U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37691890

Date: SEP. 09, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an associate clinical professor in gastroenterology, seeks classification as an alien 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 his sustained national or international acclaim, or that he is among the small percentage at the very top of the field of endeavor. 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 sustain 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 the United States 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.

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i)-(x) (including items such as awards, published material in certain media, and scholarly articles). If an evidentiary standard under 8 C.F.R. § 204.5(h)(3)(i)-(x) does not "readily apply" to a petitioner's occupation, the petitioner may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

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, 1121 (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, 394 (5th Cir. 2022) (upholding USCIS' two-step review process as "consistent with the governing statute and regulation").

II. ANALYSIS

The Petitioner claims eligibility for this classification based on extraordinary ability in the area of gastroenterology.

A. Evidentiary Criteria

Because the Petitioner has not claimed or established he received a major, internationally recognized award, he 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 three of these evidentiary criteria relating to judging at 8 C.F.R. § 204.5(h)(3)(iv), original contributions at 8 C.F.R. § 204.5(h)(3)(v), and authorship of scholarly articles at 8 C.F.R. § 204.5(h)(3)(vi).

B. Final Merits Determination

As SCOPS found the Petitioner satisfied at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), the next step is to evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim, he is one of the small percentage at the very top of the field of endeavor, and his achievements have been recognized in the field through extensive documentation. SCOPS concluded that he did not. On appeal, the Petitioner maintains that the evidence in the record is sufficient to show he has earned sustained national or international acclaim at the top of his field. Upon de novo review, we conclude the Petitioner has demonstrated his eligibility for this classification.

In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has 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 v. USCIS*, 596 F.3d at 1119-20.

The Petitioner earned his medical degree from [redacted] in India in 2008 and completed his residency and fellowship in internal medicine and gastroenterology at the [redacted] for Medical Science. Afterward, he completed an advanced inflammatory bowel disease fellowship, receiving a master of health delivery science at [redacted] California, where he conducted gastroenterology research in aligned cholangiocyte immunobiology, inflammatory bowel disease, biologic therapy, and fecal microbiota transplantation.

The record shows that he has been employed and conducted research with leading institutions in his field, namely as an assistant professor for [redacted] as an associate physician diplomate and an associate clinical professor at [redacted] and most recently as a health sciences associate clinical professor of medicine at [redacted] The Petitioner submitted evidence showing that his employment and research experience has been at medical institutions recognized by the [redacted] as having high research activity and being highly regarded by recognized rankings.

Letters from experts in the gastroenterology field attest to the Petitioner's expertise in complex inflammatory bowel disease and to his clinical research findings expanding the therapeutic options available to patients suffering from chronic pouchitis and Crohn's disease of the pouch, conditions often affecting patients who have undergone surgery for ulcerative coloitis and who have limited therapeutic options. Focusing on the lack of effective treatments for these conditions, the letters explain that the Petitioner initiated and conducted clinical research on the efficacy of alternate-use of medications to treat the conditions. His colleagues attest to his research having provided valuable insights for treatment decisions and patient outcomes in inflammatory bowel diseases, specifically finding the medications' alternate-use being effective in preventing surgery and hospitalization for patients with Crohn's disease and lowering risks for serious infections compared to other medications.

The record shows his research work has been widely recognized and shared among the national and international gastroenterology community. His research has been presented at gastroenterology conferences and published in highly ranked journals, as demonstrated by the high h-index. The evidence establishes that his published research articles have a high citation rate relative to others in his field, including multiple articles for which he is first author. At the time of filing, Petitioner's publications had a high citation rate according to Google Scholar. In addition, the record shows that he is named researcher on peer-reviewed research recognized by the [redacted] as having been funded by grants from the [redacted] and a pharmaceutical company. His high standing and recognition for achievements in his field are further demonstrated by his having received several unsolicited invitations to speak and present his research at national and international conferences in his field. Moreover, his expertise in the gastroenterology field has been recognized by him co-authoring published guidelines on the management of pouchitis for the [redacted].

Based on this evidence of his achievements and earned recognition, as well as other evidence not

discussed above, the Petitioner has demonstrated his extraordinary ability in gastroenterology and established that he has a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). The record as a whole supports the conclusion that the Petitioner has met his burden of proof by a preponderance of the evidence. The totality of the evidence establishes that the Petitioner possesses a level of expertise that is consistent with a finding that he is one of a small percentage at the very top of the field of endeavor and that he has the required sustained acclaim. *See* section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *Kazarian v. USCIS*, 596 F.3d at 1119-20.

III. CONCLUSION

The Petitioner has established that he meets at least three of the evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). He has also demonstrated sustained national and international acclaim and that his achievements have been recognized through extensive documentation. Lastly, the Petitioner has shown that he intends to continue working in his area of expertise and that his work will substantially benefit prospectively the United States. He therefore qualifies for classification as an individual of extraordinary ability. We will therefore sustain the appeal.

ORDER: The appeal is sustained.