U.S. Citizenship and Immigration Services

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

In Re: 39660453

Date: SEP. 9, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a researcher in the field of abdominal radiology, seeks classification as an individual of extraordinary ability in the sciences. *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 aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. *Id*.

SCOPS denied the petition, concluding that although the Petitioner satisfied the initial evidentiary requirements for this classification, she did not demonstrate that she has sustained national or international acclaim and is among the small percentage at 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

To establish eligibility as an individual of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that the petitioner's achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that the term "extraordinary ability" refers only to those aliens in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). A petitioner can demonstrate that they meet the initial evidence requirements for this immigrant visa classification through evidence of a one-time achievement (that is, a major, internationally recognized award). 8 C.F.R. § 204.5(h)(3). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. *Id.*

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the alien possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022).

## II. ANALYSIS

The Petitioner stated in her petition that she will conduct research on abdominal computed tomography (CT), collect clinical radiological data, draft manuscripts, and publish papers in peer-reviewed journals. In her prior statements, she mentioned that for the past six years, she has been conducting research on radiology and medical imaging with a focus on image quality, lesion detectability, and reconstruction techniques. She further stated that she is especially known for her investigation of multivendor, dual-energy CT comparison and the clinical application of deep-learning image algorithms in abdominal CT. SCOPS concluded that the Petitioner satisfied the initial evidentiary requirements, but she did not demonstrate her sustained national or international acclaim and being among the small percentage at the very top of her field. On appeal, the Petitioner asserts that SCOPS failed to properly analyze all the evidence under the preponderance of the evidence standard. We will now address the Petitioner's case.

### A. Evidentiary Criteria

While SCOPS did not make a finding that the Petitioner received a lesser nationally or internationally recognized prize or award for excellence in her field, it did find that she offered evidence of her participation as a judge of the work of others, her authorship of scholarly articles in her field in professional publications, and her original scientific contributions of major significance in her field.[1] Thus, SCOPS determined that she satisfied the three criteria under 8 C.F.R. § 204.5(h)(iv)-(vi). On appeal, the Petitioner asserts that she received lesser nationally or internationally recognized prizes or awards for excellence in her field. Specifically, she mentions receiving certificates from the [redacted], and [redacted]. As the Petitioner has already met three evidentiary criteria,

[1] SCOPS concluded that the evidence did not show the Petitioner had received a one-time achievement (that is, a major, internationally recognized award) discussed under 8 C.F.R. § 204.5(h)(3). On appeal, the Petitioner does not challenge this finding.

we will not address her arguments regarding a fourth criterion. Instead, we will evaluate whether she has demonstrated, by a preponderance of the evidence, her sustained national or international acclaim and that she is one of the small percentage at the very top of her field.

B. Final Merits Determination

SCOPS conducted a final merits determination and found that the Petitioner is not an individual of extraordinary ability. Specifically, SCOPS analyzed evidence of the Petitioner's peer review of journal articles, published articles and how often they were cited, and letters of support in finding that she did not establish sustained national or international acclaim and that she is one of the small percentage at the very top of her field. On appeal, the Petitioner asserts that she has established her sustained national or international acclaim and that she is one of the small percentage at the very top of her field. In support of these claims, she refers to her receipt of awards, published journal articles, citations to journal articles, review of the work of others, letters of recommendation, and research funded by [redacted]. The Petitioner claims that SCOPS looked at whether evidence of individual criteria met the extraordinary ability standard instead of considering the totality of the record. The Petitioner also asserts that SCOPS erred in its assessment of her citation record and letters of support in its final merits determination.

We will now evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, her sustained national or international acclaim and that she is one of the small percentage at the very top of her field. The record includes the Petitioner's certificates of merit from the [redacted] and [redacted] and a [redacted] award from [redacted]. The 2020 certificate from the [redacted] which also lists five other individuals, is in recognition of excellence of an education exhibit. The Petitioner claims it is for her conference research exhibit on the prospects of the challenges of [redacted]. The certificate from [redacted] issued in 2023 lists four other individuals and [redacted] which the Petitioner states is the title of her research paper. The [redacted] award lists 2022 Awards Dinner, and the Petitioner states it is for her poster presentations related to response assessment in hepatocellular carcinoma and the impact of deep learning imaging reconstruction on hypodense liver lesion detection on dual-energy CT data sets. The Petitioner has not established how many other researchers in her field received these certificates and awards and the criteria to receive them. As such, they hold minimal weight for the issues before us.

Next, the Petitioner mentions that she has 29 peer-reviewed journal articles (eight first authored), five abstracts, and one book chapter that have been featured in international journals such as [redacted] the [redacted] the [redacted] and [redacted]. We note that a researcher would publish articles, abstracts, and book chapters by the nature of the position. The issue is how the quantity and quality of her articles, abstracts, and book chapters relate to others in her field. The Petitioner has not provided evidence differentiating her publication rate from those of others in her field, or otherwise established that it is reflective of one who has sustained national or international acclaim or is among the small percentage at the very top of her field.

The Petitioner references an "outstanding citation" record of 229 citations of her work by researchers in 23 countries. The Petitioner has not established that she has accumulated an "outstanding citation record" relative to others in her field. The record includes letters of support from several individuals

in her field including B-Y-, S-K-, C-J-, M-W-, and A-S-.[2] These individuals have 12,640, 13,440, 2,310, 7,680, and 8,950 citations respectively, far more than the Petitioner. The Petitioner's citations show that her work has received some recognition in her field. However, she has not provided evidence demonstrating that the total rate of citations to her body of published work is high relative to others in her field, and therefore reflective of one who has sustained national or international acclaim or is among the small percentage at the very top of her field.

The Petitioner mentions that she has conducted 39 peer reviews of articles for such publications as [redacted] She states that she has served as the assistant editor for [redacted]. The requirements to become an assistant editor and the relevant duties are not clear from the record. She also mentions being recognized for her outstanding contributions as a peer reviewer by [redacted] and the [redacted]. The record has a document from [redacted] showing that she received a Distinguished Reviewer Award from [redacted]. The document provides that 49 individuals received this award by accepting over fifty percent of review invitations and providing invaluable and quality assessment for a minimum of five manuscripts. She also received an Editor's Award of Distinction in 2023 for reviewing three to five submissions from the [redacted] The Petitioner has not provided sufficient evidence that 39 peer reviews and two awards for reviewing journal articles is a large amount relative to others in her field, such that it contributes to a determination that she has sustained national or international acclaim or is among the small percentage at the very top of her field.

The Petitioner states that scholars in her field representing [redacted], and the [redacted] previously submitted detailed letters on her behalf. These letters collectively detail her accomplishments as a reviewer of articles, her contributions to her field, the nature of her research, and her excellent reputation. These individuals have attested to the Petitioner's talent and dedication, but the Petitioner has not shown that her stature in her field is comparable to theirs. They do not provide a basis to support a determination that she has sustained national or international acclaim or is among the small percentage at the very top of her field. It bears noting that the authors of the letters each occupy positions considerably higher than the Petitioner, which is directly relevant when considering whether the Petitioner has reached the top of her field. On appeal, the Petitioner refers to a letter by B-B-, assistant professor of radiology at [redacted] who mentions the Petitioner's role in research collaboration. He mentions that he collaborated with the Petitioner during her fellowship at the [redacted] and her contributions at the intersection of deep learning and clinical imaging have had a direct and meaningful impact on real-world patient care. He states that they co-authored a study which has been recognized as a model example of the use of translational artificial intelligence in radiology, her work has been validated by citations in prestigious scientific journals, and she is involved in cutting edge CT research sponsored by [redacted] Again, the author of the letter points out the important research the Petitioner is engaged in, but he does not provide a basis to support a determination that she has sustained national or international acclaim or is among the small percentage at the very top of her field.

[2] Initials are used to protect the identity of individuals.

The Petitioner states that she has received funding from [redacted]. The record includes multiple research articles where the Petitioner is one of the authors, and there is a notation of funding by [redacted]. The record does not establish the amount of funding and how it relates to others in her field, in order to assess whether it contributes to a finding of sustained national or international acclaim or that she is among the small percentage at the very top of her field.

Finally, the Petitioner states that between 2023 and 2024 she took a leadership role in the [redacted], she advocated for the recognition of Chinese medical graduates; and the [redacted] updated its reference guide for medical education credentials based on her advocacy. She claims this enables international medical graduates to remain eligible for the U.S. Medical Licensing Examination, and this will impact the U.S. healthcare system by addressing workforce shortages. We note that her claimed advocacy work with the [redacted] is not related to the issue of whether she has extraordinary ability in her field.

While the Petitioner has offered documentation satisfying three of the ten initial evidence criteria, two of these criteria involve activities that appear to be routine among research scientists. The Petitioner's co-authorship and first authorship of scholarly articles meets the requirements of 8 C.F.R. § 204.5(h)(3)(vi), and her peer review of other scientists' manuscripts constitutes judging the work of others under 8 C.F.R. § 204.5(h)(3)(iv). SCOPS also concluded that the Petitioner has made original scientific contributions of major significance in her field. This evidence reflects that she is an accomplished researcher in her field. The record, however, does not contain evidence sufficient to show that she has sustained national or international acclaim and has risen to the very top of her field and.

The record, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. The Petitioner seeks a highly restrictive visa classification, intended for individuals at the top of their respective fields. USCIS has long held that even athletes performing at the major league level do not automatically meet the statutory standards for classification as an individual of "extraordinary ability." *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record does not indicate a degree of recognition consistent with the sustained acclaim that the statute demands. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2).

**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.