U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40765002

Date: JULY 16, 2026

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

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

The Petitioner, an electrical engineer, 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 denied the petition, concluding that the record did not establish that the Petitioner had either received a major, internationally recognized award or satisfied at least three of ten initial evidentiary criteria, as required. The matter is now before us on appeal under 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 aliens 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. A petitioner must establish that the alien seeks to enter the United States to continue work in the area of extraordinary ability, and that their entry into the United States will substantially benefit the United States. The term "extraordinary ability" refers only to those aliens 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, a petitioner can demonstrate international recognition of an alien's achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Or the petitioner can submit evidence 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. If those standards do not readily apply to the alien's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once a petitioner has met the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the alien 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 earned master's and doctoral degrees in electrical engineering from the [redacted] in Iran between 2014 and 2023. After a research fellowship at the [redacted] in summer 2024, the Petitioner arrived in the United States in October 2024 as a J-1 nonimmigrant for a postdoctoral research position at [redacted]. The Petitioner states that his current research "involves investigating the optimal integration of renewable energy sources, electric vehicles, demand-side management potentials, and energy storage systems to ensure the efficient, reliable, and resilient operation of the power system from technical, economic, and social perspectives [and] evaluating the impact of the growing load of data centers on power system operations and planning strategies."

Because the Petitioner has not indicated or shown that he 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). The Petitioner claims to have satisfied three of these criteria, pertaining to judging the work of others, authorship of scholarly articles, and original contributions of major significance.

USCIS concluded that the Petitioner had satisfied only two criteria, pertaining to judging and scholarly articles. We agree.

The regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field. Examples of relevant evidence of major significance include, but are not limited to:

- Published materials about the significance of the alien's original work;
- Testimonials, letters, and affidavits about the alien's original work;
- Documentation that the alien's original work was cited at a level indicative of major significance in the field; and
- Patents or licenses deriving from, or evidence of commercial use of, the alien's work.

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

The Petitioner stated that his contributions, as described in his published work, are "of major significance to the field of electrical power engineering, including but not limited to virtual power plants, distributed energy generation and storage, and low-carbon distribution networks," addressing "grid reliability, resilient energy distribution, and integration of renewable energy and emerging technologies." The

Petitioner stated that he "is particularly well-known for his contributions to standard optimization models for utilization of commercial power demand response programs."

The Petitioner relies heavily on citation data to establish the claimed significance of his contributions, but the evidence submitted in this regard is often incomplete. The Petitioner stated that six of his articles are among "the top 10% most cited articles published in [the field of] Engineering" in their respective years of publication. The source for this claim is a table of "InCites Essential Science Indicators" from Clarivate Analytics, listing "baseline citation rates" in 22 fields from 2014 to 2024. The Petitioner did not show that this citation data, with a 2024 copyright date, was current when he filed the petition in late March 2025. Also, the Petitioner did not establish that citation rates throughout the broad category of "engineering" are representative of the rates in his specific area of electrical engineering.

The Petitioner stated that his "record of citation has secured him an h-index of 10, placing him in the top 4% of authors publishing in electronic engineering."[1] The Petitioner submitted a Google Scholar printout showing his h-index and the citation counts of his articles, and charts attributed to OpenAlex for the "top 4%" figure. The OpenAlex charts rely on data for 624,099 authors in the field of "electronic engineering." The Petitioner has not shown that electronic engineering is the same field as electrical engineering, the field identified on the Petitioner's educational credentials.

In response to a request for evidence, the Petitioner submitted a ScholarGPS Ranking Analytics table, showing how the Petitioner ranks among 355,780 scholars in the specialty of "[e]lectric power," a considerably smaller figure than the over 624,000 "electronic engineering" authors in the OpenAlex data. In terms of citations, the ScholarGPS table ranks the Petitioner at 33,563, ranking in the top 9.44%.

Citation figures are one factor among many to consider. By themselves, citation counts generally do not suffice to establish the major significance of the Petitioner's original contributions. We must also consider evidence and information addressing those specific contributions. The *USCIS Policy Manual* provides instructive language:

> 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 establish the significance of the contribution. . . . Detailed letters from experts in the field explaining the nature and significance of the alien'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.

See, generally, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). By referring to "widespread commentary . . . and documentation that [the work] has been highly cited," it is evident that the citations themselves do not necessarily amount to widespread commentary on the significance of the work. *See Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *5 (N.D. Tex. Oct. 19, 2023) ("Any citation to an academic work could equally critique it or laud it."). The Petitioner has submitted partial copies of a few of the citing articles, without establishing that these citations are a representative sampling of the rest.

[1] An h-index of 10 means that 10 of the Petitioner's articles have each garnered 10 or more citations.

The Petitioner stated that those partial copies include "notable citations" to his published work, showing that his "citation record [shows that] he has driven major advances in power systems, distribution system operators, and multiagent distributed frameworks."

The highlighted language in the submitted articles shows that the authors cited the Petitioner's work to support various statements. For instance, a 2019 article in [redacted] cited the Petitioner's work as a source for this sentence: "[redacted] conditions." The authors of a 2019 article in [redacted] stated that, in one of the Petitioner's articles, "[redacted]" The authors of a 2023 paper in [redacted] stated: "[redacted]" including the Petitioner's work.

In the denial notice, USCIS concluded that "the evidence in the record is insufficient to demonstrate the reason the citations are notable." On appeal, the Petitioner asserts that the submitted examples "discuss[] in detail precisely *how* and *why* scholars throughout [the Petitioner's] field have relied on his original contributions to advance their own research endeavors." The Petitioner contends that these citations "demonstrat[e] that his work had frequently been implemented for further benefit and recognized as state-of-the-art." Statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight. *Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998).

It is not readily apparent that these citations to the Petitioner's work, such as the examples above, are more "notable" than the dozens of other citations in these articles. *See Venkatnarayan v. Jaddou*, No. 1:23CV256, 2024 WL 4008312, at *7 (M.D.N.C. Aug. 30, 2024), *report and recommendation adopted sub nom. Venkatnarayan v. Jaddou Dir. of USCIS*, No. 1:23-CV-256, 2024 WL 4267307 (M.D.N.C. Sept. 23, 2024) (upholding there was no evidence distinguishing the plaintiff's work from all the other works cited in the articles to show the major significance of his work).

The record contains letters from some of the researchers who have cited the Petitioner's work. Detailed letters may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance. *See, generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). The reliance on corroboration is significant because it provides objective support for what might otherwise amount to subjective opinion. *Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that a petitioner must objectively demonstrate that the field considers the work to be of major significance).

In their letters, these researchers explain why the Petitioner's work provided information that was useful to their own research. For example, Professor [redacted] of [redacted] University stated: "[The Petitioner's] insights on commercial demand response programs in virtual power plant platform provided critical insights to my own investigation on this topic."

Other researchers have clearly found the Petitioner's work relevant to their own, but relevance is not necessarily major significance in the field. The letters do not offer much information about the extent of the Petitioner's practical influence on power generation. For instance, Dr. [redacted], a senior researcher at the [redacted], stated that the Petitioner's "methodological integration of multiagent

coordination and reliability considerations offered a blueprint for exploring future-ready planning models in active power systems," but Dr. [redacted] did not indicate that these models have actually been implemented in power system networks. Likewise, Prof. [redacted] discussed above, stated that the Petitioner "demonstrated methods for optimizing technical and economic objectives in electric power networks," but did not cite any evidence that power companies have put those methods into practice.

Letters that generally attest to the value of an alien's work, without explaining in detail specific ways in which the alien's personal contributions have already been widely applied or replicated to serve the industry, do not suffice to establish major significance. *See Gadhave v. Thompson*, 2023 WL 6931334, at *5.

Professor [redacted][2] who supervised the Petitioner's graduate studies at [redacted] and co-authored several articles with him, states that the Petitioner's student projects "facilitate the restoration of Iran's bulk power system by offering numerous technical, economic, and social benefits, including improved grid stability, reduced damage-related costs, and . . . shorter power restoration times" and "effectively addressed critical challenges in substation configuration and contributed to improving the overall reliability of the power network." While Prof. [redacted] provided specific details about the Petitioner's work, these assertions about its practical results are considerably more vague. The Petitioner did not submit independent corroborating evidence of the kind recommended in the *USCIS Policy Manual*. The Petitioner has not shown practical implementation of his work beyond entities that have employed him, and has not provided objective context to show that his work not only has practical applications, but also meets the much higher threshold of major significance in the field.

In a similar vein, an official of [redacted] Company stated that the Petitioner's "research projects . . . have yielded highly effective results for this company. . . . As a result, the company's electricity distribution efficiency and reliability have significantly improved." But the record lacks objective documentation to confirm the nature, extent, and impact of these improvements.

The authors of the letters are experts in their fields, and their statements are not without weight. But when considering the significance of the Petitioner's contributions in a context that relies heavily on citations, we must also consider the citation data for the writers when the record provides that information. Dr. [redacted] *curriculum vitae* indicates that his own published work has "garnered over 6100 citations with h-index 43." Prof. [redacted] *curriculum vitae* refers to "7500+ Citations (h-index 52)." These figures are not readily consistent with the Petitioner's assertion that he is "among the most highly-cited scholars in his field." At the time he filed the petition, only one of his articles had earned more than 40 citations. The Petitioner did not submit information citation rates and h-indices for the other writers to show how their publications have fared relative to the Petitioner's work. Such information might have served to give more context to the Petitioner's own statistics.

The Petitioner submitted documentation showing that "he was a member of a small student team from the [redacted] who won 1st place in the [redacted] competition on February 4, 2015." USCIS concluded that the Petitioner had not established that this student award, stemming from when the Petitioner was an undergraduate, reflects an original contribution of major significance. On appeal, the Petitioner contends

[2] We note that the letter misspells his surname "[redacted]."

that USCIS improperly dismissed the award because it relates to a student competition. We agree with the general principle that a contribution can have major significance even if that contribution is made by students, but the Petitioner has not established that his award-winning student project had significant impact on his field. Translated copies of the award certificate and news coverage immediately after the competition do not show the extent, if any, to which the field adopted the Petitioner's work.

Another exhibit in the record illustrates the limitations of assertions in briefs that accompanied the petition and the appeal. The Petitioner's initial submission includes what he described as an "unsolicited invitation to speak at [redacted]." This framing of the invitation suggests that the invitation arose from the Petitioner's wider reputation. But the invitation is in the form of a letter dated November 11, 2024, from the same [redacted] faculty member who had begun supervising the Petitioner's postdoctoral work several weeks earlier. As such, the invitation letter is not evidence of recognition beyond the laboratory where the Petitioner was already working at the time.

The Petitioner has produced useful research as a student and later as a postdoctoral researcher. But he seeks a highly restrictive immigrant classification, and the criterion at 8 C.F.R. § 204.5(h)(3)(v) requires original contributions of major significance, which is a much higher threshold than utility, novelty, or relevance. Evidence that other researchers have found his work useful is not sufficient to establish the major significance that the regulation demands. The Petitioner's research concerns electric power generation, which is a practical, real-world activity rather than an abstract concept confined to the realm of theory. Therefore, we would expect contributions of major significance to be reflected in real-world power generation. The record lacks independent, objective evidence to show the extent of implementation of his work and the impact of that implementation on the field as a whole.

The Petitioner has not satisfied the requirements of this criterion.

In light of the above conclusions, the Petitioner does not meet the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3). We will therefore dismiss the appeal.

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. 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 regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *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).

The Petitioner has not demonstrated eligibility as an alien of extraordinary ability. We will therefore dismiss the appeal.

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.