U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38452547

Date: JULY 2, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a postdoctoral researcher in biomedical sciences, seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner has sustained national or international acclaim and is one of that small percentage who has risen to 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 individuals 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, provided that the individual seeks to enter the United States to continue work in the area of extraordinary ability, and the individual's entry into the United States will substantially benefit prospectively 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, petitioners can demonstrate international recognition of their accomplishments in the field through a one-time achievement (that is, a major, internationally recognized award). If petitioners do not submit this evidence, then they must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x). The regulation at 8 C.F.R. § 204.5(h)(4) allows petitioners to submit

comparable evidence if they are able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)–(x) do not readily apply to their occupation.

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (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 holds a doctoral degree from the [redacted] in India and is a postdoctoral researcher in the [redacted] at the [redacted] For over ten years, the Petitioner has conducted research on treatment resistance of glioblastoma, an aggressive form of brain cancer.

A. Evidentiary Criteria

Because the Petitioner has not shown that she received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). SCOPS determined the Petitioner met the three criteria relating to judging the work of others in the same field, original scientific contributions of major significance, and authorship of scholarly articles at 8 C.F.R. § 204.5(h)(3)(iv) – (vi). However, SCOPS concluded the Petitioner was ineligible upon a final merits determination. On appeal, the Petitioner asserts SCOPS did not apply the preponderance of the evidence standard and she has established her eligibility. The record supports SCOPS' determinations that the Petitioner meets the criteria for judging and authorship of scholarly articles, but does not establish the Petitioner's eligibility for contributions of major significance.

> *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 Petitioner claims she meets this criterion based on her publications, citations to her work, and recommendation letters from experts in her field. Although this evidence shows the Petitioner has published her research and her work has been cited by other scientists, it does not establish that she has made contributions of major significance to her field.

At the time of filing, the Petitioner submitted evidence that she had co-authored 14 articles published in scientific journals and two book chapters. The record shows the Petitioner is the first author on two of these articles and one of the book chapters. Eleven of the Petitioner's articles were cited by other researchers between one and 50 times for a total of 174 citations. The Petitioner asserts that four of her articles are between the top [redacted] percent of the most cited articles in their respective years of publication in clinical medicine. However, the record shows the Petitioner's field is biomedical sciences and she did not submit evidence of her citation rankings in that field. The Petitioner also

submitted a document she claims places her in the top [redacted] percent of researchers in biomedical sciences in terms of citation impact. However, this document does not identify its source or state how its percentile rankings are calculated. The document also states that the highest percentile ranking is for a citation count of 308, which greatly exceeds the Petitioner's citation count of 174. The Petitioner also submitted 22 articles that cite her research as evidence of the impact of her work. Most of these articles cite the Petitioner's work after just one sentence in the introduction or summary of related research. While the evidence shows the Petitioner's work has been cited numerous times by other researchers, it does not establish that her contributions are of major significance in her field.

Similarly, letters from experts in the Petitioner's field explain the impact of her work on other researchers in her field, but do not establish that her research has made contributions of major significance to her field. D-W-,[1] Associate Professor of [redacted] at the [redacted] and the Petitioner's postdoctoral research supervisor, explains the Petitioner's work "has provided the medical community with a deeper understanding of the complex manifestation of glioblastoma and this knowledge is being leveraged to shape current treatment strategies." However, D-W- does not discuss any current treatment strategy that has used the Petitioner's research. D-W- also states the Petitioner's "novel mitochondrial DNA alterations have great clinical significance," but discusses just one research team that has cited this aspect of the Petitioner's work. In a second letter submitted in response to SCOPS' request for evidence, D-W- described how the Petitioner was crucial to securing funding for and implementing his laboratory's project, "Defining and interrupting microenvironment-driven metabolic activity in brain cancer." The record does not indicate that this project has resulted in publication, been cited by other research teams, or has otherwise made an original scientific contribution of major significance to the Petitioner's field.

V-S-, Retired Professor of Neuropathology at the [redacted] in India and the Petitioner's doctoral supervisor, states that the Petitioner's work on differential gene expression in the peritumoral brain zone was cited by three other research teams and her work on L1CAM has been cited by several researchers who studied brain tumors in children and adolescents. V-S- commends the Petitioner's work in treatment strategies for glioblastomas, but does not discuss any treatment strategies that have relied upon the Petitioner's research.

A-C-, Professor of Clinical Oncology at the [redacted] states that the Petitioner's work on diagnostic guidelines for glioma was "vital to the adaptation of the [redacted] diagnostic guidelines for India's healthcare system." A-C- explains the Petitioner's research has also allowed "researchers to gain a more comprehensive understanding of the mechanisms responsible for the treatment resistance of glioblastoma, enabling them to develop more effective treatments for this aggressive form of cancer." A-C- does not, however, discuss any research teams that have relied upon the Petitioner's work to develop cancer treatments. Similarly, E-V-, Associate Professor of Radiation Oncology at the [redacted], states the Petitioner "has provided a novel understanding of the mechanisms of mitochondrial transfer in glioblastoma that point to a potential target for therapeutic research applications," but does not discuss any research teams that have relied upon the Petitioner's work in their therapeutic research applications.

[1] We use initials to protect the privacy of the referenced individuals.

P-C-, Professor of Pathology and Cell Biology at [redacted], states that he and his research team cited the Petitioner's work in one article "as support for the metabolic vulnerabilities in glioblastoma." P-C- explained how another research team relied upon the Petitioner's "research into mitochondrial transfer from astrocytes" and how a third research team cited the Petitioner's work as "evidence that astrocytes are able to serve as a reservoir for mitochondria in the brain and extended her findings to further study the astrocyte mitochondrial transfer in the context of the blood-brain barrier." P-C- does not indicate that the impact of the Petitioner's work has extended beyond three research teams.

M-M-, Professor of Neurology at [redacted], explains that in a review article, she and her co-authors relied on the Petitioner's research "to support [their] recommendations regarding the need to target intercellular interactions." M-M- also discusses how another research team relied upon the Petitioner's work "to reveal a novel therapeutic vulnerability to ferroptosis linked to mitochondrial redox imbalance." M-M- further describes how the Petitioner's work inspired another research team's "approach and provided the foundational understanding that astrocytes are capable of serving as a reservoir for mitochondria in the brain." M-M- states the Petitioner's "studies of mitochondrial transfer between heterogeneous cell types . . . have been relied upon by her peers to design new treatment options focused on halting cancer progression." M-M- does not describe any new treatment options that have relied upon the Petitioner's research.

D-B-, Professor and Chair of the Department of Pathology at [redacted] states he cited the Petitioner's work in a 2021 publication describing the [redacted] guidelines for diagnosis of central nervous system tumors. He also discussed how four other research teams cited the Petitioner's work on implementing the 2016 [redacted] guidelines in India. D-B- does not indicate that the impact of the Petitioner's work has extended beyond four research teams.

S-S-, Professor of Neurosurgery at [redacted], explains the Petitioner "has mapped the mechanisms of rapid glioblastoma growth and identified a viable biomarker for predicting treatment resistance in glioblastomas, in addition to directly contributing to the development of accessible diagnostic and management guidelines for the treatment of adult gliomas in resource-limited environments." S-S- describes how the Petitioner's work has been cited by two other research teams and the [redacted] S-S- states the Petitioner's "work has significantly contributed to critical advancements in glioblastoma research and treatment approaches with important implications for both improving patient outcomes and reducing the burden of care on healthcare systems." While S-S- describes how the Petitioner's work was cited by two other research teams and the [redacted] she does not discuss any examples of how the Petitioner's work has improved patient outcomes, reduced the burden of care on healthcare systems, or otherwise made an original scientific contribution of major significance to her field.

When considered in the aggregate, the evidence shows that the Petitioner has published her research in scientific journals and her work has been cited by numerous other scientists when introducing or summarizing research in the field. The evidence does not, however, establish that the Petitioner's contributions to her field are of major significance.

B. Final Merits Determination

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten regulatory criteria at 8 C.F.R. § 204.5(h)(3). Consequently, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. However, because SCOPS denied the petition based upon a final merits determination, we will evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, her sustained national or international acclaim, that she is among that small percentage at the very top of her field, and that her achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze petitioners' accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate that they have extraordinary ability in the field of endeavor. *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.

The record shows the Petitioner has served as a peer-reviewer of numerous articles for several prestigious scientific journals. SCOPS concluded her peer-reviews did not demonstrate extraordinary ability, in part, because such service was "routine or expected." On appeal, the Petitioner asserts that peer review "is a great responsibility that is only given to the most capable, experienced, and accomplished scholars" and is not a required service. To the extent SCOPS diminished the weight of the relevant evidence by indicating peer reviews were obligatory, we withdraw that conclusion. Nonetheless, the evidence is insufficient to show that the Petitioner's peer review of journal articles reflects assessment of the work of other scientists commensurate with those at the very top of her field. For example, the record does not indicate that the Petitioner has served on the editorial board of highly ranked scientific journals or assessed the work of other scientists in a manner otherwise indicative of being at the very top of her field. *See Bhanu v. Garland,* No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding USCIS' conclusion in a final merits determination that a researcher did not provide evidence that "sets him apart from others in his field, such as evidence that he . . . served in editorial positions for distinguished journals or publications, or chaired technical committees for reputable conferences").

The record also establishes that the Petitioner has published her research in co-authored journal articles and two book chapters, and that the research of one of her articles was supported by a grant from the National Institutes of Health (NIH). Although some of the Petitioner's articles have been published in highly ranked journals, the record does not demonstrate that most of her articles have been published in highly ranked journals or are otherwise comparable to the publication record of scientists at the very top of her field. Additionally, the Petitioner is the first author of just two articles and one book chapter. While the Petitioner received funding from the NIH for one research project, the record does not demonstrate that most of her work has been funded by prestigious organizations in a manner consistent with being at the very top of her field. The record is insufficient to establish that the Petitioner's publication and funding records are reflective of being at the very top of her field.

While we do not discount the numerous contributions her research has made to her field, the record does not establish that the Petitioner's research has achieved sustained national or international acclaim commensurate with being at the very top of the biomedical sciences field. Of the articles she submitted that cite her work, the majority cite her work after one sentence in the introduction or a summary of related research. Only two articles cite her work more than one time, the most being just

three times. While the recommendation letters describe how other scientists have cited the Petitioner's work, they do not establish that the impact of her work has extended beyond those individual research teams or that her research has been applied in cancer treatments. The record shows the Petitioner is an accomplished scientist whose research has been widely cited, but the evidence does not establish that her research has impacted her field to the same extent as scientists at the very top of her field.

The Petitioner's publications, peer reviews, funding, citations, and recommendation letters show she is a well-respected scientist whose research has made significant contributions to her field. The evidence is insufficient, however, to show that the Petitioner is among that small percentage at the very top of her field.

III. CONCLUSION

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing towards the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r. 1994). Here, the Petitioner has not shown that the significance and recognition of her work are indicative of sustained national or international acclaim as one of that small percentage who have risen to the very top of her field, as extraordinary ability is described at section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2). The Petitioner is consequently ineligible for classification as an alien of extraordinary ability.

ORDER: The appeal is dismissed.