U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40718956

Date: MAR. 19, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, an artificial intelligence (AI) solutions architect, seeks 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). This EB-1 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. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner had satisfied at least three of ten initial evidentiary criteria, as required. 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 withdraw the decision and remand the matter for 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 United States as an immigrant.

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

The term "extraordinary ability" means expertise commensurate with "one 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 can demonstrate international recognition of his or her achievements in the field through a one-time

achievement (that is, a major, internationally recognized award), they must provide sufficient qualifying documentation that meets at least three of the ten lesser evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable evidence if they are 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.

If a petitioner meets these initial evidence requirements, U.S. Citizenship and Immigration Services (USCIS) must 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 Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step extraordinary ability analysis "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

The record indicates that since 2023, the Petitioner has worked as a "senior worldwide specialist solutions architect" at [redacted]. The Petitioner previously worked as a senior data scientist at [redacted] from 2017 to 2023. The Petitioner obtained a master's degree in computer engineering from the [redacted] and a bachelor's degree in electrical engineering from [redacted] in India.

Because the Petitioner has not indicated or shown that he received 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 claimed to have met seven of these criteria, summarized below:

- Membership in associations in the field requiring outstanding achievements of their members;
- Having published materials about the person;
- Participation as a judge of others' work in the field;
- Original contributions of major significance in the field;
- Authorship of scholarly articles;
- Performance in a leading or critical role for distinguished organizations or establishments; and
- Commanding of a high salary or significantly high remuneration relative to others in the field.

8 C.F.R. § 204.5(h)(3)(ii), (iii), (iv), (v), (vi), (viii), and (ix).

SCOPS determined that the Petitioner only met two criteria at 8 C.F.R. § 204.5(h)(3)(iv) (participation as a judge of others' work) and 8 C.F.R. § 204.5(h)(3)(viii) (performance in a leading or critical role for distinguished organizations or establishments). Upon review, we conclude that the Petitioner satisfied another criterion at 8 C.F.R. § 204.5(h)(3)(vi) (authorship of scholarly articles) in addition to meeting the other two criteria as SCOPS determined, as discussed below.

The regulation at 8 C.F.R. § 204.5(h)(3)(vi) calls for "evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." In academia, a

scholarly article reports on original research, experimentation, or philosophical discourse, is generally peer reviewed, and may be published in professional or scientific journals or conference presentations. In other fields, a scholarly article should be written for others having profound knowledge in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

On appeal, the Petitioner claims that his publication of a book entitled "[redacted]," [redacted] technical blogs, and scientific journal articles all meet this criterion. Upon review, we conclude that although his book and blogs do not qualify as evidence of authorship of scholarly articles, his journal articles satisfy this criterion.

As SCOPS noted, the Petitioner's book does not equate to an article based on the plain language of the criterion at 8 C.F.R. § 204.5(h)(3)(vi) requiring "scholarly articles." An article is "a nonfictional prose composition usually forming an independent part of a publication (as a magazine)"[1] while a book is "a long written or printed literary composition."[2] Furthermore, the regulation requires that the articles be "in professional or major trade publications or other major media." As books may be published independently or self-published, mere publication does not establish that a book is a professional or major trade publication or other type of major media.

Similarly, the Petitioner's blogs on [redacted] website do not show that they are "scholarly" articles. Scholarly articles should be written for learned persons in that field. *See generally* 6 *USCIS Policy Manual*, supra, at F.2(B)(1). "Learned" is defined as having "profound knowledge gained by study."[3] Here, the Petitioner did not show that his blogs were written for learned persons in the field. Instead, it appears that these technical blogs are geared towards users or customers of [redacted] The letter from a senior leader at [redacted] indicates that these blogs "are often referenced by [redacted] CEO . . . or official [redacted] AI social media handles, reaching hundreds of thousands of customers as the definitive source for technical solutions and announcements."

The Petitioner also submitted a number of scholarly articles that he authored and published in professional journals and his Google Scholar citation. These articles appear to be research papers on various topics, such as optimization of AI techniques and cloud computing, cloud resource management strategies, and exploration of synergy between generative AI and software engineering. In addition, these articles are published in various professional journals that are intended for the learned persons in the field of science, technology, and software engineering. By the preponderance of evidence standard, we conclude that these are scholarly articles in professional publications and the Petitioner has met this criterion.

Based on the foregoing, the Petitioner has met the requisite three of ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(iv), (vi), and (viii). We therefore remand the case for a final merits determination and need not consider the Petitioner's appellate claims on whether he meets the remaining criteria at 8 C.F.R. § 204.5(h)(3)(ii), (iii), (v), or (ix).

[1] Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/article (last visited February 10, 2026).
[2] Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/book (last visited February 10, 2026).
[3] "'Learned' is defined as having or demonstrating profound knowledge or scholarship." *See* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (citing to the Oxford English Dictionary's definition of "learned").

On remand, SCOPS should conduct a final merits review based on the totality of the evidence, evaluating whether the Petitioner has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim, his status as one of the small percentage at the very top of his field of endeavor, and that his achievements have been recognized in the field through extensive documentation. *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.

III. CONCLUSION

The Petitioner has met the requisite three of ten initial evidentiary criteria. We will withdraw SCOPS' denial of the petition and remand the matter for a final merits determination and entry of a new decision. SCOPS may request any additional evidence considered pertinent to the new determination and any other issues. As such, we express no opinion regarding the ultimate resolution of this matter on remand.

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