U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43202821

Date: JULY 1, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a research-based biopharmaceutical company, seeks to classify the Beneficiary 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.

USCIS denied the petition, concluding that although the Petitioner demonstrated that the Beneficiary meets at least three of the initial evidentiary criteria for this classification, it did not establish that the Beneficiary has achieved sustained national or international acclaim and is among those individuals in the small percentage at the very top of her field. 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 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. The alien must seek to enter the United States to continue work in the area of extraordinary ability and the evidence must show that the alien's entry into the United States will substantially benefit 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). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate international recognition of a beneficiary's achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Alternatively, the petitioner can submit

evidence that the alien beneficiary meets at least three of the ten criteria 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. If those standards do not readily apply to the alien's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once the initial evidence requirements have been met, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the alien is among the small percentage at the very top of their 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 Amin v. Mayorkas*, 24 F.4th 383 (5th Cir. 2022); *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 claimed or established the Beneficiary's receipt of a major internationally recognized award, the Petitioner must demonstrate that the Beneficiary satisfies at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner previously claimed that the Beneficiary could meet up to six of these ten criteria. USCIS determined that the Beneficiary met three criteria through documentation showing that she had judged the work of others in her field, made original contributions of major significance, and authored scholarly articles in professional publications. *See* 8 C.F.R. § 204.5(h)(3)(iv), (v), and (vi).

Having concluded that the Beneficiary met this first evidentiary threshold, USCIS proceeded to a final merits determination, where they concluded that the Petitioner had not demonstrated, by a preponderance of the evidence, that the Beneficiary had garnered sustained national or international acclaim and that her achievements have been recognized in the field of endeavor, demonstrating that she is one of that small percentage who has risen to the very top of the field.

On appeal, the Petitioner contends that the Beneficiary satisfies additional criteria and that the evidence in the aggregate establishes her eligibility as an individual of extraordinary ability. We need not determine whether the Beneficiary satisfies additional evidentiary criteria because the appeal hinges on the final merits determination.[1] Therefore, we will evaluate the totality of the evidence based on the documentation presented to USCIS in the context of the final merits determination below.

We further note that on appeal, the Petitioner cites *Golan v. Allan,* 22-10202 (E.D. Mich. July 31, 2023), a district court decision that pertains to a case where USCIS determined that the petitioner did not meet the requirements of the original contributions criterion. To the extent that the cited decision focuses on a petitioner's ability to meet the elements of a specific criterion, the Petitioner's reliance on that decision is placed as meeting the elements of a specific criterion is substantially different from

[1] *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).

the Petitioner's burden in the matter at hand, where the Petitioner must demonstrate that the Beneficiary, having met the elements of the original contributions criterion, has sustained national or international acclaim and is among that small percentage who has risen to the very top of her field.

B. Final Merits Determination

Given the structure of the regulations and the two-step analysis described in *Kazarian*, the satisfaction of at least three evidentiary criteria alone does not automatically or presumptively establish eligibility. In a final merits determination, we evaluate whether a petitioner has demonstrated, by a preponderance of the evidence, their beneficiary's sustained national or international acclaim,[2] that the beneficiary is among the small percentage at the very top of their field of endeavor, and that the beneficiary's achievements have been recognized in the field through extensive documentation. Therefore, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate extraordinary ability. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[3] In this matter, we conclude that the Petitioner has not shown the Beneficiary's eligibility.

The Beneficiary completed her undergraduate education in India and then earned a graduate degree in biostatistics and a Ph.D. in clinical pharmaceutical sciences at the [redacted] Since receiving her Ph.D., the Beneficiary has worked as a clinical pharmacologist specializing in the field of pharmacokinetics and pharmacodynamics and is currently working for the Petitioner "in the clinical development of multiple autoimmune therapies." The Petitioner asserts that the Beneficiary "has established herself as a leading expert in clinical pharmacology" and has "directly contribut[ed] to the approval and expansion of [it]'s immunology portfolio for the treatment of various immune-mediated diseases." The Petitioner stresses the value of the Beneficiary's work and abilities, stating that she "has had a direct impact on drug development and regulatory decision-making."

As discussed further below, the Beneficiary has judged the work of others in her field through the peer review process, has made contributions of major significance, and has authored scholarly articles in professional publications. The Petitioner also provided an article about some of its proprietary pharmaceutical products and documented the Beneficiary's salary, as well as the research roles she held during her graduate studies and within the Petitioner's organization. However, in considering the totality of the evidence, the Petitioner has not demonstrated that the Beneficiary's achievements reflect a "career of acclaimed work in the field" as contemplated by Congress at H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). Nor has the Petitioner shown that the Beneficiary has risen to that small percentage at the very top of her field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). The commentary for the regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required for lesser classifications." 56 Fed. Reg. 30703, 30704. Here the Petitioner has not established that the Beneficiary meets these

[2] *See generally* 6 *USCIS Policy Manual* F.2(A)(1), https://www.uscis.gov/policy-manual (stating that the definition of "sustain" is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time").

[3] *See id.* at F.2(B)(2) (stating that USCIS officers should evaluate the evidence together when considering the petition in its entirety to determine if a petitioner has established by a preponderance of the evidence, the required high level of expertise required for this immigrant classification).

very high standards. *See Amin v. Mayorkas*, 24 F.4th at 386-87 (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

Regarding the Beneficiary's service as a judge of the work of others in her field, an evaluation of the significance of that experience is appropriate to determine if such evidence is indicative of the extraordinary ability required for this highly restrictive classification. *See Kazarian*, 596 F. 3d at 1121-22.[4] Participation in the peer review process does not automatically demonstrate that an individual has sustained national or international acclaim indicative of extraordinary ability.

The Petitioner initially provided an account of the Beneficiary's peer review service, noting that she reviewed abstracts of pharmaceutical research scientists as a member of the American Society for Clinical Pharmacology and Therapeutics' screening committee and conducted manuscript reviews for about a dozen professional publications, including *Clinical Therapeutics*, *Clinical Pharmacology & Therapeutics*, *Clinical and Translational Science,* and the *British Journal of Clinical Pharmacology.* The Petitioner pointed out that these publications are widely recognized in the field and have high impact factors as well as "broad international readership." The Petitioner also provided letters of recommendation from experts in the field who are familiar with the Beneficiary and her work as a peer reviewer. USCIS determined, however, that the Petitioner did not establish how the Beneficiary's judging experience distinguishes her from others in her field or contributes to a determination that she is at the very top of the field.

On appeal,[5] the Petitioner points to USCIS's favorable determination regarding the three criteria listed above, asserting that USCIS's findings "demonstrate that [the Beneficiary] has produced substantial, objectively verifiable evidence of achievement" as well as an acknowledgement of the Beneficiary's "acclaim and impact."

We find that the Petitioner has placed undue emphasis on the Beneficiary's ability to meet the elements of the three noted criteria as evidence of eligibility. Despite acknowledging that *Mukherji v. Miller*, No. 4:24-CV-3170 (D. Neb. Jan. 28, 2026), a district court case, is not binding in this matter,[6] the Petitioner nevertheless relies on arguments made in that case to undermine the well-established two-step final merits determination framework, which goes beyond the elements of a specific criterion and seeks to determine whether the record shows the Beneficiary's sustained national or international acclaim and demonstrates that she is among the small percentage at the very top of her field of

[4] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (providing that the second step requires USCIS to evaluate the person's performance as a judge to determine whether it was indicative of the person being of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

[5] The Petitioner cites *Scripps College v. Jaddou*, 4:23CV3075(D. Neb. Dec. 12, 2023), which pertains to a petitioner seeking the outstanding professor or researcher classification on behalf of a beneficiary. Like in the instant matter, USCIS relied on the two-step *Kazarian* analysis in denying the petition in the district court case. However, the district court's ruling in favor of the petitioner was primarily based on "unexplained internal findings in the USCIS decision and the imposition of novel evidentiary requirements." The Petitioner has not established that the facts in the cited district court decision are analogous to those in the matter at hand. Nor does the cited case have the weight of a precedent decision. *See Suchite-Salguero v. Att'y Gen. United States*, 147 F.4th 355, 359-60 (3d Cir. 2025) ("[W]e have cautioned over and over again that non-precedential opinions carry little to no weight for future cases."); *Wang v. Holder*, 569 F.3d 531, 538 n.5 (5th Cir. 2009); *cf. Matter of K-S-*, 20 I&N Dec. at 719 (considering the reasoning of district court decisions).

[6] *See id.*

endeavor.[7] *See id.* at 1115. However, the Petitioner does not adequately discuss the Beneficiary's judging experience within the proper scope of a final merits determination and thus does not explain how her proficiency in the peer review process sets her apart from others in her field. For instance, the Petitioner did not establish that the Beneficiary garnered wide attention from the field based on her work reviewing abstracts and journal manuscripts. And despite underscoring the journals' noteworthiness and high impact factors, the Petitioner has not established that the Beneficiary's peer-review experience represents her status as being among the very top of her field. Nor are we persuaded that those who conduct reviews for more prestigious publications automatically reflect sustained national or international acclaim.

In general, an evaluation of the significance of the Beneficiary's judging experience is appropriate to determine if such evidence is indicative of the extraordinary ability required for this highly restrictive classification.[8] Although the Beneficiary's service is important, the record lacks sufficient evidence that distinguishes her judging experience from that of most others in the field such it is indicative of being one of that is among that small percentage who have risen to the very top of the field of endeavor and enjoys sustained national or international acclaim. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). And while we do not doubt that the journals that invited the Beneficiary to perform reviews seek to rely on subject matter experts for this purpose, possessing expertise in a field is a lower threshold than enjoying sustained acclaim in the field.

In sum, the record shows that the Beneficiary has reviewed manuscripts for multiple journals, but it does not show how performance of these peer review activities elevates her above most others in her field. Similarly, the record does not show that peer review of the type performed by the Petitioner is an opportunity reserved for the most accomplished and recognized researchers, rather than a service expected of active members of the research community. Finally, the evidence in the record does not demonstrate that the Beneficiary has received any independent acclaim or recognition for her service as a peer reviewer. Without this or other evidence differentiating her from others in her field, the Petitioner has not established how her peer review experience contributes to establishing her national or international acclaim or placing her among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2); *see also Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the relevance of USCIS' consideration of whether the petitioner documented judging activities that sets him apart from others in her field, such as evidence of a consistent history of completing a substantial number of review requests relative to others, serving in editorial positions for distinguished journals or publications, or chairing technical committees for reputable conferences).

[7] The Petitioner also relies on the decision in *Mukherji* as a means of challenging "the denial's insistence that acclaim must be 'maintained,'" arguing that this "effectively imposes a de facto requirement of 'continuous' or 'perpetual' acclaim." However, per our discussion below, the Petitioner has not established that the Beneficiary has garnered the requisite level of sustained acclaim and therefore the issue of the acclaim's continuity need not be addressed.

[8] *See Kazarian v. USCIS*, 596 F.3d at 1121-22; *see generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (stating that an individual's participation should be evaluated to determine whether it was indicative of being one of that small percentage who have risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

Likewise, authorship and publication do not automatically place one at the top of the field.[9] The Petitioner claims that the Beneficiary's publication record supports her extraordinary ability claim. The Petitioner highlighted the Beneficiary's Google Scholar profile, which shows that she co-authored over three dozen articles between 2016 and 2025, and noted that her articles have been published "in a range of high-impact, peer-reviewed journals that are widely recognized" in her field as "leading professional publications." In response to a request for evidence (RFE), the Petitioner pointed out that the Beneficiary's record expanded to include more publications and citations, asserting that these post-filing achievements demonstrate her sustained acclaim and recognition of her work in the field.

Depending on a journal's level of recognition, as demonstrated by evidence in the record, there may be an elevated level of prestige or acclaim associated with a publication in a particularly highly ranked journal.[10] However, publications in a journal with a high impact factor alone does not demonstrate that an individual has achieved wide recognition consistent with national or international acclaim. Here, the Petitioner did not show the significance of the number of the Beneficiary's authorships or explain how her publication record sets her apart from others who are viewed to be at the very top of the field.[11] For instance, the Petitioner did not specify the Beneficiary's contributions coauthoring the publications or establish the number of self-citations by her or her coauthors.[12] That said, we acknowledge the Petitioner's submission of citation ratios for several of the Beneficiary's articles as listed in *Dimensions*, "a free insights platform that brings together information about funding, scholarly outputs, policy, patents and grants." The *Dimensions* citation analysis states that one of the Beneficiary's articles was cited 44 times and is "extremely highly cited" compared to other publications in the same field, while another article was cited 24 times and was deemed "highly cited" receiving "more citations than average."

Regardless, citation frequency, which is quantitative in nature, does not reveal the reasons for the citations, which involve a qualitative analysis. In other words, a high citation number might show that others in the field have noticed the Beneficiary's work, but it does not confirm that she has sustained national or international acclaim or that she is among that small percentage at the very top of the field of her endeavor. *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(2). Because the record does not contain examples of articles that cite to the Beneficiary's work, we cannot conduct a qualitative analysis to determine whether others have highlighted or commented upon her research in a way that demonstrates sustained national or international acclaim in the field.

Likewise, the Petitioner did not show that the Beneficiary's presented material "at major international conferences" has garnered her any national or international acclaim. *See* section 203(b)(1)(A) of the

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[9] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that the second step requires USCIS to evaluate the person's publications to determine whether it they are indicative of being one of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

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

[11] *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding it reasonable for USCIS to focus on the fact that a publication record of six publications over seven years inconsistent with a career of acclaimed work and sustained national or international acclaim).

[12] The record includes a 2024 *Jama* publication titled '[redacted]', which lists the Beneficiary as 24th of a total 29 authors. The Petitioner has not established the significance of the Beneficiary's contribution to this article. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (indicating that whether an individual is "a senior author, or the sole author of the article" may be relevant in gauging the significance of their contribution to that article).

Act. Although the record contains evidence showing that the Beneficiary presented multiple pharmaceutical research topics, the Petitioner did not demonstrate the significance of these presentations or establish that they impacted the field in a way that is consistent with a very high standard requiring more extensive documentation than that required for lesser classifications. *See* 56 Fed. Reg. 30703, 30704 (July 5, 1991).

In sum, we must look at the totality of the evidence to determine whether the Petitioner has demonstrated sustained national or international acclaim in her field. Simply because the Petitioner's work was "original" in that it did not merely duplicate prior research is not useful in setting her apart through a "career of acclaimed work." H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). Without further evidence, the Petitioner did not demonstrate that the Beneficiary's publication record is consistent with having a career of acclaimed work, sustaining national or international acclaim, and being among the small percentage at the very top of her field.

Further, on the issue of original contributions, the Petitioner highlighted the Beneficiary's published research, specifically discussing an article that was published in two journals – the *Journal of Clinical Pharmacology* and the *European Journal of Pharmaceutical Sciences* – and "has been cited by research groups worldwide, reflecting its major impact on clinical practice and research." The Petitioner also discussed to the Beneficiary's research, pointing out that her contributions to the clinical development of drugs to treat certain immune-driven diseases "represent a paradigm shift in the field." The Petitioner asserted that the significance of the Beneficiary's contributions is evident from the "widespread citation and adoption of her work." However, as discussed above, the Petitioner did not establish that the Beneficiary's publication record is indicative of a career of acclaimed work, sustained national or international acclaim, and placement among the small percentage at the very top of her field.

On appeal, the Petitioner refers to previously submitted letters of recommendation from others in the Beneficiary's field, asserting that USCIS did not properly consider the evidence. While not without weight in the final merits determination and often helpful in explaining the nature and impact of an individual's contributions,[13] reference letters should: 1) explain in specific terms why the authors believe the Beneficiary qualifies as a person with extraordinary ability; and 2) be supported with sufficient corroborating documentary evidence to establish that the Beneficiary is recognized as being among that small percentage at the very top of the field of endeavor and that she has garnered the required sustained national and international acclaim for her achievements.[14]

Here, the Petitioner specifically mentions the recommendation letter from a professor at the [redacted], noting that Dr. N-M-D- is familiar with the Beneficiary's peer-review work and published research, which he deemed to have made "a profound impact on both research and clinical practice" and contained "novel insights into overcoming cancer drug resistance, advancing therapeutic drug monitoring, and expanding treatment options for autoimmune diseases. . . ."

[13] While we discuss a sampling of these letters, we have reviewed and considered each one.

[14] *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(3) (discussing the evidentiary value of letters of support at the final merits determination stage).

The record also contains other letters, including one from Dr. J-M-, a [redacted] professor, and Dr. G-A, a [redacted] associate professor who supervised the Beneficiary's graduate work. Both individuals discussed the Beneficiary's cancer-based research initiatives, including a project she led as a graduate researcher. Dr. J-M- stated that the impact of the Beneficiary's work "is evident in her numerous publications and presentations" and referred to the "widespread recognition and citations" of such work from researchers worldwide, while Dr. G-A- stated that the Beneficiary's findings "have opened new avenues for research and therapeutic strategies, underscoring her ability to tackle complex pharmacological problems with creative solutions." Similarly, Dr. V-V-U-, an executive director at [redacted] Inc., recognized the Beneficiary for her publications on "pharmacokinetic modeling of erythropoietin (Epo) in premature infants and healthy adults," stating that the research "addresses a critical clinical concern" and offers "potential to revolutionize anemia treatment in patient populations."

In general, these letters summarize key aspects of the Beneficiary's work and praise her skills and contributions as a pharmaceutical researcher, but they do not demonstrate that her achievements have been widely recognized in her field or otherwise show that the Beneficiary has garnered sustained acclaim at the very top of her field. Letters that merely reiterate USCIS' definitions relating to this classification or make general and expansive statements regarding a petitioner and their accomplishments are generally not persuasive. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3). Overall, while the recommendation letters attest to the Beneficiary's significant skills and accomplishments, they do not establish her extraordinary ability when considered in the totality of the evidence. The letters do not show that the Beneficiary has achieved national or international acclaim from the field or attracted a level of attention, placing her at the very top of her field.[15] The authors did not provide sufficient information or explanation to show that the Beneficiary is viewed by the overall field, rather than by a solicited few, to be among the upper echelon or that she 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.[16] Although the letters highlight the Beneficiary's work, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Bodhankar v. USCIS*, No. 1:19-CV-706 (MAD/CFH), 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the submitted letters failed to establish the plaintiff's contributions resulted in significant acclaim).

Finally, the Petitioner argues that USCIS has applied a higher evidentiary standard "requiring an almost celebrity-level or media-driven recognition, rather than recognition within the professional and scientific community." The Petitioner argues that USCIS did not adequately consider the Beneficiary's sponsorship "by a major U.S. biopharmaceutical company" which seeks to employ her as its director of clinical pharmacology. The Petitioner also highlights the Beneficiary's "critical responsibilities on pivotal trials and therapeutic development programs" and points out that the institutions and journals that published the Beneficiary's work are "distinguished organizations."

[15] *See Jafarov v. USCIS*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding testimonial letters were insufficient to establish his relative status in the field and do not compare him to others).

[16] *Mishra v. Richardson*, No. 1:20-cv-991 (LMB/TCB), 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding that none of the plaintiff's letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim).

First, to the extent that the Beneficiary's role as director of clinical pharmacology within the petitioning organization is prospective and is pending the approval of this petition, it is not relevant in this matter as it does not establish eligibility at the time of filing.[17] Further, regarding the Beneficiary's prior roles in trials and therapeutic programs, the Petitioner has not shown that these roles have garnered her sustained national or international acclaim or placed her among that small percentage at the very top of the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(2). While the Beneficiary has provided valuable services for the petitioning entity, the Petitioner has not offered supporting evidence demonstrating how these roles are indicative of her high standing in the field or otherwise reflect that she has sustained national or international acclaim or recognition for her achievements. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 2879217, at *23 (D. Neb. Sept. 12, 2025) (upholding that plaintiff's roles do not place her at the top of the field or demonstrate sustained national or international acclaim).

The record as a whole, including the evidence discussed above, does not support the Petitioner's claim that the Beneficiary has earned the acclaim and recognition required for the classification sought herein.[18] As acknowledged on appeal, the Petitioner seeks a highly restrictive visa classification for the Beneficiary. This classification is intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. at 954 (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability"); *Amin v. Mayorkas*, 24 F.4th at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visa are intended to be available to only an exceedingly small amount of individuals with extraordinary ability).

In this case, the Petitioner has not shown that the significance of the Beneficiary's 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. *See* section 203(b)(1)(A)(i) of the Act. The evidence related to her scholarly articles, citation rates, peer review service, and contributions reflects that she has received some recognition for her contributions and expertise in her field, but it falls short of establishing that the Beneficiary satisfied the requirements for this classification at the time of filing. 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 the Beneficiary is among the small percentage at the top of her field. *See* 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not established his eligibility as an alien of extraordinary ability.

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[17] *See* 8 C.F.R. § 103.2(b)(1) (requiring the affected party to establish eligibility for the requested benefit *at the time of filing* the benefit request); *see also Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm'r 1971) (providing that "Congress did not intend that a petition that was properly denied because the beneficiary was not at that time qualified be subsequently approved at a future date when the beneficiary may become qualified under a new set of facts.").

[18] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence).

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.