U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43548669

Date: JULY 15, 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. *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.

Through its Service Center Operations (SCOPS), USCIS denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding the record did not establish that the Petitioner had received a major, internationally recognized award, nor did he demonstrate that he met at least three of the ten regulatory criteria. 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.

I. LAW

To qualify under this immigrant classification, the statute requires the filing party demonstrate:

- The alien enjoys extraordinary ability in the sciences, arts, education, business, or athletics;
- They seek to enter the country to continue working in the area of extraordinary ability; and
- The alien's entry into the United States will substantially benefit the country in the future.

Section 203(b)(1)(A)(i)–(iii) of the Act. The term "extraordinary ability" refers only to those 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* H.R. Rep. 101-723, 59 (Sept. 19, 1990), *reprinted in* 1990 U.S.C.C.A.N. 6710, 1990 WL 200418 at *6739 (stating: "In short, admission under this category is to be reserved for that small percentage of individuals who have risen to the very top of their field of endeavor.").

The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-step analysis. In the first step, a petitioner can demonstrate international recognition of his or her achievements in the field

through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she 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) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then move to the second step to 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, 1121 (9th Cir. 2010) (discussing a two-step 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, 394 (5th Cir. 2022).

II. ANALYSIS

The Petitioner claims he earned a foreign bachelor's degree in engineering, then a master's degree in 2014 and a Ph.D. in Biological and Agricultural Engineering in 2021, each from U.S. institutions. In 2023, he began working as an engineering technologist for a state university where he is responsible for developing agricultural robots, novel sensors, and imaging technologies for high throughput phenotyping and digital agriculture among other responsibilities.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). Before SCOPS, the Petitioner claimed he met three of the regulatory criteria. SCOPS decided that the Petitioner satisfied two of the criteria relating to judging and the authorship of scholarly articles but that he had not satisfied the contributions of major significance criterion. After reviewing all the evidence in the record, we conclude he has not demonstrated he is eligible for this highly restrictive immigrant classification.

1. Original Contributions of Major Significance under 8 C.F.R. § 204.5(h)(3)(v).

The primary requirements here are that the Petitioner's contributions in their 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*, 24 F.4th at 394 (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.

Before SCOPS, the Petitioner claimed his citation record demonstrates his contributions to the field when compared to the average citation percentiles for certain years. As evidence, the Petitioner relied

on material from Clarivate Analytics to show his work had garnered "the highest citation percentiles." SCOPS questioned why the Petitioner relied on the overly broad category of Engineers that included specializations that did not apply to the Petitioner's field of agricultural engineering in which a more appropriate comparator might be agricultural sciences. SCOPS also noted Clarivate Analytics indicated: "Citation frequency is highly skewed with many infrequently cited papers and relatively few highly cited papers. Consequently, citation rates should not be interpreted as representing the central tendency of the distribution." SCOPS determined that the Petitioner did not meet the requirements of this criterion. In his appellate response, the Petitioner emphasizes that a skewed citation frequency is natural to citation distributions. Even so, that does not address that he relied on the incorrect category in which to compare to his citations.

Turning to the actual citations to his work, the Petitioner notes that those citing to his work come from six different countries. Citations from international researchers are insufficient to establish an original contribution of major significance. The statutory and regulatory framework requires objective evidence that the Petitioner's work has materially influenced the field as a whole, not merely that it has been used or acknowledged. International attention may show geographic reach, but it does not, by itself, satisfy the elevated "major significance" standard. In today's highly collaborative, digitally connected scientific environment, cross-border citation and data sharing are routine and expected. As a result, international citations are better understood as a natural consequence of modern scholarship than as reliable indicators that a contribution meets this criterion. Absent additional evidence showing that these citations reflect paradigm-shifting methodologies or foundational advances recognized by the broader scientific community, they are inadequate to demonstrate an original contribution of major significance.

To illustrate his citations were high when compared to the average, the Petitioner's appellate brief included a chart showing his articles were more frequently cited than what he characterizes as the average. But it is unclear from where the Petitioner found then copied and pasted this chart. At any rate, we view a comparison of citations to individual scientific articles to be more relevant for this criterion to establish the overall field's general view of a contribution of major significance. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual (providing that "published research that has . . . been highly cited relative to others' [individual] work in that field, may be probative of the significance of the person's contributions to the field of endeavor").

We note agency policy here does not reference the entire body of work of other researchers compared with a petitioner's body of work as he advances in this petition. Rather, USCIS policy focuses on whether a petitioner's individual published article is highly cited relative to other researcher's individual work in the field. *See also Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *5 (N.D. Tex. Oct. 19, 2023) (finding although the petitioner provided evidence showing that a few of his articles have received several times more citations than average, the record did not indicate what number of citations was being compared to: all articles within his specific field, all articles written by researchers of his age or level of expertise, or all scientific articles ever published). SCOPS mentioned such a comparison and on appeal the Petitioner pushes back on this method claiming the proper comparison would be to the field as a whole, returning to his claims relating to the average number in the broader field. As we and agency policy have already put that argument to rest, we will not address it any further.

Within the appeal brief, the Petitioner provides a list of journals and their corresponding impact factors. The list on appeal does not fully align with the list the Petitioner provided in the request for evidence response, nor does the impact factor related to each of the journals match that previously provided. The Petitioner has offered no explanation for this divergence, which weighs against his claims relating to these journals and their relative importance. Here, the Petitioner has introduced an inconsistency in the record, and he has not acted to resolve that issue. Similar to the long-standing precedent in *Matter of Ho*, 19 I&N Dec. 582, 591–92 (BIA 1988), *Matter of O-M-O-*, 28 I&N Dec. 191, 197–98 (BIA 2021) affirms that where the record contains material inconsistencies a petitioner bears the burden of resolving these discrepancies with independent and objective evidence. *See also Matter of Dobrotvorskii*, 29 I&N Dec. 211, 215 (BIA 2025) (concluding that unreconciled inconsistencies in the record undermine the filing party's eligibility); *Matter of Christos, Inc.*, 26 I&N Dec. 537, 539 (2015). Under these precedent decisions, such an unresolved conflict hinders the Petitioner's ability to establish the true aspects of his claims, rendering his documentation insufficient to meet the preponderance of the evidence standard.

Next, the Petitioner claims his "work has regularly inspired further advances in intelligent agricultural robots, sensors, and instruments for agricultural tasks, particularly those efforts centered on improving the performance of agricultural tasks and preventing damage to agricultural yields." The Petitioner alleges this also demonstrates his contributions to the field were of major significance. USCIS policy addresses 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." *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1).

Of particular importance, we highlight the policy reflects one should both provoke widespread commentary and be highly cited. First, as it relates to the articles that cite to his work, he only provided a few pages of the articles and we are unable to fully gauge how important the Petitioner's work was within the piece. But more than that, while we acknowledge the inclusion of the Petitioner's prior work in the provided material, characterizing this as "inspiring further advances" misrepresents both the nature and extent of the citation. Within the provided examples, the papers made a single reference to the Petitioner's work as a passing mention included to establish general background context rather than to support, replicate, or build upon a main finding. In academic literature, foundational reliance should include substantive integration of a source's methodology, data, or central theoretical arguments into the core findings of the new study. Because these citations do not serve to substantiate the authors' primary thesis or advance their core methodology, it is more accurately defined as marginal acknowledgment rather than inspiring future advances.

The appellate examples the Petitioner provides of marginal 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). 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 its importance. *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).

Moving to the letters the Petitioner discusses, they outline the type of acknowledgement of his original findings that we would expect for published scholarly work. Much like the articles that cite to his work, each of the letters' authors mention his work that furthered their original research, but none of the identified text explains how the Petitioner's original findings have been significantly influential in the broader field. *See generally* 6 *USCIS Policy Manual*, *supra*, B.1 (requiring that one's "contributions are of major significance to the field"); *see also Amin*, 24 F.4th at 394 (citing *Visinscaia*, 4 F. Supp. 3d at 134–35 (upholding a finding that a ballroom dancer had not met this criterion because she did not corroborate her impact in the field as a whole)).

In sum, the letters are not representative of the "widespread commentary" USCIS policy anticipates to demonstrate an alien has satisfied this criterion's mandates. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1); *Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that a petitioner did not submit evidence of work provoking widespread public commentary in the field).

The Petitioner then discusses the following in support of this criterion:

> [His] strong background in artificial intelligence, electronic and mechanical design, and robot development, and his expertise in agricultural engineering concepts like high throughput phenotyping and quality assessments, has allowed his research to be particularly original, resulting in his success in fundamentally transforming sensors, instrumentation, and agricultural robotics technologies. [He] is particularly well-known for his contributions to field-based high throughput phenotyping for cotton plants . . . .

In support of this assertion, he generally referred to an abundance of evidence in the original petition filing, but he did not discuss what support derived from what evidence. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Rehman*, 27 I&N Dec. 124, 125 (BIA 2017). Commensurate with that burden is the responsibility for explaining the significance of offered evidence. *Innova Sols., Inc. v. Baran*, 338 F. Supp. 3d 1009, 1023 (N.D. Cal. 2018) (citing *Repaka v. Beers*, 993 F. Supp. 2d 1214, 1219 (S.D. Cal. 2014)). *See also Eguchi v. Kelly*, No. 3:16-CV-1286-D, 2017 WL 2902667, at *3 (N.D. Tex. July 7, 2017).

Filing parties should not submit large quantities of evidence without notifying the appellate body of the specific documentation that corroborates their claims as doing so places an undue burden on the appellate body to search through the documentation without the aid of the filing party's knowledge. *Nolasco-Amaya v. Garland*, 14 F.4th 1007, 1012–13 (9th Cir. 2021) (citing *Toquero v. INS*, 956 F.2d 193, 196 n.4 (9th Cir. 1992)); *Nazakat v. INS*, 981 F.2d 1146, 1148 (10th Cir. 1992).

It is the filing party's responsibility to inform us of what errors the lower entity committed and how their claims and evidence satisfy which eligibility requirements. *Nolasco-Amaya*, 14 F.4th at 1012–13; *Spear Mktg., Inc. v. BancorpSouth Bank*, 791 F.3d 586, 599 (5th Cir. 2015); *S.E.C. v.*

Thomas, 965 F.2d 825, 827 (10th Cir. 1992); *see also Harolds Stores, Inc. v. Dillard Dep't Stores, Inc.*, 82 F.3d 1533, 1540 n.3 (10th Cir. 1996) (concluding that where the evidence in the record is voluminous, it is imperative that an appellant provide specific references to record); *Uli v. Mukasey*, 533 F.3d 950, 957 (8th Cir. 2008) (citing to *Matter of D-I-M-*, 24 I&N Dec. 448, 451 (BIA 2008) and noting when a case includes voluminous background materials, it is necessary to specifically identify the material one relies on to come to their conclusion). The truth is to be determined not by the quantity of evidence alone but by its quality. *Matter of Chawathe,* 25 I&N Dec. at 376 (citing *Matter of E-M-*, 20 I&N Dec. 77, 80 (Comm'r 1989)).

He further claims that funding for his projects "is affirmative of the major significance of his original contributions to the field." SCOPS noted the shortcomings with these claims in their denial decision explaining that "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*, *supra*, F.2(B)(1).

But the Petitioner's appeal merely reasserts the same claims he offered to SCOPS that they rejected without identifying how they might have erred in their analysis or determination. The reason for filing an appeal is to provide an affected party with the means to remedy what they perceive as an erroneous conclusion of law or statement of fact within a decision in a previous proceeding. *See* 8 C.F.R. § 103.3(a)(1)(v). It is insufficient to merely assert that SCOPS made an improper determination. Where a question of law is presented, supporting authority should be included, and where the dispute is on the facts, there should be a discussion of the particular details contested. *Matter of Valencia*, 19 I&N Dec. 354, 355 (BIA 1986). Because we find no error in SCOPS' analysis here, we consider the Petitioner's arguments under this requirement to be forfeited or waived. *Matter of Garcia*, 28 I&N Dec. 693, 693 n.1 (BIA 2023) (finding arguments that do not meaningfully challenge an aspect of the underlying decision are deemed waived on appeal).

He also shows that a device he helped create led to a patent grant. The Petitioner claims it has reached customers in multiple countries but the only evidence he offered in support of that claim was a letter. He did not provide probative evidence showing any sales or distribution of this device. Even the letter the Petitioner identifies does not assert how widely used the device is in the industry. This falls far short of satisfying the Petitioner's burden. The level of the impact in the field as a whole through the wide use of the innovation is a more appropriate measure to determine if an individual has sufficiently influenced his field rather than simple commercialization of a patented device. *See Strategati, LLC v. Sessions*, No. 3:18-CV-01200-H-AGS, 2019 WL 2330181, at *6 (S.D. Cal. May 31, 2019). *See also Matter of New York State Dep't. of Transp.*, 22 I&N Dec. 215, 221 n.7, (Comm'r 1998) (although vacated as it relates to adopting a new framework for adjudicating national interest waiver petitions, the comparative analysis relating to patents remains valid and pertinent to this case).

And finally, the Petitioner identifies evidence he submitted in the request for evidence response from OpenAlex and Google Scholar for other researchers in the field, but this material included information that postdated the petition filing date. We will not consider this evidence relating to this petition as 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).

Here, the Petitioner has not submitted evidence that their contributions have had a sufficiently appreciable impact in the field, and as a result they have not met this criterion's requirements.

III. CONCLUSION

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 we 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 regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x) "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa.").

The two-step adjudication process is an interpretive rule that does not violate the Administrative Procedure Act, nor is it a legislative rule. *Taneja v. USCIS*, No. 24-CV-05657 (RER), 2026 WL 1734266, at *8 (E.D.N.Y. June 16, 2026); *Nagaiah*, 784 F. Supp. 3d at 810; *Agrawal*, 2025 WL 2879217, at *12; *Etsy, Inc. v. Jaddou*, No. 4:22CV3022, 2023 WL 3689555, at *23 (D. Neb. May 25, 2023) (citing *Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 96 (2015). This approach is rooted in an exhaustive historical review of the congressional record, the governing statutory language, and the comprehensive regulatory scheme intended to ensure only those at the very top of their field receive this classification.

To date, no other federal court has offered an alternative framework that is similarly grounded in such a thorough analysis of the legislative and agency history. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(2). *Contra Mukherji v. Miller*, No. 4:24CV3170, 2026 WL 895708, at *6 (D. Neb. Jan. 28, 2026) (concluding the two-step framework was adopted without required notice-and-comment rulemaking). But that appears to misconstrue a conference report—which serves solely to explain how the House and Senate resolved differences between their two versions of the bill—as being more authoritative on this issue than a Judiciary Committee Report, the purpose of which includes guiding the executive branch in implementing the law and assisting the judicial branch in its interpretation. That view has been rejected by numerous federal courts before and since the *Mukherji* court made it. Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)).

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.