U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43126328

Date: JUNE 12, 2026

Appeal of USCIS Decision

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

The Petitioner, a developer of patented technologies in the plastics packaging field, requests classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 201(b)(1)(A)(i) of the Act.

U.S. Citizenship and Immigration Services (USCIS) denied the petition. The Acting Associate Director of Service Center Operations concluded that the Petitioner met two of ten initial evidentiary requirements – one less than needed for a final merits determination. *See* 8 C.F.R. § 204.5(h)(3). On appeal, the Petitioner contends that he met three additional evidentiary criteria.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we find that, by submitting evidence of his authorship of scholarly articles in his field, he has met at least three initial evidentiary criteria. But, because the record lacks evidence of acclaim and recognition sufficient to demonstrate his claimed extraordinary ability in his field, we will dismiss the appeal.

I. LAW

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

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

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

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

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

II. ANALYSIS

A. The Petitioner and His Field

The record shows that the Petitioner earned a bachelor of engineering degree in mechanical engineering from a university in his home country of India. U.S. universities later awarded him a master of mechanical engineering degree in material science and a master of business administration degree.

The Petitioner has worked in the plastics packaging field for about 15 years, designing and manufacturing polyethylene terephthalate (PET) packaging for consumer goods, such as plastic trays for fresh meat and poultry in grocery stores. He co-holds three U.S. patents for the design and manufacture of plastic packaging products and has a fourth patent application pending. His work focuses on improving the strength and clarity of plastic packaging while reducing its financial costs and environmental impact.

B. The Evidentiary Criteria

The record does not indicate – nor does the Petitioner claim – his receipt of a major internationally recognized award. He must therefore meet at least three of the ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i-x).

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

- Performance of a leading or critical role for organizations with distinguished reputations; and
- Commandment of a high salary or significantly high remuneration for services in his field.

See 8 C.F.R. § 204.5(h)(3)(viii), (ix).

On appeal, the Petitioner claims that he also met the following three evidentiary requirements:

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

- Published material about him and his work in his field in professional or major trade publications or other major media;
- Original contributions of major significance in his field; and
- Authorship of scholarly articles in his field.

See 8 C.F.R. § 204.5(h)(3)(iii), (v), (vi).

To satisfy an evidentiary criterion, the Petitioner's evidence must objectively meet the applicable regulatory description. *See generally* 6 *USCIS Policy Manual* F.2(B). "[N]either USCIS nor [the] AAO may unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5." *Kazarian v. USCIS*, 596 F.3d 1115, 1121 (9th Cir. 2010).

The Petitioner satisfied at least one additional requirement by submitting evidence of his authorship of scholarly articles in his field. This criterion requires "[e]vidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." 8 C.F.R. § 204.5(h)(3)(vi).

When adjudicating this criterion, USCIS first determines whether a petitioner has authored scholarly articles in their field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 6. If so, USCIS next considers whether publications qualify as professional, major trade, or major media publications. *Id.* Relevant factors include the intended audience for professional or trade journals and, for major trade or major media, the circulation or readership relative to other media in the field. *Id.*

The Petitioner submitted documentation showing that a quarterly journal published a 2010 article he co-authored about thermoforming, a manufacturing process involving heating plastic sheets to pliable temperatures and forming specific shapes over molds. The record also shows that a subscription publication published a 2014 article he authored about recycling PET sheets. The Director found that the Petitioner "has authored journalistic articles rather than scholarly articles" and did not demonstrate that he wrote the articles for "learned people."

USCIS considers scholarly articles in the academic arena to be reports on original research, experimentation, or philosophical discourse written by researchers or experts in their fields who are often associated with universities or research institutions. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 6. In other fields, scholarly articles are written for learned persons in applicable fields, meaning "persons having profound knowledge of a field." *Id.*

Here, the Petitioner's work is not academic in nature. Rather, he works in the plastics packaging industry. Thus, he must demonstrate that he wrote his articles for learned persons in his field.

By submitting evidence about the publications in which the Petitioner's articles appeared, he has established that he wrote the articles for learned persons in his field. The record shows that a plastics engineering society publishes the quarterly journal in which the Petitioner's 2010 article appeared. The journal describes itself "as an informational and educational bulletin to [society] members ... and the thermoforming industry." Thus, the record sufficiently demonstrates that the Petitioner wrote the article for engineers and other learned persons in the thermoforming/plastics packaging field.

Similarly, information about the subscription publication states that its "audience comprises C-suite [chief] executives, VPs [vice presidents], and sustainability and energy professionals across every industry." Thus, the record sufficiently identifies learned persons in the plastics packaging field among the sustainability professionals in the subscription publication's target audience. The information about the publications also sufficiently identifies them as professional publications, intended for professionals in plastics packaging or related fields. *See* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 6 ("[R]elevant factors include the intended audience (for professional journals).")

The Petitioner submitted evidence of his authorship of scholarly articles in his field in professional publications. We will therefore withdraw the Director's contrary finding.

The Petitioner has met the requisite amount of evidentiary requirements. *See* 8 C.F.R. § 204.5(h)(3). We therefore need not consider whether he met additional evidentiary criteria. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

C. Final Merits Determination

Because the Petitioner met at least three evidentiary requirements, USCIS must make a final merits determination on his petition. The Director did not make this finding. We will therefore make it now.

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

Under USCIS policy:

> The petitioner must provide sufficient context ... to demonstrate that the evidence meets the relevant criteria and to establish the person's extraordinary ability in the totality of the circumstances. This means that the petitioner must explain the significance of the submitted evidence, and how it demonstrates that the person has achieved sustained national or international acclaim and recognition in their field of expertise.

Id. We must consider, in the aggregate, any potentially relevant evidence of record, even if it does not fit one of the regulatory criteria or was not presented as comparable evidence. *Id.*

1. Published Material About the Petitioner

The Petitioner submitted copies of four online articles that mention him regarding his work. Three of the articles appeared in a magazine about the plastics industry. An English-language newspaper in Oman published the remaining article. Three of the articles quote the Petitioner. The remaining article identifies him as a contact person for his then employer.

The record indicates that the published material garnered the Petitioner some acclaim and recognition. But none of the articles substantially discusses him or his work in the field or mentions any contributions he made to the products or tests that the articles discuss. *See Bodhankar v. USCIS*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) ("While the publications provided make mention of Plaintiff, few are dedicated to Plaintiff's accomplishments.")

Also, the Petitioner has not demonstrated how references to him in four articles over a 15-plus-year career reflect a person with extraordinary ability in his 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) (ruling that a petitioner failed to show that "his press coverage is indicative of a level of success consistent with being" at the top of his field). Further, because the articles were published between 2010 and 2012, they do not reflect "sustained" national or international acclaim. *See* section 203(b)(1)(A) of the Act (requiring a petitioner to demonstrate "sustained national or international acclaim"). Thus, the published material, alone, does not establish the Petitioner's claimed extraordinary ability in his field.

2. Original Contributions

The Petitioner submitted documentation about his U.S. patents and pending patent application, and three letters from former employers and the co-inventor listed on his three patents. These materials demonstrate that he has made original contributions to the plastics packaging field.

The letters assert that the Petitioner's contributions – which involve technologies for recycling plastic more effectively and modifying PET resin to make intricate plastic parts and to improve impact and heat resistant properties – have had importance in his field. A letter from the chief operating officer of one of the Petitioner's former employers states: "Many of the innovations that [the Petitioner] developed have since been adopted across the industry, and have set a new standard for PET packaging." The letter from the Petitioner's co-inventor – who is also a researcher, book author, and founder of a non-profit organization in the field – states that the Petitioner's innovations have made plastic packaging stronger, clearer, and more environmentally friendly. The letter states: "His patented materials can be seen in virtually every grocery store throughout the country. The industry has made changes to keep up with advancements he has made, so these innovations truly benefit the entire nation." The remaining letter, from a major retail company who previously employed the Petitioner, states that he helped the company eliminate waste and improve its recycling operations.

The Petitioner, however, has not demonstrated the connection between his patents and the products or processes cited in the letters. He provided information that the company that acquired his former employer for whom he developed the patents touts its patented technologies. But the record does not explain how the Petitioner's patents led to that company's final products or processes. The patent material does not mention product or process names, and we cannot ascertain from the material's technical language how the patents relate to the products. The record lacks sufficient evidence to corroborate the letters' claims that the Petitioner developed the identified patented technologies. *See* 6 *USCIS Policy Manual* F.2(B)(3) ("[T]he statements made by the witnesses should be corroborated by documentary evidence in the record.")

Also, the record lacks evidence that the Petitioner's contributions garnered him acclaim and recognition. *See Bodhankar*, 2020 WL 777211 at *5 ("Letters written on Plaintiff's behalf describe Plaintiff's contributions to the field as original and unique, yet they fail to establish that they resulted in significant acclaim.") Further, all of the letters' authors have worked with the Petitioner as his former managers, colleagues, or co-inventors. "It is generally expected that one whose accomplishments have garnered sustained national or international acclaim would have received recognition for their accomplishments well beyond the circle of their personal and professional acquaintances." *Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021); *see generally* 6 *USCIS Policy Manual* F.2(B)(3). The Petitioner's original contributions therefore do not demonstrate his claimed extraordinary ability in his field.

3. Authorship of Scholarly Articles

As previously discussed, the Petitioner authored or co-authored two scholarly articles in his field. But he did not demonstrate that others in the field have cited to his articles or that prestigious publications in the field published the articles. *See Kazarian*, 596 F.3d at 1121 ("[O]ther authors' citations (or a lack thereof) might be relevant to the final merits determination of whether a petitioner is at the very top of his or her field of endeavor."); *see generally* 6 *USCIS Policy Manual* F.2(B)(2) (stating that high rates of citations relative to others in a field or published articles in particularly highly-ranked journals may demonstrate a petitioner's extraordinary ability).

Also, the Petitioner has not established that his authorship of two articles over a 15-plus-year career reflects a person with extraordinary ability in his field. *See Jafarov v. USCIS*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (S.D.N.Y. Jan. 5, 2024) ("It was not unreasonable for USCIS to focus … on the fact that a 'publication record of six publications from 2015 and 2022' is inconsistent with 'a *career* of acclaimed work and *sustain[ed]* national or international acclaim.'") Thus, the Petitioner's scholarly articles, alone, do not establish his claimed place among the small percentage at his field's top.

4. Performance in a Leading/Critical Role

The Petitioner submitted evidence that he performed in leading or critical roles for former employers with distinguished reputations. But the record does not explain how his roles with those organizations garnered him national or international acclaim or recognition. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *23 (D. Neb. Sept. 12, 2025) (upholding USCIS' finding that a plaintiff's evidence did not describe how she garnered sustained national or international reputation through her employment roles); *see generally* 6 *USCIS Policy Manual* F.2)(B)(2) ("[T]he petitioner must explain the significance of the submitted evidence, and how it demonstrates that the person has achieved sustained national or international acclaim and recognition in their field of expertise.")

5. High Salary or Significantly High Remuneration

The Petitioner also submitted evidence of his receipt of a high salary ($275,000) relative to others in his field. But satisfaction of this criterion alone is not enough to demonstrate his claimed place among the small percentage at his field's top. *See Bodhankar*, 2020 WL 777211, at *5 (finding that "while Plaintiff's salary is high, it is not so high as to indicate that he has risen to the very top of his field").

In sum, the record identifies the Petitioner as a talented engineer and manager who has made original contributions to the plastics packaging field. He met the requested category's initial evidentiary requirements and demonstrated his receipt of some acclaim and recognition in his field. But, even considering the evidence in the aggregate, the Petitioner has not established himself among the small percentage at his field's very top.

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

III. CONCLUSION

The Petitioner demonstrated that he met at least three of the ten initial evidentiary requirements for the requested immigrant visa category. But he has not established acclaim and recognition sufficient to place him among the small percentage at his field's top.

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.