U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 39085078

Date: NOV. 20, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a post-doctoral researcher, requests 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). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish that the Petitioner had satisfied at least three of ten initial evidentiary criteria for this classification, 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

An alien is eligible for the extraordinary ability classification if he or she has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and his or her achievements have been recognized in the field through extensive documentation; he or she seeks to enter the United States to continue work in the area of extraordinary ability; and his or her entry will substantially benefit prospectively the United States. Section 203(b)(1)(A) of the Act.

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 a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then the petitioner must provide documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) to (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 the petitioner 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, 1119-20 (9th Cir. 2010); *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

The Petitioner earned a doctorate in engineering mechanics from [redacted] and also earned a bachelor in engineering degree from [redacted], India. More recently, the Petitioner has been employed as a post-doctoral researcher in the department of engineering technology at [redacted] where he conducts "research related to advanced design and manufacturing with diverse applications."

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 contained at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner claimed to have satisfied three of these criteria, summarized below:

- participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought (8 C.F.R. § 204.5(h)(3)(iv));
- authorship of scholarly articles in the field, in professional or major trade publications or other major media (8 C.F.R. § 204.5(h)(3)(vi));
- original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field (8 C.F.R. § 204.5(h)(3)(v)).

SCOPS concluded the Petitioner met only one criterion, pertaining to his participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which permanent immigration classification is sought.[1] On appeal, the Petitioner asserts that he also meets the other two criteria he claimed. We disagree.

### A. Evidentiary Criteria – Original Contributions of Major Significance (8 C.F.R. § 204.5(h)(3)(v))

The Petitioner claims he is a "highly experienced and dedicated researcher working for over a decade at the forefront of design and manufacturing" with a "strong and in-depth background in diverse topics" resulting in a "unique combination [and] skill set [that] makes [him] a very competitive

[1] We acknowledge the Petitioner's identification of scrivener's errors such as improper pronoun usage in SCOPS decision. We also recognize the sole instance of SCOPS' misidentification of the Petitioner's field. And we note what appears to be the misattribution of a quote which does not appear in any of the materials present in the record. Whilst regrettable, these aberrations do not meaningfully factor into SCOPS' ultimately correct conclusions in its decision.

researcher" in his field. An independent advisory opinion authored by [redacted] indicates the Petitioner "conducted a series of studies" related to aircraft design and "wrote a code" functioning as an "algorithm" that applied not only to aircraft design but also to other applications such as "a hybrid supertruck." Another independent advisory opinion authored by [redacted] states the Petitioner's has developed "simulation and experimental methods" for "semiconductor development and manufacturing." The Petitioner also submitted a statement where he listed specific contributions he claimed to have made in his field. He further asserted citations to his published work are high and that his publications have appeared in academic journals with high impact factors. Finally, the Petitioner states that he has received financial support for his work from the National Aeronautics and Space Administration, U.S. Army Combat Capabilities Development Command, Badische Anilin- und Sodafabrik (BASF), and the National Science Foundation. The Petitioner's appeal brief refers to the previously submitted evidence outlined above to advance his assertions of eligibility for classification in the employment based first preference permanent immigrant category.

For the criterion at 8 C.F.R. § 204.5(h)(3)(v), the Petitioner must submit evidence of his "original scientific, scholarly, artistic, or business-related contributions of major significance in the field." First, we determine whether a petitioner has made original contributions in their field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. Next, we examine whether the original contributions are of major significance to the field. *Id.*

The Petitioner identified his work "minimizing the weight of aircraft wings by designing internal structures with curvilinear spars and ribs," using electron beam free form fabrication (EBF3), the addition of cobalt to speed up rhenium deposition, determination of the speed of diffusion of proton and copper ions under various conditions, and development of the MadDE algorithm for numerical optimization to comprise the original contributions he has made to the field. And his self-provided list is supported by publications and citations. So, we conclude the record demonstrates the Petitioner has made original contributions to his field.

But our analysis cannot stop there. We also must evaluate if the claimed original contributions have exerted major significance to the Petitioner's field. And it is here that the Petitioner's claim falters because the evidence in the record does not establish that his original contributions have major significance in his field. For example, the independent advisory opinions only provide general statements about the Petitioner's contributions, stating for example that he has "addressed complex challenges" with EBF3, "improved the original control parameters" using the LSHADE algorithm and MadDE's tripartite attributes, or "optimize[d] the electrodeposition of copper and other metals." But the mere explanation of the nature of a petitioner's contributions will not also describe the significance of the person's contribution to the field and if that significance can be classified as "major." And although the authors of the independent advisory opinions the Petitioner submitted express a personal appreciation for the Petitioner's contributions, they do not describe the level of significance the Petitioner's contributions have exerted on the Petitioner's field writ large.

The same can be said about the scholarly publications memorializing his contributions and the citation history stemming from the scholarly publications that the Petitioner leans on to showcase his claimed assertion of the major significance of his contributions. Whilst publication and citation can demonstrate some noteworthiness of the claimed contribution to the field, it is not sufficiently preponderant by itself to the question of whether the claimed contribution has exerted major

significance on the field. And the Petitioner's reliance on bibliometrics in the form of Google Scholar, Clarivate Analytics' Essential Science Indicators (ESI), and OpenAlex data does not demonstrate the significance of the contributions the Petitioner claims. For example, the Google Scholar data is silent about how many citations listed therein were self-citations. And the ESI data claimed one of the Petitioner's articles was amongst the top 10% of most cited articles in engineering but did not indicate whether self-citations were factored into determination. Moreover, the documentation from ESI the Petitioner submitted 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." Further, the Petitioner's assertion that data he claimed was derived from OpenAlex reflecting that he was in the "top 1%" of his field is not supported by evidence that demonstrates how OpenAlex collects, collates, and evaluates its data. So, in sum, we cannot glean the significance of the Petitioner's claimed original contributions from the citation data he submits because it does not reliably describe the level of discourse or commentary the original contributions have generated in the Petitioner's field.

Similarly, the "global influence" the Petitioner claims based on the citation of his work "across 25 countries" is not contextualized with material, relevant, or probative evidence in the record. For example, the Petitioner did not demonstrate how citation by scholars "across 25 countries" demonstrates the significance of original contributions. Nor does the Petitioner establish that citation by unaffiliated scholars is related to the significance of his original contributions.

Moreover, the record contains descriptions of what the National Aeronautics and Space Administration, U.S. Army Combat Capabilities Development Command, Badische Anilin- und Sodafabrik (BASF) and the National Science Foundation are. And in the case of BASF, there is some evidence of correspondence by BASF with the Petitioner and his colleague. But, as a whole, the evidence does not describe the claimed funding the Petitioner received, its amount, or any other pertinent detail to permit an evaluation of its significance. And the record does not demonstrate why funding from the constellation of sources the Petitioner identifies would demonstrate the level of significance of his contributions.

A petitioner must show that his or her original contributions rise to the level of major significance in the field as a whole. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (citing *Visinscaia v. Beers*, 4 F. Supp. 3d at 134). The Petitioner did not establish his original contributions are of major significance in his field.

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

B. Summary and Reserved Issue

Although SCOPS determined the Petitioner meets the criteria for participation, either individually or on a panel as a judge of the work of others in the same or an allied field contained at 8 C.F.R. § 204.5(h)(3)(iv), the Petitioner has not established he meets the criterion relating to original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field contained at 8 C.F.R. § 204.5(h)(3)(v). He therefore cannot fulfill the initial evidentiary requirement for three criteria under 8 C.F.R. § 204.5(h)(3). Consequently, we reserve evaluation of the Petitioner's claim of authorship of scholarly articles in the field, in professional or major trade publications or

other major media under 8 C.F.R. § 204.5(h)(3)(vi) and need not provide the type of final merits determination referenced in *Kazarian*. *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.

Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought. 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"); *Visinscaia v. Beers*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design"); *Hamal v. Dep't of Homeland Sec. (Hamal II)*, No. 19-cv-2534, 2021 WL 2338316 at *5 (D.D.C. June 8, 2021), *aff'd*, 2023 WL 1156801 (D.C. Cir. Jan 41, 2023) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *see also Hamal v. Dep't of Homeland Sec. (Hamal I)*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3,2020) (citing *Kazarian v. USCIS*, 596 F.3d at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); *Lee v. Ziglar*, 237 F.Supp. 2d 914, 918 (N.D. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for the visa as a baseball coach).

Here, the Petitioner has not shown 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" as contemplated by Congress, H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate the Petitioner has garnered national or international acclaim in the field, and that he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

## III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an alien 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.