U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 38681504

Date: SEP. 09, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a postdoctoral research associate, seeks first preference immigrant classification as an individual of extraordinary ability. *See* 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 her 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 two options for satisfying this classification's initial evidence requirements: 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 in the alternative, the alien may submit 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 the Petitioner has a 2012 undergraduate degree in pharmaceutical sciences from China and she obtained a Ph.D. in May 2019 from [redacted] in microbiology and molecular genetics. The Petitioner subsequently became a postdoctoral research associate at the [redacted] where Professor D-[1] is Principal Investigator. When she filed her Form I-140 in November 2023, she submitted a letter confirming her temporary one-year "reappointment" of her research associate position at the lab, beginning in September 2023 and ending in September 2024, and the letter states that the temporary reappointment "carries no commitment, implied or otherwise, of permanent employment."[2]

The Petitioner intends to conduct research in molecular biology and related fields in microbiology and immunology. Although she does not specify her future research projects or topics, she continues to highlight her past work involving extracellular vesicle ("EV") purification, characterization, and analysis; toxic protein (ricin) residue identification; and sequencing and testing of coronavirus strain.

Because the Petitioner has not indicated, and the record does not otherwise show, receipt of a major, internationally recognized award, she must satisfy at least three of the ten regulatory criteria. She claimed eligibility for three criteria at 8 C.F.R. § 204.5(h)(3)(iv), (v), (vi), and SCOPS found that the record satisfied two of the claimed three criteria at 8 C.F.R. § 204.5(h)(3)(iv) (participation as a judge of others' work) and (vi) (authorship of scholarly articles). But SCOPS determined that the evidence did not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(v) (original contributions of major significance), and denied the petition, concluding that she did not meet at least three of the ten initial regulatory criteria. On appeal, the Petitioner maintains that the record satisfies the same three regulatory criteria she claimed below and alleges that SCOPS failed to properly consider all relevant evidence.

We conclude that the evidence does not demonstrate that the Petitioner has made original contributions of major significance in her field of molecular biology, and it therefore does not satisfy the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(v), which requires evidence of "the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." To satisfy this regulatory criterion, the Petitioner must show that she has made original contributions in the field *and* that they were of "major significance." *Id.*; *see also* 6 *USCIS Policy Manual* F.(2)(B)(1), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2.

The Petitioner asserts that her work has "influenced academia for basic research, industry for technology and biomolecule manufacturing, and public health for pandemic mitigation" and she has

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

[2] Around the same time in September 2023, she also accepted an "at will" job offer for a "full-time scientist" position from a private company called "[redacted]." This company then filed a nonimmigrant work (H1-B) visa for her, which was approved in October 2023 and remains valid until October 2026. However, the only and most current resume the Petitioner submitted for her instant Form I-140 states that she still works as a [redacted] postdoctoral research associate and does not mention or claim that she works at [redacted] or elsewhere.

made original contributions of major significance in molecular biology. In support of this assertion, and to meet the regulatory criterion, she primarily relies on her statement; coauthored publications and citation records; experience as a research associate and peer reviewer; and ten recommendation letters. SCOPS concluded that although the Petitioner may have done some original work, the evidence did not demonstrate that her contributions were of *major significance* in the field as a whole. We agree.

The Petitioner initially submitted four support letters (written in August and October 2023) and then provided six more (written in December 2024) in response to SCOPS' request for evidence. These ten letters describe her work in the above-referenced areas involving extracellular vesicles ("EVs"); ricin toxin; and coronavirus strain sequencing and testing. The support letters each describe one to several examples of her past research projects that she asserted resulted in some original findings. The letters also generally praise her as an exceptional researcher with unique, innovative skills; reiterate her coauthored publications and reputation of journals that accepted them; and highlight the letter writers' familiarity with and/or involvement in her projects as well as the fact that other groups of researchers have also cited to her coauthored articles.

The support letters, however, are insufficient to show that her contributions were of major significance to the field as a whole. A letter from N-T-, a plant biology professor at Rutgers (also the Petitioner's coauthor and doctoral advisor), attests to her qualifications and dedication to her work; describes her background; and highlights the claimed importance of her doctoral thesis project on ricin toxin and a related but unspecified coauthored article that N-T- states received citations from other researchers to support their own findings.[3] N-T- also states that the Petitioner's studies on ricin toxicity provided "a valuable reference for continued studies in this area," and they are much needed and "broadly applicable to both national healthcare and security concerns" to better understand toxic agents and mitigate potential negative effects. However, while N-T's letter highlights the potential promise of the Petitioner's graduate work on ricin, it does not specifically address whether or how her work has already had a major impact in the field and does not otherwise explain or provide examples showing how her work is of major significance in this field.

As for her EV research, a letter from a neuro-oncology professor (M-G-) states that the Petitioner has dedicated her career to help develop novel drug platforms by studying disease mechanisms and the utility and applications of EVs, which are great for vaccines, gene therapies, drug delivery, and biomarkers. But the record lacks evidence that her EV work has resulted in any novel drug platforms or treatment applications or significantly impacted the field in other ways. M-G- also states that he is "primarily familiar" with the Petitioner's EV work published in 2020 and she has "closed gaps in the literature through her outstanding research and, in doing so, has asserted her position as an authority in molecular biology." He further describes her findings on EV purification as discussed in her 2020 coauthored article, which M-G- claims "point[ed] toward a new research direction for the field." But the letter otherwise lacks probative detail on how the Petitioner specifically pioneered a new path in EV research and its claimed impact based on her findings published in the 2020 coauthored article. M-G- also does not claim that the 2020 findings fundamentally influenced M-G-himself or any other researcher or that anyone in fact changed their own research directions specifically due to her work. Although M-G- also claims that the Petitioner's project received NIH funding, the record contains no evidence, and she does not claim, that she herself applied for and was awarded any funding or she was

[3] The record reflects that the Petitioner has coauthored a total of three papers on ricin toxin between 2017 and 2019, all of which were written when she was a graduate student, with N-T- and few other coauthors.

the principal investigator for her projects. Rather, her coauthored papers list Professor D- of [redacted] as the grant awardee of the EV projects, among few other lead researchers. Although a letter from Professor D- also highly praises and credits the Petitioner's collaborative contributions and her role in the projects at the lab as a postdoctoral research associate, he clearly states that the fundings were granted to him and does not indicate that the lab received fundings specifically based on the Petitioner's own request, objectives, or qualifications, and Professor D- does not otherwise provide details as to how the Petitioner's postdoctoral efforts and related results specifically demonstrate she made contributions of major significance in the field of molecular biology.[4]

A letter from T-T-, a cancer biology and molecular medicine assistant professor, states that she has personally benefited from the Petitioner's EV research. T-T- describes EVs' significance and states that the Petitioner's 2022 coauthored paper (of which she is listed as a second of 13 contributors) shows how she developed a new microscopy protocol that improved localized EV characterization. T-T- also praises her as a "highly impactful EV researcher" who is "recognized around the world" and states that she "has significantly advanced" the field, which has implications for developing targeted medical treatments. But apart from these general assertions, it is unclear how the Petitioner's EV research has impacted T-T-'s own work or the field as a whole. Instead, T-T- states that her own research independently developed a new technique for characterizing EVs, "in line with [the Petitioner's] finding," validating their projects, without explaining whether or how T-T- was directly influenced by the Petitioner's work. Although T-T- claims that the Petitioner's work "has been setting methodological standards in the field" and foundational to T-T-'s own research success, the letter also lacks detail as to, and the record does not otherwise support, the claimed critical reliance (if any) of the field on the Petitioner's specific work and how T-T-'s own research resulted in success specifically as a result of her work.

Two other letters (from a former colleague and coauthor, R-M, and a former collaborator, N-F-) each describe Professor D-'s lab using private companies' nanoimaging and nanoparticle tracking machines for the lab's EV imaging and analysis. R-M- states that the Petitioner played "an important role" in the lab and "purified EVs for imaging" by using a private company's nanoimaging technology, some of the results of which were published in a 2022 article that R-M- wrote as the lead author with the Petitioner (as a second author) and [redacted] other co-contributors, including Professor D-, which received [redacted] citations as of January 2025, based on the updated Google information. R-M- also states that other results of the nanoimaging project were unpublished but used internally to improve the lab's and the private company's techniques. N-F- also praises the Petitioner as a "frontrunner" in her field and highlights the importance of EVs. Two remaining letters (from M-L-, a pharmacology assistant professor in Singapore; and J-S-, a professor of cellular and translational cariology in the Netherlands) also discuss her EV work; generally praise her; mention the letter writers' "strong" and "overlapping" interests in EVs they share with her; further assert the importance of EV and its potential implications.

Although we acknowledge the above assertions asserting the prospective significance and impact of EV research and the Petitioner's role in the lab that spearheaded the projects by utilizing cutting-edge machines owned by private companies, they do not provide sufficient probative detail as to her specific

[4] The attorney of record claims that the Petitioner's research has "directly led to the obtainment of major grant funding," which the attorney claims also indicates importance of her work. But, as noted above, the record contains no evidence that she was principal investigator of any of her group projects and that she has applied for, otherwise helped in any way in *obtaining*, or was a direct awardee of, any grants.

work on EV critically influenced their own work in the field, that of other independent EV researchers, or the field of molecular biology at large to indicate contributions of major significance in the field.

Turning to her 2020 coronavirus sequencing and testing experience, an area which the Petitioner claims also shows original contributions of major significance in the field, she relies on two letters. A letter from W-S-, a microbiology assistant professor, highlights the Petitioner's background, including her experience as a peer reviewer, and praises her "noteworthy contributions to the field of molecular biology, particularly in relation to progress made in the development of effective vaccines." But this letter does not state that her work directly resulted in any vaccine development; and the record does not contain any evidence, and she does not claim, that any of her work in fact led to any pharmaceutical or healthcare-related developments. W-S- also expresses an interest in the Petitioner's "[2020] evaluation of COVID-19 transmission" in rural or suburban communities using a next-generation sequencing method, and how she observed the increasing presence of a mutating virus strain and predominating viral strains originating within the United States, and indicates that her study resulted in finding that supported the need for more comprehensive guidelines in vulnerable communities. While we recognize the gravity of the COVID-19 pandemic in 2020 and the value of the Petitioner's group project's use of new sequencing tools to evaluate the spread and behavior of a virus strain at the time, the letter does not otherwise specify *how* her 2020 research significantly contributed to the field of virology or immunology, discuss if her findings in fact resulted in new guidelines for vulnerable communities, or explain whether or how she has established herself as "an authoritative figure" in molecular biology, as W-S- claims. Although W-S- also asserts that the information "gleaned from" the Petitioner's work "has been crucial in guiding public health measures and vaccine development efforts worldwide," she does not further elaborate or point to any objective data, and the record lacks evidence that her work resulted in any public health measures and vaccine development efforts.

Another support letter from S-L-, the Petitioner's former [redacted] colleague, also highlights her two 2020 coauthored papers on methods used to identify a coronavirus strain and its evolution in rural areas in North Carolina. S-L- asserts that the Petitioner's findings have been cited by others, which S-L- claims shows their "wider relevance" in improving pandemic responses around the world and even in advancing sequencing methodologies for other diseases. S-L- also mentions other researchers that have cited to the Petitioner's coauthored papers, and claims that they have "extensively relied" on her work. But this letter does not detail how her work has been extensively relied on or otherwise reflect the claimed major significance of her work on coronavirus strain sequencing and testing during the pandemic, addressed in the [redacted] 2020 papers she coauthored, each with [redacted] co-contributors (where she is the [redacted] contributor out of [redacted] and [redacted] of [redacted] respectively). According to her updated Google information, as of 2025, these papers had [redacted] and [redacted] citations, respectively, some of which were cited by herself and her colleagues in other studies, according to publicly available information. The record does not otherwise contain any evidence that may delineate the nature and extent of the Petitioner's specific contributions to the above two large-group projects also led by Professor D-'s lab.

Lastly, Professor D-'s "testimonial" letter also emphasizes the above-referenced projects at the lab, the Petitioner's roles, and her coauthored articles. We acknowledge the professor's high praise of the Petitioner as well as the assertions that she has made vital collaborative contributions to the lab; helped execute the research grants the lab received by performing her research duties in an exemplary manner; and participated in significant group research efforts, including in the lab's recent EV research and in 2020 by contributing to the lab's coronavirus projects primarily to help diagnose and mitigate the

negative effects of the pandemic. However, the letter does not address whether or how the Petitioner's work is of major significance in the field as a whole.

We have carefully considered the support letters. However, they lack probative detail as to the nature and extent of the Petitioner's specific contributions to the field of molecular biology and their claim that her contributions are critical to and significantly influenced the field as a whole. The letters, for instance, do not address, whether her specific work has been widely utilized, highly cited compared to others' work in the field, or otherwise delineate how her work represents contributions of major significance in the field, beyond her past group research projects and coauthored articles through the lab. *See* 6 *USCIS Policy Manual*, *supra*, F.(2)(B)(1) (stating that *detailed* expert letters explaining the nature and significance of the contributions may provide valuable context, *particularly where there is corroborating evidence of claimed significance*, which may include published work that has provoked widespread commentary on its importance from others in the field, or documentation that it generated a high number of citations relative to others' work in the field; and explaining that evidence the person's work was funded, patented, or published, while potentially indicative of original work, will not necessarily show, on its own, that it is of major significance to the field).

The Petitioner also relies on her coauthored articles as evidence that she claims satisfies this regulatory criterion at 8 C.F.R. § 204.5(h)(3)(v), comprising [ ] papers she and her [ ] co-contributors coauthored from 2017 to 2024. Of these, only [ ] list her as the first author. Three of these articles were on ricin toxic published between 2017 and 2019 as a graduate student, and they respectively received [ ] and [ ] citations as of January 2025, according to her updated Google information.[5] The two previously referenced coauthored articles on coronavirus were both published in 2020 as a postdoctoral research associate, and as noted, she was [ ] and [ ] of many co-contributors, and they respectively received [ ] and [ ] citations as of January 2025. She has since coauthored as a second author a 2024 article primarily on EV (which also discussed coronavirus) with [ ] other contributors. This article had only one citation since.[6] The remaining five EV articles were coauthored with three to [ ] co-contributors as a postdoctoral research associate. Of these articles, she is listed as the first author on two papers from 2020 and 2023, which respectively received [ ] and [ ] citations as of January 2025; a 2023 coauthored article received five citations; and the two coauthored articles from 2022 respectively received seven and [ ] citations as of January 2025.

Although we acknowledge the publication history and related team research contributions, the record does not support her claim that having published [ ] coauthored articles from 2017 to 2024, by itself, constitutes an unusually strong publication record compared to other researchers in the field or that it is inherently indicative of contributions of major significance in the field. She also relies on cumulative citation records of her coauthored articles based on her Google profile [ ] citations according to the initial information, and [ ] based on the updated information), as well as excerpts of other articles that cite her coauthored papers, along with citing other articles written by other researchers, to support their own findings. However, they do not reflect whether or how the Petitioner's work has specifically been adopted or "has provoked widespread commentary on its importance from others working in the field." *6 USCIS Policy Manual, supra, at* F.(2)(B)(1). Although some of other researchers' articles that cite her coauthored papers briefly describe some of

[5] The record lacks evidence she has since done similar research on ricin toxin or authored any related papers.
[6] The record does not reflect that she has otherwise engaged in any research specifically involving coronavirus.

her methods and findings, most do not explain her work, describe in detail how they materially impacted their own work, or specifically mention the claimed significance of the Petitioner's work. The record also lacks evidence that the total number of about [redacted] citations of [redacted] articles that she coauthored during the last eight years inherently indicate an extremely high and impactful citation record, as she claims. The Petitioner also does not specify, and the record lacks evidence as to, how many citations were citations by herself or by her co-contributors, and she did not provide probative evidence that her coauthored publications and their citation rates compared to that of other similar researchers qualitatively set her apart that may indicate contributions of major significance to the field. The record thus does not show that she has a strong citation record indicating crucial or groundbreaking impact to the field as she claims. Further, open source information that generally compare citation records and "research productivity" (as used by "Clarivate Analytics") or OpenAlex's citation data indicators, which compare her citation percentiles to those of others' work in the entire field of "molecular biology & genetics" or "molecular biology" are not probative of the claimed quality, widespread impact, and significance of her work in the field involving the claimed areas of research discussed above, comprising coronavirus, ricin toxin, and EVs. She has not submitted evidence confirming that such data, which may be based on indiscriminately extrapolated citation information from the larger fields accurately and reliably applies to each subfield, including her own specific fields.

Thus, the number of publications, citations records, and related online citation statistics, in and of themselves, do not sufficiently reflect contributions of major significance in the field to meet the regulatory criterion at issue. The record otherwise lacks evidence that the Petitioner's work received field-wide recognition or accolades; were adopted by others; or provoked widespread discussions that, together or cumulatively, indicate significant influence in the field of molecular biology.

Lastly, she reiterates that her peer review experience for reputable journals is also evidence that she is "standing at the very top of her field." But it is unclear how such experience satisfies this criterion for original contributions of major significance to the field as a researcher in molecular biology.

Considering the foregoing, we acknowledge that the Petitioner has been a productive and dedicated researcher in the field, and that her published findings and data have been cited and relied upon by others in their own research. But the record does not show that her contributions of molecular biology research were of major significance in the field. The Petitioner thus has not met her burden of satisfying at least three of the threshold evidentiary criteria set forth in 8 C.F.R. § 204.5(h)(3)(v).

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. The Petitioner's inability to satisfy the above regulatory criterion means she has not met the initial evidentiary threshold as regulation at 8 C.F.R. § 204.5(h)(3) requires. Thus, 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 1119-1120; *see also 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.").[7]

**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.

[7] We therefore do not reach a final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to reach issues unnecessary to the ultimate conclusion).