U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38848890

Date: SEP. 10, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a research teaching specialist, 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.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish the Petitioner met the initial evidence requirements for this classification through evidence of either a one-time achievement or because she meets three of the alternative evidentiary criteria under 8 C.F.R. § 204.5(h)(3). 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 visas available to immigrant 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 international recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she 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) (including items such as awards, published material in certain media, and scholarly articles).

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 intends to continue her research work in the field of cell biology. She is currently a research teaching specialist in the Department of Neurology within [redacted].

Because the Petitioner has not indicated or established that she has 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). In filing her petition, the Petitioner claimed before SCOPS that she met three of the regulatory criteria. SCOPS determined the Petitioner met the criteria at 8 C.F.R. §§ 204.5(h)(3)(iv) and (vi), which respectively, relate to participation as a judge of the work of others in the field and authorship of scholarly articles in the field. However, SCOPS determined the Petitioner had not met the third claimed criterion at 8 C.F.R. § 204.5(h)(3)(v), relating to original contributions of major significance in the field. In response to a request for evidence, the Petitioner also asserted she met an additional criterion at 8 C.F.R. § 204.5(h)(3)(viii), relating to performance of a leading or critical role for organizations or establishments with a distinguished reputation. On appeal, the Petitioner reiterates her claim that she meets the same four criteria. After reviewing all the evidence of record, we conclude the Petitioner has not satisfied at least three of the regulatory criteria, as required, and therefore does not qualify as an alien of extraordinary ability.

A. Evidentiary Criteria

> *Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.* 8 C.F.R. § 204.5(h)(3)(v).

SCOPS acknowledged the record establishes the Petitioner's work on projects and research has been published, including in major journals. In addition, SCOPS found that expert testimonial letters described the Petitioner's work and provided insight into her projects, while citation records showed

the Petitioner's work has been cited by researchers from different countries. However, overall, SCOPS found this evidence insufficient to demonstrate the major significance of the Petitioner's contribution to the field.

On appeal, the Petitioner asserts the record contains sufficient evidence establishing the major significance of her original contributions, including 13 articles "in some of the top publication venues in her field," independent citations to and applications of her own research in others' research, trials and review articles, letters of recommendation, evidence of funding sources, and her own statements.

The Petitioner asserts that her submitted letters of recommendation include "specific details about [her] original and major contributions to cell biology and specific examples of how her research has been used to great effect," and that they should be considered in conjunction with other evidence submitted in support of this criterion. On appeal, the Petitioner highlights excerpts from letters indicating her work with "Saccharomyces cerevisiae yeast has tremendous significance for areas like metabolic engineering and yeast biotechnology" and her work with non-invasive biomarker technologies is "revolutionizing the early detection and monitoring of these conditions" to "improve patient care and therapeutic approaches" and "enhance public health," in addition to "identifying new therapeutic targets and enhancing the overall management and understanding of neurodegenerative diseases." The Petitioner asserts that as these letters provide specific examples of how the Petitioner's work has impacted the field, they should be given proper consideration in accordance with our previous decisions. Though these letters, the Petitioner's own statements, and evidence of receiving funding reflect the novelty of the Petitioner's work, they do not sufficiently articulate how its impact on the field rises to the level of major significance. While these letters claim that the Petitioner work revolutionizes the detection of conditions, which impacts patient care and public health, they do not specify how the Petitioner's research has affected previous procedures or has been implemented in the field.[1] Thus, while these letters show the promise in the Petitioner's work, they do not establish how her work already qualifies as a contribution of major significance in the field, rather than its prospective potential impacts.

The Petitioner asserts that other individuals in the field rely upon her work and highlights notable citations to her work and letters of recommendation by authors who used her work in performing their own. But while these articles and letters detail the authors' own work and the impact of the Petitioner's work on their work, they do not establish the unusual influence or high impact her work has had on the overall field, to the level of major significance. The Petitioner also asserts her 13 peer-reviewed journal articles, several of which were published "in leading journals and conference proceedings" demonstrate the major significance of her research, "as prestigious and selective journals tend to choose articles of maximum significance for publication." However, the Petitioner has not established that the publication of articles in highly ranked or popular journals inevitably demonstrates that the field considers the research and work to be an original contribution of major significance. Rather, a publication that bears a high ranking or impact factor reflects the publication's overall citation rate; it does not show an author's influence or the impact of their research on the field or that every article

[1] It is noted the Petitioner asserts her findings have already been implemented into a clinical trial that has been submitted to the U.S. Food and Drug Administration. The director of clinical research and development at [redacted] Inc. indicated in a letter that the Petitioner "contributed to testing" and "helped generate data" that will be included in the device's package insert. However, this letter does not specify what her contribution to testing and assistance in generating data entailed or how the Petitioner's own original work and efforts impacted the field in a significant way.

published in a highly ranked journal automatically indicates a contribution of major significance. *See Venkatnarayan v. Jaddou*, No. 1:23CV256, 2024 WL 4008312, at *7 (M.D.N.C. Aug. 30, 2024), *report and recommendation adopted sub nom. Venkatnarayan v. Jaddou Dir. of United States Citizenship & Immigr. Servs.*, No. 1:23-CV-256, 2024 WL 4267307 (M.D.N.C. Sept. 23, 2024) (upholding journal rankings did not show an author's influence or impact). The Petitioner indicates the Petitioner's research had been cited 188 times at the time of filing "from countries and institutions around the world," and 201 times at the time of her response to the request for evidence. The Petitioner also asserts statistics from Clarivate Analytics demonstrated that several of her papers "were among the most highly cited" for biology and biochemistry for their years of publication. Published research that has provoked widespread commentary on its importance from others working in the field and documentation it has been highly cited relative to others' work in that field may be probative of the significance of the person's contributions in the field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2(B), https://www.uscis.gov/policymanual. However, the comparative ranking to baseline or average citation rates does not automatically establish majorly significant contributions in the field. For this criterion, we ultimately determine not if the Petitioner's citation rates rank higher comparative to the average, but whether the Petitioner has made original contributions of major significance in the field. An appropriate analysis may be the comparison of the Petitioner's citations to other similar, highly cited articles that the field views as having been of major significance, as well as factoring in other corroborating evidence. The submitted citation rankings for her contributions before SCOPS and on appeal quantitatively reflect her overall publication record. However, irrespective of the number of citations to her work, the Petitioner has not demonstrated they qualitatively represent original research the field considers to be of major significance to the field.

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown she has made original contributions of major significance in the field. We concur with SCOPS that she has not met this criterion.

> *Evidence that the alien has performed in as leading or critical role for organizations or establishments that have a distinguished reputation.* 8 C.F.R § 204.5(h)(3)(viii).

When adjudicating this requirement, USCIS first determines whether a petitioner has performed a leading or critical role for an organization, establishment, or a division or department of an organization or establishment. *See generally* 6 *USCIS Policy Manual*, supra, F.2(B). USCIS then determines whether the organization, establishment, or department or division for which a petitioner held a leading or critical role has a distinguished reputation. *Id.* Evidence of a leading role should show that the alien was a leader for the claimed component, and a job title with matching duties may help establish that a role was leading For a critical role, evidence should show that the alien has contributed in a way that is of significant importance to the outcome of an organization or establishment's activities, or those of a division of department or division of the organization or establishment. *Id.*

The Petitioner asserts she joined [redacted] as a research teaching specialist in September 2022. The record contains a letter from the director of the [redacted] indicating that in her leading role, the Petitioner has spearheaded "research projects investigating novel biomarkers for Alzheimer's disease," collaborated with other labs, and generated preliminary data for research grant funding. The letter also indicates

that the Petitioner's critical contributions include developing and testing innovative methodologies for biomarker analysis, authoring and co-authoring publications, and serving on hiring committees. However, the letter's characterization of the Petitioner's duties as leading or critical is not sufficient to evidence she performed a leading or critical role within her department. Overall, the letters do not establish that the Petitioner's role distinguished her from others within the department, nor do they establish where the Petitioner's role exists within the overall hierarchy such that we are able to determine whether she held a leading role in the organization.

In addition, the Petitioner asserts that [redacted] has a distinguished reputation, as it is the eight oldest university in the United States with all three of its locations ranked in the top 100 universities in the nation and the recipient of over 379 million dollars in funding from the National Institutes of Health. However, as the Petitioner appears to assert she performed a leading or critical role for the Department of Neurology at [redacted], we will consider submitted evidence related to whether the Department of Neurology is distinguished for the purposes of this criterion. The Petitioner asserts that the Department of Neurology at [redacted] where she works, was founded in [redacted], focuses on "the research and comprehensive treatment of neurological disorders," and provides "clinical services for patients with five nationally certified centers of excellence in Parkinson's, multiple sclerosis, stroke, epilepsy, and amyotrophic lateral sclerosis. Several relevant, non-exhaustive, factors for determining whether a distinguished reputation exists are the "relative size or longevity" of an organization or establishment and "the scale of its customer base or relevant media coverage." *See* 6 *USCIS Policy Manual*, supra, F.2(B)(1). Organization, establishments, or departments or divisions that enjoy a distinguished reputation are "marked by eminence, distinction, or excellence." *See generally id.* (citing to the definition of distinguished from Merriam-Webster, https://www.merriamwebster.com/dictionary). Here, the Petitioner provides the founding date of her department and submits a copy of the Department of Neurology's website. However, the Petitioner did not explain or show how the services provided by her department garnered it a distinguished reputation. *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). Overall, the Petitioner has not demonstrated that she meets this criterion.

Accordingly, the Petitioner has not established that she satisfies at least three of the initial evidence criterion as 8 C.F.R. § 204.5(h)(3) requires.

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 they are 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. at 25 (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

For the reasons discussed above, the Petitioner has not demonstrated her eligibility 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.