U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39490755

Date: SEP. 05, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a surveyor, seeks classification as an individual 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.

SCOPS denied the petition, concluding that the record did not establish the Petitioner met the requirements for classification as an individual of extraordinary ability. 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 immigrant visas available to individuals with 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, provided that the individual seeks to enter the United States to continue work in the area of extraordinary ability, and the individual's entry into the United States 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, petitioners can demonstrate international recognition of their accomplishments in the field through a one-time achievement (that is, a major, internationally recognized award). If petitioners do not submit this evidence, then they must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x). 8 C.F.R. § 204.5(h)(4) allows petitioners 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 their 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 (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 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 indicates that he is a surveyor. In the United States, he plans to continue conducting "scientific research in the field of improving the accuracy and speed of building geodetic and mine surveying networks." Because the Petitioner has not asserted or established that he has received a major, internationally recognized award at 8 C.F.R. § 204.5(h)(3), he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

In denying the petition, SCOPS determined that the Petitioner satisfied two criteria, judging and authorship of scholarly articles at 8 C.F.R. § 204.5(h)(3)(iv) and (vi), respectively, of the six claimed evidentiary criteria. On appeal, the Petitioner asserts he qualifies for two additional criteria and that the record establishes his eligibility for classification as an individual of extraordinary ability.[1] He contends that SCOPS erred in the analysis of the evidence and ignored relevant documentation. Upon review, we determine the Petitioner has not shown his eligibility for the additional claimed criteria and also note the record reflects SCOPS properly analyzed the submitted evidence.

A. Original Contributions

The regulation at 8 C.F.R. § 204.5(h)(3)(v) requires "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." Analysis under this criterion focuses on whether the person's original work constitutes major, significant contributions in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner claimed eligibility for this criterion based on the following contributions: "developed and implemented a method for constructing geodetic and survey networks using spatial serifs"; "developed recommendations for optimal parameters of aerial photography from small unmanned aerial vehicles (UAV)"; and "developed a correction map to optimize satellite observations." He indicated that his contributions improved [redacted] metro construction processes, employed geodetic support to enhance the accuracy of facility construction projects with minimal material costs, and provided a more advanced technique for monitoring deformations in difficult conditions to enhance

[1] Any ground of ineligibility that is not raised on appeal is waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

routine maintenance. He also noted that the UAV methodology, which was jointly developed with teachers from the [redacted] and the [redacted], demonstrated the possibility of obtaining high accuracy digital terrain models with small UAVs and was introduced into the education process at the university level. In addition, the Petitioner asserted that he and his colleagues developed a correction map for the unified network of base stations in the [redacted] region, which utilized technical solutions, optimized satellite measurements, and avoided inconsistencies in the construction of extended facilities. The Petitioner submitted reports and conference presentations, excerpts from his dissertation, certificates of implementation, and support letters from scientists and professors.

In denying the petition, SCOPS noted the support letters generally discussed the importance of the Petitioner's work and his contributions to various entities. However, SCOPS found the letters lacked specific, detailed information to show that the Petitioner's work has achieved a level of major significance to the field. In addition, while the Petitioner provided evidence of his attendance at conferences and presentations of his work, he did not submit documentary evidence to show his work has significantly impacted the work of surveyors or others in his field. On appeal, the Petitioner asserts that the evidence demonstrates he met this eligibility criterion, and points to the support letters and certificates of implementation from the [redacted] region, and the [redacted] of Russia.[2] The Petitioner indicates that he provided extensive evidence of "the positive experience of implementing his developments in reputable organizations related to the construction of the subway, the production of equipment for the oil and gas industry, higher education, works in the field of engineering surveys, and geodetic works in the management of the cadastre." He also asserts that due to his success with [redacted] "one of the world's leading companies in the field of subway construction" that "sets the standards for the development of the industry in the former [Soviet Union]," he automatically has an impact on the entire industry as a whole.

Upon review, the Petitioner does not establish that he satisfies this criterion. We have considered all relevant documentation, to include implementation certificates, reports and conference presentations, dissertation excerpts, and support letters. We recognize that the letters describe the Petitioner's professional experience, research accomplishments, and the beneficial results of his work.[3] For example, the writers indicated that the Petitioner's research is "interesting, innovative, competent, and useful both for academic researchers in the field of higher geodesy and for industrial specialists in the field of cartography, mapping, and land surveying"; his dissertation research influenced the "process of geodetic surveying during the construction of the [redacted] metro"; and his work resulted in increased labor productivity and safety. They also noted that the Petitioner's theoretical justifications and experimental data led to better recommendations for routine maintenance of equipment in the natural gas and petroleum product industry.

Detailed letters from experts in the field explaining the nature and significance of the person's contribution may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed

[2] Although we cite to the documentation specifically indicated by the Petitioner, we have reviewed all submitted evidence contained in the record.

[3] We have reviewed and considered all support letters contained in the record.

significance.[4] Here, the Petitioner's letters do not contain specific, detailed information explaining the unusual influence or high impact his research or work has had on the overall field to establish that it has been of major significance. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *8 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's testimonial letter mostly consisted of conclusory statements about the significance of his work and his potential). Though the Petitioner, and the support letters, indicate his research was highly impactful and influential to others in the field, the record lacks sufficient documentation to support this assertion. The evidence does not establish that the Petitioner's original work was recognized at a level indicative of major significance in the surveyor field and relative to other professionals in that field, his contributions provoked widespread commentary on its importance, or otherwise show his contributions attracted significant attention in his field.[5]

B. Leading or Critical Roles

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) requires "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." For a leading role, a petitioner must establish that the person is (or was) a leader within the organization or establishment or a division or department thereof. For a critical role, a petitioner must establish that the person has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment.[6]

The Petitioner claimed eligibility for this criterion based on his critical roles at the [redacted] and [redacted]. He indicated that he conducted research with the Center for Scientific and Technical Developments, took part in the "development of proposals and scientific foundations for improving the regulatory framework and educational potential of geodetic and cartographic work," was engaged in "comparative analysis of existing technologies for continuous geodetic monitoring of deformations of the Earth's surface," supervised students' diploma theses, contributed to the Center for Additional Professional Education, and assisted in the "development of commercially successful educational materials." The Petitioner also asserted that he performed a critical role with [redacted] and noted that he worked as the head of a surveying group on one of the most difficult construction sections of the [redacted] Metro. As evidence that he met this criterion, the Petitioner referred to his employment and research record, information published by [redacted] and [redacted], and articles about [redacted] and [redacted] Metro construction projects.

In denying the petition, SCOPS noted that while the Petitioner claimed to have performed critical roles with [redacted] and [redacted], the evidence did not demonstrate the distinguished reputation of these organizations. SCOPS noted the material that was provided by the entities themselves was not independent or objective. Further, the additional information, such as articles and details about [redacted] and its awards, were not sufficient to establish the entities have distinguished reputations in comparison to competitors in the same industry. On appeal, the Petitioner references the evidence in the record, including documents submitted in response to SCOPS' request for evidence,

[4] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[5] *Id.*
[6] *Id.*

and asserts that [redacted] and [redacted] are well-known organizations throughout Russia and the world. For example, he refers to evidence showing the history, ranking, and government recognition of [redacted] and material referring to the metro's essential role in [redacted] life and the significant impact of [redacted] construction projects.

Upon review, the Petitioner does not establish that he satisfies this criterion. He must establish that the organization or establishment, or the department or division for which he holds or held a leading or critical role, has a distinguished reputation.[7] *Webster's* online dictionary defines "distinguished" as "marked by eminence, distinction, or excellence" or "befitting an eminent person." Here, the Petitioner has not submitted sufficient corroborating documentation to support his assertions that [redacted] and [redacted] have distinguished reputations. For example, while the Petitioner refers to [redacted] high ranking among other universities, the evidence reflects [redacted] was ranked number 17 among "universities in the Central Federal District" in 2024, which does not demonstrate the university's eminent reputation. We also note that the majority of the documentation submitted to meet this criterion was material published by [redacted] and [redacted] or published on Wikipedia. Information published by the entities themselves is not sufficient to demonstrate the distinguished reputations of the organizations. *See Cuckic v. Jaddou*, No. 21-CV-8395 (JPO), 2023 WL 2586031, at *5 (S.D.N.Y. Mar. 21, 2023) (finding self-promotional material from the organization did not establish a sufficiently high reputation). In addition, as there are no assurances about the reliability of the content from Wikipedia, which is an open, user-edited internet site, we afford it little weight. *See Matter of L-A-C-,* 26 I&N Dec. 516, 526-27 (BIA 2015) (noting that "Wikipedia articles lack indicia of reliability and warrant very little probative weight in immigration proceedings"); *see also Badasa v. Mukasey*, 540 F.3d 909, 910 (8th Cir. 2008). While the evidence reflects [redacted] and [redacted] media attention and government recognition, the record lacks sufficient corroborating documentation that demonstrates their distinguished reputations in comparison to others in the same field, or otherwise differentiates their reputations or achievements from other entities.

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that he is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, -- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, 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).

[7] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

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.