U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40003925

Date: SEPTEMBER 18, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a radiologist, seeks 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).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner had won a major, internationally recognized award or met at least three of the remaining criteria for initial evidence of extraordinary ability. 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 immigrant visas available to individuals with 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, provided that the individual seeks to enter the United States to continue work in the area of extraordinary ability, and the individual'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, petitioners can demonstrate international recognition of their accomplishments in the field through a one-time achievement (that is, a major, internationally recognized award). If petitioners do not submit this evidence, then they 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows petitioners 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 their occupation.

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 holds three bachelor's degrees in science, medicine, and surgery, and is a radiologist employed at [redacted] in the United Kingdom.

A. Evidentiary Criteria

Because the Petitioner has not shown that he received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). SCOPS determined the Petitioner met the criterion relating to authorship of scholarly articles at 8 C.F.R. § 204.5(h)(3)(vi). The record supports this determination as it shows the Petitioner has co-authored numerous articles published in scientific journals. However, the record does not establish that the Petitioner meets the remaining criteria he claims to satisfy.

Lesser Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) requires "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to: the criteria used to grant the awards or prizes, the national or international significance of the awards or prizes in the field, the number of awardees or prize recipients, and limitations on competitors. *See generally* 6 USCIS Policy Manual F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner received a Cum Laude Citation for his co-authored education exhibit entitled [redacted] and presented at the 2015 annual meeting of the [redacted]). A letter from the [redacted] Program Services Department states that [redacted] only accepts abstracts for its annual meeting that are "novel, timely, and meet high standards of scientific merit. They are also chosen based on their anticipated impact on the field." The letter states that in 2015, over 11,000 abstracts were submitted, 1,762 education exhibits were selected by a committee through a blind review process, and 65 Cum Laude Citations were awarded. The letter explains there are four classes of awards: summa cum laude, magna cum laude, cum laude, and certificate of merit. While the letter establishes the selectivity of the Petitioner's Cum Laude citation, it does not indicate that such a citation is nationally or internationally recognized.

On appeal, the Petitioner asserts [redacted] "stands as the foremost institution in the field of Radiology globally" and its awards are highly competitive, comparable in stature to the Academy Awards, and carry national and international acclaim because [redacted] is "globally recognized as the leading international body in the field of Radiology." However, the Petitioner submits no evidence to support these assertions. The Petitioner further asserts his Cum Laude Citation meets this criterion because his cited research was published in *Radiographics*, a top-tier journal in his field. The Petitioner explains that in the scientific community, the recognition of an award's significance is measured, in part, by "subsequent peer recognition through invited publications in highly ranked, peer-reviewed scientific journals." Again, the Petitioner submits no evidence to support this claim.

The Petitioner also received a Certificate of Merit for his co-authored educational electronic poster entitled [redacted] presented at the 2015 congress of the [redacted]. The Petitioner did not submit the judging criteria for this award or evidence that it is nationally or internationally recognized.

In 2013, the Petitioner received a travel bursary from the [redacted] which a printout from the website of the [redacted] states is awarded to "UK specialist registrars who are the first author of an accepted paper or poster at the [redacted]." The Petitioner was also accepted into the [redacted] program which provided free registration for [redacted] 2013, four nights' hotel accommodation, and free public transportation. Information from the [redacted] states the [redacted] program supports "young professionals in their active participation" in [redacted]. The record indicates that the travel bursary and [redacted] program provide financial support for radiologists to attend the [redacted]. The Petitioner did not submit evidence of the judging criteria for papers or posters at the [redacted] or the [redacted] program or that receipt of the travel bursary and participation in the [redacted] program are nationally or internationally recognized.

Without evidence of the judging criteria and national or international recognition of the Petitioner's accolades, he does not meet this criterion.

Original contributions of major significance

The regulation at 8 C.F.R. § 204.5(h)(3)(v) requires "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner's Google Scholar profile shows he has co-authored 12 articles published in scientific journals and his work has been cited a total of 229 times. The Petitioner submitted excerpts of four articles by other researchers that cite his articles, but he did not submit the portions of the articles containing the citations or other evidence to show the articles discussed his work as having major significance in his field. The Petitioner also did not submit evidence that his citations are at a level indicative of major significance.

On appeal, the Petitioner claims to meet this criterion through his research published in an article entitled [redacted] The Petitioner is the first author of this article which was published in the highly ranked journal *Clinical Radiology* and has been cited 24 times. In response to SCOPS' request for evidence (RFE), the Petitioner submitted two of these citing articles, but the citations are after just four sentences which do not discuss his work in depth or otherwise indicate that it is of major significance in his field.

The Petitioner asserts the major significance of his research is also evidenced by its presentation at the [redacted] and [redacted] conferences, his oral presentation being featured on the [redacted] blog, and the recognition of his work by the [redacted] The Petitioner's presentation of his work at conferences demonstrates its originality, but does not establish that it constitutes a contribution of major significance to his field. The Petitioner did not submit evidence of the selection criteria for featuring work on the [redacted] blog or other evidence that such selection reflects recognition of major significance. The [redacted] article cites the Petitioner's article after just two brief sentences and does not discuss his work in a manner indicative of major significance.

While the evidence shows the Petitioner has made original contributions to his field, the record does not establish that his research is of major significance and he consequently does not meet this criterion.

B. Final Merits Determination

Congress set a very high benchmark for aliens of extraordinary ability by requiring petitioners to demonstrate "sustained national or international acclaim" and present "extensive documentation" to show that their 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 he is 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. 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).

C. Continued Work in Area of Expertise

SCOPS determined the Petitioner's statements indicated he intends to continue academic studies in the United States and would not continue to work as a radiologist. As the Petitioner has not met the

initial evidentiary requirements and this issue is dispositive of his appeal, we do not reach and hereby reserve determination of whether he is coming to the United States to continue work in his area of expertise. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing towards the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r. 1994). Here, the Petitioner has not shown that the significance and recognition of his work are indicative of sustained national or international acclaim as one of that small percentage who have risen to the very top of his field, as extraordinary ability is described at section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2). The Petitioner is consequently ineligible for classification 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