U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39983894

Date: SEPTEMBER 8, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a postdoctoral researcher in physics, 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).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner has sustained national or international acclaim as one of that small percentage who has risen to the very top of her field. 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). The regulation at 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 earned a Doctor of Philosophy degree in physics in 2018 and is a postdoctoral researcher at [redacted] SCOPS determined the Petitioner met three of the initial evidentiary criteria, but in a final merits determination concluded that the Petitioner did not establish extraordinary ability. On appeal, the Petitioner asserts SCOPS "failed to apply the appropriate consideration for early-career professionals" and did not properly consider her substantial evidence of sustained acclaim.

A. Evidentiary Criteria

Because the Petitioner has not shown that she received a major, internationally recognized award, she 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 the criteria relating to judging, authorship, and leading or critical role at 8 C.F.R. § 204.5(h)(3)(iv), (vi) and (viii). The record supports SCOPS' determinations as evidenced by her peer review of an article for a scientific journal, her co-authorship of articles published in scientific journals, and her critical role as a senior researcher in the Physics Department at [redacted] which has a distinguished reputation.

B. Final Merits Determination

The Petitioner has established that she meets at least three of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3). As the Petitioner submitted the requisite initial evidence, we will evaluate whether she has demonstrated, by a preponderance of the evidence, her sustained national or international acclaim, that she is among the small percentage at the very top of her field of endeavor, and that her achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze petitioners' accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate that they have 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.

SCOPS determined the Petitioner did not establish sustained national or international acclaim and that she is among the small percentage at the very top of her field. On appeal, the Petitioner asserts SCOPS did not follow U.S. Citizenship and Immigration Services (USCIS) policy on early-career professionals. The Policy Manual clarifies that "the term sustained does not imply an age limit on the

beneficiary. A beneficiary may be very young or early in his or her career and still be able to show sustained acclaim. There is also no definitive time frame on what constitutes sustained." 6 *USCIS Policy Manual* F.2(A)(1), https://www.uscis.gov/policy-manual. However, regardless of age, all petitioners must demonstrate the requisite sustained national or international acclaim as one of the small percentage at the very top of their fields. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B) (explaining these requirements).

Although the Petitioner met the initial evidentiary criteria for judging, authorship, and leading or critical role, the record does not establish that her accomplishments in these areas reflect sustained national or international acclaim as a research scientist at the very top of her field. The record shows the Petitioner co-reviewed one article for [redacted] with her supervisor. An e-mail message from the publisher states her review was completed "as part of the Nature Communications initiative to facilitate training in peer review and to provide appropriate recognition for Early Career Researchers who co-review manuscripts." The record also shows the Petitioner was appointed to the student selection committee for the [redacted] 2024), but the Petitioner did not submit evidence of any judging she completed for this conference or the reputation of the conference in her field. The Petitioner's co-review of one article and appointment to the student selection committee of [redacted] 2024 do not reflect sustained national or international acclaim as a research scientist at the very top of her field.

While the record shows the Petitioner has co-authored articles published in scientific journals, the evidence does not establish that her publication and citation record are comparable to research scientists at the very top of her field. The record shows the Petitioner has co-authored 10 articles that have been cited a total of 16 times. The Petitioner also submitted evidence that one of her articles has been viewed or downloaded 758 times and three of her articles were published in highly ranked journals. However, the Petitioner did not submit evidence that this publication, citation, and viewing record is comparable to that of research scientists at the very top of her field. On appeal, the Petitioner asserts that the work of "early-career professionals" impacts their fields "through derivative influence rather than immediate direct citation." For example, the Petitioner states that one of her co-authored articles has been cited 8 times, but one of the citing articles has been cited 19 times and another citing article has been cited more than 50 times. However, the Petitioner did not submit evidence that the citations to the citing articles referenced her article or otherwise related to her work.

In addition, while the record shows the Petitioner plays a critical role as a senior researcher in the Department of Physics at [redacted] the evidence does not establish that her role is reflective of sustained national or international acclaim as a research scientist at the very top of her field. The Petitioner submitted evidence of awards and prestigious funding that professors in her department received. The record does not indicate that the Petitioner has received similar recognition for her achievements, and the evidence does not otherwise demonstrate that her role in the Department of Physics at [redacted] is commensurate with being a research scientist at the very top of her field.

On appeal, the Petitioner also asserts SCOPS failed to properly consider testimonials from international experts, her receipt of two fellowships, her affiliations with distinguished institutions, and her receipt of competitive federal research funding. De novo review of all the relevant evidence

does not establish that the Petitioner has achieved sustained national or international acclaim as a scientist at the very top of her field.

The Petitioner submitted letters from other research scientists who attest to her accomplishments and skills, but do not establish that she is among the small percentage at the very top of her field. L-M-,[1] Professor of Physics at [redacted] and the Petitioner's supervisor, describes the Petitioner as "a preeminent scientist in the field of computational biophysics and soft matter physics, with internationally recognized contributions that have transformed the understanding of biomechanics, protein folding, and computational modeling of biological tissues." L-M- states that the Petitioner's three-dimensional model for cancer research "has attracted international attention from researchers in cancer biology, biomedical engineering, and computational physics," but she does not identify any other researchers who have relied upon the Petitioner's model. L-M- also praises the Petitioner's work on coarse-grained modeling of proteins and DNA interactions, and soft matter physics and cytoskeletal mechanics, but does not discuss any applications of her research or other researchers who have been impacted by her work.

M-K-, Research Associate at the [redacted] in Slovenia, describes the Petitioner as "a talented researcher who has been producing work at the cutting edge of theoretical soft matter physics and biophysics." M-K- praises the Petitioner's development of a [redacted] which "is one of only a handful [of] computational tools of this sort, currently existing in our scientific community," but does not indicate if any other researchers, apart from his team, have been impacted by her model. M-K- states he has "no doubt that [the Petitioner's] future work will represent an important contribution to our joint efforts to better understand tissues and with this increase our chances to unravel the mechanical bases of cancer." M-K- also states that upon completing her postdoctoral research at [redacted] the Petitioner will be "capable of leading her own research group." M-K- does not indicate that the Petitioner's present research and role are indicative of being a research scientist already at the very top of her field.

C-E-, Assistant Professor at [redacted] discusses how the Petitioner's work has impacted her own research and has been cited by scientists around the world. C-E- states the Petitioner's "insights are crucial for developing new therapeutic strategies, particularly in addressing critical healthcare challenges like cancer and developmental disorders," but C-E- does not indicate that any therapeutic strategy has been developed based upon the Petitioner's research. C-E- states the Petitioner's publications are "a significant accomplishment" and the citations to her articles "verifies the global relevance of her efforts." However, C-E- does not indicate that the Petitioner's publication and citation record are reflective of being a research scientist at the very top of her field.

C-T-, a researcher at the [redacted] of [redacted] France, praises the Petitioner's development of "a 3D mechanical model to simulate cell delamination or upward migration in stratified epithelia" and states her research "can inform the development of novel biotechnological applications and therapeutic interventions in medicine." However, C-T- does not discuss any biotechnological application or therapeutic intervention that has been developed based upon the Petitioner's research.

[1] We use initials to protect the privacy of the referenced individuals.

T-S-, Assistant Professor of [redacted] in Italy, states she collaborated with the Petitioner on the development of models for proteins, and protein-DNA interactions which resulted in an article published in [redacted]. T-S- states the Petitioner's "research project has a high impact in the field of human health, in particular in the field of cancer tissue growth and dynamics," but T-S- does not discuss how the Petitioner's research has impacted any other scientists in her field.

K-A-A-, Senior Physicist at [redacted] states the Petitioner's "research has made pioneering advancements in biomechanics, synthetic materials, disease modeling, and the development of novel therapeutic strategies." A-G-, Professor of [redacted] at [redacted] praises the Petitioner's research conducted at his university and published in [redacted] However, one large paragraph in K-A-A-'s letter discussing her work at [redacted] is repeated verbatim in A-G-'s letter, which detracts from the credibility of both letters.

On appeal, the Petitioner submits two additional support letters. S-W-, Director of the Department of Cell and Tissue Dynamics at the [redacted] states the Petitioner "stands among the top 1% of early-career researchers in computational biophysics and tissue mechanics," but does not discuss how the Petitioner ranks among all researchers in her field. S-W- states her laboratory is collaborating with L-M-'s research group in which the Petitioner "plays a leading role in the development of [redacted] S-W- explains the Petitioner's [redacted] "represents the first of its kind to simulate the mechanical interface between basal and suprabasal layers in stratified skin epithelium with predictive accuracy." Apart from her own laboratory, S-W- does not discuss how the Petitioner's model or other work has impacted other research teams.

C-N-, Professor of Medicine at the [redacted] in Germany, describes her collaboration with the Petitioner as part of L-M-'s research team on a joint research project. C-N- praises the Petitioner's [redacted] that have been adopted by other research groups and states her work is "among the most significant methodological advances in tissue mechanics of the past 2 years." L-M- further states the Petitioner is "among the top 1% of early-career researchers in this field," but does not indicate how the Petitioner ranks among all researchers in her field.

While these letters attest to the Petitioner's significant skills and accomplishments, they do not establish her extraordinary ability. The letters show that researchers who have worked with the Petitioner have been impacted by her research, but they do not establish that her work has broadly impacted her field or that she has otherwise garnered sustained national or international acclaim as a scientist at the very top of her field. *See 6 USCIS Policy Manual, supra,* at F.2(B)(3) (explaining "[i]t is generally expected that one whose accomplishments have garnered sustained national or international acclaim would have received recognition for their accomplishments well beyond the circle of their personal and professional acquaintances")

The Petitioner submitted evidence that she received two fellowships to support her doctoral studies and her postdoctoral research. The record shows that in 2015, the Petitioner received the [redacted] to support her doctoral studies at [redacted] in South Africa. A printout from the [redacted] website indicates the fellowship is affiliated with the [redacted] and is "offered to women scientists from science- and technology-lagging

countries . . . to undertake PhD research in the natural, engineering and information technology sciences at a host institute in another developing country in the Global South." The purpose of the fellowship program "is to contribute to the emergence of a new generation of women leaders in science and technology, and to promote their effective participation in the scientific and technological development of their countries." The printout states, "The fellowships are highly competitive and selection is based on scientific competence and merit." While the Petitioner's receipt of the [redacted] fellowship attests to her scientific abilities and merit, the printout indicates the fellowship is awarded to women scientists at the beginning of their careers, not to scientists at the very top of their fields.

The Petitioner also submitted evidence that in 2023 she received a [redacted] at [redacted] Her appointment letter states the primary objective of her fellowship "is to conduct original research and scholarly works in soft and biological physics" under the direction of Professor L-M-. A program description states the [redacted] Program "is designed to support scholars from underrepresented minority groups on their path to becoming faculty members" and five positions are available each year. The program description states that the only eligibility criterion is "a terminal degree in any academic field" and does not state the selection criteria. While the Petitioner's receipt of this fellowship shows she was recognized as a future faculty member, the program description indicates the fellowship provides post-graduate support to scholars who are not yet at the very top of their fields.

The record shows the Petitioner has conducted research at distinguished institutions, but her professional affiliations alone do not establish that she is a research scientist at the very top of her field. The Petitioner is currently a postdoctoral researcher in the Department of Physics at [redacted] which the record shows holds top tier classification as an R1 doctoral university according to the Carnegie Classification of Institutions of Higher Education. The Petitioner previously completed a postdoctoral research fellowship in the Department of Molecular Sciences and Nanosystems at [redacted] of [redacted] Italy. On appeal, the Petitioner asserts [redacted] is a "leading European research institution," but does not submit evidence of the University's standing. The Petitioner earned her doctoral degree at [redacted] which she describes as an "international research institution," but she does not submit evidence of the University's standing.

The Petitioner's affiliation with these universities has been as a doctoral student and postdoctoral researcher and is not indicative of being a research scientist at the very top of her field. For example, the Petitioner submitted evidence of numerous awards and prestigious grant funding of professors in the Department of Physics at [redacted] but she did not submit evidence that her affiliation with [redacted] was at a comparable level of prestige or otherwise indicative of sustained national or international acclaim as a scientist at the very top of her field.

The Petitioner further claims her extraordinary ability is evident from her contributions to federally funded research. L-M- confirms that the Petitioner "has been instrumental in advancing the objectives of several federally funded research projects," including grants from the National Science Foundation (NSF) and the National Institutes of Health (NIH). However, the record lacks evidence that the Petitioner is identified as an investigator, researcher or scientist on any NSF, NIH, or other prestigious grant. *See generally 6 USCIS Policy Manual, supra,* at F.2(B)(2) (noting extraordinary ability may be

shown when the petitioner "is named as an investigator, scientist, or researcher on a peer-reviewed and competitively-funded U.S. government grant or stipend for STEM research")

When considered in the aggregate, the evidence shows the Petitioner is an accomplished research scientist in the field of computational biophysics and soft matter physics. The Petitioner holds a doctoral degree and has received prestigious fellowships supporting her doctoral and post-doctoral research. The Petitioner has also published her work in scientific journals which has been cited by other research teams and she has worked at distinguished institutions. The record does not, however, demonstrate that her accomplishments reflect sustained national or international acclaim as a research scientist at the very top of her field.

III. CONCLUSION

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing towards the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r. 1994). Here, the Petitioner has not shown that the significance and recognition of her work are indicative of sustained national or international acclaim as one of that small percentage who have risen to the very top of her field, as extraordinary ability is described at section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2). The Petitioner is consequently ineligible for classification 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.