U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39172583

Date: OCT. 27, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a hematology and oncology scientist, seeks first preference immigrant classification as an individual of extraordinary ability. Section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can show 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 the evidence did not satisfy at least three of the ten regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). This matter is before us on appeal, which we review de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). The Petitioner must establish his eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). 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 this country to continue work in the area of extraordinary ability; and (iii) the alien's entry into the United States will substantially benefit prospectively the United States.

"Extraordinary ability" refers only to those 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 regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, an alien can show 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 satisfies at least three of the ten criteria 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 regulatory 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).

II. ANALYSIS

The record reflects that the Petitioner obtained bachelor's degrees in medicine and surgery in 2008 from India. He then completed his internship and residency in internal medicine in New Jersey and two fellowships in hematology and oncology in New York. He currently works at [redacted] and [redacted] Hospital where he is an attending hematology and oncology physician and has other responsibilities. He is also an assistant professor of oncology and medicine at the affiliate [redacted].

Because the Petitioner has not indicated, and the record does not otherwise show, receipt of a major, internationally recognized award, he must satisfy at least three of the ten regulatory criteria. He specifically claimed eligibility for five criteria at 8 C.F.R. § 204.5(h)(3)(iv), (v), (vi), (viii), (ix). SCOPS found that the record satisfied only two of the five criteria at 8 C.F.R. § 204.5(h)(3)(iv) (judging others' work) and (vi) (authorship of scholarly articles in the field), and denied the petition, concluding that the evidence did not satisfy at least three of the claimed regulatory criteria.[1]

On appeal, he again maintains that the record satisfies three criteria at 8 C.F.R. § 204.5(h)(3)(v) (original contributions of major significance); (viii) (leading or critical role); and (ix) (high salary); and alleges that SCOPS failed to properly consider his claims and all relevant evidence. We disagree and the appeal therefore will be dismissed on this ground.

A. Original contributions of major significance

8 C.F.R. § 204.5(h)(3)(v) requires evidence of "the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." *See also* 6 *USCIS Policy Manual*, F.(2)(B)(1), https://www.uscis.gov/policy-manual (stating that evidence must demonstrate the alien's original contributions in the field that are also of "major significance").

The Petitioner intends to continue to work as a hematology and oncology physician. In support of his assertion that he has made original contributions of major significance in this field, he primarily relies on his coauthored papers published over the years; related citation records and ratings; experience in research, peer review, and conference presentation; and support letters. SCOPS did not specifically address whether he has made *original* contributions in the field, but concluded that the evidence did not establish that his claimed contributions were of major significance to the field. We agree.

Probative evidence that may satisfy this regulatory criterion includes evidence that an individual's research findings or methodologies have been widely discussed, adopted, implemented, or utilized by others throughout the field or related industries; received distinguished accolades and media attention; and otherwise had remarkable influence in the field rising to a level of major significance.

The Petitioner reiterates that eleven support letters, along with his coauthored articles and related citation records, show that he has made original contributions of major significance in hematology and oncology research. The letter writers highly praise his track record and skills and describe his education and professional background. In particular, they highlight: his team research work on how

[1] SCOPS did not mention or address one regulatory criterion the Petitioner claimed below at 8 C.F.R. § 204.5(h)(3)(viii) (leading or critical role for organizations with distinguished reputation) following a request for evidence (RFE).

diabetes may have affected COVID-19 patients and blood clot formation and the effects of diabetes on colorectal cancer; course materials he wrote for continued medical education ("CME") for healthcare professionals; a project on developing a standardized tool for assessing clinical teaching faculty; his coauthored publications; and how other researchers have cited them to support their own findings. In addition to generally describing his past projects, praising his skills, and highlighting the importance of his areas of research, the letters primarily reiterate some of his coauthored publication history with reputable journals and his peer review and conference participations. However, they otherwise lack probative detail as to the nature and extent of his *specific* contributions and related impact the Petitioner claims essentially transformed the hematology and oncology field as a whole.

For instance, a letter from R-G-[2], Professor of Medicine, [redacted] and director of oncology research for the [redacted], praises the Petitioner as a "gifted" and "highly prominent" researcher specializing in gynecological cancer and classical hematology with a particular interest in medical education and the analysis of population-based datasets," and notes how he continues to investigate these areas as an attending physician at the [redacted] hospital. R-G- also highlights the "paramount importance" of the Petitioner's research on diabetes' impact on colorectal cancer, which R-G- claims has global health implications and helps healthcare providers set priorities. But the letter lacks detail as to how the Petitioner's contributions have been widely implemented or utilized or otherwise specifically impacted the field as a whole that may rise to the level of major significance.

A letter from L-M-, an associate professor of medicine in [redacted], states that he is aware of the Petitioner's research and describes his "noteworthy studies" that provided "essential insights" into the prevalence of blood clot formation, increased severity in COVID-19 patients, and how diabetes may affect colorectal cancer. L-M- notes how some of his findings were published in reputable journals and presented at major conferences. Although L-M- generally highlights the "collective importance of" the Petitioner's "undeniable" research and how it is "crucial" for focused public health initiatives that will help reduce "the burden of both diabetes and cancer on healthcare systems globally and improve[] the chances of patient survival," this letter too lacks detail as to how his work specifically and majorly impacted the field of hematology and oncology research.

A letter from P-K-, an associate professor at [redacted] similarly describes generally the importance of the Petitioner's research assessing the impact of COVID-19 on diabetic conditions and its association with blood clotting; describes his background and research; and praises him as a "top" researcher with "remarkable publication record." P-K- also states that "collectively" the Petitioner's work is "instrumental" in "shifting the medical focus towards targeted treatments" and "his pioneering research supports global public health preparations and shapes frameworks for the management of thrombotic [blood clot formation] complications in infectious diseases."

Another letter from B-G-S-, an associate professor in GI oncology in Texas, also generally praises the Petitioner as a "leading hematology and oncology researcher," "focusing on providing healthcare professionals with easily accessible and relevant information that is key for improving patient care." B-G-S- generally states that the Petitioner's work is "critical" and has had "significant global impacts, particularly in reducing disparities in healthcare services," and primarily describes his work as a continued medical education (CME) course director in writing and updating CME material for healthcare professionals who seek to utilize CME. A letter from doctor F-H-I- also highlights the

[2] We use initials to protect individuals' privacy.

importance of the Petitioner's CME work and how others benefited from it. While we acknowledge his CME-related work and its general educational use in aiding healthcare professionals (broadly including "physicians, nurses, practitioners, and other healthcare providers," as B-G-S- states) for their own CME or other needs, it is unclear, and the record lacks objective evidence as to, how this work specifically relates to and had a major impact in hematology and oncology research.

The remaining support letters also praise him as a respected researcher with exceptional skills; similarly describe the work discussed above (involving COVID-19, diabetes, blood clots, and colorectal cancer); and generally assert that others have cited to his work to support their own findings. Two of these letters from doctor F-C- and assistant professor S-K- also respectively describe the Petitioner's team project on developing standardized clinical teaching faculty assessment tool and generally assert the impact of a 2016 paper on lung cancer and hospital admissions, which was later accepted by a [redacted]. We acknowledge the Petitioner's work in these group projects and their claimed importance. But the record lacks probative evidence that these projects and related findings and products were widely discussed or utilized by other individuals or entities in the field, or that the acceptance of his 2016 paper is indicative of the major significance in the field.

The support letters do not sufficiently delineate the specific contributions the Petitioner made that are of *major significance* to his field as a whole, such as how his work has provoked widespread commentary on its importance or resulted in others adopting his findings and methodologies that may also have attracted notable external attention. *See* 6 *USCIS Policy Manual*, *supra*, F.(2)(B)(1) (stating that evidence of significant contributions may include published research that has provoked widespread commentary on its importance from others in the field or documentation that research generated a high number of citations relative to others' work in the field; and explaining that the fact the person's work was funded, patented, or published, while potentially may indicate the work's originality, will not necessarily show, on its own, major significance to the field).

The Petitioner also relies on his coauthored articles as evidence of original contributions of major significance in the field that he claims satisfies 8 C.F.R. § 204.5(h)(3)(v). These articles comprise 102 papers he and his co-contributors wrote from 2011 to 2024, many of which list him as the last author. According to the updated Google Scholar profile he submitted below, 54 papers he coauthored during the last 13 years received no citation. Of the 48 coauthored papers with citations, 23 papers written between 2012 and 2024 received only one to three citations; 14 papers coauthored from 2015 to 2023 received only five to nine citations; a 2014 coauthored paper received a total of 21 citations, a decade later; another 2014 paper has 39 citations; seven papers from 2018, 2020, and 2021 received 11 to 23 citations; and a 2023 coauthored paper titled "[redacted]" received 36 citations. The Petitioner was not the lead author on any of the papers that received citations; and, as noted, many list him as the last contributor. The last paper he coauthored in 2020 ("[redacted]") was the most cited, having received 155 citations nearly five years later in December 2024, according to the updated Google information. But it lists him as the last author of five co-authors, and publicly available Google information on it indicates that most of the 155 citations occurred during the COVID-19 pandemic from 2021 to 2023, and the number of citations has since declined significantly. Further, the Petitioner does not explain, and the record lacks evidence as to, whether these or any of the above-referenced citations for his coauthored publications were self-citations or by his colleagues and coauthors. Thus, the coauthored papers over the past 13 years and the citation records provided do not inherently show the claimed

widespread impact of his contributions to the field and the record lacks sufficient evidence showing that the citation records provided are indicative of fundamental or transformative influence in the field that reflects the major significance of his contributions to meet the regulatory criterion.

The Petitioner also asserts that the total citation number (493) of all his coauthored articles that received citations based on his Google information, as well as excerpts of other articles that concisely cite his coauthored papers and the many other articles written by others to support their own findings demonstrate that his contributions are of major significance. But, as stated, the number of citations to an individual's work is not inherently probative of the work's significance, and the record here lacks evidence to show that the cumulative citation number represents contributions of major significance. Similarly, beyond referencing the Petitioner's papers primarily in a comparative manner along with those of others who are engaged in similar efforts, the published articles do not describe how or show that his work has been adopted or "has provoked widespread commentary on its importance from others working in the field." *6 USCIS Policy Manual, supra,* F.(2)(B)(1). The fact that some overseas researchers also cited to the Petitioner's coauthored articles also do not inherently indicate the claimed impact of his work and its claimed qualitative significance. Most, if not all, of the articles that reference the Petitioner's coauthored papers do not provide detailed descriptions of his specific work or meaningfully explain how it impacted or advanced their work or research in the field, but cite his coauthored papers in passing to support their own discussions.

Further, open source information (such as "OpenAlex") submitted below that generally compare his citations percentile with other average citation ratings based on information from many unknown authors and unspecified publications, or online citation data indicators (like "Clarivate Analytics") which compare his citation percentile to general ratings of others' work in the broader field of "clinical medicine," is not probative of the claimed quality and high-impact of his work in the field of hematology and oncology. The Petitioner has not submitted any evidence confirming that open source information extrapolated from other fields generally based on hundreds of thousands of unspecified authors, publications, and their indiscriminately collected citations dataset, accurately applies equally to each subfield within hematology and oncology, including his own field.

The Petitioner also highlights a news article by *The Hematologist* that cited the above-referenced 2020 paper (he coauthored as the last contributor with 155 citations) and claims that this news article "extensively" covered *his* findings contained in that paper. But the news article does not mention him or any of his specific contributions. Instead, it merely cites the coauthored paper in passing in a footnote, along with a dozen other papers. While we acknowledge his coauthored articles, citation records and ratings, the Petitioner did not submit probative evidence that his group research and related coauthored papers during the last 13 years received any widespread accolades in the field; were adopted by others; won any grant fundings; resulted in patents; or provoked widespread discussions in the field that may indicate high influence and significance of his work.

Lastly, the Petitioner reiterates that his peer-review and conference experiences also show majorly significant contributions to the field. However, the record lacks probative evidence as to the nature and extent of these experiences and their claimed quality and resulting impact on the field.

Accordingly, the evidence of record does not satisfy 8 C.F.R. § 204.5(h)(3)(v)'s regulatory criterion.

B. Leading or critical role

8 C.F.R. § 204.5(h)(3)(viii) requires evidence that the Petitioner "has performed in a leading or critical role for organizations or establishments that have a distinguished reputation."

The Petitioner does not specifically claim he had a *leading* role for any organization or establishment with a distinguished reputation but asserts that he has performed *critical* roles based on his positions at the [redacted] hospital where he is an attending hematology and oncology physician and has other duties as a working group member; quality and performance improvement coordinator; core clinical faculty member on the selection committee (evaluating candidates for acceptance into the program); assistant director of the hematology and oncology division and co-director of its clinical research; and chair of the performance improvement committee. He also claims that he performs an important role as an assistant professor at the affiliate college of medicine ([redacted]).

Regarding a critical role, we look at whether the evidence shows he "has contributed in a way that is significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment." It is "not the title of a person's role, but rather the performance in the role that determines whether the role is (or was) critical." *See generally 6 USCIS Policy Manual, supra,* at F.(2)(B)(1).

As evidence of the claimed critical roles for the two organizations [redacted] and [redacted]), he relies solely on a support letter from T-E, Doctor of Osteopathic medicine (DO), Division Chief, Hematology-Oncology at [redacted] and an associate professor of medicine at [redacted]. However, T-E- does not specify in what capacity he is writing his letter (for instance, whether as a colleague, supervisor, or employer representative). *See 6 USCIS Policy Manual, supra,* at F.(2)(B)(1) (stating that evidence of experience "must consist of letters from employers" for purposes of demonstrating whether the role was leading or critical). Further, the Petitioner did not submit an official employment letter directly from [redacted] or [redacted] specifically regarding his roles and responsibilities that may be relevant to this regulatory criterion. T-E- also does not explain whether he has conducted any qualitative evaluation of the Petitioner's work in the above positions or identify any objective evidence that may independently corroborate the critical roles he claims to have performed for the hospital and the college. In fact, the letter does not state or explain whether or how his efforts through the various positions significantly affected the outcome of the organizations' activities. Instead, T-E- generally describes the Petitioner's various hospital positions as "critical" and summarizes the related responsibilities, and the letter provides no detail as to whether or how he has performed roles or made other specific contribution of significant importance to the outcome of the college or the hospital's activities, or those of their divisions, committees, and working groups that may support the claim that he has made critical contributions for purposes of satisfying 8 C.F.R. § 204.5(h)(3)(viii). *See id.*

As for his assistant professor job at [redacted] (a position he has held since 2018), the support letter from T-E-, which is written on the hospital's letterhead rather than college letterhead, does not provide any information about the Petitioner's teaching or other related responsibilities, his work performance, or other specific contributions he made to the college or its departments and divisions, and their impact. T-E-'s letter also mentions that the Petitioner is "principal investigator" of two clinical trials for pharmaceuticals and therapeutics companies and "sub-principal investigator" of a clinical trial by another therapeutics company. But the Petitioner did not submit sufficient evidence of these trials or

provide letters directly from the respective companies. Further, the Petitioner and T-E- do not clarify if their hospital or college is involved in these corporate-sponsored clinical trials, address whether the private companies themselves have distinguished reputation, or submit any related objective evidence of the clinical trials, his specific roles, and their claimed impact on the outcome of the college's activities or those of any of its divisions or departments.

The support letter, which is the only evidence the Petitioner submitted for the claimed critical roles, therefore does not satisfy the regulatory criterion as set forth in 8 C.F.R. § 204.5(h)(3)(viii).[3]

C. High Salary or Significantly High Remuneration

8 C.F.R. § 204.5(h)(3)(ix) requires evidence that the Petitioner "has commanded a high salary or other significantly high remuneration for services, in relation to others in the field."

As evidence of his claim that he has commanded a high salary, he submitted an employment contract (commencing in October 2024) with [redacted] Associates, P.C. d/b/a/ [redacted] PLLC ("[redacted]" corporation), agreeing to pay him an annual base salary of $550,000 ("based on the expectation that [he] will be generating at least 5,700 work relative value units (wRVUs) per annum from services provided under this Agreement"), along with a signing bonus, retirement and fringe benefits, and potential overtime pay "in excess of the Annual Productivity Target payable on a quarterly basis"; two paystubs from [redacted] for October 2024 showing a net pay of $6,304.77 and $39,923.42, respectively; and a 2024 Form W-2 from [redacted] showing total gross wages of $186,016.70. A credible employment contract or job offer may show he "has commanded" such salary or remuneration, as may evidence of past earnings such pay statements. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). But the paystubs and Form W-2 here do not specify regular or overtime pay. Further, it is unclear which entity is the Petitioner's employer ([redacted] or [redacted]); whether [redacted] is a third-party contracting corporation; and whether the salary and other benefits are only for his position as a hematologist oncologist.[4] It is also unclear whether the $550,000 base salary as shown on the hiring contract with [redacted] includes compensation for his additional director and committee duties at [redacted] and his affiliate assistant professor job at [redacted] The record otherwise lacks independent evidence of his earnings such as U.S. or foreign tax documents or other relevant company payroll or personnel records. *See id.* (providing specific, non-exhaustive examples of relevant evidence of high income and remuneration).

A letter (titled "Justification for [the Petitioner's] Salary Offer") from President of [redacted] corporation, with whom the Petitioner entered into his 2024 employment contract, describes his annual base salary and other benefits as "*competitive*" and "*above the average* annual salary of $295,000 for similar positions within the industry." However, this letter alone does not demonstrate a high salary

[3] As noted, he did not claim he played a *leading* role for either [redacted] or [redacted] and we thus do not address it. Further, as the issue of "leading or critical role" is dispositive of this criterion, we do not reach and hereby reserve the issue of whether the two organizations have distinguished reputation, for which he submitted three articles about them.

[4] The contract states the Petitioner "will be employed by [redacted] Corporation to practice medicine for the benefit of Corporation in the specialty of hematology and oncology" and he "shall devote [his] time and best efforts to the business of Corporation in [his] position as a physician on a full-time basis." It further lists various duties he is expected to perform for [redacted] including medical and diagnostic care, medication prescription, as well as managerial and educational duties.

or significantly high renumeration for various services he performs, in relation to others who perform similar services in the field.

The Petitioner also submitted comparative salary data for "Physicians, All Other" or "Oncologist" in New York but this data does not relate to the occupation(s) in which he claims to have commanded a high salary, namely as an attending hematologist oncologist performing various other roles. The salary data for "Physicians, All Other" for New York state lists a median annual wage of $216,967 and "experienced" annual wage of $310,334 for unspecified year and region; and O*NET OnLine data on "Physicians, All Other" in part for [redacted] shows a median annual wage of $203,440 and "high" annual wage of "$239,200+," which was based on the 2023 U.S. Bureau of Labor Statistics data for "Physicians, All Other" (29-1229) with a median annual wage of $236,000 and mean annual wage of $248,640 for 310,000 individuals employed in this broad category as of 2023. However, the salary information for "Physicians, All Other" primarily provides the *median* salary of many physicians without specifying their specialties or providing the *average* (and above) salary of attending hematologist oncologist with additional research and committee responsibilities as well as an assistant professor job at an affiliate college of medicine.

The Petitioner also submitted New York oncologist salary information from online job search and recruitment websites, comprising *Indeed*, *Glassdoor*, *ZipRecruiter*, and *Zippia*. However, the salary data generated by these job search engines appear to be based on job opening announcements by various healthcare or other institutions. *Glassdoor*'s 2024 information, for instance, states that New York oncologists' salary ranged from $200,000 to $391,000 (with 7-9 years of experience) based on 173 unspecified salary data submitted to the platform, and it does not otherwise clarify the source of its information or explain how it arrived at its salary range. *ZipRecruiter*'s 2025 figures (average salary of around $429,000 and $437,600 for "top earners") are also based on unspecified job posting "database of millions of active jobs published locally throughout America" that *ZipRecruiter* "continuously scans." *Zippia*'s information states that "the average oncologist salary" in this country is around $298,000 and their salaries "typically range between $132,000 and $672,000 yearly," without providing any other detail about its data source or comparative methodology. Moreover, *Zippia*'s higher end of its salary range is significantly higher than that of the Petitioner's salary for a presumably a high workload. The information from the last job search website, *Indeed*, also does not include any information or explanation about their sources or methodology used to calculate their own salary range for New York oncologists, which it states ranges from $250,000 to $504,000 (with an average salary of about $360,000). *Indeed*'s data also lists a job posting for "Faculty Position: Assistant Attending Physician, Gynecologic Medical Oncology Service, Department of Medicine, Memorial Sloan Kettering Cancer Center, with a salary from $235,000 to $520,000 without any explanation about the wide salary range offered.

The record therefore lacks comparative salary data for [redacted] physicians specializing in hematology and oncology with additional hospital, research, and teaching duties. The evidence thus does not show that the Petitioner commands a high salary or other remuneration for services *in relation to others in the field*, which is interpreted as permitting comparisons to those employed *in the same occupation at a similar level*. *See Berardo v. USCIS*, No. 3:19-CV-01796-SB, 2020 WL 6161459, at *5 (D. Or. Oct. 20, 2020) ("[T]he appropriate test compares the petitioner's salary with the average salary of others in the same position in the field."); *see also Skokos v. U.S. Dept. of Homeland Sec.*, 420 F. App'x 712, 713-14 (9th Cir. 2011) (finding salary information of those performing lesser duties

is not a comparison to others in the field); *Buletini v. INS*, 860 F. Supp. 1222, 1232 (E.D. Mich. 1994) (comparing a physician's salary with other Albanian doctors). Therefore, the evidence does not satisfy the regulatory criterion as set forth in 8 C.F.R. § 204.5(h)(3)(ix).

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's inability to meet at least three of the regulatory criteria means that he is unable to satisfy the initial evidentiary threshold at 8 C.F.R. § 204.5(h)(3). Therefore, we cannot conclude that he is an alien of extraordinary ability and need not further analyze the merits under the Act. *See Kazarian*, 596 F.3d at 1119-1120; *Nagaiah v. Allen*, F.Supp.3d, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding that the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa.").

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.