U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41720021

Date: MAR. 16, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a lawyer, 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.

Service Center Operations (SCOPS) denied the petition, concluding the Petitioner: 1) did not satisfy at least three, as required, of the initial evidentiary criteria, 2) did not establish that he seeks to enter the United States to continue work in his area, and 3) did not demonstrate that his entry would substantially benefit prospectively the United States. The matter is now before us on appeal. 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 the recognition of achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or 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).

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. U.S. Citizenship & Immigr. Servs.*, 596 F.3d 1115, 1119-20 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. U.S. Citizenship & Immigr. Servs.*, 772 F. Supp. 2d 1339, 1346 (W.D. Wash. 2011), *aff'd*, 683 F.3d 1030 (9th Cir. 2012).

II. ANALYSIS

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 under 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS determined the Petitioner did not meet any of the four claimed criteria. On appeal, the Petitioner challenges SCOPS' unfavorable determination on those same four categories of evidence.[1]

A. Judging

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) requires "[e]vidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought." The petitioner must show that the person has not only been invited to judge the work of others, but also that the person actually participated in the judging of the work of others in the same or an allied field of specialization. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

The Petitioner initially presented a "Certificate" from the [redacted] stating that "[t]his is to certify that [the Petitioner] works at the [redacted] as a senior lecturer of the Academic Department of Theory and History of State and Law and International Law, on a part-time basis" (Attachment 11 at initial filing). However, the Petitioner did not demonstrate how the document reflects his participation as a judge of the work of others in his field or an allied field. Moreover, the certificate does not indicate how his position as a senior lecturer involved judging the

[1] Any ground of ineligibility that is not raised on appeal is waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

work of others. Further, the certificate does not provide any judging characteristics, such as who he judged, what he judged, and when he judged. *See Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *8 (N.D. Cal. Feb. 16, 2021) (upholding "that there were no details about what event the plaintiff was judging, who he was judging, or the basis for [the plaintiff's] knowledge [in her letter] of the Federation's authority regarding the plaintiff's judging history"); *Onaghise*, 2022 WL 4073344, at *5 (upholding letters indicating various responsibilities, including teaching, training, and mentoring, did not constitute judging the work of others); *Victorov v. Barr*, No. CV 19-6948-GW-JPRX, 2020 WL 3213788, at *9 (C.D. Cal. Apr. 9, 2020) (upholding that an appointment letter did not establish the plaintiff's responsibilities).

In response to SCOPS' request for evidence, the Petitioner claimed that he "had the privilege of providing guidance and support to numerous Ph.D. candidates, offering valuable advice on their dissertations" and "[o]ver the years, [he has] proudly supervised the successful completion of over 10 candidates' dissertations under my mentorship." An example of judging the work of others may include serving as a member of a Ph.D. dissertation committee that makes the final judgment as to whether a candidate's body of work satisfies the requirements for a doctoral degree, as evidenced by departmental records. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). However, the Petitioner did not support his assertions with supporting evidence, such as departmental records. Moreover, the Petitioner claimed that he provided guidance and supported Ph.D. candidates rather than participating as a judge by serving on a dissertation committee; the Petitioner did not demonstrate that simply providing guidance and support involved his participation as a judge.

Accordingly, the Petitioner did not establish he meets this criterion.

B. Contributions

The regulation at 8 C.F.R. § 204.5(h)(3)(v) requires "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." Analysis under this criterion focuses on whether the person's original work constitutes major, significant contributions in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

The Petitioner argues that he provided his doctoral dissertation, diploma, and scholarly publications and "this evidence demonstrates that the Petitioner developed an original theoretical model analyzing legal consciousness in a post-Soviet, transitional legal system, integrating legal theory, sociology, and public governance in a manner not previously addressed in [redacted] legal scholarship." Although his dissertation and authored material may indicate original contributions, the Petitioner did not reference any evidence showing they represent majorly significant contributions in the field, as required by this regulatory criterion. *See Guida*, 2021 WL 568850, at *9 (upholding to reasonably ask for corroborating evidence); *see also Strategati, LLC v. Sessions*, No. 3:18-CV-01200-H-AGS, 2019 WL 2330181, at *6 (S.D. Cal. May 31, 2019); *Soni v. United States*, No. CV 11-2431, 2016 WL 4154137, at *5 (D.N.J. Aug. 2, 2016) (finding that dearth of supporting evidence is an appropriate reason to discount conclusory statements).

Moreover, the Petitioner did not establish how this material has somehow impacted, influenced, or affected the field at a level consistent with major significance. *See Visinscaia,* 4 F. Supp. 3d at 134 ("[T]he regulatory requirement that the petitioner demonstrate the 'major significance' of any original

contributions means that the petitioner's work must significantly affect [his] field of endeavor"); *Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that plaintiff did not submit evidence of work being widely cited or provoked widespread public commentary in the field); *Nelson v. U.S. Citizenship & Immigr. Servs.*, No. CV 21-10334-LTS, 2022 WL 20583561, at *8 (D. Mass. June 15, 2022) (upholding evidence requires both an original contribution and its impact of the broader field).

The Petitioner also asserts:

> The Petitioner's contributions were not limited to academic theory but had demonstrable practical and institutional impact. The record shows that the Petitioner's research informed legal educational curricula at the [redacted] (see Attachment 11 to the initial petition) and was applied in the context of national legal reform initiatives in which the Petitioner participated as a legal expert, including anti-corruption legislation and reforms of internal affairs bodies (see Attachments 8, 9, and 10 to the initial petition). These legislative and institutional applications evidence that the Petitioner's scholarly work influenced the development of legal norms and policy beyond his immediate academic environment.

At the outset, the Petitioner's Attachment 11, discussed under the judging criterion, relates to his appointment at [redacted] as a senior lecturer. However, the Petitioner did not demonstrate how his position at the [redacted] "informed legal educational curricula" at the institution. The certificate does not corroborate his claims. Regardless, the Petitioner did not establish the impact or influence to the overall field rather than limited to the academy. *See Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *8 (E.D. Pa. Sept. 18, 2023) (finding USCIS did not introduce a novel evidentiary standard when it required that the petitioner show how his contributions influenced the field as a whole); *Karim v. Allen*, No. 21-CV-2861-WJM-KLM, 2023 WL 4624896, at *7 (D. Colo. July. 19, 2023) (stating USCIS' conclusions that did not show plaintiff's work "fundamentally changed or significantly advanced the field as a whole" imposed no additional or novel requirements but merely another way of saying she did not demonstrate contributions of major significance in the field); *Sun v. Jaddou*, No. 3:24-CV-01466-E, 2025 WL 1556944, at *5 (N.D. Tex. June 2, 2025) (upholding that the plaintiff did not provide specific evidence showing a major impact on the field as a whole).

Similarly, at initial filing, the Petitioner claimed:

> . . . I can single out my participation in the development of the [redacted]" dated [redacted] 2012. We, experts, wrote numerous events of both local and wide-scale nature, which were supposed to eradicate corruption in state agencies. See Attachment 8 . . . .
>
> . . . I was one of the developers on making amendments and additions to the [redacted]" dated [redacted], 2013 No. [redacted]. See Attachment 9 . . . .

. . . [T]ogether with the working group, I developed a new statute "[redacted]" approved by the Resolution of the Government of the [redacted] No. [redacted] dated [redacted], 2013. See Attachment 10 . . .

Although he submitted the laws and regulations in the attachments, the evidence does not credit, reference, or even mention the Petitioner or his work in developing the material. The record does not corroborate any of the Petitioner's assertions that he was responsible for developing laws, amendments, or statutes for the [redacted]. Thus, the Petitioner did not demonstrate that they constitute his original contributions. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Notwithstanding, the Petitioner did not show how the development of laws and regulations in the [redacted] reflects majorly significant contributions in the overall field. *See Agrawal*, 2025 WL 2879217, at *20 (upholding that plaintiff did not submit evidence demonstrating the impact the work has made on the field as a whole); *Aravamuthan v. Jaddou*, No. 3:23-CV-01412-N, 2025 WL 1708126, at *6 (N.D. Tex. June 17, 2025) (upholding plaintiff did not provide specific examples to show the major significance of his contributions in the field as a whole); *Visinscaia*, 4 F. Supp. 3d at 134 (finding the term "major significance in the field" can be reasonably interpreted to mean that there must be some impact "in the field as a whole").

We also note that the record contains several recommendation letters, none of which make any mention of the Petitioner's contributions in creating these laws or regulations. Instead, the letters generally praise the Petitioner for his dedication, academic qualifications, and talent. Detailed letters from experts in the field explaining the nature and significance of the person's contribution may also provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Submitted letters should specifically describe the person's contribution and its significance in the field and should set forth the basis of the writer's knowledge and expertise. *Id.*

Here, the letters comment on the Petitioner's personal traits and make general claims on his research contributions but do not further elaborate and explain how his skills or contributions have been majorly significant in the field. *See Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *5 (N.D. Tex. Oct. 19, 2023) (finding testimonial letters contained mostly general, conclusory statements about the value of the petitioner's research without explaining in detail specific ways in which his contributions have already been widely applied or replicated to serve the industry); *Jafarov*, 2024 WL 69056, at *8 (finding the petitioner's testimonial evidence spoke largely in generalities and did not evidence the tangible impact of his work in the field); *Noroozi v. Napolitano*, 905 F. Supp. 2d 535, 544 (S.D.N.Y. 2012) (upholding reference letters with limited detail on petitioner's satisfaction of regulatory criterion insufficient to form the basis for required evidence); *Skokos v. United States Dep't of Homeland Sec.*, No. 209CV00193RLHPAL, 2010 WL 11538054, at *4 (D. Nev. Jan. 13, 2010), *aff'd sub nom. Skokos v. U.S. Dep't of Homeland Sec.*, 420 F. App'x 712 (9th Cir. 2011) (holding that although the plaintiff's talents and abilities have been significant in the lives of the people he has served, in order to meet this criterion his activities must be original and must extend to the profession as a whole).

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown that he satisfies this criterion.

III. CONCLUSION

The Petitioner did not establish eligibility for any of the categories of evidence discussed above. Although the Petitioner also claims qualification for the scholarly articles (8 C.F.R. § 204.5(h)(3)(vi)) and roles (8 C.F.R. § 204.5(h)(3)(viii)) criteria, we need not reach these grounds because the Petitioner cannot fulfill the initial evidentiary requirement of at least three under 8 C.F.R. § 204.5(h)(3). *See Kinuthia v. Biden*, 702 F. Supp. 3d 5, 11 (D. Mass. 2023), *aff'd sub nom. Kinuthia v. Trump*, No. 23-2029, 2025 WL 3491324 (1st Cir. Aug. 12, 2025) (declining to consider a criterion when the plaintiff cannot satisfy at least three). Accordingly, we decline to reach and hereby reserve these issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that he is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we also decline to reach and hereby reserve any final merits determination in this matter, as well as a review of SCOPS's unfavorable decision regarding the Petitioner's eligibility under section 203(b)(1)(A)(ii) and (iii) of the Act. *See Bagamasbad*, 429 U.S. at 25 (1976).

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