U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40479820

Date: JULY 30, 2026

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

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

The Petitioner, a petroleum reservoir and production 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 although the Petitioner established that he satisfied the initial evidentiary requirements, he did not demonstrate his sustained national or international acclaim and that he is among the small percentage at the very top of the field of endeavor. The matter is now before us on appeal pursuant to 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 visas available to immigrants with extraordinary ability if:

(i) the alien has 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,

(ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and

(iii) the alien's entry into the United States will substantially benefit prospectively the United States.

The term "extraordinary ability" refers only to those individuals 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 Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) (holding that extraordinary ability visas are known as "Einstein" visas, are extremely "coveted," and are "reserved for only the most talented" aliens). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and 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 categories 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 an evidentiary standard under 8 C.F.R. § 204.5(h)(3)(i)-(x) does not "readily apply" to a petitioner's occupation, the petitioner may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

Where a petitioner meets these initial evidence requirements, we then 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-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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (upholding USCIS' two-step review process as "consistent with the governing statute and regulation").

II. ANALYSIS

The Petitioner is seeking to be classified as an alien of extraordinary ability as a reservoir and production engineer with expertise in reservoir stimulation, hydraulic fracturing in unconventional reservoirs, pressure transient analysis, rate transient analysis, water flooding, and artificial lift. He indicates that he has worked for more than 14 years in the oil and gas industry, currently working in the United States for [redacted] as a lead performance reservoir engineer.

A. Evidentiary Criteria

Because the Petitioner has not claimed or established his receipt of 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). USCIS determined the Petitioner met five of the seven claimed evidentiary criteria. However, USCIS concluded the Petitioner did not show he garnered sustained national or international acclaim and his achievements have been recognized in the field of endeavor, demonstrating he is one of that small percentage who has risen to the very top of the field.

On appeal, the Petitioner contests USCIS' decision and argues his eligibility for two additional criteria. Because USCIS concluded that the Petitioner met at least three criteria, we need not determine whether the Petitioner fulfills any further criteria. *See Churyumov v. U.S. Citizenship & Immigr. Servs.*, No. 2:18-CV-00841-RAJ, 2019 WL 5802041, at *3 (W.D. Wash. Nov. 7, 2019), *aff'd*, No. 19-36094, 2022 WL 1657356 (9th Cir. May 25, 2022) (finding that regardless of the plaintiff's claim of meeting seven criteria, the plaintiff met the threshold evidentiary burden when he met at least three criteria); *see also*

Nagaiah v. Allen, 784 F. Supp. 3d 798, 819 (E.D. Pa. 2025) (stating that the petitioner's challenge to USCIS' finding at step one does not move the needle because USCIS determined that he prevailed at step one). Accordingly, we will review the totality of the evidence in the context of the final merits determination below. *See generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policymanual.

B. Final Merits Determination

On appeal, the Petitioner provides multiple alternative arguments that USCIS erred in its final merits determination. In a supplemental appeal brief, the Petitioner cites a district court decision, *Mukherji v. Miller*, No. 4:24-CV-3170 (D. Neb. Jan. 28, 2026), in which the court objected to USCIS' reliance on *Kazarian* to justify its use of the final merits determination as the basis for dismissing an appeal. We disagree with the Petitioner's reliance on this non-precedent decision to argue that our decision was incorrect to conduct a final merits determination.

In contrast to the precedential authority of the case law of a United States circuit court, we are not bound to follow a decision of a United States district court. *See Matter of K-S-*, 20 I&N Dec. 715 (BIA 1993). Moreover, while we may consider the court's reasoning when it is properly before us, unpublished opinions are not considered binding precedent. *See Suchite-Salguero v. Att'y Gen. United States*, 147 F.4th 355, 359-60 (3d Cir. 2025) ("[W]e have cautioned over and over again that non-precedential opinions carry little to no weight for future cases."); *Wang v. Holder*, 569 F.3d 531, 538 n.5 (5th Cir. 2009); *cf. Matter of K-S-*, 20 I&N Dec. at 719 (considering the reasoning of district court decisions). Notably, the *Mukherji* decision was issued by a district court in Nebraska. Whereas, in the present case, the petition was denied at the Texas Service Center and the Petitioner indicates his physical address is in Texas, outside the jurisdiction of the Nebraska court that decided *Mukherji*. In addition, the two-step adjudication process is an interpretive rule that does not violate the Administrative Procedure Act, nor is it a legislative rule. *Nagaiah v. Allen*, 784 F. Supp. 3d 798, 810 (E.D. Pa. 2025); *Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *12 (D. Neb. Sept. 12, 2025); *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)).

In addition, the Petitioner argues on appeal that the *Mukherji* decision acknowledged the recent United States Supreme Cout decision in *Loper Bright Enterprises v. Raimondo*, 144 S.Ct. 2244 (2024), which he claims diminished the validity of deference to an agency's interpretation of a statute. With limited deference, the Petitioner argues that the validity of the final merits determination outlined in *Kazarian* is a question of law which should be determined by the court and the *Mukherji* court found it to be unlawful.

While we acknowledge the Petitioner's assertions, the Petitioner has not provided any support for his assertions and appears to misinterpret *Loper*'s reach. *Loper* overturned *Chevron USA v. Natural Resources Defense Council*, 467 U.S. 837 (1984), in holding that federal courts need not defer to agencies' reasonable interpretations of ambiguous federal laws. Therefore, *Loper* provides the judiciary with the sole prerogative to "say what the law is," stating: "[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority." *Loper*, 144 S. Ct. at 2257, 2273. While *Loper* guides federal courts that review our interpretation of ambiguous statutes, it does not modify our own adjudication of immigrant petitions.

Moreover, *Loper* does not change how we interpret such laws or mandate, as the Petitioner suggests, an immediate change in how USCIS adjudicates immigrant petitions for aliens of extraordinary ability. Similarly, *Loper* involved an agency's interpretation of a statute. *Id.* at 2254-56. USCIS' denial of this petition, and our adjudication of this appeal, rest on a determination of whether the Petitioner met his burden to demonstrate his sustained national or international acclaim, he is one of the small percentage at the very top of the field of endeavor, and his achievements have been recognized in the field through extensive documentation under 8 C.F.R. § 204.5(h)(2); it is not based on the agency's interpretation of a statute. Even if the regulations are ambiguous, our interpretation of them would merit deference under *Auer v. Robbins*, 519 U.S. 452 (1997), which *Loper* did not reverse. *See, e.g., United States v. Boler*, 115 F.4th 316, 322 n.4 (4th Cir. 2024) (declining to apply *Loper* to an issue involving an agency's interpretation of its own regulations). Accordingly, we are not persuaded by the Petitioner's assertions and will conduct a de novo review of the record considering the two-part analysis described in *Kazarian* and in the USCIS Policy Manual.

In the alternative, the Petitioner argues that USCIS' final merits determination erred in the analysis of the evidence by imposing novel requirements in contradiction to the law, applied an incorrect evidentiary standard, and misinterpreted the law. When considering the totality of the evidence, he claims it clearly supports his sustained national or international acclaim in the field and that he is one of that small percentage at the very top of his field. As indicated above, we will evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim,[1] he is one of the small percentage at the very top of the field of endeavor, and his achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[2] Here, the record reflects USCIS properly analyzed the submitted documentation and applied the correct evidentiary standard. Upon de novo review, the Petitioner has not demonstrated his eligibility.[3]

Because extraordinary ability is an elite level of accomplishment whose recognition necessarily entails a judgement call, it cannot be established through meeting at least three of the evidentiary criteria alone. *See Amin v. Mayorkas*, 24 F.4th at 394-395. Congress sets 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.

At the time of filing, the Petitioner indicated that he has worked for [redacted] as lead performance reservoir engineer in the mid-continent business unit in [redacted] Texas since 2023. Prior to relocating

[1] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(A)(1) (stating the definition of sustain is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time").

[2] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (instructing that USCIS officers should consider the petition in its entirety to determine eligibility according to the standard – sustained national or international acclaim and the achievements have been recognized in the field of expertise, indicating that the person is one of that small percentage who has risen to the very top of the field of endeavor).

[3] While we may not discuss every document submitted, we have reviewed and considered each one.

to the United States, the Petitioner explains that he worked for [redacted] in Nigeria from 2011 to 2023, having held various positions, including working as a petroleum engineer at [redacted] in [redacted] from 2011 to 2013; a project manager at [redacted] in [redacted] in 2014; a production engineer, well integrity engineer, and well reliability and optimization engineer in [redacted] from 2016 to 2018; and a petroleum engineer for [redacted] in [redacted] from 2018 to 2023. In addition, the Petitioner submitted evidence that he earned a bachelor's degree in chemical engineering from [redacted] University in Nigeria in 2009; a master's degree in petroleum engineering from [redacted] in Nigeria in 2011; and a master's degree in business administration from [redacted] University in Nigeria in 2021.

As discussed further below, we have considered evidence related to the Petitioner having received awards, membership in associations, participated as a judge, original contributions of major significance, authored scholarly articles, performed a leading or critical role, and commanded a high salary or significantly high renumeration. However, in considering the totality of the evidence, the Petitioner has not demonstrated that his achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. 1990 U.S.C.C.A.N. 6710, 6739. Furthermore, the Petitioner has not shown that he has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3). The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required" for lesser classifications. 56 Fed. Reg. 30703, 30704. Here, the Petitioner has not established that he enjoys a career that meets this very high standard. *See Amin v. Mayorkas*, 24 F.4th at 386-87 (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

As it relates to awards, the Petitioner provided evidence reflecting his receipt of awards from the Society of Petroleum Engineers (SPE), including the [redacted] Award in 2019; a regional [redacted] outstanding service award for the African region in 2018; a best [redacted] presenter award in 2018; and a [redacted] award for the African region in 2023. While the Petitioner submitted letters from a former president of SPE and the 2024 president of the International SPE confirming the Petitioner's receipt of the awards, the letters and other evidence in the record do not contextualize the significance of the competition placements outside of SPE and how they place him among that small percentage at the very top of the field. *See Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4 (D.D.C. June 8, 2021), *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (upholding plaintiff did not contextualize his awards throughout his career to show sustained national or international acclaim).

For instance, for the [redacted] Award, a letter from Dr. M-M-K- details the Petitioner's community service work, articles he authored for SPE publications and conferences, and his mentor, liaison, and young professional chairperson roles within SPE. Dr. M-M-K- indicates that the award also recognizes contributions to the profession but did not explain the significance of the award outside of SPE and to his field to show sustained national or international acclaim. Similarly, in describing the SPE service awards, Dr. M-M-K- discusses the Petitioner's contributions to SPE and his community service. While the awards show some recognition by SPE for his work within SPE, his community service work, and his authorship of articles for SPE

publications and conferences, the Petitioner did not explain how the [redacted] Award or his other awards from SPE demonstrate his sustained national or international acclaim or a career of acclaimed work in the field. *See, e.g., Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding awards by a national organization does not necessarily establish national or international acclaim). Here, the Petitioner did not show the significance of the awards in the field and how they place him among that small percentage at the very top of the field. *See, e.g. Donskoy v. United States Citizenship & Immigr. Servs.*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *5 (N.D. Cal. Nov. 11, 2021) (finding that what matters for the purpose of the visa classification is whether the award brought the petitioner individual acclaim).

The Petitioner provided evidence that he has been a member of SPE since 2010. In addition, he submitted letters and certificates indicating he served in various voluntary roles for SPE, such as the [redacted], and [redacted]; and an [redacted] However, he did not show how his membership and his voluntary roles for SPE resulted in sustained national or international acclaim or a career of acclaimed work. *See, e.g., Donskoy*, 2021 WL 5240224, at *5 (upholding the petitioner's membership did not demonstrate the requisite level of achievement or sustained acclaim to establish extraordinary ability). In addition, the Petitioner did not demonstrate how his membership and roles with SPE reflects that small percentage who has risen to the very top of the field of endeavor.

The Petitioner provided evidence that he has been recognized by SPE for his contributions to SPE and to the community, but he did not establish that he received national or international recognition based on his membership and roles with SPE. *See, e.g., Hamal*, 2021 WL 2338316, at *4, *aff'd*, 2023 WL 1156801 (upholding plaintiff did not contextualize his membership to demonstrate sustained national or international acclaim). Further, the Petitioner did not show that he has distinguished himself from others in the field based on his SPE membership, gaining national or international attention or placing him among the upper echelon in his field. *See, e.g., Hamal*, 2023 WL 1156801, at *3 (finding although the petitioner's membership demonstrated his professional stature, it did not "establish the exceptional level of distinction" required for the extraordinary ability visa).

Regarding the Petitioner's service as a judge of the work of others in his field, an evaluation of the significance of his experience is appropriate to determine if such evidence is indicative of the extraordinary ability required for this highly restrictive classification.[4] *See Kazarian*, 596 F. 3d at 1121-22. The Petitioner offered evidence that he participated as a judge for SPE, including judging students' work at the 2015 [redacted] and for the SPE 2021 [redacted] In addition, he was a judge for SPE's 2018 [redacted] Nigeria section and its 2024 [redacted] each recognizing SPE members who contributed service and leadership to SPE. With his request for evidence reply, the Petitioner submitted evidence that he also reviewed two manuscripts for SPE journals. In addition to his judging work with SPE, the Petitioner submitted evidence he served as a member of the selection committee for the [redacted] Awards in 2022 and 2024.

[4] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that the second step requires USCIS to evaluate the person's judging participation to determine whether it was indicative of the person being of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

While the Petitioner submitted evidence confirming he judged others' work, he did not establish how his judging and review work for SPE and the [redacted] Awards reflects his sustained national or international acclaim or a career of acclaimed work. For instance, he did not establish that he garnered wide attention from the field based on his work as a judge of students and SPE members, and as a judge for the [redacted] Awards. While reference letters confirm that the Petitioner has been a judge, the letters do not provide details about the Petitioner's judging or explain how his judging of students and SPE members for SPE events and publications, and for the [redacted] Awards contributes to a career of acclaimed work. Without evidence that sets the Petitioner apart from others in his field, such as evidence that he has a consistent history of reviewing or judging recognized, acclaimed experts in his field, the Petitioner has not shown that his narrow judging experience of students, SPE members, and for the [redacted] Awards places him among that small percentage who has risen to the very top of the field of endeavor. *See Hamal*, 2023 WL 1156801 at *2 (finding the petitioner did not show that he served as a judge of renowned directors as opposed to aspiring artists or the competitions were considered prestigious or attracted significant attention by the field); s*ee also Agrawal*, 2025 WL 2879217, at *23 (upholding that plaintiff did not show how she 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 echelon of the field); *Job v. Jaddou*, No. 4:22-CV-03017, 2024 WL 2963795, at *4 (S.D. Tex June 12, 2024) (upholding mere service on a review board, without more, cannot evince extraordinary ability).

Likewise, simply authoring or publishing material does not automatically place one at the top of the field.[5] The Petitioner presented evidence showing that between 2015 to 2019, he published four articles for SPE journal publications and conferences and co-authored a paper published and presented at an industry conference. However, the Petitioner did not demonstrate that his limited publication and presentation record is consistent with having a career of acclaimed work, sustaining national or international acclaim, and being among the small percentage at the very top of his field. *See, e.g., Agrawal*, 2025 WL 2879217, at *23 (upholding that plaintiff's articles do not demonstrate her work has placed her at the top of the field or has sustained national or international acclaim throughout the field). The Petitioner, for instance, did not show the significance of the number of his authorships or how his publication record compares to others who are viewed to be at the very top of his field. Moreover, the Petitioner did not show how publishing four articles for SPE publications and conferences and one article for an industry conference presentation over four years demonstrates sustained national or international acclaim or a career of acclaimed work in the field. *See, e.g., Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (S.D.N.Y. Jan. 5, 2024) (finding it reasonable for USCIS to focus on the fact that a publication record of six publications over seven years inconsistent with a career of acclaimed work and sustained national or international acclaim).

As authoring scholarly articles is often inherent to the work of scientists and researchers in academia, the citation history or other evidence of the influence of an individual's articles can be an indicator to determine the recognition they have received in the field and whether such recognition has been sustained. Such an analysis at the final merits determination stage is appropriate pursuant to *Kazarian,* 596 F. 3d at 1122. Regarding his overall citation record, the Petitioner provided evidence his published

[5] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (indicating that the second step requires USCIS to evaluate the person's publications to determine whether it is indicative of being one of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

material received 11 citations as at the time of filing. The Petitioner did not demonstrate that such low figures garnered him sustained national or international acclaim or place him among that small percentage at the very top of the field. *See, e.g., Bhanu v. Garland,* 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the Petitioner did not show the significance of authorships reflecting that he is among the small percentage at the very top of the field). The statute demands "extensive documentation" of recognition, and the Petitioner has not shown that he garnered attention at a level placing him among that small percentage at the very of the field based on his published works or conference presentations. Besides the submission of recommendation letters briefly mentioning he has authored articles, the Petitioner did not offer an alternative to measure the significance of his publications or presentations, indicating his receipt of national or international acclaim or enjoying a career of acclaimed work.

The Petitioner also provided evidence relating to his roles with [redacted] and SPE. For his roles with [redacted] the Petitioner submitted letters to show he was the project engineer for its [redacted] acid stimulation campaign; the lead reservoir engineer for its early lease conversion of oil mining leases to petroleum mining licenses; reservoir engineer for a team responsible for the development of an innovative lift gas sourcing method in order to restore oil production for [redacted] and project manager for its [redacted] Project, which sought to mitigate production decline and grow production, Project [redacted], for which the Petitioner managed three of 37 wells to increase production, and [redacted] for Revision, for which the Petitioner contributed to identifying key strategic initiatives to boost production and build a new performance template and a new reporting template in order to improve communication. The letters confirm the Petitioner's employment with [redacted] and praise his work on the projects and for his employer. In addition, the record indicates that the Petitioner received recognition awards from [redacted] based on his work with multiple projects. However, the letters and other evidence in the record do not establish that he served in a capacity that places him among that small percentage at the very top of the field of endeavor. *See, e.g., Agrawal*, 2025 WL 2879217, at *23 (upholding that plaintiff's roles do not place her at the top of the field or demonstrate sustained national or international acclaim).

In addition, the Petitioner submitted certificates and letters relating to his roles with SPE, including [redacted] for SPE [redacted] section; membership [redacted] for SPE [redacted] section; officer for SPE [redacted] secretary for [redacted] section; chairperson for SPE [redacted] section; and [redacted] roles within SPE. Similar to the letters relating to his roles with [redacted], the letters about his SPE roles are from officers of SPE confirming the Petitioner's SPE roles and SPE's appreciation for his contributions to SPE. However, the letters do not show how the Petitioner's voluntary roles with SPE indicate a high standing in his field or reflect that he has received sustained acclaim or recognition for his achievements. *See, e.g., Hamal*, 2021 WL 2338316, at *4, *aff'd*, 2023 WL 1156801 (upholding plaintiff did not contextualize his work at an organization demonstrating recognition by the field as being significantly important or viewed as unusually influential); *see also Bodhankar*, 2020 WL 777211, at *5 (finding the plaintiff's work for organizations did not result in national or international acclaim); *Nagaiah*, 784 F. Supp. 3d at 820 (upholding the lack of objective documentary evidence to show the petitioner's roles with former employers led to sustained national or international acclaim). For instance, the Petitioner has not shown how his roles were recognized outside of [redacted] and SPE, respectively, in order to demonstrate his roles led to sustained national or international acclaim.

The Petitioner emphasizes his original contributions on two work projects for [redacted] and a third original contribution outlined in his master's degree thesis. For his work with [redacted] the Petitioner provided letters generally praising him and his work at [redacted], in particular his work with specific projects that were successful to his employer and well received by the Petitioner's superiors. For his first contribution, he worked to re-engineer a storm chock design process by creating an ingenious design and updating the tubing-sensitive storm choke design program to secure [redacted] wells exposed to militant activities in Nigeria. For the second contribution, the Petitioner worked to develop an innovative lift gas sourcing method to restore oil production for [redacted] oil drilling platform.

The Petitioner provided evidence that his contributions to these projects for [redacted] were the subject of SPE publications and conference presentations, thereby having recognition outside of [redacted] and constituting his sustained international and national acclaim. As discussed above, letters from SPE officers attest to the Petitioner volunteering for roles with SPE; authoring articles for its publications and conference presentations; and contributing to community service. But the letters do not contain sufficient information and explanation to show the Petitioner made original contributions of major significance such that the Petitioner is viewed by the overall field, rather than by a solicited few from [redacted] and SPE to show that he is among the upper echelon or that he has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor. *Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding the plaintiff submitted letters only from people within his circle of professional acquaintances, and none of the letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim). Although the letters highlight the Petitioner's professional knowledge and his contributions and achievements at [redacted] and SPE, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Bodhankar*, 2020 WL 777211, at *5 (finding the plaintiff's work for organizations did not result in national or international acclaim).

As stated above, the Act requires "extensive documentation" to show recognition of an alien's achievements in the field. While we have given the reference letters due consideration, such letters should not form the cornerstone of a successful claim under this immigrant visa classification and should be corroborated by documentary evidence to verify a petitioner's accomplishments and put them in a broader context. *See generally* 6 *USCIS Policy Manual* F.2(B)(3). Although the letters highlight the Petitioner's work for [redacted] and SPE, they do not reflect his roles received widespread acclaim from the field, drew significant attention from the greater field, or that the overall field viewed him among the leading individuals in the field. *See*, 2021 WL 2338316, at *4 (upholding plaintiff did not contextualize his work at an organization demonstrating recognition by the field as being significantly important or viewed as unusually influential). Furthermore, the Petitioner did not show that he attracted a level of attention from his work with [redacted] and SPE that places him amongst that small percentage at the very top of the field or those enjoying a career of acclaimed work. *See Bodhankar*, 2020 WL 777211, at *5 (finding the submitted letters failed to establish the plaintiff's contributions resulted in significant acclaim).

For his master's thesis work, the Petitioner submitted a letter from D-O-, his former professor and supervisor of his master's thesis. D-O- explained that the Petitioner's "approach to quantifications of the uncertainty and risks for developing Marginal Fields in the [redacted] was 'original' because it

had not been applied to any marginal field in the [redacted]" and that such work contributed "to a deeper understanding of risks and uncertainties involved in developing Marginal Fields in the [redacted]" While D-O- stated that a separate private marginal field operator informed the Petitioner that his master's thesis publication "helped and enhanced their understanding of risks and uncertainties in developing Marginal Fields, leading to more efficient, sustainable, and responsible marginal field development," the Petitioner did not provide probative evidence corroborating such claims. For instance, the Petitioner did not submit evidence from the private marginal field operator detailing the use of the Petitioner's original work in his field. Other than D-O-'s statements, the Petitioner did not submit evidence that his master's thesis work has attracted wider attention in his field or otherwise reflects that the Petitioner has somehow impacted the field through his work demonstrating attention at a level commensurate with those at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2).

Additionally, the Petitioner's renumeration does not establish that he is amongst that small percentage at the very top of his field and that he has a career of acclaim stemming from his work in the field. The Petitioner submitted evidence of his renumeration for his work with [redacted] in [redacted] Texas for the year 2024. He also submitted evidence comparing his renumeration to the average salary of others in his field in the same area of [redacted] Texas. He submitted his 2024 U.S. Wage and Tax Statement, Form W-2, reflecting an annual income with [redacted] as $552,489.25. For comparison data, he submitted U.S. Department of Labor's wage data for petroleum engineers in the [redacted] Texas area reflecting that in 2024-25, a level 1 wage of $87,277 per year and a level 4 wage of $150,738 per year. In addition, he submitted salary data from the online source *careeronestop.com* indicating that petroleum engineers in the [redacted] Texas area are paid on the high end an annual salary of $226,200. We note that the Petitioner submitted evidence relating to his renumeration from [redacted] while the comparison data submitted is for annual salary, not renumeration. The Petitioner did not explain or provide evidence to understand the components of his renumeration from [redacted] for 2024.

Regardless of whether the Petitioner meets the criterion, he must demonstrate for the final merits determination that he earns a salary or renumeration that places him among that small percentage who have risen to the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2); *see also Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering a professional golfer's earnings versus other PGA Tour golfers); *Skokos v. U.S. Dept. of Homeland Sec.*, 420 F. Apex 712, 713-14 (9th Cir. 2011) (finding salary information for those performing lesser duties is not a comparison to others in the field*); Grimson v. INS*, 934 F. Supp. 965, 968 (N.D. Ill. 1996) (considering NHL enforcer's salary versus other NHL enforcers); *Muni v. INS*, 891 F. Supp. 440, 444-45 (N. D. Ill. 1995) (comparing salary of NHL defensive player to salary of other NHL defensemen). Here, the Petitioner has not shown that his earnings place him among that small percentage who have risen to the very top of the field. *See* 8 C.F.R. § 204.5(h)(2).

Furthermore, the Petitioner only provided documentation relating to his renumeration for one year, 2024, instead of presenting evidence showing he has consistently maintained a high salary or significantly high renumeration indicative of sustained national or international acclaim necessary for this highly restrictive visa classification. *See* section 203(b)(1)(A) of the Act; *see also Jafarov*, 2024 WL 69056, at *9 (finding the failure to show consistent high wage earnings did not reflect sustained national or international acclaim and a single year's, or even a few years', worth of salary data unlikely to satisfy this requirement).

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price,* 20 I&N Dec. at 954; *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131 (D.D.C. 2013) (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design"); *Hamal*, 2021 WL 2338316, at *5, *aff'd*, 2023 WL 1156801 (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *see also Hamal v. Dep't of Homeland Sec. (Hamal I)*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing *Kazarian*, 596 F.3d at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 918 (N.D. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for visa as a baseball coach).

Here, the Petitioner has not shown the significance of his work is indicative of the required sustained national or international acclaim or it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Whilst the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, we find the record insufficient to demonstrate that he has sustained national or international acclaim in his field and is among the small percentage at the top of his field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

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.