U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40930764

Date: MAR. 24, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-129, Petition for a Nonimmigrant Worker (Extraordinary Ability – O)

The Petitioner, a pharmaceutical business, seeks to classify the Beneficiary as a senior scientist of extraordinary ability. This O-1 nonimmigrant visa classification is available to individuals with extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i).

SCOPS denied the petition concluding that the Petitioner did not show the Beneficiary satisfied at least three of eight possible forms of documentation. 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

As relevant here, section 101(a)(15)(O)(i) of the Act establishes O-1 classification for an individual who has extraordinary ability in the sciences, arts, education, business, or athletics that has been demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field through extensive documentation, and who seeks to enter the United States to continue work in the area of extraordinary ability. Department of Homeland Security (DHS) regulations define "extraordinary ability in the field of science, education, business, or athletics" as "a level of expertise indicating that the person is one of the small percentage who have arisen to the very top of the field of endeavor." 8 C.F.R. § 214.2(o)(3)(ii).

Next, DHS regulations set forth alternative evidentiary criteria for establishing a beneficiary's sustained acclaim and the recognition of achievements. A petitioner may submit evidence either of "a major, internationally recognized award, such as a Nobel Prize," or of at least three of eight listed categories of documents. 8 C.F.R. § 214.2(o)(3)(iii)(A)-(B). If the petitioner demonstrates a criterion

does not readily apply to the beneficiary's occupation, it may submit comparable evidence to establish eligibility. 8 C.F.R. § 214.2(o)(3)(iii)(C).

The submission of documents satisfying the initial evidentiary criteria does not, in and of itself, establish eligibility for O-1 classification. *See* 59 Fed. Reg. 41818, 41820 (Aug. 15, 1994) ("The evidence submitted by the petitioner is not the standard for the classification, but merely the mechanism to establish whether the standard has been met.") Accordingly, where a petitioner provides qualifying evidence satisfying the initial evidentiary criteria, we will determine whether the totality of the record and the quality of the evidence show sustained national or international acclaim such that the individual is among the small percentage at the very top of the field of endeavor. *See* section 101(a)(15)(o)(i) of the Act and 8 C.F.R. § 214.2(o)(3)(ii), (iii).[1]

II. ANALYSIS

Because the Petitioner did not indicate or establish the Beneficiary has received a major, internationally recognized award, it must demonstrate the Beneficiary satisfies at least three of the alternate regulatory criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*)-(*8*). SCOPS determined the Beneficiary fulfilled only two (scholarly articles under 8 C.F.R. § 214.2(o)(3)(iii)(B)(*6*) and capacity under 8 C.F.R. § 214.2(o)(3)(iii)(B)(*7*)) of the five claimed categories of evidence. The Petitioner maintains on appeal that the Beneficiary meets the same three additional criteria.[2]

A. Awards

The Petitioner argues the Beneficiary's eligibility for this criterion based on her receipt of [redacted]" from the [redacted] and a postdoctoral fellowship from the [redacted]

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*) requires "[d]ocumentation of the alien's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor." Examples of relevant evidence may include, but are not limited to, awards from well-known national institutions and well-known professional associations, certain doctoral dissertation awards and scholarships, and certain awards recognizing presentations at nationally or internationally recognized conferences. *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2). Relevant considerations include, but are not limited to, the criteria used to grant the awards or prizes, the national or international significance of the awards or prizes in the field, the number of awardees or prize recipients, and limitations on eligible competitors. *Id.*

The Petitioner submitted screenshots from [redacted]' website reflecting that the Beneficiary was the winner in the [redacted]' category for [redacted] at the [redacted] Fall Meeting 2018, along with the other winners and runner ups in various categories. In addition, the screenshots reflect the following information for [redacted]":

[1] *See also generally* 2 *USCIS Policy Manual*, M.4(C)(2), https://www.uscis.gov/policymanual.
[2] 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)).

> For generations of young chemists educated in Switzerland, the Fall Meeting has been a great platform to present their research – often for the first time ever at a major conference – and to be inspired by the people one gets to meet. Finally, the best student oral and poster-presentations of each session will be awarded prizes. The [redacted] Award Programs are among the most highly remunerated, and the Award Ceremony at the end of the meeting marks one of the highlights of the event.

The Petitioner also provided news articles about several individuals receiving other [redacted] awards, such as [redacted]. However, none of the material is about the Beneficiary's particular [redacted]" at the [redacted] Fall Meeting 2018. Here, the Petitioner did not show how other [redacted] awards establish the national or international recognition for excellence in the field of her specific [redacted] award, or that every award distributed by [redacted] is considered to be a nationally or internationally recognized prize or award for excellence in the field. Moreover, while the Petitioner offered background information about [redacted], the Petitioner did not demonstrate the field's acknowledgement of the award for excellence beyond [redacted] *Cf., Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) (USCIS must focus on the recognition of the award, not its issuer); *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013). Accordingly, the Petitioner did not show that the Beneficiary's [redacted]' award from [redacted] qualifies for this criterion.

Regarding the [redacted] fellowship, the Petitioner submitted a confirmation letter of the Beneficiary's fellowship from U-S-, who stated that "[f]ellowships are determined to cover the costs of living to the most promising candidates in order to ensure the academic and scientific continuity in Switzerland and enable the fellows to improve their scientific training." In addition, the Petitioner offered screenshots from [redacted] website regarding eligibility requirements, evaluation procedures, and overall information about [redacted] fellowships. However, the Petitioner did not demonstrate the recognition of the fellowship outside of [redacted]. Although the Petitioner emphasizes that the fellowship "is a highly competitive grant" and "[t]he evaluation process is rigorous," the Petitioner did not establish that the [redacted] fellowship is nationally or internationally recognized for excellence in the field. Without independent, objective evidence, the Petitioner's submission of background information from [redacted] is insufficient to show the national or international recognition for excellence in the field of the fellowship.

Accordingly, the Petitioner did not show the Beneficiary fulfills this criterion.

B. Judging

SCOPS concluded that "[y]ou do not claim that the beneficiary meets this criterion, and the record contains no evidence relevant to this criterion." On appeal, the Petitioner argues that in response to SCOPS' request for evidence (RFE), it provided evidence that the Beneficiary participated as a peer reviewer for two journals. The record does reflect that the Petitioner claimed eligibility for this criterion and identified supporting evidence. Specifically, in the RFE response letter, the Petitioner stated:

In the RFE, the Service noted that the Petitioner did not submit evidence for this criterion. Please find enclosed, new evidence establishing that [the Beneficiary] has participated as a peer reviewer for the [redacted], a renowned journal in the field of chemistry (the #12 ranked journal on [redacted] [RFE Exhibit 8]. We therefore submit that [the Beneficiary] has met his criterion.

However, for the reasons discussed below, the Petitioner's evidence does not demonstrate the Beneficiary's qualification.

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*4*) requires "[e]vidence of the alien's participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization to that for which classification is sought." An example of relevant evidence may include, but is not limited to, peer reviewer for scholarly publications. *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).

The Petitioner submitted emails from third parties requesting the Beneficiary to conduct manuscript reviews. Specifically:

- April 2, 2015 email from [redacted] with subject entitled, "Manuscript review for [redacted]" addressed to the Beneficiary and two other individuals reflecting:

  Hi all,

  [redacted] would like you to review the attached paper submitted to [redacted] Please send me your comments by April 9.

  [The Beneficiary] since you haven't done a review for [redacted] yet I've attached his instructions but feel free to ask [N-] and [K-] or any other group member about the process.

- July 28, 2015 email from [redacted] with subject not identified and addressed to the Beneficiary reflecting:

  Hi all,

  [redacted] would like you to review the attached paper submitted to [redacted]. Please let me know if you cannot review it by August 4.

  July 28, 2015 email response from Beneficiary stating "I'll review the paper."

- April 28, 2022 email from B-M- [redacted] with subject entitled, "paper review," addressed to the Beneficiary and S-A- reflecting:

Hey [the Beneficiary] and [S-], attached is the paper that is under review at [redacted]. I'd love to get your feedback on this one. The review is due May 10. Please think it over and let me know what you think some time next week.

- June 3, 2022 email from B-M- [redacted] with subject entitled, "Re: quick update," addressed to L-B- reflecting:

  . . . .

  As for the paper, yes, please go ahead and share with [Beneficiary's first name]. I thought that you two would be good reviewers for this one. Looks like the authors missed some precedent literature. I'm not entirely sure if the paper has the wow factor however as the molecules are quite related to known versions. But you're the expert!

The emails reflect requests to conduct manuscript reviews by third party individuals, such as S-C-M- and B-M-, rather than by [redacted]. Moreover, although the first three emails reference [redacted] the fourth email does not identify any journal. Regardless, the Petitioner did not establish that the Beneficiary actually performed the manuscript or article reviews. The evidence reflects requests to judge, with one email from the Beneficiary simply agreeing to do it, rather than evidence demonstrating that the Beneficiary conducted the article reviews. The petitioner must show that the beneficiary has not only been invited to judge the work of others, but also that the beneficiary actually participated in the judging of the work of others in the same or allied field of specialization. *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2). Without evidence indicating that the Beneficiary completed the manuscript or journal article reviews, the Petitioner did not demonstrate that the Beneficiary participated as a judge of the work of others.

For the reasons discussed above, the Petitioner did not establish the Beneficiary satisfies this criterion.

C. Contributions

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*5*) requires "[e]vidence of the alien's original scientific, scholarly, or business-related contributions of major significance in the field." Analysis under this criterion focuses on whether the beneficiary's original work constitutes major, significant contributions in the field. *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).

The Petitioner argues that the Beneficiary "was invited to present her original research at prestigious international conferences." Evidence that the beneficiary's work was funded, patented, or published, while potentially demonstrating the work's originality, will not necessarily establish, on its own, that the work is of major significance in the field. *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2). Although the Petitioner offered evidence of the Beneficiary's presentations at several conferences, including winning best poster discussed under the awards criterion, the Petitioner did not contextualize or show the impact of her presentations in the field. The Petitioner did not demonstrate, for example, that any of her presentations resulted in majorly significant contributions in the field. While the Petitioner contends that "[t]he fact that the Beneficiary was invited to such prestigious conferences shows the originality of her work and major significance to the industry," without supporting documentation showing the impact, influence, or effect in the field in a majorly significant

manner, the Petitioner did not establish that simply presenting original work at conferences, even at prestigious ones, indicates original contributions of major significance in the field.

Likewise, the Petitioner contends that the Beneficiary "and her work have been funded by the U.S. National Institute of Health and the U.S. National Science Foundation." Although the Petitioner provided the Beneficiary's co-authored articles indicating funding sources, the Petitioner did not supplement the record showing how the research or articles impacted, influenced, or affected the field in a majorly significant fashion.[3] Again, evidence that the beneficiary's work was funded, patented, or published, while potentially demonstrating the work's originality, will not necessarily establish, on its own, that the work is of major significance in the field. *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).

Regarding the Beneficiary's overall citation record, the Beneficiary provided her Google Scholar profiles from March 2025 and, in response to SCOPS' RFE, from July 2025.[4] Her most recent profile reflected 193 citations to her co-authored publications, with her three highest-cited articles receiving 69, 56, and 37 citations, respectively.[5] The record, however, does not establish how many of these are self-citations by her or her coauthors. Nonetheless, this criterion requires a petitioner to establish the beneficiary's original contributions of major significance in the field. Thus, the burden is on the petitioner to identify the original contributions and explain how or why they are considered to be of major significance in the field. Here, the Petitioner did not show the significance of the Beneficiary's citations to her individual papers or that her papers received citations compared to other articles the field views as majorly significant. Documentation that published research has been highly cited relative to other works in that field may be probative of the significance of the beneficiary's contributions to the field of endeavor. *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).

Further, the Petitioner provided 2024 data from Clarivate Analytics (InCites Essential Science Indicators) regarding baseline citation rates and percentiles by year of publication highlighting the "Chemistry" research field. The Petitioner contends that "[a]ccording to a respectable research analytics company, Clarivate Analytics, [the Beneficiary's] all-time citation count places her among the top 1% of all cited researcher in the field of chemistry." However, the Petitioner again did not indicate whether it factored in any self-citations in determining these percentile rankings. Regardless, the Petitioner did not demonstrate how the Beneficiary's cumulative number of citations represents contributions of major significance in the field. Moreover, aggregate citation figures tend to reflect an individual's overall publication record rather than identifying which research or findings, if any, the field considers to be majorly significant. In addition, the documentation from Clarivate Analytics states that "[c]itation frequency is highly skewed, with many infrequently cited papers and relatively few highly cited papers. Consequently, citation rates should not be interpreted as representing the central tendency of the distribution." Therefore, considering Clarivate Analytics' admission of highly skewed data, the Petitioner did not show the reliability of the figures, and therefore, reflects very little, if any, probative value.

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[3] The Beneficiary is not listed as the individual responsible for obtaining the funding or research grants; instead, the Beneficiary is listed as one of several authors who authored the papers in which funding was used to conduct the research.

[4] Similarly, the Petitioner also provided screenshots from [redacted] reflecting reads and citations for nine of the Beneficiary's publications.

[5] The Petitioner's remaining 7 articles received 8 or less as of July 2025.

Moreover, citation frequency, which is quantitative in nature, does not reveal the reasons for the citations, which involve a qualitative analysis. In other words, a high citation number might show that others in the field have noticed the Beneficiary's work, but it does not confirm that such work or research has risen to the level of major significance. Regarding a qualitative analysis of the citations, while they may indicate some degree of interest in her research from her colleagues and peers in the field, this evidence is not sufficient without supporting material to demonstrate a degree considered to be majorly significant. *Cf., Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that plaintiff did not provide evidence demonstrating that work has been widely cited); *Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *7-8 (E.D. Pa. Sept. 18, 2023) (upholding plaintiff did not demonstrate the number of citations received by his published articles reflect a level of interest in his work from relevant parties to meet this criterion); *Gadhave*, 2023 WL 6931334, at *5 (finding the record contained little evidence that contextualized the number of citations the petitioner's work had received); *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).

Finally, the Petitioner claims that it "provided ample detailed letters from experts in the field explaining the nature and signature of the Beneficiary's original contributions." However, the referenced letters are not sufficiently persuasive. The letters generally highlight the Beneficiary's work and indicate implementation of the findings into their own work but do not elaborate and demonstrate how her work is considered to be majorly significant. For example, C-V- indicated that the Beneficiary's "research, for the first time, is able to detect isonitrile in natural products," and the Beneficiary "successfully created a protocol to enhance my own research and the broader fields of synthetic chemistry and pharmaceuticals."[6] Although S-N- claimed that the research enhanced "the broader fields," he did not further explain this claim or detail how the research has impacted or influenced the wider field rather than limited to S-N-'s own research. *Cf., 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"); *see also Hristov v. Roark*, No. 09-CV-2731, 2011 WL 4711885, at *11 (E.D.N.Y. Sep. 30, 2011); *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).

Similarly, B-M- stated that "we were able to establish novel technology in a new freshwater monitoring tool that can detect guanitoxin in freshwater sources," and "[t]he kits have been licensed by the Australian company, [redacted] which are offering these kits under the brand [redacted]." However, B-M- did not further discuss the kits or address the significance of them besides being licensed by a company. He did not, for instance, indicate whether the kits are being widely used or how they have affected the field in a majorly significant way.

Detailed letters from experts in the field explaining the nature and significance of the beneficiary'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* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2). Submitted letters should

[6] Although we discuss a sample of letters, we have reviewed and considered each in the record.

specifically describe the beneficiary'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 point to the Petitioner's work but do not demonstrate how the field views it as original contributions of major significance in the field, such as widespread impact or influence. *Cf., Gadhave*, 2023 WL 6931334, at *5 (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).

For the reasons discussed above, considered both individually and collectively, the Petitioner did not demonstrate the Beneficiary meets this criterion.

III. CONCLUSION

The Petitioner did not establish the Beneficiary meets any of the categories of evidence discussed above. As such, the Petitioner did not demonstrate the Beneficiary satisfies at least three of the alternate regulatory criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*)-(*8*).[7] Therefore, we need not provide a totality determination to establish whether the Beneficiary has sustained national or international acclaim and is one of the small percentage who has risen to the very top of the field. *See* section 101(a)(15)(O)(i) of the Act and 8 C.F.R. § 214.2(o)(3)(ii) and (iii).[8] Accordingly, we reserve this issue.[9] Consequently, the Petitioner has not established the Beneficiary's eligibility for the O-1 visa classification 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.

[7] Because the Petitioner did not show the Beneficiary fulfilled any additional criteria on appeal, we need not evaluate SCOPS' favorable determination regarding the scholarly articles and capacity categories.

[8] *See also* 2 *USCIS Policy Manual*, *supra*, at M.4(B).

[9] *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).