U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41652955

Date: MAR. 19, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a neuroscientist, 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 dismiss the appeal.

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 shows that the Petitioner is a neuroscientist who specializes in neurodegenerative diseases. The Petitioner earned a Doctor of Medicine degree in May 2020 and a Master of Science in clinical neuroscience in February 2023 in Brazil. The Petitioner is currently working on his postdoctoral degree in the field of neuropsychiatry at [redacted]

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 claims to have satisfied five of these criteria, summarized below:

- Lesser recognized prizes or awards for excellence in the field;
- Membership in associations in the field requiring outstanding achievements of their members;
- Participation as a judge of other's work in the field;
- Original contributions of major significance in the field; and
- Authorship of scholarly articles.

8 C.F.R. § 204.5(h)(3)(i), (ii), (iv), (v), (vi).

SCOPS concluded that the Petitioner only met two criteria (participation as a judge of others' work in the field at 8 C.F.R. § 204.5(h)(3)(iv) and authorship of scholarly articles at 8 C.F.R. § 204.5(h)(3)(vi)) and did not meet the remaining three criteria. Upon review of the record, we agree with SCOPS' determination. We conclude that the Petitioner has not satisfied at least three initial evidentiary criteria and therefore, he is not eligible for the extraordinary ability visa classification sought as discussed below.

A. Evidentiary Criteria

1. Lesser Recognized Prizes or Award for Excellence in the Field

In order to fulfill this criterion, the Petitioner must demonstrate that he received prizes or awards, and they are nationally or internationally recognized for excellence in the field of endeavor. 8 C.F.R.

§ 204.5(h)(3)(i). We first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual. On appeal, the Petitioner contends that the grant awards from the Alzheimer's Association Research Fellowship (AARF) and from Huntington's Disease Society of America (HDSA) satisfy this criterion.[1]

For the AARF grant, the Petitioner provided a congratulatory email dated June 2024 inviting him to join the awardee onboarding webinar and printouts from the AARF's website, indicating that the grant program is "intended to support exceptional researchers who are engaged in their post-graduate work and before they have their first independent faculty positions." The website further states that "individuals who have a position of an Assistant Professorship or above are not eligible." Therefore, the record does not sufficiently show that the Petitioner's receipt of the grant is for excellence in the field as the grant program limits eligibility to post-graduate students before having their first faculty position. In addition, the selection criteria for the grant appears to be based on "innovation/novelty of the proposed project" or "alignment with the research priorities of the Alzheimer's Association," not on the individual's outstanding achievements.

Regarding the HDSA grant, there is no evidence that the Petitioner personally received this funding. In fact, it appears that the research institution where he is working received the funds. The grant approval letter states that HDSA's annual award of $74,569 will be paid during the funding cycle directly to "your institution in two bi-annual installments" or to the [redacted] Additionally, the letter indicates that the final installment of the award is contingent on completion and submission of "scientific progress report" and "interim financial update" during "two-year funding cycle of 11/1/2023-10/31/2025." As this petition was filed on July 3, 2025, the Petitioner has not shown that the complete award funding was dispersed prior to the filing of the petition. The petitioner must be eligible as of the date of filing. *See* 8 C.F.R. § 103.2(b)(12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg. Comm. 1971). Lastly, the evidence does not show how the Petitioner's qualifications compare to other candidates for the grant or that the grant is awarded for excellence in the field of endeavor. *See Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013) ("Without evidence of how a larger audience viewed [a petitioner's] awards, there was no way for the agency to evaluate whether those awards were recognized widely enough to satisfy this criterion").

For the reasons discussed above, the Petitioner did not show that he meets this criterion.

2. Membership in Associations

To meet this evidentiary requirement, a petitioner must submit "[d]ocumentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." 8 C.F.R. § 204.5(h)(3)(ii). Associations may have multiple levels of

[1] In addition to these two grant awards, the Petitioner initially claimed that the internal funding from [redacted] to support clinical research on Huntington's disease and merit scholarships he received in Brazil as a student to study neuroscience satisfy this criterion. However, the Petitioner does not raise these issues on appeal and waives his claims. *See, e.g.*, *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)).

membership, and the level of membership afforded to the alien must show that in order to obtain that level of membership, the alien was judged by recognized national or international experts as having attained outstanding achievements in the field for which classification is sought. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1), Criterion 2.

Relevant factors that may lead to a conclusion that the person's membership in the association(s) was not based on outstanding achievements in the field include, but are not limited to, instances where the person's membership was based solely on the following factors (by themselves or in the aggregate): a level of education or years of experience in a particular field; the payment of a fee or by subscribing to an association's publications; and a requirement, compulsory or otherwise, for employment in certain occupations, as commonly seen with union membership or guild affiliation for actors. *Id.*

The Petitioner argues that his membership in "two prominent, research-driven professional organizations," consisting of Huntington's Study Group (HSG) and Alzheimer's Association International Society to Advance Alzheimer's Research and Treatment (ISTAART), fulfills this criterion. The Petitioner submitted his certificates of membership and website pages for both organizations. However, the evidence does not demonstrate that the organizations require outstanding achievements of their members or that the membership eligibility is judged by recognized national or international experts in the field, consistent with this regulatory criterion.

We will first discuss the deficiencies regarding the Petitioner's HSG membership. The Petitioner initially described HSG as "a leading international research organization dedicated to improving therapeutic outcomes for individuals affected by Huntington's disease" but has not indicated whether this study group is in fact an association as required by this criterion. The Petitioner also provided his HSG certificate dated October 2024. Although the certificate indicates that the Petitioner is both "Professional Member" and "HSG Partner Member," the evidence does not provide distinction or difference in selection criteria for these two membership types. The certificate indicates that the Petitioner "has met the standards and qualifications" for this membership but the record lacks guidelines or eligibility requirements for being a "professional member" or "partner member" and only contains the explanations regarding membership benefits.

Similarly, the Petitioner provided ISTAART's website information showing membership benefits but did not demonstrate the eligibility requirements for being a member. The website indicates that ISTAART is "a global network of scientists, clinicians and dementia professionals." On appeal, the Petitioner claims the fact that ISTAART limits membership to scientists, physicians and professionals show that it "inherently reflects professional recognition." However, as this membership is available to all scientists, clinicians, and professionals in the field, the Petitioner has not demonstrated that "outstanding achievements" is an essential condition of membership to satisfy this criterion. *Braga v. Poulos*, No. CV 06-5105 SJO FMOX, 2007 WL 9229758, at *5 (C.D. Cal. July 6, 2007), *aff'd*, 317 F. App'x 680 (9th Cir. 2009) (finding the organization itself must require outstanding achievements as a condition for membership). Therefore, the Petitioner has not met the burden of showing that the standards for this membership rise to the level of "outstanding achievements" as contemplated by the plain language of 8 C.F.R. § 204.5(h)(3)(ii).

In addition, the Petitioner has not provided evidence that recognized national or international experts judge the outstanding achievements for membership with either HSG or ISTAART as required by 8 C.F.R. § 204.5(h)(3)(ii).

Based on the foregoing, the Petitioner has not demonstrated that he meets this regulatory criterion.

3. 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). For this criterion, the Petitioner must establish that not only has he made original contributions but that they have been of major significance in the field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1), Criterion 5. For example, a petitioner may show that his contributions have been widely implemented throughout the field, or have otherwise risen to a level of major significance in the field. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (for a petitioner's contributions to be "of major significance," evidence must demonstrate that their work has been widely adopted or replicated by industry actors unaffiliated with them).

The Petitioner has claimed that the following journal articles publishing his research and studies satisfy this criterion:

- Study of the link between elevated inflammation and psychiatric manifestations in patients with Huntington's disease, entitled [redacted] published in the Journal of [redacted];
- Study on [redacted] published in the Journal of [redacted]
- [redacted] published in the Journal of [redacted]
- Review and meta-analysis on [redacted] published in [redacted] Reviews journal, integrating findings from multiple sources to show that inflammation influences kynurenine pathway contributing to the development of depressive symptoms; and
- Study and publication of "[redacted]" in [redacted] journal on how SARS-CoV-2 interacts with components of the renin-angiotensin system (RAS) providing insights into the molecular pathways underlying COVID-19 pathogenesis.

SCOPS determined that the evidence did not sufficiently corroborate that these are original contributions of major significance in the field. We agree. Here, the Petitioner has not met the burden of showing that his works are "contributions of major significance in the field," requiring evidence of a wide-spread impact. *Agrawal v. Miller*, No. 4:24CV3143, 2025 2879217, at *20 (D. Neb. Sept. 12,

2025) (upholding that it cannot be automatically presumed that all articles published by respected journals and organizations are considered majorly significant).

The Petitioner initially provided these journal articles and testimonials from professors at the [redacted] (where he is currently pursuing his postdoctoral degree) and the [redacted] in Brazil (where he attended as an undergraduate student). In response to the request for evidence, the Petitioner provided additional testimonials from other university professors. On appeal, the Petitioner contends that SCOPS erroneously disregarded the publications and commentary from experts in the field.[2]

We do not doubt that the Petitioner is well-equipped to perform research given his credentials, but the record does not support that his journals impacted the field at a significant level, or that it has been widely implemented. *See Visinscaia v. Beers*, 4 F. Supp. 3d at 134-135. The initial filing's testimonials are all from professors who teach at the universities that the Petitioner currently attends or has attended. Although the Petitioner submitted additional testimonials from professors of other universities who do not personally know the Petitioner or work with him, these letters only discuss the importance of studying neurodegenerative diseases and the mechanics of his research. The authors claim that the Petitioner's research has the potential for future impact but do not indicate that his research has already impacted the field. For example, one author indicates that the Petitioner's research "has the potential to transform," "[help] to shift the scientific conversation" or "[shape] how new treatments can realistically move forward." Other professors praise the Petitioner for producing work that "promises to make a substantive impact on the field," stating that his work shows "originality, rigor, and a translational vision that is rare in early-career scientists." The letters overall consider the Petitioner's research as a solid foundation and start of scientific research and conversation but not as major contribution that widely impacted the field. *See e.g., Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *7 (S.D.N.Y. Jan. 5, 2024) (finding the absence of detail about the actual impact of the petitioner's work and the limited citations his work had thus far received meant that he did not satisfy this criterion).

Therefore, the Petitioner has not identified any original contributions of major significance in his field.

B. Final Mertis Determination

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten lesser criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought.

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

[2] In addition, the record includes his Google Scholar profile. Generally, citations can serve as an indication that the field has taken interest in a petitioner's research or written work. However, the Petitioner has not sufficiently demonstrated that the citation numbers of his five different journal articles are commensurate with contributions of major significance to the field.

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 decline to reach and hereby reserve any final merits determination in this matter. *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).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated eligibility as an individual of extraordinary ability. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden here.

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.