U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41751428

Date: MAR. 9, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner – a biophysical chemist specializing in nuclear magnetic resonance spectroscopy, membrane proteins, and polymer nanodiscs – 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. *See* section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition. SCOPS concluded that the Petitioner met two of ten initial evidentiary requirements for the requested category – one less than needed for a final merits determination. On appeal, he contends that SCOPS erred by finding that he did not demonstrate that his original contributions in his field had "major significance."

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 he satisfied the requisite three evidentiary criteria. We will therefore withdraw SCOPS' decision and remand the matter for a final merits determination and entry of a new decision consistent with the following analysis.

I. LAW

To qualify for this 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 alternate 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, U.S. Citizenship and Immigration Services (USCIS) must then make a final merits determination. To merit final approval, the record – as a whole – must establish a petitioner's "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) (finding USCIS' two-step review process to be "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

Indian universities awarded the Petitioner multiple academic degrees. He has a bachelor of science in mathematics, physics, and chemistry and a master of science and doctorate in chemistry. He now works as a scientist for a U.S. university, developing polymer-based nanodiscs for use in nuclear magnetic resonance (NMR) spectroscopy to benefit drug development. At the time of the petition's filing, he had authored 45 scholarly articles in scientific journals and peer-reviewed at least 32 articles by other researchers in his field. He claims to have "revolutionized" NMR spectroscopy by developing polymer-based nanodiscs that can stabilize and isolate membrane proteins for study.

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

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

- Participation as a judge of others' work in his field; and
- Authorship of scholarly articles in the field.

See 8 C.F.R. § 204.5(h)(3)(iv), (vi).

On appeal, the Petitioner contends that SCOPS erred in finding that he did not meet the evidentiary criterion for original contributions of major significance in his field. *See* 8 C.F.R. § 204.5(h)(3)(v). To satisfy this requirement, he must objectively meet the parameters of the applicable regulatory description. *See generally* 6 *USCIS Policy Manual* F.2(B). "[N]either USCIS nor [the] AAO [Administrative Appeals Office] 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).

[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).

B. Original Contributions of Major Significance

This criterion requires "[e]vidence 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).

When adjudicating this requirement, USCIS first determines whether a petitioner made original contributions in their field. *See generally* 6 *USCIS Policy Manual* F.(2)(B)(1), Criterion Five. If so, USCIS then considers whether the contributions are of major significance to the field. *Id.*

> [P]ublished 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.

Id. Also, "evidence that the person developed a patented technology that has attracted significant attention or commercialization may establish the significance of the person's original contribution to the field." *Id.*

The Petitioner submitted evidence of original contributions to his field, including: 45 peer-reviewed research articles, which other researchers cited 1,454 times; three patents; and one patent application publication. SCOPS, however, found insufficient evidence that these original contributions had major significance in his field.

The record does not support SCOPS' determination. SCOPS primarily erred by discounting the support letters the Petitioner submitted from other researchers in his field.

Under USCIS policy:

> Detailed letters from experts in the field explaining the nature and significance of the person's contribution may … provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.

6 *USCIS Policy Manual* F.2(B)(1), Criterion Five. Documentary evidence should corroborate expert letters, and they should specifically explain why witnesses believe a petitioner has extraordinary ability. *See generally* 6 *USCIS Policy Manual* F.2(B)(3). "Letters that merely reiterate USCIS' definitions relating to this classification or make general and expansive statements regarding the [petitioner] and the[ir] accomplishments are generally not persuasive." *Id.*

Here, the support letters that the Petitioner submitted do not merely reiterate USCIS definitions or make general or expansive statements about him. Rather, the letters specify why the researchers believe the Petitioner has extraordinary ability in their field. The letters describe the Petitioner's development of novel polymer-based nanodiscs allowing for the study of membrane protein dysfunctions, which are leading causes of disorders such as Alzheimer's disease, cystic fibrosis, and type-2 diabetes. Research articles and patents in the record corroborate the researchers' statements. The letters explain that the Petitioner developed novel non-ionic charge-free nanodiscs able to extract

membrane proteins. A U.S. university professor of chemical and biochemical engineering who worked with the Petitioner during his post-doctoral tenure stated:

> [The Petitioner]'s research provides a stable medium for membrane proteins to be isolated for experimentation, and his work in expanding the environmental tolerances of polymer-based nanodiscs facilitates an enhanced range of proteins that are able to be extracted for study. In this way, he has extended the research community's horizons on the possible applications of NMR imaging techniques in molecular investigations.

An independent researcher, a U.S. university professor of chemistry and biochemistry, stated:

> [The Petitioner]'s research advancements provided researchers with novel tools for the study of this little understood class of proteins and revolutionized biophysical chemistry in the process. ... Through [his] research, substantial progress is made in both the basic molecular understanding of these proteins and in their application for providing biomarkers for drug discovery research and translational clinical medicine.

Another independent researcher, a Belgian university professor of chemical biology, stated that the Petitioner's "novel development of polymer-based nanodiscs has revolutionized the study of membrane proteins."

These detailed, corroborated letters demonstrate that the Petitioner's research had major significance in his field. *See* 6 *USCIS Policy Manual* F.2(B)(1), Criterion Five. ("Detailed letters from experts in the field explaining the nature and significance of the person's contribution may ... provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.") Evidence of the Petitioner's high citation rate and the commercialization of his patented polymers provide additional support for this conclusion.

The Petitioner submitted evidence of original contributions of major significance in his field. We will therefore withdraw SCOPS' contrary finding.

C. The Final Merits Determination

The Petitioner has met the requisite three of ten initial evidentiary requirements. Thus, USCIS must now make a final merits determination on his petition. *See* 8 C.F.R. § 204.5(h)(3). SCOPS did not make a final merits determination. Rather than do so in the first instance, we will remand the matter.

III. CONCLUSION

The Petitioner submitted evidence of original contributions of major significance in his field. USCIS must now make a final merits determination.

ORDER: The decision is withdrawn. The matter is remanded for entry of a new decision consistent with the foregoing analysis.