U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 43509753

Date: JULY 9, 2026

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

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

The Petitioner is a pharmaceutical researcher who seeks classification as an alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

USCIS, through the Service Center Operations (SCOPS) denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding that although the record established that the Petitioner demonstrated that he met at least three of the ten regulatory criteria, he did not meet the requisite standard in a final merits analysis. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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.

While we may not agree with every aspect in SCOPS' thorough final merits analysis, we do agree with their ultimate determination and we adopt and affirm its decision with the added comments below. *See Matter of J-A-*, 29 I&N Dec. 253, 254 (BIA 2025) (citing *Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted"); *Garland v. Ming Dai*, 593 U.S. 357, 370–71 (2021) (noting an administrative appellate body's act of adopting and affirming the below decision is legitimate, incorporating the lower decision's analysis and reasoning on the issues into the appellate determination).

In our de novo review, we conclude that the Petitioner's case did not warrant a final merits determination because he claimed three criteria and only met two of them. Stated differently, we do not agree with the portion of SCOPS' decision that the Petitioner submitted evidence of his "original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field" under 8 C.F.R. § 204.5(h)(3)(v).

The primary requirements here are that the Petitioner's contributions in his field were original and they rise to the level of major significance in the field, rather than to a project or to an organization. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (citing *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134 (D.D.C. 2013)). The regulatory phrase "major significance" is not superfluous and, thus, it has some meaning. *Nielsen v. Preap*, 586 U.S. 392, 415 (2019) (finding that every word and every provision is to be given effect and none should needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence). Contributions of major significance connotes that the Petitioner's work has significantly impacted the field. Further, the Petitioner's contributions must have already been realized rather than being potential, future improvements. The Petitioner must submit evidence satisfying all of these elements to meet the plain language requirements of this criterion.

The Petitioner's claims under this criterion were based on his publication record, that his publications were among the most highly cited in their respective publication year, and that other researchers have relied on his findings in their own work. In addition, the Petitioner claims his work in the areas of colorectal cancer, brain tumors, and inflammation related diseases have resulted in adequate contributions to meet the requirements here. When SCOPS determined that the Petitioner met the requirements of this criterion, it essentially reiterated his claims but did not provide any analysis detailing how his efforts have resulted in the requisite impact in the field.

The Petitioner claimed that because he had published work "in some of the most discerning, high-impact journals in his field" that this amounted to "a rare accomplishment achieved by only the very best researchers in the field." But the act of publishing in these respected journals does not automatically result in the types of contributions this criterion requires. "Evidence that the person's work was funded, patented, or published, while potentially demonstrating the work's originality, will not necessarily establish, on its own, that the work is of major significance to the field." *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual.

Simply publishing in prestigious journals might suggest his research is valuable, but that does not categorically mean that his valued research has significantly contributed to the field as a whole. Publications alone are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of major significance. Here, the Petitioner did not establish that publication in a popular or highly ranked journal alone demonstrates a contribution of major significance in the field. *Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that it cannot be automatically presumed that all articles published by respected journals and organizations are considered majorly significant); *Venkatnarayan*, 2024 WL 4008312, at *7, *report and recommendation adopted*, 2024 WL 4267307 (upholding the high-ranking status of a journal did not show an author's influence or impact of the petitioner's research on the field, nor did it establish that every article published in a highly ranked journal automatically indicates a contribution of major significance). We therefore find this argument unpersuasive.

He also claims that because other researchers have relied on his findings in their own work, that this demonstrates his contributions to the field have been of major significance. USCIS policy speaks to that issue indicating that "published research that has provoked widespread commentary on its importance from others working in the field, and documentation that it has been highly cited relative to others' work in that field, may be probative of the significance of the person's contributions to the

field of endeavor." *Id.* Of particular importance, we highlight the policy reflects one should both provoke widespread commentary and be highly cited.

As supporting evidence, the Petitioner provided a report from Clarivate Analytics reflecting baseline citation rates between 2013 and 2023 for several research fields with the relevant field here being pharmacology and toxicology. First, we dispose of his assertions on appeal as he relied on data from several years after the petition filing date to place his work "in the top 0.02% of authors in his area of expertise in terms of research productivity." A petitioner must establish eligibility at the time they file the visa petition. 8 C.F.R. § 103.2(b)(1), (12). USCIS may not approve a visa petition if the Petitioner was not qualified at the priority date but expects to become eligible at a subsequent time. *See Matter of Izummi,* 22 I&N Dec. 169, 175–76 (Assoc. Comm'r 1998); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971).

Additionally, while the Petitioner may have shown that some of his work is well cited in the field, even one paper that is highly cited, what he did not demonstrate is that his work has spurred widespread commentary from others in the field on how it is important. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1) (noting to satisfy this criterion, it requires more than showing a paper is highly cited).

And after reviewing the articles the Petitioner provided that cite to his work, he has not shown that any one of the citing authors placed unusual reliance on his work within their paper. The example citations in the record cite the Petitioner's paper as one of dozens, and sometime of hundreds of other studies and do not single out his work as significantly notable among other research in the field. In the rare instance that another work cited to his publication more than one time, that occurred within the same paragraph and did not reflect a notable reliance on his findings to support their main hypothesis.

Here, the Petitioner did not offer textual and contextual evidence that his cited work was a direct foundation or building block for the other researchers' work. These examples of peripheral mentions fall far short of the in-depth discussion offered as a representative example in USCIS policy, which expects evidence of published research that has provoked "widespread commentary" regarding its importance. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1); *Venkatnarayan*, 2024 WL 4008312, at*7 (upholding USCIS' finding that there was no evidence distinguishing the alien's work from all the other works cited in the articles to show the major significance of his work). Nor has the Petitioner demonstrated the number of citations his published articles received reflect a level of interest in his work from relevant parties to meet this criterion's mandates. *Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *7–8 (E.D. Pa. Sept. 18, 2023).

Next, the Petitioner asserts that because his articles have received attention from others in the field internationally, that this aids him in demonstrating his contributions have been of major significance. While this fact does establish attention from more than one country, it does little to show the significance of his work unless a particular area of research was somehow limited to one country or region of the world. As that is not the case, we acknowledge this claim but note that it does little to help the Petitioner here as generating citations from international researchers is not an anomaly, but the natural result of a connected global scientific network.

He also claimed significant contributions to the field of pharmaceutical science through exploring biomarkers and therapeutic targets for colorectal cancer, designing and synthesizing peptides and therapeutic agents for brain tumors, and designing and synthesizing novel inhibitors for imaging and treating inflammation related diseases. While support letters describe his research efforts and findings relating to colorectal cancer, it is unclear how those conclusions have resulted in changes in the field that are of major significance. Simply performing research on improving the prognosis and treatment of colorectal cancer does not rise to the type of effects in the field that this criterion anticipates.

As it relates to developing peptides, the Petitioner relied on six of his published papers and the fact that they appeared in journals with high impact factors to demonstrate his contributions to the field are of major significance. But publishing one's research findings, even that which is well-cited, does not necessarily reflect that work amounts to an impactful contribution in the field. *See Kazarian v. USCIS*, 580 F.3d 1030, 1036 (9th Cir. 2009), *aff'd in part,* 596 F.3d 1115 (9th Cir. 2010) (finding publications alone are not sufficient to demonstrate major significance). And we have already addressed the claim relating to publishing in prestigious journals. Without a demonstration that such publication resulted in an significant improvement in the broader field, it is insufficient to meet this criterion's mandates. *Agrawal*, 2025 WL 2879217, at *20; *Venkatnarayan*, 2024 WL 4008312, at *7.

And finally his claims relating to the identification of biomarkers, the Petitioner identified the letter from [redacted] as supporting his claims. [redacted] described the Petitioner's work, noting his findings were a new concept that will lead to much better drugs," but this is a result that may only occur in the future, and it is not a contribution to the field that has already been realized. That the Petitioner will provide a prospective benefit to the United States is a separate requirement under the Act. *See* section 203(b)(1)(A)(iii) of the Act.

While the evidence shows promise in the Petitioner's work, it does not establish how his work already qualifies as a contribution of major significance in the field, rather than prospective, potential impacts. The significant nature of his work has yet to be determined or measured. This regulatory criterion requires petitioners to show they have already made a significant impact in their field. A Petitioner must establish the elements for the approval of the petition at the time of filing. 8 C.F.R. § 103.2(b)(1), (12). A petition may not be approved if the Petitioner was not qualified at the priority date but expects to become eligible at a subsequent time. *See Matter of Katigbak*, 14 I&N Dec. at 49. This does not establish that, as of the priority date, the Petitioner contributed to his field in a significant manner as the regulation requires.

And as a final note, the Petitioner notes that as a researcher, he "contributed to the development of ROF-2" used "for amyloid detection and as a screening tool for amyloid inhibitors." First, it appears the ROF-2 concept was validated and further developed by other researchers in the field and the Petitioner is not named on the evidence he presented for this experimental chemical molecule. The Petitioner has not explained why the commercialization of this chemical molecule should be considered as a contribution of major significance to the field that is attributed to him. We further note the research paper the Petitioner submitted with his response to SCOPS' request for evidence relating to ROF-2 postdates the petition filing date and we have already explained that he may not rely on that type of evidence in these proceedings. 8 C.F.R. § 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. at 49.

Based on this analysis we are withdrawing SCOPS' favorable determination under this criterion.

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. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden here.

**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.