U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40777508

Date: JUL. 7, 2026

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

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

The Petitioner seeks classification as an alien of extraordinary ability in "Crop Protection specializing in Disease-Pathogen Research."[1] *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 the Petitioner did not satisfy at least three, as required, of the initial evidentiary criteria. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes visas available to immigrants with extraordinary ability if:

> (i) the alien has 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,
>
> (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
>
> (iii) the alien's entry into the United States will substantially benefit prospectively the United States.

[1] *See* Petitioner's initial cover letter.

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). *See also Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) (holding that extraordinary ability visas are known as "Einstein" visas, are extremely "coveted," and are "reserved for only the most talented aliens"). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or qualifying documentation that meets at least three of the ten categories 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).

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. U.S. Citizenship & Immigr. Servs.*, 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. U.S. Citizenship & Immigr. Servs.*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

Because he did not claim or establish his receipt of a major, internationally recognized award, the Petitioner must satisfy at least three of the alternate regulatory criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x). USCIS determined the Petitioner met only two (judging under 8 C.F.R. § 204.5(h)(3)(iv) and scholarly articles under 8 C.F.R. § 204.5(h)(3)(vi)) of the four claimed categories of evidence. Although the record supports USCIS' favorable determination regarding the scholarly articles criterion, we do not concur with the favorable decision relating the judging criterion for the reasons discussed below. On appeal, the Petitioner maintains that he fulfills two additional criteria.

A. Published Materials

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. Such evidence shall include the title, date, and author of the material, and any necessary translation."[2]

At the outset, the Petitioner provided a self-authored article posted on smallfruits.org about a [redacted] survey in Alabama rather than published material about him. In fact, besides being listed as one of the authors, the Petitioner is never mentioned in the article. Moreover, the Petitioner's self-authored scholarly material is considered under the regulation at 8 C.F.R. § 204.5(h)(3)(vi) rather than the published material criterion.

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

The record reflects the Petitioner provided articles posted on tribuneonlineng.org, southafricantimes.com, guardian.ng (two articles), and vanguardngr.com. The tribuneonline.org does not include the date, and the southafricantimes.com and vandguardngr.com articles do not contain the required authors.[3] *See, e.g., Javakhadze v. Mayorkas*, No. 3:21-CV-00617-E, 2023 WL 8037730, at *6 (N.D. Tex. Nov. 20, 2023) (upholding articles did not contain the required authors); *Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. CV RDB-23-2251, 2024 WL 1374794, at *5 (D. Md. Apr. 1, 2024) (upholding plaintiff's evidence did not include the required title, date, or author); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *4 (D. Neb. Mar. 10, 2025) (upholding petitioner did not provide sufficient evidence of the required title, date, and author of the material).

Furthermore, although the tribuneonline.org and guardian.ng [redacted] 2022) articles briefly mention the Petitioner or quote him, they do not reflect published material about him. Rather, the articles cover plant and crop diseases and agriculture research. *See, e.g., Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *4 (N.D. Tex. Oct. 19, 2023) (upholding articles only citing, quoting, or referencing the beneficiary do not qualify as about him); *Joseph v. Dir. of Texas Serv. Ctr., United States Citizenship & Immigr. Servs.*, No. 24-40249, 2025 WL 458001, at *3 (5th Cir. Feb. 11, 2025) (upholding an article that included quotes from the petitioner, did "not make the article about" him); *Melnattur v. United States Citizenship & Immigr. Servs.*, No. 8:21CV345, 2022 WL 18086892, at *5 (D. Neb. Sept. 12, 2022) (upholding quotes in passing or interviews about collaborative projects were insufficient); *Nelson v. U.S. Citizenship & Immigr. Servs.*, No. CV 21-10334-LTS, 2022 WL 20583561, at *5 (D. Mass. June 15, 2022) (finding a reasonable decisionmaker could conclude articles are not about the expert quoted nor are they comparable to such articles); *Kinuthia v. Rosenberg*, No. CV 17-10255-LTS, 2018 WL 1243955, at *5 (D. Mass. Mar. 8, 2018), *aff'd sub nom., Kinuthia v. Velarde*, No. 18-1244, 2019 WL 11671989 (1st Cir. July 3, 2019), *cert. denied*, 140 S. Ct. 2643, 206 L. Ed. 2d 714 (2020) (finding it is not enough that the applicant is pictured or mentioned in the publication).

The Petitioner also did not establish that any of the websites reflect professional or major trade publications or other major media.[4] The Petitioner provided screenshots from similarweb.com and semrush.com showing various data and statistics. However, the Petitioner did not contextualize the significance of these numbers and demonstrate through documentary evidence how these figures represent professional or major trade publications or other major media.[5] While the screenshots indicate, for instance, total visits, rankings, demographics, backlinks, and other various data, the Petitioner did not establish the importance of these numbers, to show that these websites represent major status. *See, e.g. Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *5 (E.D. Wis. Nov. 4, 2024) (indicating that the failure to provide context to circulation figures makes it difficult to assess their significance); *Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 185 (D.N.J. 2021) (finding "other major media" can mean a publication with "significant reach and recognition"); *Kumar*, 2024 WL 1374794,

[3] The southafricantimes.com article indicates "by SAT Reporter," but the Petitioner did not identify the individual or individuals who authored the article.

[4] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (instructing that in evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership (for major trade publications and other major media).

[5] Based on the data content of the documentation, it appears the Petitioner claims the other major media standing of the websites rather than the professional or trade nature.

at *5 (upholding the plaintiff did not submit sufficient evidence to establish the material qualified as professional or major trade publications or other major media).

Finally, the Petitioner submitted "About Us" pages for *The Guardian* (Nigeria) and *Vanguard* (Nigeria). However, the evidence reflects posting on guardian.ng and vanguardngr.com rather than publication in *The Guardian* (Nigeria) and *Vanguard* (Nigeria). *See, e.g., Victorov v. Barr*, No. CV 19-6948-GW-JPRX, 2020 WL 3213788, at *8 (C.D. Cal. Apr. 9, 2020) (upholding that submitted evidence concerned the printed publication rather than the online published article). Moreover, the Petitioner provided an "About Us" screenshot for tribuneonlineng.com reflecting background information and claiming it "is well known for the tradition of breaking news and has over the years, built a reputation for being Nigeria's most informative online news medium). However, the screenshots do not cite to reference material to corroborate the self-promotional claims.[6] *See, e.g., Braga v. Poulos*, No. CV 06-5105 SJO FMOX, 2007 WL 9229758, at *7 (C.D. Cal. July 6, 2007), *aff'd*, 317 F. App'x 680 (9th Cir. 2009) (finding self-serving assertions on the cover a magazine insufficient to show the status or standing of a publication); *Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *7 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's evidence reflecting conclusory claims about their national importance, insufficient to establish the major status of the publications). As such, the Petitioner did not demonstrate that any of the websites constitute professional or major trade publications or other major media.

Because he did not establish that any article satisfies all of the elements of the regulation, the Petitioner did not show he meets this criterion.

B. Judging

As indicated above, USCIS concluded that the Petitioner met this criterion. The regulation at 8 C.F.R. § 204.5(h)(3)(iv) requires "[e]vidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought." Because the Petitioner did not establish that he meets the regulatory requirements of this criterion, we will withdraw USCIS' determination.

In the initial cover letter, the Petitioner claimed:

> I have been formally recognized for my expertise in Disease-Pathogen Research, leading to invitations to evaluate and provide critical feedback on the work of others in my field. These activities demonstrate my authority as a trusted expert and fulfill the EB1 criterion of serving as a judge of the work of others.
>
> A notable example is my role in the critical review of published research on [redacted] [redacted] [ ], a serious threat to the U.S. blueberry industry and [ ] and other global fruit markets. This comprehensive review was conducted in collaboration with esteemed experts in Plant Pathology and Horticultural Science . . . .

[6] *Vanguard* also claims that it "is one of the leading Newspapers in Nigeria today" and "is today complemented by the most sophisticated, global readership through the internet" without referencing or citing information to support the self-promotional assertions.

. . . .

As part of this expert panel, I was tasked with rigorously evaluating dozens of scientific studies on the etiology, epidemiology, and management of [redacted] primarily caused by fungal species in the *Botryosphaeriaceae* family. This involved:

- Critiquing methodologies and molecular identification techniques;
- Comparing disease symptoms and distribution across continents;
- Assessing the diagnostic robustness and practical implications of findings; and
- Synthesizing evidence based-recommendations for better diseases control.

The studies reviewed included published works from leading researchers [Table 1]
. . . .

. . . .

Each of these works underwent a structured critical appraisal, where I applied my specialized knowledge in pathogen-host interaction and disease diagnostics to assess experimental rigor and interpretability of results. My judgment directly informed the synthesis and comparative analysis that formed the basis of our authoritative review.

The outcome of our comprehensive review was published in *Agriculture* [ ] . . . .

This body of work not only reflects my role in shaping scientific understanding but also validates my recognized expertise and judgment in evaluating complex, peer-reviewed research in the field of disease-pathogen research. By critically appraising global scientific contributions and guiding a comprehensive scholarly synthesis, I have demonstrated a clear fulfillment of the EB1 requirement of serving as a judge of the work of others in the same or allied field.

We are not persuaded by the Petitioner's assertions in showing that he participated as a judge of the work of others consistent with the regulatory criterion, which requires "[e]vidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought."[7] Here, the *Agriculture* article does not reflect the Petitioner's participation as a judge of the work of others. Rather, as is common in a scientific-related research field, the Petitioner co-authored a scholarly article that provided findings and discussions about botryosphaeria [redacted] which the co-authors supported by referencing the work and research of others. In fact, the article's abstract states that "this review summarizes the latest information on the distribution and causal pathogens of this disease, the

[7] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (providing Examples of judging the work of others may include, but are not limited to: peer reviewing for a scholarly journal, as evidenced by a request from the journal to the person to do the review, accompanied by proof that the review was actually completed; peer review of abstracts or papers submitted for presentation at scholarly conferences in the respective field; serving as a member of a Ph.D. dissertation committee that makes the final judgment as to whether a candidate's body of work satisfies the requirements for a doctoral degree, as evidenced by departmental records; and peer reviewer for government research funding programs).

pathogenicity of fungal species, disease resistance of blueberry cultivars, and currently recommended management practices." Although he referenced "Table 1" in the article and claimed that he "reviewed included published works from leading researchers," the table lists the common species associated with [redacted] as reported by others without any indication of the Petitioner judging the material rather than referencing for support or listing for informational purposes. As such, the Petitioner did not demonstrate that an article co-authored by him that summarizes and reports information from others constitutes his participation as a judge rather than his involvement as an author.

The Petitioner also claimed:

> In another capacity, I was invited [ ] to serve as a Judge Advisor for [redacted] [ ], a globally recognized nonprofit organization that empowers young female scientists and fosters leadership in STEM (Science, Technology, Engineering, and Mathematics) [ ]. Over the past decade, [redacted] has supported over 300,000 young people from more than 100 countries [ ].
>
> As a Judge Advisor, I evaluated over twenty innovate projects developed by adolescent girls worldwide, focusing on how their mobile app solutions addressed real-world environmental and scientific challenges. My role involved assessing such each submission's scientific accuracy, innovation potential, technological application, and feasibility in solving complex societal issues.

The Petitioner provided information about [redacted] indicating that it: "[redacted]" and "[redacted]." While he submitted evidence showing that he served as a "Judge Advisor" for the 2024 [redacted], the Petitioner did not establish that he judged "the work of others in the same or an allied field of specification for which classification is sought." Specifically, the Petitioner did not show how judging technology-based solutions involves judging crop protection specializing in disease-pathogen research, his claimed field of expertise. Moreover, the Petitioner did not demonstrate how his field is allied with young women tech entrepreneurs and leaders. *See, e.g. Sarin v. United States*, No. 2:22-CV-07498-SVW-JS, 2023 WL 5667531, at *11 (C.D. Cal. July 27, 2023) (upholding plaintiff's judging of an intra-school personality contest was not in the field of acting or in an allied field of acting).

In addition, the Petitioner asserted:

> In this role, I evaluated STEM projects through the lens of my expertise in disease-pathogen research. A noteworthy project involved developing a mobile app to identify unknown plants in the local environment and map their antimicrobial properties. My evaluation was not limited to general encouragement but required deep disciplinary knowledge to critique the validity of environmental data, plant and pathogen identification algorithms, and potential bioactive applications – areas in which I hold professional expertise. I provided targeted feedback to help the team strengthen the scientific integrity of their solutions, ensuring they were grounded in sound biological

principles and aligned with real-world applications in plant-based disease management and sustainable agriculture.

The Petitioner's documentation does not corroborate the Petitioner's assertions above. Again, while the Petitioner submitted evidence acknowledging his participation as a judge advisor at 2024 [redacted], consisting of invitational emails, a list of all judge advisors, and a general thank you letter for judging, the evidence does not show whom he judged, what he judged, and whether his judging involved his field or an allied field of specialization. Moreover, the Petitioner offered screenshots for the "Beginner Division Finalist Teams" and "Beginner Division Regional Winners"; however, the Petitioner is not listed or indicated in judging any of these individuals or projects, let alone his involvement with any of them. *See, e.g. Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *8 (N.D. Cal. Feb. 16, 2021) (upholding "that there were no details about what event the plaintiff was judging, who he was judging, or the basis for [the plaintiff's] knowledge [in her letter] of the Federation's authority regarding the plaintiff's judging history").

For the reasons discussed above, the Petitioner did not establish that he participated as a judge of the work of others in the same or an allied field for which classification is sought. Therefore, we withdraw USCIS' favorable finding for this criterion.

III. CONCLUSION

The Petitioner did not establish eligibility for any of the categories of evidence discussed above. Although the Petitioner also claims qualification for the original contributions criterion (8 C.F.R. § 204.5(h)(3)(v)), we need not reach this ground because the Petitioner cannot fulfill the initial evidentiary requirement of at least three under 8 C.F.R. § 204.5(h)(3). *See Kinuthia*, 702 F. Supp. 3d at 11, *aff'd*, 2025 WL 3491324, *cert. denied*, 140 S. Ct. 2643 (declining to consider a criterion when the plaintiff cannot satisfy at least three). Accordingly, we decline to reach and hereby reserve this issue. *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).

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that he is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we also decline to reach and hereby reserve any final merits determination in this matter. *See Bagamasbad*, 429 U.S. at 25.

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an alien 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.

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.