U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41002188

Date: MAR. 17, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a cybersecurity 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.

SCOPS denied the petition, concluding that although the record establishes that the Petitioner satisfied at least three of the ten initial evidentiary criteria, as required, the totality of the evidence did not show, in a final merits determination, that the Petitioner has received 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,
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> (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
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> (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). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation.

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 (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. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

A. Evidentiary Criteria

Because the Petitioner has not claimed or established 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). The Petitioner initially claimed to have met seven criteria:

- (ii), membership in associations which require outstanding achievements of their members;
- (iii), published material about the individual in professional or major media;
- (iv), participation as a judge of the work of others;
- (v), original contributions of major significance to the field;
- (vi), authorship of scholarly articles in the field in professional or major trade publications or other major media;
- (viii), leading or critical role for distinguished organizations or establishments; and
- (ix), commanded a high salary or other significantly high remuneration in relation to others in the field.

SCOPS determined that the Petitioner met four of these claimed evidentiary criteria: published material about himself; that he has participated as a judge of the work of others; that he has performed in a leading or critical role for organizations or establishments that have a distinguished reputation; and that he has commanded a high salary.[1] However, in a final merits determination, SCOPS

[1] Additionally, although SCOPS did not state in the regulatory criteria section of the decision that the evidence shows that

concluded that the Petitioner did not show that he garnered sustained national or international acclaim and that 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. Because SCOPS concluded that the Petitioner has established three of the initial criteria, on appeal we will review the totality of the evidence in the context of a final merits determination below.[2]

B. Final Merits Determination

On appeal, the Petitioner contends that SCOPS erred by "relitigating" the initial regulatory criteria by considering them in the final merits determination. The Petitioner also claims that SCOPS erred in how it applied the sustained acclaim requirement in the national security context. Finally, the Petitioner asserts that SCOPS ignored or improperly dismissed substantial evidence in the record.

As indicated above, we will evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim,[3] that he is one of that small percentage at the very top of the field of endeavor, and that 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 v. USCIS*, 596 F.3d at 1119-20.[4] In this matter, we determine the Petitioner has not shown his eligibility.

The Petitioner is a cybersecurity engineer who specializes in attack surface management, blockchain intelligence, and critical infrastructure protection. The Petitioner is currently employed as an engineering manager at [redacted] a [redacted] company, where he leads a team that develops [redacted] tools that are used by organizations that include major financial institutions and by U.S. federal government agencies. Prior to the Petitioner's current employment, he was employed as a principal engineer at [redacted] a [redacted] company, which developed an [redacted] platform that is used by the U.S. Department of Defense, the U.S. Department of Homeland Security, and the U.S. Department of Energy. The record shows that the Petitioner possesses a bachelor of engineering degree in information science from an Indian university and a master's degree in computer science from [redacted] The Petitioner states that he is also working toward a master of science degree in cybersecurity from [redacted] The Petitioner claims to have extraordinary ability in the field of cybersecurity engineering.

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the Petitioner has authored scholarly articles, in its final merits analysis SCOPS did refer to the evidence as establishing this initial regulatory criterion.

[2] *See generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policymanual.

[3] *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").

[4] *See also 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).

As an initial matter, we consider the Petitioner's claim that SCOPS erred by "re-litigating" the initial regulatory criteria in its final merits determination and reversing its conclusions about those criteria. The Petitioner claims that, despite accepting four criteria as established, SCOPS then improperly imposed new requirements to dismiss these criteria in the final merits determination. For example, the Petitioner objects to SCOPS stating, in its final merits determination, that although the evidence shows that the Petitioner authored scholarly articles in the field, that the evidence does not show that he has "consistently" published in journals "with the highest impact factors" or in publications "which enjoy high circulation among national or international readers" or that the articles "advanced the field and set the [Petitioner] apart." The Petitioner asserts that this is in error because the regulatory criteria does not include these additional requirements, and that SCOPS therefore imposed novel substantive requirements beyond those in the regulation at step two. The Petitioner claims that SCOPS made the same error as it relates to judging the work of others and having a leading or critical role in an organization with a distinguished reputation.

The Petitioner's claim relies on a mischaracterization of *Kazarian* and USCIS policy. In determining whether a petitioner has established extraordinary ability, we use a two-step analysis to evaluate the evidence. *See Kazarian v. USCIS*, 596 F.3d at 1119-20.[5] As described in the *USCIS Policy Manual*, the evidence evaluated in the first step analysis is also reviewed in the second step, where the officer must determine whether the person is one of that small percentage of the who has risen to the very top of the field of endeavor, and that the person has sustained national or international acclaim.[6] Objectively meeting the regulatory criteria in the first step does not establish that the person in fact meets the requirements for classification as a person with extraordinary ability.[7]

Therefore, SCOPS' analysis, in a final merits determination, as to whether the evidence—including evidence that demonstrates initial regulatory criteria—shows that the Petitioner meets the requirements for classification as a person with extraordinary ability, is a proper application of this framework. In fact, the *USCIS Policy Manual* provides the following example that relates to publishing scholarly articles:

> Publishing scholarly articles in professional or major trade publications or other major media alone, regardless of the caliber, should satisfy the regulatory criteria in the first step of the analysis. However, the second step requires the officer to evaluate the person's publications to determine whether they were indicative of the person being one of that small percentage who have risen to the very top of the field of endeavor and enjoying sustained national or international acclaim.[8]

This analysis is not, as the Petitioner claims, "re-litigating" the regulatory criteria of the first step in the second step's final merits determination. Rather, this analysis reflects the proper analysis in which the officer, at step one, determines only if the evidence objectively meets the regulatory criteria and, at step two, considers whether the evidence in its totality demonstrates sustained national or international acclaim.

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[5] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B).
[6] *See id.*
[7] *See id.*
[8] *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1).

The Petitioner also asserts on appeal that SCOPS erred by ignoring substantial evidence in the record, that SCOPS focused only on the weakest evidence in the record to determine that the Petitioner did not establish eligibility, and that SCOPS erred in how it considered sustained acclaim in the national security context. Overall, the Petitioner contends that the record establishes that he has risen to the top of the field.

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 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. For the reasons discussed below, we conclude that the Petitioner has not established that he enjoys a career that meets this very high standard. *See Amin v. Mayorkas*, 24 F.4th 383, 386-87 (5th Cir. 2002) (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

First, regarding the Petitioner's membership in associations, the Petitioner does not contest on appeal SCOPS' finding that the evidence is insufficient to establish this initial regulatory criterion.[9] In considering this evidence in a final merits determination, we conclude that the evidence related to the Petitioner's memberships is not reflective of garnering sustained national or international acclaim. The record includes evidence that the Petitioner is a senior member of the Institute of Electrical and Electronics Engineers (IEEE). The Petitioner provided background information about IEEE and the qualifications needed to be a senior member. The evidence shows that senior membership requires at least five years of "significant performance" in the field, as indicated by achievements or contributions such as publishing books or papers, developing courses, or acting as a team lead or engineer in charge. However, the Petitioner has not explained how these qualifications are reflective of acclaim consistent with this highly restrictive classification. *See, e.g., Nagaiah v. Allen*, 784 F. Supp. 3d 798, 820 (E.D. Pa. 2025) (upholding that the petitioner's IEEE membership did not show extraordinary ability because the eligibility requirements were not stringent enough and IEEE senior membership did not reflect sustained national or international acclaim).

Second, regarding the Petitioner's roles in organizations with a distinguished reputation, the Petitioner points to his roles at [redacted] and [redacted] where he worked on teams that developed cybersecurity tools. The Petitioner also contends that his contributions to these organizations have been original and of major significance to the field. As noted above, SCOPS determined that the evidence was sufficient to establish that the Petitioner had a leading or critical role with organizations that have a distinguished reputation, but not that the Petitioner has made original contributions of major significance to the field. In support of the Petitioner's work with these organizations, the Petitioner submitted recommendation letters, press releases, and reports.

[9] Because the Petitioner does not challenge SCOPS' finding that the record does not establish the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(ii), we consider this claim to be 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)).

Regarding [redacted], the record contains a press release from the company stating that it has entered into a contract with the U.S. Department of Defense to provide internet operations management (IOM) capabilities, including [redacted] the company's [redacted] platform. The company's press release states that the [redacted] suite of products uses machine learning to enable the U.S. military to automatically identify its known and unknown internet-facing assets, prioritize them for remediation, and address their vulnerabilities. The record also contains a press release and other promotional materials from [redacted] to demonstrate that the company has agreements with large corporations such as [redacted] to provide cybersecurity products and services.

Regarding [redacted], the record contains press releases from [redacted] stating that it supported the U.S. Department of Justice and the Federal Bureau of Investigation in a seizure of cryptocurrency funds in a fraud investigation and that it supported law enforcement in investigating a website involved in distributing child sexual abuse material. The Petitioner also submitted evidence to show that [redacted] has received investments from companies such as Citi, PayPal, and Amex.

To demonstrate the Petitioner's contributions at [redacted], he submitted letters of support, white papers, and reports. For example, the Petitioner submitted a letter from P.L.,[10] who was a supervisor of the Petitioner at [redacted] P.L. states that the Petitioner was a "core member" of the team that developed advanced techniques for identifying and classifying internet-facing assets. P.L. also mentions the Petitioner's work on development of scanning payloads for BGP (Border Gateway Protocol) servers on the internet. The Petitioner also submitted an employment letter from [redacted] stating that he is an engineering manager who leads two data product teams consisting of ten engineers. The letter describes the Petitioner's work as "technically sophisticated" and "mission critical."

Although the evidence shows that the Petitioner has provided valuable contributions to his employers, the letters are not sufficiently persuasive to demonstrate that the Petitioner's contributions are indicative of sustained national or international acclaim. The letters generally highlight the Petitioner's work and state the author's opinion that the Petitioner is a talented cybersecurity engineer. Letters that make general or expansive statements regarding the petitioner and the petitioner's accomplishments are generally not persuasive.[11] The letters do not claim, nor does the content show, that the Petitioner achieved national or international acclaim from the field. Moreover, the letters do not demonstrate that the Petitioner has attracted a level of attention placing him at the very top of his field. In addition, the letters do not show that he has enjoyed a career of acclaimed work. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding testimonial letters were insufficient to establish his relative status in the field and do not compare him to others).

The Petitioner asserts on appeal that SCOPS erred by misunderstanding how sustained acclaim "manifests in classified or operationally sensitive fields." The Petitioner contends that in the area of critical infrastructure cybersecurity, individuals commonly work under non-disclosure agreements and "operational anonymity," and claims that SCOPS erred by expecting the Petitioner to demonstrate "public celebrity or widespread name recognition." Even considering the Petitioner's claim regarding

[10] We use initials to protect individuals' privacy.
[11] *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(3).

the nature of his work, the Petitioner's letters of support are not supportive of sustained national or international acclaim. In describing the Petitioner's work, the letters, at most, indicate that the Petitioner is a competent, respected figure within the field.[12] However, they do not contain sufficient information and explanation to show that the Petitioner is viewed by the overall field, rather than by a solicited few, to be 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. 1:20-cv-991 (LMB/TCB), 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding that none of the plaintiff's letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim). Although the letters highlight the Petitioner's work, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Bodhankar v. USCIS*, No. 1:19-CV-706 (MAD/CFH), 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the submitted letters failed to establish the plaintiff's contributions resulted in significant acclaim).

Additionally, although the Petitioner documented his high salary, including with these organizations from 2021 to 2024, the Petitioner did not establish that he commanded earnings commensurate with sustained national or international acclaim. The Petitioner did not show that his wages are tantamount to an individual who is among that small percentage at the very top of the field of endeavor. He did not demonstrate, for example, how his earnings compare to other cybersecurity engineers at the very top of the field,[13] or that he has received notoriety or attention based on his earnings, setting himself apart from others in the field or placing him in the upper echelon. *See id.*, at *5 (finding that the plaintiff's high salary was not so high as to indicate that he has risen to the very top of the field).

Regarding media coverage, the Petitioner offered four articles published between September 2024 and December 2024 in online publications including [redacted] and [redacted] The articles describe the Petitioner's education and work experience and describe his work as important to the field. Additionally, some of the articles contain quotes from the Petitioner. The articles generally do not cite other sources and therefore appear to be opinion or analysis pieces. While this published material may indicate some attention to the Petitioner and his work, the Petitioner did not establish that such reporting is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor, has achieved sustained national or international acclaim, or has a career of acclaimed work. The Petitioner, for instance, did not show how the amount of his media coverage compares to others in his field who are among the very top. Again, the Petitioner did not demonstrate how this nominal press coverage, occurring over a period of a few months, reflects a career of acclaimed work in the field or the very high standard to present extensive documentation. *See id.* (finding the lack of press coverage about the plaintiff was not consistent with national or international acclaim).

Regarding the Petitioner's service as a judge of the work of others, an evaluation of the significance of his experience is appropriate to determine if such evidence indicates the required extraordinary ability for this highly restrictive classification. *See Kazarian v. USCIS*, 596 F. 3d. at 1121-22.[14] The

[12] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3).

[13] The Petitioner provided comparative wage data for "Computer and Information Systems Managers."

[14] *See also generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1) (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).

record shows that the Petitioner reviewed approximately 13 conference submissions in connection with 2 conferences and completed 1 journal article review.[15] The Petitioner on appeal contends that SCOPS failed to "acknowledge the qualitative rigor" of the Petitioner's judging activities and asserts that these activities are not "perfunctory" but are performed by "recognized experts." However, the Petitioner has not provided evidence to demonstrate that he received acclaim, attention, or recognition from his service as a judge or peer reviewer that would be indicative of the Petitioner being of that small percentage who has risen to the very top of the field. We are not persuaded that these few instances of peer review service are representative of one who is among that small percentage who has risen to the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2).

Likewise, authorship and publication of scholarly articles does not automatically place one at the top of the field. The record shows that the Petitioner has published three articles and been cited a total of five times. The Petitioner contends that the articles are peer-reviewed, published in "reputable" journals, and that the citations indicate their impact on the field. However, the Petitioner did not demonstrate that this small number of publications and a handful of citations is consistent with a career of acclaimed work, sustaining national or international acclaim, or being among the small percentage at the very top of the field. The Petitioner, for instance, did not show the significance of his authorship or how his publication record compares to others who are viewed to be at the very top of the field. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the Petitioner did not show the significance of authorships to reflect that he is among the small percentage at the very top of the field).

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[16] Here, 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. 953, 954 (Assoc. Comm'r 1994) (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Amin v. Mayorkas*, 24 F.4th at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visas are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with a career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

We have reviewed the entirety of the record, including those items of evidence which are not specifically analyzed in this decision. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the Petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st

[15] The Petitioner also submitted evidence of being asked to review two additional conference submissions, but the record does not demonstrate whether the Petitioner completed these reviews.

[16] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence).

Cir.1992); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons.

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.