U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 35854898

Date: SEP. 11, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a chemical engineer, materials scientist, and chemical technologist, seeks classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This EB-1 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. Section 203(b)(1)(A)(i) of the Act.

SCOPS denied the petition, concluding that the record did not establish, as required, that the Petitioner meets at least three of the ten initial evidentiary criteria for this classification and does not intend to come to the United States to continue her work in the field. The matter is now before us on appeal.

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 qualify for this immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability in the sciences, arts, education, business, or athletics;"
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the United States as an immigrant.

Section 203(b)(1)(A)(i)-(iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). Unless 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), they must provide sufficient

qualifying documentation that meets at least three of the ten lesser evidentiary 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 a petitioner 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 the individual's occupation.

If a petitioner meets these initial evidence requirements, U.S. Citizenship and Immigration Services (USCIS) must 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 Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step extraordinary ability analysis "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. Area of Extraordinary Ability

The Petitioner filed the instant petition initially stating that she intends to work in the United States as "a chemical engineer, material scientist and chemical technology." SCOPS issued requests for evidence (RFEs) on two separate occasions as the initial filing did not specifically address how the Petitioner is eligible for the extraordinary ability visa classification. In response to SCOPS' request to specifically identify the field of her extraordinary ability, the Petitioner stated that "the core of her extraordinary ability lies specifically within the field of Chemical Engineering" and that she "has consistently demonstrated exceptional expertise in Chemical Engineering, particularly in the development of UV and LED curable coatings, solvent-based and water-based formulations, and other advanced chemical processes." In her resume and statement, the Petitioner indicates that she worked at several Russian companies as a "chemical engineer."

We will first address the discrepancies in the record regarding the Petitioner's area of extraordinary ability. *Integrity Gymnastics & Pure Power Cheerleading, LLC v. United States Citizenship & Immigr. Servs.*, 131 F. Supp. 3d 721, 730 (S.D. Ohio 2015) (finding "[h]ow the 'area' of extraordinary ability is defined is of central importance because a party seeking an extraordinary ability classification must present extensive evidence of sustained national or international acclaim in that area in order to qualify for a visa"). Here, the evidence in the record contradicts the Petitioner's claim that she is a chemical engineer or has worked in the position of a chemical engineer. The recommendations letters from A-A of [redacted] and M-P of [redacted] refer to her as "technology specialist in the paint department" who oversaw development and production of paints, varnishes, and other coatings, and does not refer to her as a chemical engineer.[1]

[1] As shown in the Occupational Outlook Handbook from the U.S. Bureau of Labor Statistics (BLS) in the record, chemical engineers "apply the principles of chemistry, physics, and engineering to design equipment and processes for manufacturing products" and generally require a degree in chemical engineering.

In addition, the Petitioner's diplomas indicate that she obtained both "Bachelor's of Engineering and Technology in the field of Chemical Technology and Biotechnology" and "Master's Diploma" in the field of "Chemical Technology" from at [redacted]. At the same time, the Petitioner claimed in her statement that she "applied to and was accepted at [redacted]" and graduated from the same university's "[redacted]." The record does not sufficiently establish how studies in photography, recording materials technology, or media technology at a film and television school translate to a degree in "engineering and technology in the field of Chemical Technology and Biotechnology" or support that she is a chemical engineer.

The Petitioner must resolve these inconsistencies in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Doubt cast on any aspect of the petitioner's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Id.* at 591. These discrepancies as noted above diminish the credibility of the evidence and the Petitioner's claim that she has extraordinary ability as a chemical engineer or in the field of chemical engineering. We will further discuss below how the Petitioner does not meet at least three out of the ten evidentiary criteria as required.

B. Evidentiary Criteria

Because the Petitioner has not indicated or 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). The Petitioner claimed to have satisfied six of these criteria, summarized below:

- Receipt of lesser nationally or internationally recognized awards or prizes;
- Membership in associations in the field requiring outstanding achievements of their members;
- Original contributions of major significance in the field;
- Authorship of scholarly articles;
- Performance in a leading or critical role for distinguished organizations or establishments; and
- Commanding of a high salary or significantly high remuneration relative to others in the field.

8 C.F.R. § 204.5(h)(3)(i), (ii), (v), (vi), (viii), (ix).

SCOPS concluded that the Petitioner did not meet any of the claimed evidentiary criteria.[2] On appeal, the Petitioner reasserts that she meets all six evidentiary criteria and refers to previously submitted documents in the record. The Petitioner also contends that SCOPS did not articulate reasons for denying these criteria and misapplied the preponderance of the evidence standard.

Upon de novo review, we conclude that the Petitioner does not meet the following four criteria at 8 C.F.R. § 204.5(h)(3)(i), (ii), (v), and (viii), as discussed below. As the Petitioner did not satisfy four out of the six claimed criteria, she is not eligible for the extraordinary ability visa classification sought.

[2] Although the denial concludes that none of the claimed evidentiary criteria are met, the Petitioner's brief on appeal erroneously states that the criteria at 8 C.F.R. § 204.5(h)(3)(iv), participation as a judge of the work of others in the field, and 8 C.F.R. § 204.5(h)(3)(vi), authorship of scholarly articles in the field, are met.

1. Lesser Recognized Prizes or Award for Excellence in the Field

In order to fulfill this criterion, the Petitioner must demonstrate that she received prizes or awards, and they are nationally or internationally recognized for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i). We first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner claims that she was awarded a presidential scholarship from the [redacted] in February 2012. The Petitioner submitted evidence that her name appeared on the list of scholarship recipients and contends that the scholarship has "stringent selection process" and "demonstrates . . . national significance" as the recipients are selected based on their high academic performance or other outstanding achievements. The selection criteria for the presidential scholarship submitted in the record indicates that scholarships are limited to students of "Russian universities (up to 700 recipients per year) as well as students studying abroad (a quota of 40 scholarships is allocated for them" and they must "have been enrolled in a full-time government-funded program at a university for more than two years with high academic performance."

However, the Petitioner has not demonstrated that the presidential scholarship award is "nationally or internationally recognized" in the field of her endeavor or the field of chemical engineering. The record lacks sufficient independent, objective evidence corroborating the scholarship's purported recognition. *See Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013) ("Without evidence of how a larger audience viewed [a petitioner's] awards, there was no way for the agency to evaluate whether those awards were recognized widely enough to satisfy this criterion"). The scholarship's issuance by a national ministry does not automatically prove the grant's receipt of national recognition. The record does not show, for example, that the Petitioner received the scholarship publicly or that news or professional organizations reported the grant's issuance. Additionally, the record does not sufficiently show that this scholarship is in the field of chemistry engineering as it appears to be open generally to students who are studying in a variety of fields. The Petitioner also has not demonstrated that her receipt of the scholarship is for excellence in the field as she competed with fellow students who are generally in training for future careers, not with experienced and recognized experts in the field.

For the reasons discussed above, the Petitioner did not show that she meets this criterion.

2. Membership in Associations

In order to satisfy this criterion, the Petitioner must show that membership in the association is based on being judged by recognized national or international experts as having outstanding achievements in the field for which classification is sought. 8 C.F.R. § 204.5(h)(3)(ii). The Petitioner contends that membership in the Russian Chemical Society (RCS) fulfills this criterion.

The record contains a certificate stating that the Petitioner has been an active member of the RCS and the membership requires that individuals "have a higher education degree in chemistry or an academic

degree in the field of chemistry and are engaged in scientific, educational, industrial, or other activities in the field of chemistry." However, the Petitioner has not shown that generally possessing "a higher education degree" or engaging in "scientific, educational, industrial or other activities in the field of chemistry" reflect outstanding achievements.[3] *See Braga v. Poulos*, No. CV 06-5105 SJO FMOX, 2007 WL 9229758, at *5 (C.D. Cal. July 6, 2007), *aff'd*, 317 F. App'x 680 (9th Cir. 2009) (finding plaintiff did not show the memberships with organizations were limited to those who have outstanding achievements in the field). The RCS website information included in the record states: "[e]very chemist or specialist who deals with problems related to chemistry can become a member of the Society." Therefore, the evidence in the record contradicts the Petitioner's claim that her membership is based on "outstanding achievements" of the members, as any chemist or specialist can be a member of the RCS.

Furthermore, although the certificate states that membership applications are judged by "the Board of the Society," the Petitioner did not submit evidence to identify these board members or submit their qualifications to demonstrate that they are "recognized national or international experts" in the field of chemical engineering, as required by this regulatory criterion. As such, the Petitioner did not establish that recognized national or international experts judge the Petitioner's RCS membership.

Accordingly, the Petitioner did not show that she fulfills this criterion.

3. Original Contributions of Major Significance

This criterion requires "[e]vidence 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). For this criterion, the Petitioner must establish that not only has she made original contributions but that they have been of major significance in the field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1), Criterion 5. For example, a petitioner may show that her contributions have been widely implemented throughout the field, or have otherwise risen to a level of major significance in the field. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (for a petitioner's contributions to be "of major significance," evidence must demonstrate that their work has been widely adopted or replicated by industry actors unaffiliated with them).

On appeal, the Petitioner claims that SCOPS misinterpreted the requirement of having "major significance" as an "influence on the field as a whole," citing to *Visinscaia v. Beers*, 4 F. Supp. 3d 126. However, the Petitioner's claim is not persuasive as the court in *Visinscaia* held that the term "major significance in the field" can reasonably interpreted to mean that there must be some impact to the field "as a whole." *See id.* at 134.

The Petitioner previously submitted letters from her former employers and work colleagues to demonstrate that she has made qualifying contributions. On appeal, the Petitioner provides updated letters

[3] Relevant factors that may lead to a conclusion that the person's membership in the association(s) was not based on outstanding achievements in the field include, but are not limited to, instances where the person's membership was based solely on the following factors (by themselves or in the aggregate): a level of education or years of experience in a particular field; the payment of a fee or by subscribing to an association's publications; and a requirement, compulsory or otherwise, for employment in certain occupations, as commonly seen with union membership or guild affiliation for actors. *See generally* 6 USCIS Policy Manual F.2(B)(1), https://www.uscis.gov/policy-manual.

from the same authors. The letter from A-A states that the Petitioner "played a critical role in the creation of a production line for manufacturing wood oil-wax" while working for [redacted], but the author does not specifically identify the Petitioner's contribution to such production line or how it impacted the field. Another letter from L-A-B states that the Petitioner created polyurethane paints, varnishes, or coatings that are requested by the company's clients; however, the evidence does not establish that her work for the company's clients is used by others in the field or that it is her original production. Although these letters use the word "outstanding contributions" or "invaluable contribution to research and development," none of the submitted letters identifies any specific original contributions by the Petitioner or explain how those contributions are of major significance in the field. Instead, the letters praise the Petitioner's general skills in the areas of project management, communication, teamwork, and leadership that contributed to successful project outcomes at the workplace.

Apart from the letters, the Petitioner points to various "published research and patents" with "unique methodologies and innovations that have been implemented within the industry" as having a major significance. But once again, the Petitioner does not explain how her publications amount to original contributions, or that such a contribution significantly impacted the field of chemical engineering or chemical technology. The Petitioner appears to have written these papers with her graduate research professor L-A-B when she was pursuing her master's or Ph.D. program. Although the Petitioner provided printouts from Google Scholar and Russian Science Citation Index, she has not shown that her citations are high in comparison to other chemical engineers demonstrating a significant impact to the field. The Petitioner also did not show that these articles are in the field of chemical engineering as the publication sources consist of "Paints and Varnishes and Their application," or "Innovative Materials and Technologies in Design."

In addition, the Petitioner submitted an article by [redacted] where she was quoted as having an interview with [redacted], a Latvian company engaged in developing lacquer coatings for nail polish. Although the Petitioner was invited to work with [redacted] in Latvia, the evidence does not show that her work with [redacted] resulted in any original innovations or methodologies to leading to a significant impact to the field of chemical engineering.

The Petitioner has not identified any original contributions of major significance in her field.

4. Leading or Critical Role

To meet this requirement, a petitioner must provide "[e]vidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii). A critical role means an alien contributed in a significantly important way to the activities of the organization, establishment, division, or department. S*ee generally* 6 *USCIS Policy Manual*, *supra*, at F.(2)(B)(1), Criterion 8. Next, the Petitioner must establish that the organization, establishment, division, or department has a distinguished reputation. The word "distinguished" ordinarily means "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Distinguished*, Merriam-Webster Online Dictionary, www.merriam-webster.com. Relevant considerations in determining whether an organization is "distinguished" include not only its relative size and longevity but also other factors, such as the scale of its customer base or relevant media coverage of it. S*ee generally* 6 *USCIS Policy Manual*, *supra*, at F.(2)(B)(1), Criterion 8.

The Petitioner claimed that the letter from A-A of [redacted] and the letter from L-A-B, a chief technologist at [redacted] demonstrate that the Petitioner had "a critical role" in "establishing a production line for manufacturing wood oil-wax" and "a leading role" in "developing UV and LED curable materials for [redacted] and contributed to several significant projects at [redacted]." On appeal, the Petitioner abandons her claims regarding her role at [redacted] company and only contends that she performed in a critical and leading role for [redacted] and that SCOPS "disregarded crucial evidence . . . meticulously provided."

However, the evidence that purportedly provide "direct support for the Petitioner's role and the organization's reputation" consists of [redacted] company's website printouts. The website indicates that [redacted] is "a modern, Russian-Swedish developer of high-tech and innovative paints and varnishes . . . for various industries in the Russian Federation" and gives a background information on the technology of obtaining protective coatings using UV curing. However, the Petitioner has not provided any information regarding the distinguished reputation of the company in comparison to other companies or any media coverage of the company to demonstrate its distinction from other companies. Without this context, the website printouts themselves do not show that this company has a distinguished reputation as these materials do not provide any basis for comparison between the reputation of the Petitioner's employer and those of rival businesses in the same field.

The Petitioner also did not provide the company's organizational chart to demonstrate that she held a leading role at the company or include sufficient documentation to show how her contribution was "of significant importance" to the company's activities. The reference letter from L-A-B of [redacted] refers to the Petitioner as "a candidate of technical sciences degree" or "first-year master's student" and contains broad assertions without specifying how the Petitioner's role was crucial to the company's activities or how her contributions resulted in success of the company. The letter discusses how the Petitioner's work at [redacted] from September 2016 to November 2019 involved developing "water-based and organic-based paints and varnishes," "UV curable materials," and "color matching paints," and that clients were "very satisfied" with the "production and painting team." However, the evidence is not sufficient in demonstrating that her role was "leading" or "critical" as defined in the regulations.

The Petitioner has not satisfied the requirements of this criterion.

B. Reserved Issues

The Petitioner has not satisfied four of the claimed six criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x) and therefore does not meet the initial evidence requirement for this classification. As such, we reserve our opinion on the remaining claimed evidentiary criteria, authorship of scholarly articles at 8 C.F.R. § 204.5(h)(30(vi) and commanding high salary or significantly high renumeration at 8 C.F.R. § 204.5(h)(3)(ix), and the issue of whether the Petitioner intends to continue working in the United States in the area of her specialty. Detailed discussion of these remaining grounds for denial cannot change the outcome of this appeal. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

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.

For the reasons discussed above, the Petitioner has not demonstrated eligibility as an individual of extraordinary ability. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden here.

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.