U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43548704

Date: JULY 17, 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 professor of applied linguistics 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.

Through its Service Center Operations (SCOPS), USCIS denied the Form I-140, Immigrant Petition for Alien Workers (petition). 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. 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 earned various language-related degrees and has served as an assistant professor or a professor for approximately two decades. Her field of endeavor or expertise is in applied linguistics.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, she 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 she met six of the regulatory criteria. SCOPS decided that the Petitioner satisfied five of the criteria relating to: published material, judging, original contributions, the authorship of scholarly articles, and performing in a leading or critical role but that she had not satisfied the criteria associated with prizes or awards. SCOPS also made a favorable determination in a final merits determination, but they concluded that she did not adequately establish that she sought to enter the United States to continue work in the area of extraordinary ability or expertise under section 203(b)(1)(A)(ii) and 8 C.F.R. § 204.5(h)(5). On appeal, the Petitioner maintains her eligibility. After reviewing all the evidence in the record, we conclude that she has not satisfied at least three of the regulatory criteria meaning she is not eligible for this immigrant classification.

1. "Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 204.5(h)(3)(i).

This criterion contains several evidentiary elements, all of which must be met to satisfy the regulation. According to the plain language of the regulation the evidence must establish: (1) the alien is the recipient of the prizes or the awards; (2) those accolades are nationally or internationally recognized; and (3) each prize or award is one for excellence in the field of endeavor.

The Petitioner claimed a grant awarded to the rectorate of the [redacted] University for a project she oversaw when she was the [redacted] at the university. SCOPS determined that the Petitioner did not meet the requirements of this criterion.

This grant was issued in response to a prospective proposal describing an endeavor the university intended to undertake and it funded a future project. The grant did not recognize a distinguished past achievement. It was awarded based on meeting technical, programmatic, or institutional requirements

rather than comparative peer evaluation of "excellence" across the entire discipline. Further, university program grants are typically limited to institutional endeavors (e.g., campus-specific research or departmental initiatives) and they lack the broader national or international reach the regulation's plain language demands. In summary, the Petitioner did not receive the grant, it did not constitute prizes or awards for excellence, and the record does not include documentary evidence of its national or international recognition in the field of endeavor.

As a result, we agree with SCOPS that the Petitioner did not submit evidence that meets the plain language requirements of this criterion.

2. "Published 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." 8 C.F.R. § 204.5(h)(3)(iii).

This criterion contains multiple evidentiary requirements the Petitioner must satisfy. First, the published material must be about the Petitioner and the contents must relate to the Petitioner's work in the field under which they seek classification as an immigrant. The published material must also appear in professional or major trade publications or other major media. Professional or major trade publications are intended for experts in the field or in the industry. To qualify as major media, the Petitioner must establish the circulation statistics are high relative to other similar forms of media. The final requirement is that the Petitioner provide each published item's title, date, and author and if the published item is in a foreign language, they must provide a translation that complies with the requirements found at 8 C.F.R. § 103.2(b)(3). The Petitioner must submit evidence satisfying all of these elements to meet the plain language requirements of this criterion.

The Petitioner provided multiple articles and SCOPS determined that the Petitioner met the requirements of this criterion without offering any reasoning. We do not agree with that conclusion and we will withdraw SCOPS' favorable grant of this criterion.

First, the published material the Petitioner provided is not about her and related to her work. Instead, it is about different conferences, and the content briefly mentioned her. "The published material must be specifically about the applicant and focus on [their] personal work in the relevant field, not merely relate to the applicant's work, mention [their] name, or include [their] photo." *Aravamuthan v. Jaddou*, No. 3:23-CV-01412-N, 2025 WL 1708126, at *4 (N.D. Tex. June 17, 2025) (citing *Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *4 (N.D. Tex. Oct. 19, 2023)); *Joseph v. USCIS*, No. 24-40249, 2025 WL 458001 *3 (5th Cir. Feb. 11, 2025) (affirming USCIS' determination that articles do not meet this criterion even when they quote and mention a petitioner, but are not primarily about them).

Second, two of the six articles are identical and simply appear in different publications; also termed syndication or content syndication. USCIS evaluates media coverage based on editorial independence and objective third-party recognition and this type of replication across publications warrants diminished evidentiary value. This syndication creates the appearance it was distributed through automated networks or paid distribution services rather than independent editorial selection, or that it is self-promotional materials, which USCIS policy does not allow. *See generally* 6 *USCIS Policy*

Manual F.2(B)(1), https://www.uscis.gov/policymanual (noting that marketing materials created for the purpose of selling the person's products or promoting the person's services are not generally considered to be published material about the person which includes seemingly objective content about the person in major print publications that the person or the person's employer paid for). And finally, although the Petitioner asserts that the relevant publications constitute major media, she has not submitted evidence substantiating that characterization, especially with respect to the nature of the section of the publication in which her materials appear. *See Aravamuthan*, 2025 WL 1708126, at *4 (finding a petitioner's submission of promotional material did not meet this criterion).

As the Petitioner has not met this criterion's plain language requirements, we are withdrawing SCOPS' conclusion to the contrary.

3. "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).

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. Publications and presentations are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "*major* significance." *Kazarian v. USCIS*, 580 F.3d 1030, 1036 (9th Cir. 2009) *aff'd in part* 596 F.3d 1115.

The Petitioner claimed the following qualified her under this criterion: her published research, her founding of an academic writing center at a university in her home country, her founding of a scholarly journal, the development of an online course to help teachers improve how they teach foreign languages to young children, and her selection to teach specialized professional development and academic training programs for foreign language teachers in her home country. Without providing any analysis, SCOPS determined that the Petitioner met the requirements of this criterion. While we agree the Petitioner has experienced notable achievements, we do not agree with SCOPS' conclusion that they are of major significance in the field.

We reiterate that the Petitioner claims her area of extraordinary ability is applied linguistics.

Published research. We do not question the originality of her work, leaving only whether it was of major significance in the field. On that issue, the Petitioner claimed that her Google Scholar Profile shows an extensive citation record, h-index, and consistent scholarly referencing of her work worldwide. While the Petitioner provided her Google Scholar profile containing the claimed elements, she did not offer evidence in which to compare any of these factors. Even so, it is not enough to satisfy this criterion's requirements for the Petitioner to compare her entire publication citation totals to a

group of researchers. Comparing overall citation rates of individuals is more appropriate to the final merits determination, where it can serve as a metric of acclaim and renown within the field.

A more apt metric under this criterion would be comparing citations to one of the Petitioner's individual published articles (as opposed to all of her work) with other researchers' single published papers in her specialized field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual (providing 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"). We note agency policy here does not reference the entire body of work of other researchers compared with a petitioner's body of work. 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. And her ResearchGate profile, Academia.edu profile, and AD Scientific Index data suffers from the same issue as not being a relevant factor under this criterion to demonstrate the major significance of any of her individual contributions to the broader field.

Founding an academic writing center. The Petitioner established a support unit designed to help graduate students and faculty members improve the language and clarity of their English academic papers. She claims this center has been used as a prototype for similar initiatives at other Turkish institutions. For this contribution to meet the requirements, the Petitioner must demonstrate the creation and existence of this unit had a significant impact in the broader field. The evidence she presented relating to this claim consisted of her appointment as the director of the center, and other materials from the center or university itself. But absent from the record is probative evidence that demonstrated what affect her efforts here had in the field. As a result, while notable, the creation of this center is not an achievement that will meet this criterion's requirements.

Founding a scholarly journal. Next, she notes that she created a scholarly journal that generally publishes on a biannual schedule and is recognized as a Q4-ranked Web of Science journal. The Petitioner notes it has produced 15 volumes and dozens of issues over more than a decade. For its impact in the field, she states that by "conceiving this journal, building its editorial policies and international board, and developing it to the point of Web-of-Science indexing, I effectively added a durable, open-access, globally indexed journal to the language-education literature, an infrastructure contribution that continues to support the work of many other scholars beyond my own publications." This speaks to the originality of founding the journal, but falls short of explaining how a journal that is ranked in the bottom 25 percent of its specific subject category based on citation impact in Web of Science amounts to a contribution in the field of major significance.

Online course and teaching specialized programs. The Petitioner's final claims under this criterion also suffer a similar deficiency as her above claims, as there is little to no probative evidence that illustrates how her efforts have resulted in a contribution of major significance. Regarding the development of an online course to help teachers improve how they teach foreign languages to young children, the Petitioner indicated that the "web portal hosts the modules and classroom-tested activities as open-access resources and in the is explicitly presented in the project's final documentation as a model for in-service program developers and policy makers across Europe. In practice, this means that the program's digital materials and framework continue to be used and adapted by

teacher-education programs." However, the Petitioner did not offer evidence that this has had any significant impact in the field of applied linguistics.

And for her selection to teach specialized professional development and academic training programs for foreign language teachers in her home country, she stated that she "helped equip emerging academics from universities across Turkiye to integrate EU frameworks into their own language-teacher education programs, strengthening institutional capacity beyond my home university." Although she claims this "specifically supports competitive, peer-reviewed scientific training activities, so participation as an instructor reflects recognition of my expertise at the national level," she offers no evidence that might demonstrate what impact her efforts effected in the field of applied linguistics.

Because the Petitioner has not submitted evidence that her contributions have had a sufficiently appreciable impact in the applied linguistics field, we withdraw SCOPS' favorable determination under this regulatory criterion.

4. "Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii).

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for "evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." A qualifying role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual.

For a critical role, evidence should show that the alien has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment. In determining whether the organization, establishment, department, or division has a distinguished reputation, relevant factors include its size, longevity, scale of its customer base, and relevant media coverage. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1). Organizations, establishments, divisions, or departments that enjoy a distinguished reputation are "marked by eminence, distinction, or excellence." *Id.* The Petitioner must submit evidence satisfying all of these elements to meet the plain language requirements of this criterion. *Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *7 (E.D. Wis. Nov. 4, 2024).

SCOPS determined that the Petitioner met the requirements of this criterion, but they did not provide any analysis to support that determination.

The first role the Petitioner claimed was as the department coordinator for "[redacted], the nationally licensed quality-assurance agency responsible for evaluating and accrediting teacher-education programs in Turkiye." She explained she was selected in 2024 as the departmental coordinator for the accreditation of [redacted] University's English Language Teaching Program. To demonstrate this is a qualifying entity, the Petitioner must show that [redacted]—specifically at [redacted] University—enjoyed a distinguished reputation. As supporting evidence of [redacted] distinguished reputation, the Petitioner

offered an illegible History webpage from the [redacted] entity itself instead of the organization at [redacted] University.

Even ignoring that this was about the history of the broader organization and not at her university, this did not amount to independent, objective evidence establishing that [redacted] has a distinguished reputation. Much like with self-promotional material under a different criterion, USCIS is not required to rely on the self-promotional material of an entity and "we may require more than [their] own say-so that it" has a distinguished reputation. *Cf. Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 185 (D.N.J. 2021). Additionally, [redacted] information from other universities also will not aid the Petitioner in demonstrating she performed in a leading role for an entity at [redacted] University.

She also claimed her leading role on the ethics committee at [redacted] University. Here, as she is claiming [redacted] University as the entity that enjoys a distinguished reputation, she must provide evidence establishing she performed in a leading role for the university itself. While USCIS policy offers flexibility in what the regulation's language of "organizations or establishments" means, it does not allow petitioners to impute a university's broader prestige to the specific subdivision where they worked. Each entity must be evaluated on its own merits, and assuming the part inherits the reputation of the whole commits a fallacy of division.

In other words, if she performed in a leading role, she must show that she "is (or was) a leader within the" university's hierarchy. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1). USCIS policy provides that the identified entity in which the Petitioner claims she performed in a leading or critical role, must be the same entity that has a distinguished reputation. It would be illogical for one to perform in a leading or critical role for a small unknown administrative office at Harvard University, then turn around and rely on the university's reputation for the distinguished reputation element. Doing so would divorce the evidentiary weight of the reputation from the actual significance of the alien's role within that specific operation. While the Petitioner submitted the ethics committee principles and directives, she did not explain how that evidence establishes she held a leading role at [redacted] University.

Moving to her claim that she was a member of the [redacted] and she served on faculty jury committees that evaluate academic personnel for hiring and promotion, again she relies on the reputation of [redacted] University and must show these roles were leading for the university as a whole. Evidence of a leading role should show that the alien was a leader for the claimed component (i.e., the university), and a job title with matching duties may help to establish that a role was leading. A leading role should be apparent by its position in the overall hierarchy and the role's matching duties. *Aravamuthan*, 2025 WL 1708126, at *7.

Supporting evidence here consists of a letter from a professor at the university reflecting she was a faculty member, and served on the relevant committee for approximately three years. The letter does not contain any information about the duties she performed or in what manner the position was oriented in the university's overall hierarchy.

The only other evidence relating to this committee is a general policy document expressing the faculty commits to legal and institutional compliance, continuously improving education and research to meet global needs, enhancing stakeholder satisfaction and competitiveness, sustaining evaluation and

accreditation processes, and fostering a culture of ongoing quality improvement. But it does not address the duties of committee members or convey where those members rest in the university's leadership hierarchy. Therefore, membership on this committee doesn't satisfy this criterion's requirements.

As the [redacted], the Petitioner notes she oversaw inter-university mobility and collaboration within Turkiye's exchange system. She claimed that those appointments showed that one of the country's highest-ranked universities relied on her judgment for core issues of ethics, curriculum, academic quality, and institutional collaboration. However, this does little to demonstrate her leading role in the university in accordance with the regulation and USCIS policy on the issue. The Petitioner provided website printouts relating to the [redacted], but much of it was illegible. Even the legible portions did not support her claims that her performance in this role was leading for the university. USCIS policy provides:

> This is one criterion where letters from persons with personal knowledge of the significance of the person's leading or critical role can be particularly helpful to officers in making this determination, so long as the letters contain detailed and probative information that specifically addresses how the person's role for the organization, establishment, division, or department was leading or critical. Evidence of experience must consist of letters from employers.

See generally 6 *USCIS Policy Manual*, *supra*, F.2(B)(1). The Petitioner did not identify these types of letters as supporting evidence of her claims under this criterion.

Moving to her work at [redacted] University, the Petitioner claims that as the [redacted] she managed the faculty's [redacted] portfolio, negotiating and maintaining bilateral agreements with European partner universities and overseeing incoming and outgoing staff and student mobility. But she did not identify any documentary evidence to corroborate this role, nor did she provide probative material detailing her duties in the role. The Petitioner's assertions alone for this service are not sufficient. *Matter of L-R-M-C- & V-A-M-M-*, 29 I&N Dec. 757, 758 (BIA 2026) (concluding assertions without corroborating evidence are generally inadequate to meet a filing party's evidentiary burden).

Finally, we address the Petitioner's role as founder and director of the [redacted] As we noted above, the evidence the Petitioner discussed in support of her role in this position consisted of a letter appointing her as the center's director and other promotional-type materials from the center or university itself. A throughline exists for the Petitioner's evidence under this criterion: an absence of letters from her employers. The USCIS Policy Manual reasons that previous employers are the persons with firsthand and "personal knowledge of the significance of the person's leading or critical role" and those individuals "can be particularly helpful to officers in making this determination, so long as the letters contain detailed and probative information that specifically addresses how the person's role for the organization, establishment, division, or department was leading or critical." *Id.* The Policy Manual clearly states: "Evidence of experience must consist of letters from employers." *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1).

Because the Petitioner's claims and identified supporting evidence fail to demonstrate she has met this criterion's mandates, we withdraw SCOPS' favorable conclusion under this requirement.

As it now stands, the Petitioner has only satisfied two criteria (judging and authorship of scholarly articles), and she has not satisfied the minimum of at least three criteria to warrant a final merits determination.

III. CONCLUSION

Because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that she 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."). 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)). We also reserve the issue of whether the Petitioner established she is coming to the United States to continue work in the area of expertise under section 203(b)(1)(A)(ii) of the Act and 8 C.F.R. § 204.5(h)(5).

For the reasons discussed above, the Petitioner has not demonstrated her 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.