U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39705034

Date: SEP. 17, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a postdoctoral fellow and researcher, seeks first preference immigrant classification as an individual 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 that the Petitioner satisfied at least three of the ten required regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). 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 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 achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or 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 judging others, original contributions, 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).

II. ANALYSIS

Because the Petitioner has not indicated or established her receipt of a major, internationally recognized award, she must satisfy at least three of the regulatory criteria. The Petitioner claims that she meets three of the regulatory criteria, namely that she has participated as a judge of the work of others in her field, made original contributions of major significance, and has authored scholarly articles. 8 C.F.R. § 204.5(h)(3)(iv), (v), (vi).

SCOPS determined that the Petitioner has authored scholarly articles, and we will not disturb that finding. SCOPS found that the Petitioner did not meet the requirements for judging the work of others in her field and original contributions of major significance. On appeal, she asserts that SCOPS overlooked evidence and applied improper standards that are not supported by the law or relevant U.S. Citizenship and Immigration Services (USCIS) policy.

1. 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)

To meet this criterion, a petitioner must submit "[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). USCIS should first determine whether an alien has made original contributions in their field. 6 *USCIS Policy Manual* F.2(B), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2. If so, the Agency should then determine whether any are of "major significance to the field." *Id.*

Evidence of significant contributions can include published research that has provoked widespread commentary on its importance from others in the field, or documentation that research generated a high number of citations relative to others' work in the field. *Id.* When determining whether original contributions have major significance, detailed letters from experts in the field explaining the nature and significance of the contributions may provide valuable context, especially if accompanied by corroborating documentation. *Id.*

At the outset, we note that SCOPS did not provide particularized analysis of the evidence in the record, and summed up the Petitioner's contributions as, "has worked on projects and conducted research which has been published." At the time of the petition's filing, the Petitioner established her

co-authorship of 14 articles in peer-reviewed, scientific journals in the field. These articles have been published in international journals such as *Pain*, *Social Cognitive and Affective Neuroscience,* and *Cognitions and Emotion*. However, even if the Petitioner established that these journals were prestigious, this solely would not support the conclusion that her authorship was a contribution of major significance. *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 the high-ranking status of a journal did not show an author's influence or impact of the petitioner's research on the field, nor did it establish that every article published in a highly ranked journal automatically indicates a contribution of major significance). Here, the Petitioner has not established that publication in a popular or highly ranked journal alone demonstrates a contribution of major significance in the field. *See Kazarian v. U.S. Citizenship & Immigr. Servs.*, 580 F.3d 1030 (9th Cir. 2009), *aff'd in part,* 596 F.3d 1115 (9th Cir. 2010) (finding publications and presentations alone are not sufficient to demonstrate major significance).

Additionally, the Petitioner argues that her articles have generated a significant number of citations in the field. For example, Google Scholar indicates that her research in experimental psychology has been cited 697 times. And she claims her publications have been cited by researchers from around 40 countries across 6 continents. According to the USCIS Policy Manual, "peer-reviewed presentations at academic symposia or peer-reviewed articles in scholarly journals that have provoked widespread commentary or received notice from others working in the field, or entries (particularly a goodly number) in a citation index which cite the alien's work as authoritative in the field, may be probative of the significance of the alien's contributions to the field of endeavor." *Id.* However, although the Petitioner asserts that her research has been cited 697 times, she has not shown how the citations were notable and therefore amounted to a contribution of major significance. We note that none of the articles appear to be written solely by the Petitioner, and appear to be collaborations with several individuals, thus it is difficult to gauge her scholarly contribution. Additionally, the Petitioner has not indicated how many of these citations were either self-citations or by her co-authors. *Bhanu v. Garland*, No. CV 22-103, 2023 WL 6119357, at *7-8 (E.D. Pa. Sept. 18, 2023) (upholding plaintiff did not corroborate the number of independent citations from Google Scholar). Generally, citations can serve as an indication that the field has taken interest in a petitioner's research or written work. However, the Petitioner has not sufficiently shown that the citations for any of her published articles are commensurate with contributions of major significance. Nor has she demonstrated the significance or relevance of the citations to her articles. *See Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *5 (N.D. Tex. Oct. 19, 2023) (finding the record contained little evidence that contextualized the number of citations the petitioner's work had received). Although the citations are indicative that her research has received some attention from the field, the Petitioner did not establish that her citation numbers for any individual article represented major significant contributions in the field.

The Petitioner submitted letters from several researchers in her field illustrating her ongoing work. The letters are similar in their descriptions of the Petitioner's contributions, and generally praise the Petitioner's work. The letter from [redacted] a professor of medicine and global health and social medicine at [redacted] indicates that although he has not collaborated with the Petitioner, he is familiar with her work. He states that the Petitioner "has provided the field with new information on individuals' use of distraction and reappraisal, two major cognitive regulation

strategies, when presented with emotional situations that differ in their intensity." He further states that the Petitioner has "uncovered the connection between neural processing of emotional stimuli and regulatory practices," thus realizing that when attempting to manage unpleasant emotions, higher neural processing of emotional intensity predicted the use of distraction mechanisms. He notes that her "novel" approach has "immense benefits" for the mental health of Americans on individual and societal levels. Moreover, the letter from [redacted] professor of psychology at the [redacted] indicates that he and the Petitioner served on a panel together at the 2019 International Convention of the [redacted] He opines that the Petitioner's research "has substantial value in global mental healthcare efforts to relieve acute stress" and notes the Petitioner's work "identifies beneficial emotional regulatory strategies for intense emotional situations, it helps form targeted mental health intervention strategies to support individuals faced with highly stressful events, such as trauma and recovery or severe anxiety attacks." Additionally, a letter from [redacted] in the Netherlands notes that the Petitioner's work "has inspired numerous publications" and has made significant strides in emotion regulation and the placebo effect, "pushing the boundaries of our understanding of the relationship between placebos and emotion regulation." As a whole these letters do not support the Petitioner's contention that she has made original contributions of major significance in her field because they do not sufficiently articulate how her research has been considered of such importance and how its impact on the field rises to the level of major significance, as required. *Visinscaia v. Beers,* 4 F. Supp. 3d 126, 134 (D.D.C. 2013) ("[T]he regulatory requirement that the petitioner demonstrate the 'major significance' of any original contributions means that the petitioner's work must significantly affect [his] field of endeavor"). Moreover, the regulator phrase "major significance" is not superfluous and, thus, it has some meaning. *Nielsen v. Preap*, 586 U.S. 392, 415 (2019) (finding that every word and every provision in a statute is to be given effect and none should needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence).

Furthermore, some of the letters speculate on the potential influence of the Petitioner's work and propose that she will have an impact at some undefined point in the future. For example, [redacted] states that the Petitioner has "provided the field with new information" but does not actually state how this new information is being utilized now. [redacted] states that her research has "substantial value," but does not indicate if he is aware that the Petitioner's research is being implemented. [redacted] similarly does not show how the Petitioner's capacity to push boundaries has resulted in a contribution of major significance in the field for individuals faced with trauma, stress and anxiety. While the letters show 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 having prospective, potential impacts. The significant nature of her work has yet to be determined or measured. Detailed letters from experts in the field explaining the nature and significance of the person's contribution may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.[1] Here, the Petitioner's letters do not contain specific, detailed information explaining the unusual influence or high impact her research or work has had on the overall field to establish that it has been of major significance. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, *8 (S.D.N.Y. Jan. 5, 2024) (finding the petitioner's testimonial letter mostly

[1] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

consisted of conclusory statements about the significance of his work and his potential). Therefore, the Petitioner does not meet this criterion.

2. Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought. 8 C.F.R. § 204.5(h)(3)(iv)

At the outset we note that SCOPS acknowledged that the Petitioner submitted evidence that she served as a peer reviewer for several journals, but then concluded that the submitted evidence did not meet this criterion. SCOPS cited as an example, "judging a national contest of professionals is of far greater probative value than judging a competition for novices," as a reasoning for their decision. The Petitioner argues that SCOPS erroneously cited the pertinent regulation as 8 C.F.R. § 205.5(h)(3)(iv) and conflated the standard for a final merits decision, and the requirements for the regulatory criteria. In this instance, we determine the erroneous citation to be a *de minimus* error.

Overall, SCOPS is required to adequately address a petitioner's specific claims and evidence.[2] When denying a petition, SCOPS must explain in writing the specific reasons for denial. 8 C.F.R. § 103.3(a)(1)(i). This explanation should be sufficient to allow the Petitioner a fair opportunity to contest the decision and to allow us an opportunity for meaningful appellate review. *Cf., Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding at a decision must fully explain the reasons for denying a motion to allow the respondent a meaningful opportunity to challenge the determination on appeal). Here, SCOPS's decision, which relied in significant part on templated language, did not satisfy this requirement. Nevertheless, even if the Petitioner were to prevail on this criterion, she would still fall short of the required three criteria. We therefore reserve this issue. And, as our finding is dispositive of this appeal, we decline to reach and hereby reserve any final merits determination in this matter. *See, e.g., INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to reach issues unnecessary to the ultimate conclusion).

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. Here, the Petitioner's inability to meet the above regulatory criterion means she cannot satisfy the initial evidentiary requirement at 8 C.F.R. § 204.5(h)(3). Therefore, 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.").

[2] USCIS determines whether the person has acted as the judge of the work of others in the same or an allied field of specification. Examples of judging the work of others may include, but are not limited to peer reviewing for a scholarly journal, as evidenced by a request from the journal to the person to do the review, accompanied by proof that the review was actually completed. *See generally*, 6 *USCIS Policy Manual* F.2(B)(1), http://www.uscis.gov/policy-manual

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an individual of extraordinary ability. Therefore, the appeal will be dismissed, and the petition will remain denied.

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.