U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40249643

Date: NOV. 06, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a postdoctoral researcher in the civil engineering field, 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 that although the Petitioner satisfied three initial evidentiary criteria for this classification, he did not show, as required, his sustained national or international acclaim and demonstrate 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;

(ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability; and

(iii) the alien's entry 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 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. 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 (5th Cir. 2022); *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 his 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). SCOPS determined the Petitioner met three criteria, relating to judging the work of others in his field, original contributions of major significance, and authorship of scholarly articles in professional publications. *See* 8 C.F.R. § 204.5(h)(3)(iv)-(vi). Therefore, SCOPS proceeded to a final merits determination.

B. Final Merits Determination

Given the structure of the regulations and the two-step analysis described in *Kazarian*, the satisfaction of three evidentiary criteria alone does not automatically or presumptively establish eligibility. In a final merits determination, we evaluate whether a petitioner has demonstrated, by a preponderance of the evidence, their sustained national or international acclaim,[1] that they are among the small percentage at the very top of his field of endeavor, and that their achievements have been recognized in the field through extensive documentation. Therefore, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate 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*, 596 F.3d at 1119-20.[2]

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[1] *See generally* 6 *USCIS Policy Manual* F.2(A)(1), https://www.uscis.gov/policy-manual (stating that 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").

[2] *See generally* 6 *USCIS Policy Manual supra*, at F.2(B)(2) (stating that USCIS officers should evaluate the evidence together when considering the petition in its entirety to determine if a petitioner has established by a preponderance of the evidence, the required high level of expertise required for this immigrant classification).

Here, SCOPS concluded that, although the Petitioner met the initial evidence requirements, he did not show he garnered sustained national or international acclaim and that he is among that small percentage who have risen to the very top of the field.

On appeal, the Petitioner contends that the record is sufficient to establish, by a preponderance of the evidence, his extraordinary ability as a researcher in his field. He asserts that SCOPS did not properly analyze his peer review service, research contributions, co-authorship of scientific articles, citation evidence, letters of support, and sustained acclaim as a researcher in the civil engineering field and failed to follow specific guidance provided in the *USCIS Policy Manual*. Below, we will evaluate the totality of the evidence, based on the documentation presented to SCOPS, in the context of the final merits determination.

The record indicates that the Petitioner received a bachelor's degree in civil engineering and a Ph.D. in bridge and tunnel engineering from [redacted] in China, in 2015 and 2020, respectively. After completing his Ph.D., the Petitioner worked as a postdoctoral research associate at [redacted] and as a lecturer at [redacted] At the time of filing in March 2025, the Petitioner had been working as a postdoctoral research associate at the [redacted] since January 2024. He stated that, in this position, he utilizes physics-based and data-driven modeling approaches to investigate fluid-structure interactions in building materials to enhance energy efficiency and reduce the environmental impact of these materials.

As discussed further below, the Petitioner has judged the work of others in his field through the peer review process, has made research contributions to his field, and has authored scholarly articles in professional publications. However, in considering the totality of the evidence, the Petitioner has not demonstrated that his achievements to date reflect a "career of acclaimed work in the field" as contemplated by Congress at H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). Nor has he 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)(2). The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of 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. Here the Petitioner has not established that he meets these very high standards. *See Amin v. Mayorkas*, 24 F.4th at 386-87 (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

Regarding the Petitioner's service as a judge of the work of others in his field, an evaluation of the significance of his experience is appropriate to determine if such evidence is indicative of the extraordinary ability required for this highly restrictive classification. *See Kazarian*, 596 F. 3d at 1121-22.[3] Participation in the peer review process does not demonstrate that an individual has sustained national or international acclaim. Here, the Petitioner provided evidence that he reviewed 17 manuscripts for 4 different journals in his field between 2020 and 2024.[4]

[3] *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).

[4] The Petitioner provided evidence that he had completed nine reviews for [redacted] and two reviews each for [redacted] and [redacted].

The Petitioner claims that the journals that invited him to serve as a peer reviewer are "highly discerning journals with very stringent publishing guidelines that enlist the services of only the most accomplished researchers." The Petitioner provided journal rankings from Google Scholar indicating that [redacted] is ranked first in the field sub-category [redacted]."[5] However, he did not show how performing some reviews for one highly ranked journal during the year preceding the filing of the petition demonstrates or contributes to his sustained national or international acclaim. Further, the Petitioner did not demonstrate how his judging experience compares to others in his field, show the significance of conducting 17 reviews over a period of five years, or otherwise provide context regarding his service as a peer reviewer. *See Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801, at *2 (D.C. Cir. Jan. 31, 2023) (finding the petitioner did not provide needed context for his judging experience and the response to his work).

In addition, the record does not support the Petitioner's claim that the specific journals that invited him to serve as a peer reviewer reserve those invitations for "the most accomplished researchers" as claimed or for those who otherwise enjoy standing in the field consistent with sustained national or international acclaim.[6] This context is relevant, as reviewing manuscripts for journals that select peer reviewers based on subject matter expertise would not provide strong support for the petition. Possessing expertise in a field is a considerably lower threshold than enjoying sustained acclaim in the field. A recommendation letter from [redacted] a professor at [redacted] states that the Petitioner's work as a peer reviewer "emphasizes his research expertise" and "denotes him as a trusted member of the research community." We do not question the Petitioner's expertise in civil engineering, and his stature as an active researcher in this field. At issue here is the extent to which the Petitioner's peer review activities have required, reflected, or resulted in his national or international acclaim.

Therefore, although the record shows that the Petitioner has reviewed numerous manuscripts since earning his Ph.D., it does not show how performance of these peer review activities elevates him above most others in his field. Similarly, the record does not show that peer review of the type performed by the Petitioner is an opportunity reserved for the most accomplished and recognized researchers, rather than a service expected of active members of the research community. Finally, the evidence in the record does not demonstrate that the Petitioner has received any independent acclaim or recognition for his service as a peer reviewer. Without this or other evidence differentiating him from others in his field, the Petitioner has not established how his peer review experience contributes to establishing his national or international acclaim or how it places him among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2); *see also Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the relevance of USCIS' consideration of whether the petitioner documented judging activities that sets him apart from others

[5] The Petitioner did not provide evidence of journal rankings for [redacted]

[6] The Petitioner provided general background on the peer review process from the website of Elsevier (www.elsevier.com) the publisher of [redacted] This evidence notes that peer review has been part of scientific communications for over 300 years and notes the system "exists to validate academic work, helps to improve the quality of published research, and increases networking possibilities within research communities." The information provided does not corroborate the Petitioner's claim that researchers invited to serve as peer reviewers for [redacted] are among "the most accomplished" in the field.

in his field, such as evidence of a consistent history of completing a substantial number of review requests relative to others, serving in editorial positions for distinguished journals or publications, or chairing technical committees for reputable conferences).

Likewise, authorship and publication of original research do not automatically place an individual at the top of their field. The Petitioner claims that he is among the top researchers in his field because his work has been published in highly ranked publications, and because others have cited his work at a high rate and relied on his original research contributions. He submitted his Google Scholar profile showing his co-authorship of 18 published works in journals and conference proceedings between 2017 and 2023.

The Petitioner emphasized that his work has been published in [redacted] and provided rankings for these journals from Google Scholar.[7] The Petitioner emphasized publication in such journals is "a rare accomplishment achieved by only the best researchers in the field." A high ranking or impact factor reflects a publication's overall citation rate, rather than the influence of any individual researcher. Depending on a journal's level of recognition, as demonstrated by evidence in the record, there may be an elevated level of prestige or acclaim associated with publication in particularly highly ranked journals.[8] However, publication in a journal with a high impact factor alone does not demonstrate that an individual researcher has achieved wide recognition consistent with national or international acclaim. The Petitioner did not provide sufficient support for his claim that publication in the listed journals is an accomplishment only achieved by those at the top of the field, or one which automatically elevates a researcher to that level. For example, a recommendation letter from [redacted] a professor at the [redacted] states that the Petitioner's publication in journals such as [redacted] shows "the relevance of [his] research to the field of civil engineering." But the relevance of the Petitioner's published work is not at issue; rather, he must demonstrate how the publication of his work in these journals contributes to or is indicative of his sustained national or international acclaim.

As authoring scholarly articles is often inherent to the work of scientists and researchers in academia, the citation history or other evidence of the influence of an individual's articles can be an indicator to determine the recognition they have received in the field and whether such recognition has been sustained. Such an analysis at the final merits determination stage is appropriate pursuant to *Kazarian,* 596 F. 3d at 1122. Here, the Petitioner has consistently emphasized that the individual and collective citations to his work, according to several metrics and statistics, show that he has received the required recognition for his research achievements.

Regarding the Petitioner's overall citation record, the initial evidence from Google Scholar reflected 352 citations to his co-authored publications, with his five highest cited articles receiving 49, 45, 43, 42, and 32 citations, respectively, and four articles receiving between 18 and 31 citations. The record, however, does not establish how many of these are self-citations by him or his coauthors.

[7] The Google Scholar rankings show that [redacted] ranks first among journals in [redacted] ranks eighth in [redacted] and [redacted] is ranked fifth in [redacted]

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

Furthermore, the Petitioner submitted data from Clarivate Analytics (InCites Essential Science Indicators) providing baseline citation rates and percentiles by year of publication for the field of engineering for the years 2014 to 2024. The Petitioner claims that at least five of his articles are ranked among the top 10% in number of citations in their respective years of publication. However, the Petitioner again did not indicate whether he factored in any self-citations in determining these percentile rankings. Moreover, 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."[9]

The evidence shows that several of the Petitioner's individual articles have been cited at a rate that is above average or well above average compared to others in his field, and likely contributed to SCOPS' finding that he established, by a preponderance of the evidence, that he has made significant research contributions. The comparative ranking of his individual papers to baseline or average citation rates, however, does not establish that he is recognized as being among the small percentage of researchers at the top of his field.[10]

The Petitioner also submitted documentation attributed to "OpenAlex" which provides percentile rankings for his overall publication and citation records. Specifically, this evidence shows the Petitioner has a "Citation Percentile" of 99.04% and a "Publication Percentile" of 99.75%. It further identifies the area of research as "Civil Engineering," states the number of authors and publications in the "model," and indicates that the period covered was 2017 through 2024. Another document shows that the Petitioner's h-index of 11 gives him a percentile ranking of 95.2004% for "Engineering." None of the evidence from OpenAlex describes the method used to calculate the percentile figures provided. Without additional explanation, we cannot make an informed assessment of the relevance and reliability of this evidence.[11]

Additionally, the Petitioner presented an article in *Scientometrics* written by Lutz Bornmann and Werner Marx, entitled "How to evaluate individual researchers working in the natural and life sciences meaningfully? A proposal of methods based on percentiles of citations." This article presents recommendations for "how to evaluate individual researchers in the natural and life sciences" for purposes of funding and promotion or hiring decisions. The authors state that "publications which are among the 10% most cited publications in their subject area are as a rule called highly cited or excellent" and that "the top 10% based excellence indicator" should be given "the highest weight when comparing the scientific performance of single researchers." While the authors offer proposed methods for bibliometric analysis of research performance, the record does not indicate that their methods have been accepted and implemented by the academic community. Moreover, with respect to citation

[9] To this point, we note the Petitioner provided information regarding "Citation Thresholds" from the Essential Science Indicators website, indicating that only papers that fall within the top 1% of papers from each of 10 database years meet its "Highly Cited Threshold."

[10] A supporting explanation regarding the reported citation rates indicates that "[t]he citation rate in any single year can serve as a baseline to assess the impact of a paper in the same research field published in that year." The publisher does not claim that such percentile figures are intended to provide information regarding a given author's standing in a particular field.

[11] The Petitioner provided general information from the OpenAlex website (https://help.openalex.org) regarding works included in its dataset and the sources of those works; however, he did not provide information regarding its methodologies for calculating citation, publication and h-index percentiles for individual researchers or include any statements regarding the intended use of such percentiles.

information from Google Scholar, the authors advise against "using Google Scholar (GS) as a basis for bibliometric analysis. Several studies have pointed out that GS has numerous deficiencies for research evaluation."

In addition to the various metrics discussed above, the Petitioner provided the Google Scholar profiles of 20 claimed "extraordinary researchers" in his field for the purpose of comparing their citation records to his own. The submitted profiles are primarily those of postdoctoral researchers, research associates, and assistant and associate professors in civil engineering at U.S. and international universities, who had accrued total citations to their published work that ranged from 125 to 345 citations. The evidence objectively shows that the Petitioner had accumulated more cumulative citations than each of the 20 researchers that he specifically selected as a basis for comparison. The Petitioner submitted copies of these individuals' resumes or biographical pages from their universities' websites, but he did not explain how this evidence supports a determination that any of them enjoy recognition as "extraordinary researchers."

Overall, the Petitioner did not show that the citations to his published research demonstrate recognition at a level consistent with being among that small percentage at the very top of his field. *See* 8 C.F.R. § 204.5(h)(2). The statute demands "extensive documentation" of recognition. Here, the Petitioner relies to a significant extent on various metrics and data to mathematically place himself at the top of the field. However, the record does not sufficiently demonstrate the relevance and reliability of the metrics and comparative data provided and lacks other persuasive evidence of his sustained acclaim.[12]

The Petitioner also provided evidence that his [redacted]' was funded in part, by a 300,000 Chinese renminbi grant from the National Natural Science Foundation of China (NSFC), under the funding category "Youth Science Fund Project." The project approval document identifies the Petitioner as the "Responsible Person" and indicates that he applied for the grant while he was a postdoctoral research associate at [redacted]. The record also includes the NSFC's "2021 Annual Funding Overview" showing that 17.6% of applications for funding through the Youth Science Fund were approved. This evidence shows that the Petitioner successfully participated in a competitive process to receive his NSFC grant, but it also indicates that applications for funding through the Youth Science Fund were likely restricted to early career scientists, rather than well-established researchers. The record does not provide any additional context regarding NSFC grants, such as the selection process employed for the funding the Petitioner received. Based on the evidence submitted, the Petitioner has not demonstrated that his receipt of NSFC funding in 2021 reflects his national or international acclaim or is indicative of his placement among the small percentage of researchers at the top of his field.

The Petitioner further asserts on appeal that SCOPS did not give sufficient weight to evidence that his employer at the time of filing, the [redacted] is "a particularly prestigious institution and has been classified as an R1 university, which is the highest tier of research activity for doctoral universities accorded by the Carnegie Classification of Institutions of Higher Education." He

[12] *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(2) (stating that "[d]epending on the field and the comparative data the petitioner provides" evidence demonstrating the total rate of citations is high relative to others "*may* indicate a person's high overall standing").

emphasizes that the *USCIS Policy Manual* "explicitly recognizes employment with a prestigious institution as a positive factor" in the final merits analysis.

The referenced policy guidance states that a Petitioner's employment or research experience with a "leading institution" in their field "can be a positive factor toward demonstrating that the person is among the small percentage at the top of the field." *See generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policy-manual. However, it also states that the listed "positive factors" are not determinative and that a petitioner must explain the significance of the submitted evidence, and how it demonstrates that they have achieved sustained national or international acclaim and recognition in their field. With respect to the Carnegie Classification, the *USCIS Policy Manual* notes that its "R1 and R2 doctoral university designations . . . recognize institutions as having very high or high research activity, respectively, based on publicly available federal government data regarding the number of doctoral degrees awarded and the amount of total research expenditures." *Id.* The designation, however, does not directly relate to the acclaim or recognition of a university's individual employees or researchers.

The Petitioner's affiliation with the [redacted], was in a postdoctoral research position that he held in the 15 months immediately preceding the filing of the petition. The Petitioner provided a recommendation letter from [redacted] an assistant professor in his department, but the letter does not discuss his current employment beyond stating that he "is conducting research in the Department of Civil and Environmental Engineering." The record also lacks evidence that the Petitioner has published any work since commencing his position at the [redacted][13] and he did not claim, for example, that he performs in a leading or critical role for the university or for its civil engineering department. *See* 8 C.F.R. § 214.5(h)(3)(viii). Therefore, while we have considered the university's designation as an institution with very high research activity, the record does not show how the Petitioner's postdoctoral research position there is indicative of his high standing in his field or reflects that he has received sustained acclaim or recognition for his achievements.

Finally, we acknowledge that the Petitioner provided five recommendation letters from university professors who perform research in his field. Letters of this kind are helpful to explain the nature and impact of the Petitioner's contributions to the field. However, while not without weight in the final merits determination, reference letters should explain in specific terms why the authors believe the Petitioner qualifies as a person with extraordinary ability, and should be supported with sufficient corroborating documentary evidence to establish that the Petitioner is recognized as being among that small percentage at the very top of the field of endeavor and that he has garnered the required sustained national and international acclaim for his achievements. *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(3) (discussing the evidentiary value of letters of support at the final merits determination stage).

[redacted] a professor at the [redacted] describes the Petitioner as "an exceptionally talented, innovative and hardworking researcher," summarizes some of the Petitioner's research projects, and concludes that his contributions and expertise can fill a demand for "improved seismic response evaluation methods for underwaters structures." [redacted] describes the Petitioner as a

[13] The Petitioner's latest publication, based on the updated Google Scholar profile he submitted in June 2025, appeared in [redacted] in 2023, and was his sole publication during that year.

"proven civil engineering scholar." He credits the Petitioner with developing "innovative numerical models for calculating hydrodynamic effects on underwater structures during earthquakes" and explains why he considers his research contributions significant to the field. [redacted], an associate professor at [redacted] refers to the Petitioner as a "prominent researcher" in the civil engineering field, and discusses how he integrated the Petitioner's work into his own studies. These letters primarily summarize aspects of the Petitioner's work and praise his skills and contributions as a researcher, but do not address whether his achievements have been widely recognized in his field or otherwise demonstrate that he garnered the sustained acclaim required for this classification.

We acknowledge that [redacted] states in his letter that the Petitioner "is a civil engineering researcher at the top of our field," and [redacted] describes the Petitioner as "a leader in the field." However, the contents of their letters are otherwise similar to those described above, and do not provide adequate support for their conclusions. Letters that merely reiterate USCIS' definitions relating to this classification or make general and expansive statements regarding a petitioner and their accomplishments are generally not persuasive. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3).

Overall, while these letters attest to the Petitioner's significant skills and accomplishments, they do not establish his extraordinary ability when considered in the totality of the evidence. The letters do not claim, nor do their contents indicate, that the Petitioner has achieved national or international acclaim from the field or attracted a level of attention placing him the very top of his field. *See Jafarov v. USCIS*, 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 authors did not provide 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).

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[14] 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

[14] *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).

815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visa are intended to be available to only an exceedingly small amount of individuals with extraordinary ability).

In this case, the Petitioner has not shown the significance of his work is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. The evidence related to his scholarly articles, citation rates and peer review service reflects that he has received some recognition for his contributions and expertise in his field but falls short of establishing that he satisfied the requirements for this classification at the time of filing. 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).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not established his eligibility as an alien of extraordinary ability.

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.