U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40102042

Date: NOV. 21, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an honorary research professor, 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 the record did not establish that the Petitioner meets at least three of the ten initial evidentiary criteria for this classification. 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 of 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

A. Evidentiary Criteria

The Petitioner is currently an honorary research professor at the [redacted] in Canada, associate member of the [redacted] and principal investigator of the [redacted]. She stated that she intends to continue working in her areas of specialization—classical studies, [redacted].

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, she must satisfy at least three of the ten alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS determined that the Petitioner met two criteria: the criteria for judge of the work of others and authorship of scholarly articles in the field at 8 C.F.R. § 204.5(h)(3)(iv), (vi).[1] However, SCOPS further determined that the Petitioner had not met the remaining five criteria she claimed relating to lesser nationally or internationally recognized prizes or awards, membership in an association, published material about the Petitioner in professional, major trade publications, or other major media, original contributions of major significance in the field, or performance of a leading or critical role for organizations or establishments that have a distinguished reputation at 8 C.F.R. § 204.5(h)(3)(i)-(iii), (v), (viii).

On appeal, the Petitioner argues that SCOPS did not provide a substantive analysis and reasoned engagement with the evidence. She contends that SCOPS relied on conclusory statements that did not reflect a proper, individualized, criterion-by-criterion evaluation of the evidence. The Petitioner maintains that the evidence submitted satisfies the four criteria relating to lesser prizes or awards, membership, original contributions of major significance, and leading or critical role.[2] She also submits additional evidence on appeal, including numerous previously submitted documents. For the

[1] As the Petitioner only met two criteria, she did not meet the initial threshold requirements, and SCOPS was not required to conduct a final merits analysis.

[2] The Petitioner did not contest SCOPS' determination that she did not meet the criterion for published material at 8 C.F.R. § 204.5(h)(3)(iii). Therefore, this criterion is waived on appeal. *See Matter of Garcia*, 28 I&N Dec. 693 n.1 (BIA 2023) (noting that issues not raised on appeal are waived) (citation omitted); *Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (same).

reasons discussed below, we conclude the evidence does not demonstrate the Petitioner has satisfied the four claimed criteria, and, therefore, does not meet at least three of the ten alternate evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x).

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

In order to fulfill this criterion, the Petitioner must show "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards 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*, *supra*, at F.2(B).

We agree with SCOPS that the Petitioner has not met this criterion. The Petitioner argues that her Getty Foundation Sponsorship for the [redacted] alternate selection, and [redacted] "undeniably" constitute lesser prizes or awards.

The record, however, does not demonstrate that these grants, fellowships, and permits qualify as nationally or internationally recognized prizes or awards for the purposes of this criterion. It is noted that, unlike awards such as the Nobel Prize which recognize demonstrated past achievements, grants and fellowships are often bestowed in response to applications by prospective recipients, who describe the research or project which they seek to undertake. Additionally, grants and fellowships generally support future research rather than recognize prior achievements for excellence in the field of endeavor. For example, the Petitioner submitted information regarding her Insight Grant, which states that "Insight Grants support research proposed by scholars and judged worthy of funding" and that they are "expected to respond to the objectives of the Insight Research Program." As noted, grants, fellowships, and prizes do not constitute prizes or awards to meet the regulatory criterion. Even if they could be considered, the Insight Grant's emphasis in the evaluation process appears to rely on the merits of the research application or proposal and its potential for success, rather than the excellence of the applicants themselves. The Petitioner has not demonstrated how her receipt of such grants and fellowships were based on her excellence in the field, rather than the objectives of her proposed research, or how these constitute prizes or awards.[3]

Similarly, while the Petitioner argues that her [redacted] are "permissions granted based on an evaluation of the applicant's profound expertise, ethical standing, and the perceived significance of [her] proposed research," the purpose of the permits are to request authorization of the granting party for a specific purpose, not to bestow an award or prize based on the applicant's excellence in the field. Again, the Petitioner has not provided evidence demonstrating otherwise. For example, while she argues that her [redacted] authorization "signifies a rare award of scholarly privilege granted only to 'the most highly regarded professionals in the discipline,'" the permit's approval based on the Petitioner's request to transport and study artifacts cannot be construed as bestowing a prize or award for her excellence in the field.

[3] We note that, while the Petitioner asserts that her selection for the [redacted] should be considered an award, her status as an *alternate* candidate does not establish she was the actual *recipient* of the fellowship.

The Petitioner also argues that her grants, fellowships, and research permits should be considered comparable evidence of her eligibility under this criterion. But, this argument is likewise unavailing, where she has not shown that the regulatory standards do not readily apply to her occupation. *See* 8 C.F.R. § 204.5(h)(4). The Petitioner concedes, and the evidence reflects, that awards and prizes are available in her field. For example, the letter written by [redacted] indicated that "a few highly prestigious, career-capping honors" *do* exist, such as the [redacted] from the [redacted] or the [redacted] While she notes that in classical [redacted] these awards are "exceedingly rare," "lifetime achievement awards," and "typically awarded to a single recipient annually or biennially," the purported rarity of a prize or award does not establish that the regulatory standards do not readily apply to the Petitioner's occupation. And, in this case, it is unclear how awards offered annually or biennially would be considered "exceedingly rare." Moreover, her appellate argument that prizes and awards are "not accessible or reflective of success for mid-career professionals" does not demonstrate that the standards would not apply. The Petitioner has not shown that she meets this criterion.

2. Membership in Associations

In order to satisfy this criterion, the Petitioner must show "[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).

On appeal, the Petitioner argues that her membership on the Board of Directors and the [redacted] "unequivocally demonstrates membership in an association that demands and assesses outstanding achievements."[4] She contends that SCOPS' adverse determination stems from "an overly literal interpretation of the regulatory language and a failure to appreciate the practical mechanisms of recognition within [redacted]"

We agree with SCOPS that the record does not support the Petitioner's claim of eligibility for this criterion. As SCOPS noted, the evidence does not demonstrate that [redacted] requires outstanding achievements of its members as judged by experts in the field. The Petitioner submitted documentation from [redacted] website showing that one may become a member upon payment of a fee—$30 for individual memberships or $200 for institutional memberships. The website does not reference other requirements to become a member aside from payment of the fee and states that "[redacted]"

While the Petitioner attempts to argue that her participation on the Board of Directors and the [redacted] themselves satisfy this criterion, she has not persuasively demonstrated how her service on various committees or groups *within* [redacted] would qualify as "membership in associations."

[4] In her initial filing, the Petitioner claimed that she met this criterion based on her membership related to (1) the Board of Directors and [redacted]; (2) the [redacted] (3) an associate member of the graduate school at the [redacted] and (4) the Nominating Committee at the [redacted]. On appeal, she limits her arguments to her membership on the Board of Directors and the [redacted] and, as such, her arguments related to the other groups are waived. *See Matter of Garcia*, 28 I&N Dec. at 693 n.1; *Matter of O-R-E-*, 28 I&N Dec. at 336 n.5.

Moreover, even assuming she had, the Petitioner has provided little evidence documenting the selection process for the Board or Committee to show they require outstanding achievements of their members as judged by experts in the fields. Based on this record, the Petitioner has not shown that she fulfills this 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 she 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). Evidence of significant contributions can include published research that has provoked widespread commentary on its importance from others in the field, or documentation that research generated a high amount of citations relative to others' work in the field. *Id.* When determining whether original contributions have major significance, detailed letters from experts in the field explaining the nature and significance of the contributions may provide valuable context, especially if accompanied by corroborating documentation. *Id.*

On appeal, the Petitioner contends that her citations, authorship of articles, chapter in a book, doctoral dissertation, and other written works demonstrate her eligibility for this criterion. She claims her work is original and has provoked widespread academic commentary, has been critically reviewed by leading experts, and is extensively relied upon as foundational by other scholars.

The evidence, however, does not show that the impact of her work on the overall field rises to the level of original contributions of major significance. For instance, although she claims her 2003 dissertation and 2007 publication were referenced 580 times in one individual candidate's PhD dissertation, the citation count for a *single* dissertation from *one* candidate does not indicate a significant impact on the field. And while she also references individuals who have cited to various pieces of her work, the record does not contain documentation as to the total citation counts for most of these articles or provide context for any citation counts to demonstrate how her citation record compares to others in her field, or how it demonstrates her original contributions. For example, she claims her article '[redacted]' is a "cornerstone of [her] original scholarship." But, the record reveals that this article was cited only 35 times and, again, it is uncertain whether this figure is significant without comparative data. Absent such context, it is unclear how her citation record would place her at the very top of other researchers in her field. Additionally, we note that even highly-cited publications alone are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) without evidence that they were of "major significance," as the number of citations for a given article often does not provide sufficient context to establish the impact or importance of a given researcher's work in the field.

The other evidence in the record also does not demonstrate that she satisfies this criterion. The Petitioner's invitations to speak at various panels and conferences, without more, does not demonstrate that her work has made original contributions of major significance to the field. Likewise, the letters that the Petitioner submitted, such as that written by [redacted], praise the Petitioner's work but otherwise lack specific details as to how any of the Petitioner's work would be considered original contributions to the overall field or of major significance. Accordingly, the Petitioner has not met this criterion.

4. Leading or Critical Role

To meet this requirement, a petitioner must provide "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii). A leading role means that the person is (or was) a leader within the organization or establishment. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B). In contrast, a petitioner in a critical role "has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities." *Id.* A petitioner's role, rather than their title, determines whether their role is (or was) critical. *Id.*

Second, USCIS determines whether the organization or establishment for which a petitioner holds (or held) a leading or critical role has a distinguished reputation. *Id.* Under USCIS policy, organizations or establishments that enjoy a distinguished reputation are "marked by eminence, distinction, or excellence." *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B) (citing to the definition of "distinguished," Merriam-Webster, https://www.merriam-webster.com/dictionary/distinguished). The Petitioner must submit evidence satisfying both these elements to meet the plain language requirements of this criterion.

The Petitioner claims she satisfies this criterion based on her roles at [redacted] which include co-founding the [redacted] an '[redacted] and [redacted] and founding the [redacted] In support of this criterion, the Petitioner presented evidence including support letters, as well as various background documents on the [redacted] program and her biography, and [redacted] generally. But, even assuming the Petitioner played a leading or critical role in establishing these projects, these documents do not sufficiently discuss or otherwise establish the distinguished reputation of the organizations in which she claims to have performed a leading or critical role to satisfy this criterion.[5]

For example, the Petitioner points to letters written by [redacted] praising the Petitioner's efforts and responsibilities in the aforementioned projects. However, the letters do not discuss or shed light on the repute of the [redacted] chapter necessary to demonstrate the distinguished reputations of these organizations. Likewise, the other articles and excerpts from the [redacted] website mostly focus on [redacted] generally and do not provide further specific, probative information demonstrating that the organizations referenced above have a distinguished reputation. While she also includes some documents referencing the [redacted] and its profile, faculty, and other programmatic information, but they do not speak to the Centre's reputation. Similarly, the informational articles relating to the [redacted] program, where she was a seminar participant, and the Petitioner's biography do not show how the organizations for which she claimed a leading or critical role garnered a distinguished reputation. On this record, the Petitioner has not satisfied the requirements of this criterion.

[5] While the Petitioner provides documentation about [redacted] generally, since the Petitioner asserts she performed a leading or critical role for the [redacted] in relation to her [redacted] chapter in [redacted] specifically, she must establish the distinguished reputations of these organizations or establishments for the purposes of this criterion.

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring them to establish sustained national or international acclaim and present extensive documentation to demonstrate their achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, the Petitioner has not satisfied the initial requirements of either a one-time achievement, or three of ten alternate criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x) and, therefore, does not meet the initial evidence requirement for this classification. As such, we cannot conclude that she is an alien of extraordinary ability and need not further analyze the merits under the Act. *See Kazarian*, 596 F.3d at 1119-20. As our finding is dispositive of this appeal, 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).

For the reasons discussed above, the Petitioner has not demonstrated her 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.