U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43198970

Date: JULY 14, 2026

Appeal of USCIS Decision

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

The Petitioner, a biomedical and genetics researcher, requests classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must demonstrate their receipt of "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

U.S Citizenship and Immigration Services (USCIS) denied the petition. The Acting Associate Director of Service Center Operations concluded that the Petitioner met two of ten initial evidentiary criteria – one less than needed for a final merits determination. *See* 8 C.F.R. § 204.5(h)(3). On appeal, the Petitioner contends that she satisfied a third criterion by submitting evidence of original scholarly contributions of major significance in her field. *See* 8 C.F.R. § 204.5(h)(3)(v).

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that she satisfied the third evidentiary requirement. But, because the record does not demonstrate acclaim and recognition sufficient to place her among the small percentage at her field's top, we will dismiss the appeal.

I. LAW

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

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

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

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

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

II. ANALYSIS

A. The Petitioner and Her Field

The record shows that the Petitioner earned a bachelor of science degree in bioinformatics and a master of science degree in biology from universities in her home country of China. In 2022, a U.S. medical school awarded her a doctoral degree in bioinformatics and computational biology. Since obtaining her Ph.D., the Petitioner has worked as a post-doctoral researcher at a U.S. university. At the time of the petition's filing, she had authored or co-authored 16 published peer-reviewed research articles.

The Petitioner stated that her post-doctoral research focuses on using single-cell multi-omic sequencing to study how genes are regulated in individual cells. She stated that, in the future, she wants to obtain a U.S. faculty position and establish her own research group, focusing on gene regulation during pediatric development. She stated: "By integrating large-scale genomic datasets and collaborating with multidisciplinary teams, I aim to uncover specific regulatory events throughout childhood development and understand how their malfunctions lead to disease."
The record does not indicate – nor does the Petitioner claim – her receipt of a major internationally recognized award. She must therefore meet at least three of the ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i-x).

The record supports the Director's findings that the Petitioner successfully submitted evidence of her:

- Participation as a judge of others' work in her or an allied field; and
- Authorship of scholarly articles in her field.

See 8 C.F.R. § 204.5(h)(3)(iv), (vi).

We will next review the Petitioner's claim that she also satisfied the evidentiary requirement at 8 C.F.R. § 204.5(h)(3)(v).

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

B. Original Contributions of Major Significance

This criterion requires "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).

When adjudicating this evidentiary criterion, USCIS first determines whether a petitioner made original contributions to their field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 5. If so, USCIS then determines whether the contributions had major significance to the field. *Id.*

Evidence of major significance may include "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." *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 5.

> Detailed letters from experts in the field explaining the nature and significance of the person's contribution may also provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.

Id. Expert letters should specifically describe a petitioner's contribution and its significance to the field and state the basis of the writer's knowledge and expertise. *Id.*

As evidence of claimed original contributions of major significance, the Petitioner submitted documentation of her published research articles in scientific journals. The record contains excerpts from 16 journal articles. The materials indicate that the Petitioner served as first-author on two of the 16 total articles. The remaining articles list her as a co-author, sometimes one of many co-authors. The Petitioner also submitted letters from four independent researchers in her field and two co-researchers, and information about citations to the articles.

The Director found that the Petitioner made original contributions but concluded that she did not establish their major significance to her field. On appeal, the Petitioner contends that the Director erred in requiring her to demonstrate that her "own individual work" – as opposed to the collective work of research teams to which she belonged – had major significance to her field.

In a request for additional evidence (RFE), the Director noted that the research articles that the Petitioner co-authored received many more citations than those that she first-authored. At the time of the petition's filing, a scholarly profile that she submitted indicated that her first-authored articles generated far less of the total citations to her work. The Petitioner's RFE response argued that a co-author could make original contributions of major significance in a field. But the Director's decision found that "the record does not document that the [Petitioner]'s own individual work has already impacted the broader field in a major way."

The Petitioner argues:

> Nothing in the governing statutes or USCIS policy guidance requires a petitioner to segregate his or her own work from that of the research team to which he or she belongs.

> As explained in the petitioner's response to the RFE, science is inherently collaborative. No single scientist can independently execute large-scale, complex research projects – particularly in the biomedical field. Collaboration and co-authorship are standard practice, and co-authors are credited with research results both individually and collectively.

As an example, the Petitioner cites the 2025 Nobel Prize for physiology and medicine. She submitted evidence that one of the prize's three winners did not first-author any of the publications that the prize committee cited but rather served as a co-author on all of them.

We agree with the Petitioner that a research co-author could demonstrate original contributions of major significance in a field. But we find that that co-author would first have to establish their individual contributions to the relevant research project(s) and explain the significance of their individual contributions on that project to the field.

We base our finding on the applicable regulation. This evidentiary criterion requires "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) (emphasis added). The regulation focuses on the individual's contributions, not those of their team. Just because an alien contributes to a large research project of major significance in their field does not necessarily demonstrate that their *individual* contributions to that project had major significance. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 5 ("Analysis under this criterion focuses on whether *the person's* original work constitutes major, significant contributions to the field.") (emphasis added).

Case law also indicates that performance of part of an important project in one's field does not necessarily equate to a contribution of major significance. *See Xia v. Miller*, No. 3:20-CV-01468-JR, 2021 WL 5817324, at *5 (D. Or. Nov. 18, 2021), *report and recommendation adopted*, No. 3:20-CV-01468-JR, 2021 WL 5825999 (D. Or. Dec. 6, 2021) (affirming USCIS' conclusion that the "record does not adequately demonstrate that coaching one member of a five-person team which won a bronze medal would be comparable to a contribution of major significance").

Nevertheless, while we disagree that the Petitioner's collective work can constitute original contributions of major significance, we find that the letters from her co-researchers and the independent researchers demonstrate that she played significant roles in major research projects. A researcher at a pharmaceutical company's genomic medicine unit worked with the Petitioner on a 2023 project involving mammalian evolution of cis-regulatory elements and transcription-factor binding sites and outlined the impact her work had on the project.

Another researcher, an associate professor of molecular biosciences at a Swedish university, stated that he closely collaborated with the Petitioner on his post-doctoral research and co-authored several articles with her. Regarding a 2021 project involving [redacted] clusters from mammalian genes, the researcher stated that the Petitioner:

> co-led this project .. and was centrally involved from conception through publication; [the Petitioner] played a leading role in shaping the study design. … The conceptual

> framing of the paper, as well as the key analyses supporting its main findings, are attributable to [her] independent and original work.

While the letters from the Petitioner's co-researchers describe her roles on these projects, the letters from the independent researchers describe the projects' importance in her field. A medical professor/head of a genetics department at a U.S. university stated that the 2023 study that provided evolutionary analysis of cis-regulatory elements and transcription-factor binding sites "shed[] light on regulatory functions of the human genome and highlight[ed] evolutionary forces shaping genomic components." He stated that the Petitioner's findings "significantly improved our understanding of the human genome's regulatory mechanisms." Also, a professor in a U.S. department of integrative structure and computational biology praised the 2021 study investigating clusters of piRNA, a class of small regulatory RNAs (ribonucleic acids) essential for male fertility in placental mammals. He stated that "[the Petitioner]'s findings offered the first explanation of how the specific production of these unique, small RNAs from major pachytene piRNA clusters with the male germline of placental mammals." He stated that the study "significantly advanced the field of RNA biology research."

The Petitioner has demonstrated that she made important contributions to major research projects in her field. She has therefore submitted evidence of original contributions of major significance in her field. We will therefore withdraw the Director's contrary findings.

The Petitioner has met three evidentiary criteria. USCIS must therefore make a final merits determination on her petition. *See* 8 C.F.R. § 204.5(h)(3); *Amin*, 24 F. 4th at 391. The Director did not make such a finding. We will therefore make one now.

C. Final Merits Determination

To establish eligibility, the Petitioner must demonstrate her receipt of sustained national or international acclaim and recognition of her achievements in her field sufficient to show that she is one of that small percentage who has risen to her field's very top. *See generally* 6 *USCIS Policy Manual* F.2(B)(2). Congress intended classification as an alien with extraordinary ability to reflect a "career of acclaimed work in the field." *See* H.R. Rep. No. 101-723, at 59 (Sept. 19, 1990).

Under USCIS policy:

> [t]he petitioner must provide sufficient context … to establish the person's extraordinary ability in the totality of the circumstances. This means that the petitioner must explain the significance of the submitted evidence, and how it demonstrates that the person has achieved sustained national or international acclaim and recognition in their field of expertise.

6 *USCIS Policy Manual* F.2(B)(2). We must consider, in the aggregate, any potentially relevant evidence of record, even if it does not fit one of the regulatory criteria or was not presented as comparable evidence. *Id.*

1. Judge of Others' Work

The Petitioner submitted evidence that, in 2025, she "peer-reviewed" more than ten articles by other researchers for publication in international, scientific journals in her field. But she has not demonstrated that the amount or quality of her reviews place her among the small percentage at her field's top. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *23 (D. Neb. Sept. 12, 2025) (upholding USCIS' finding that "the petitioner has not shown how the beneficiary has judged to such an extent, or at a high enough level, that her judging surpasses the majority of the field and places her in the top echelons of anesthesiology and pain management").

Also, the record indicates that all of the Petitioner's judging activities occurred in 2025. Thus, any acclaim that she received from the activities would not be "sustained" in nature. *See* section 203(b)(1)(A)(i) of the Act (requiring demonstration of "sustained national or international acclaim").

2. Original Contributions of Major Significance

As previously discussed, the Petitioner submitted evidence that she has played significant roles in major research projects in her field. She also provided letters from independent researchers praising her work.

The Petitioner, however, has not sufficiently demonstrated that her projects and body of work reflect extraordinary ability in her field. *See* 6 *USCIS Policy Manual* F.2(B)(2) ("[T]he petitioner must explain the significance of the submitted evidence, and how it demonstrates that the person has achieved sustained national or international acclaim and recognition in their field of expertise.") She herself acknowledged that she has not established her own research group. The record also does not indicate that she obtained funding for any of the studies on which she participated. *Id.* (stating that designation as an investigator, scientist, or researcher on a peer-reviewed and competitively-funded U.S. government grant or stipend may indicate extraordinary ability in a STEM field).

3. Authorship of Scholarly Articles

The record shows that, at the time of the petition's filing, the Petitioner had authored or co-authored 16 published research articles, some of which appeared in highly ranked publications. But she has not established that that output level reflects a "career of acclaimed work in the field." *See* H.R. Rep. No. 101-723, at 59; *see also Jafarov v. USCIS*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (S.D.N.Y. Jan. 5, 2024) ("It was not unreasonable for USCIS to focus … on the fact that a 'publication record of six publications from 2015 and 2022' is inconsistent with 'a *career* of acclaimed work and *sustain[ed]* national or international acclaim.'"

Considering the evidence in the aggregate, the record identifies the Petitioner as a talented researcher who has made original contributions to major projects in her field. She met the requested category's initial evidentiary requirements and demonstrated her receipt of some acclaim and recognition. But, even considering the evidence in its totality, the Petitioner has not established herself among the small percentage at her field's top. The record indicates that she has yet to achieve a "career of acclaimed work in the field." *See* H.R. Rep. No. 101-723, at 59 (Sept. 19, 1990).

Congress intended to set "a very high standard" for aliens of extraordinary ability, reserving this immigrant visa category "for that small percentage of aliens who have risen to the very top of their field of endeavor." Proposed Rule for Employment-Based Immigrants, 56 Fed. Reg. 30703, 30704 (July 5, 1991). Considering the evidence as a whole, the Petitioner has not established her claimed extraordinary ability in his field. *See Amin*, 24 F.4th 383, 386 ("[G]iven the lofty bar for extraordinary ability classifications, we cannot say that the agency acted arbitrarily when it determined that [a petitioner] was not 'extraordinary' but merely very good."); *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (holding that even athletes performing in their sports' premier leagues do not automatically meet the extraordinary ability standards).

III. CONCLUSION

The Petitioner met the required number of initial evidentiary criteria for the requested immigrant visa petition and demonstrated her receipt of some acclaim and recognition in her field. But she has not established her claimed extraordinary ability in the field. We will therefore affirm the petition's denial.

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.