentiary category may be sufficient.")

The Petitioner submitted evidence that he authored scholarly articles in his field in professional publications. We will therefore withdraw SCOPS' contrary finding.

C. The Final Merits Determination

The Petitioner has met two initial evidentiary criteria. Because he did not meet a requisite third, we, like SCOPS, need not conduct a final merits determination. But, even if he qualified for a final merits determination, he would not have demonstrated his claimed extraordinary ability in his field.

To merit final approval as an alien with extraordinary ability, a petitioner must demonstrate – through evidence of sustained national or international acclaim and recognition of their achievements in their field – that they are one of the small percentage who has risen to their field's very top. 6 *USCIS Policy Manual* F.2(B)(2). They "must explain the significance of the submitted evidence, and how it demonstrates that [they have] achieved sustained national or international acclaim and recognition in their field of expertise." *Id.* USCIS must review all evidence in the totality and consider "any

potentially relevant evidence in the record, even if such evidence does not fit one of the … regulatory criteria or was not presented as comparable evidence." *Id.*

The Petitioner's strongest evidence of his claimed extraordinary ability in his field are his inventions. The U.S. entrepreneurship professor who ran the NSF program in which the Petitioner developed the waste-to-energy generator stated that this invention "can be a game-changer." A mentor in the program stated that "[t]he potential of his work was not just theoretical – it carried profound humanitarian and environmental implications." Also, United Nations agencies and government organizations expressed interest in the generator and the thermoelectric fan he developed.

Nevertheless, the Petitioner's evidence as a whole would not have placed him among the small percentage at his field's very top. While he submitted several recommendation letters on his behalf, most of them are from people who personally know him, such as former teachers, co-workers, and mentors in the NSF program. "It is generally expected that one whose accomplishments have garnered sustained national or international acclaim would have received recognition for their accomplishments well beyond the circle of their personal and professional acquaintances." 6 *USCIS Policy Manual* F.2(B)(3). In general, the evidence identifies the Petitioner as a rising star in his field but would fall short of placing him among the small percentage who are already at the field's very top.

Congress intended to set "a very high standard" for aliens of extraordinary ability. Proposed Rule for Employment-Based Immigrants, 56 Fed. Reg. 30703, 30704 (July 5, 1991). The legislature indicated that this immigrant visa category was meant "for that small percentage of aliens who have risen to the very top of their field of endeavor." *Id.* Considering the evidence as a whole, the Petitioner would not have established his claimed place among the small percentage at his field's very top. *See Amin*, 24 F.4th at 386 ("[G]iven the lofty bar for extraordinary ability classifications, we cannot say that the agency acted arbitrarily when it determined that [a petitioner] was not 'extraordinary' but merely very good."); *Matter of Price*, 20 I&N Dec. at 954 (holding that even athletes performing in their sports' premier leagues do not automatically meet the extraordinary ability standards).

III. CONCLUSION

The Petitioner did not meet the required number of alternative evidentiary criteria. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The file 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.