



**U.S. Citizenship
and Immigration
Services**

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

In Re: 7031068

Date: JAN. 22, 2020

Appeal of Texas Service Center Decision

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

The Petitioner, a research senior specialist in the field of pharmacochimistry, seeks 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.

The Director of the Texas Service Center denied the petition, concluding that the Petitioner established that he met only two of the ten initial evidentiary criteria for the requested classification, of which he must meet at least three.

On appeal, the Petitioner claims that he meets a third evidentiary criterion and is otherwise eligible for the benefit sought.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal.

I. LAW

Section 203(b)(1) 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 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 categories 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).

II. ANALYSIS

The Petitioner received his bachelor’s and master’s degrees in chemistry from [redacted] University in China in 2004 and 2007, respectively. In June 2008, he joined the University of [redacted]’s Department of Pharmaceutical Sciences as a visiting research scholar, and, since 2013, has worked for this employer as a research senior specialist. The record reflects that his area of specialization is in [redacted] a branch of pharmacology that investigates drug [redacted] and the [redacted] drugs within the body. A letter verifying the Petitioner’s current employment indicates that, as a research senior specialist, he uses [redacted] and develops [redacted] methodologies to measure the concentration of various drugs in [redacted] uses data analysis software to perform quality control measures, performs drug [redacted] studies using [redacted] and [redacted], and performs other laboratory responsibilities. The record reflects that the Petitioner has contributed to the University of [redacted]’s research studies in various medical fields including [redacted] therapy and drug [redacted], prevention of [redacted] birth, prevention of [redacted] in transplant patients and other areas of transplantation research.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has 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).

As noted, the Director found that the Petitioner met only two of the initial evidentiary criteria, judging the work of others in his field and authorship of scholarly articles. *See* 8 C.F.R. § 204.5(h)(3)(iv) and (vi). The Petitioner’s documentary evidence indicates that he has peer-reviewed manuscripts for several journals including *Acta Biomateriala* and *Journal of Bioanalysis & Biomedicine*. In addition, the record contains evidence that the Petitioner has authored scholarly articles published in journals including *Biomaterials*, *Acta Biomateriala*, *Hepatology*, *American Journal of Obstetrics & Gynecology*, *Nature Communications*, and *Cell Transplantation*. Accordingly, we agree with the Director that the Petitioner fulfilled the requirements of the judging and scholarly articles criteria.

On appeal, the Petitioner maintains that he also satisfies the requirements of the criterion relating to original contributions of major significance in his field. After reviewing all of the evidence in the record, we find that the Petitioner has not established that he satisfies at least three of the ten initial evidentiary criteria.

Evidence of the individual'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)

In order to meet this criterion, a petitioner must establish that not only have they made original contributions but that they have been of major significance in the field.¹ For example, a petitioner may show that the contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance in the field.

The Petitioner claims that he has made several original contributions of major significance in his field as evidenced by his published research, citation record, and letters from experts in the field. On appeal, he claims that “more than 4 million people every year benefit from my scientific contributions in Pregnancy, Preterm Birth, Antibiotic prophylaxis, Transplantation, and Cancer.”

The Petitioner's original scientific contributions are summarized in the record as follows: (1) he contributed to synthesizing two [redacted] compounds which have been shown to improve the efficacy and lessen the cytotoxicity of the anti-cancer drugs [redacted] and [redacted] in mice; (2) he contributed to the design of a purified [redacted] enzyme (TDE) used for the separation of human [redacted] from [redacted] tissue, and performed other assessments of [redacted] functions in cell culture; (3) he investigated the use of progesterone [redacted] to prevent the pre-term birth and studied the effect of [redacted] on the [redacted] of [redacted]; (4) he studied the impact of [redacted] drugs in patients receiving [redacted] therapy to prevent organ rejection and determined the need for therapeutic drug monitoring in this population, particularly for patients with [redacted] and (5) he developed and validated a [redacted] probe for measuring amino acids and other materials that cannot be effectively measured by high performance [redacted].

Expert Opinion Letters

Although the Petitioner provided evidence reflecting the originality of his research through recommendation letters praising him for his contributions,² as discussed below, the authors do not provide specific examples of contributions that are indicative of major significance or support his claim that his original contributions have already impacted millions of patients with various clinical conditions. In general, the letters recount the Petitioner's research and findings, indicate their publications in journals, and point to the citation of his work by others. Although they reflect the novelty of the projects on which he worked, they do not show how his research and findings have been considered of such importance and how their impact on the field rises to the level required by this criterion.

¹ See USCIS Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions: Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14 8-9* (Dec. 22, 2010), <https://www.uscis.gov/policymanual/HTML/PolicyManual.html> (stating that although funded and published work may be “original,” this fact alone is not sufficient to establish that the work is of major significance).

² Although we do not discuss every letter submitted, we have reviewed and considered each one.

The Petitioner notes that he is “particularly well-known” for development of a [redacted] carrier for the delivery of the drug [redacted] to patients with [redacted] cancer. He provided several expert opinion letters that address this research, including one from [redacted] an associate dean at the University of [redacted] School of Pharmacy, who explains that the Petitioner developed variations of the common anti-cancer agents [redacted] and [redacted] “with reduced toxicity and increased clinical viability,” and states that the Petitioner’s findings “are highly significant in the area of oncology and cancer research, as they introduce a demonstrably effective alternative approach to ‘classical’ chemotherapy.”

[redacted] an assistant professor at [redacted] further described this research noting that the Petitioner’s studies “resulted in the development of several [redacted] [redacted] and [redacted] formulations that exhibited superior antitumor activity while reducing the risk of harmful side effects.” He notes that the formulations developed were based on conjugates derived from [redacted] and states that the Petitioner explained “a novel strategy to effectively co-deliver these two therapeutic compounds to the tumors.” [redacted] states that the Petitioner’s work “marks a major milestone in cancer research” and is “instrumental” in his own work, but does not explain how his research has been impacted or elaborate as to why the research was considered a “major milestone.”

[redacted] of [redacted] University states that the Petitioner’s 2013 article, [redacted] [redacted]’ has “figured prominently” in his own work. He notes that the Petitioner’s studies in this area “advanced the field’s understanding of pharmacokinetics and treatments for cancer” and “helped to facilitate advancement toward the development of drugs that effectively target and treat cancer.” [redacted] states that he cited the above-referenced article in his own article [redacted] [redacted],” and notes that his publication “would have been glaringly incomplete” without the Petitioner’s prior research. In addition, he notes that the Petitioner’s “research has facilitated the advancement of improvements to [redacted] and [redacted] delivery research” and “engendered subsequent valuable work in the field.”

Finally, the Petitioner submitted a letter from [redacted] associate professor at [redacted] [redacted] University Cancer Hospital, who states that the Petitioner “has made numerous landmark contributions in the uphill battle [sic] against cancer,” and discusses his work with [redacted] as a “scientific breakthrough” that “raises hopes of a new type of therapy that could treat cancer.” Overall, however, none of the expert letters elaborated or discussed whether the Petitioner’s findings have been implemented beyond informing the research of other scientists in the same field, and if so, the extent of their application. While the letters praise the Petitioner’s research as original, valuable and promising, they have not sufficiently detailed in what ways his studies have already advanced the state of research in this field or elaborated on how the Petitioner’s work has already impacted the wider field beyond the teams of researchers who have directly cited his articles.

On appeal, the Petitioner provides evidence that the University of [redacted] has been granted two patents for “formulations and carrier systems” that cite his papers in this field. The Petitioner is not listed as an inventor on either patent. Even if he were acknowledged as an inventor, we note that a patent recognizes the originality of an idea, but it would not demonstrate that he made a contribution

of major significance in the field. Rather, the significance of the innovation must be determined on a case-by-case basis, and considered in light of other evidence in the record.

With respect to the Petitioner's research of [redacted] metabolic functions in cell culture, he states that he has "done pioneering work in the area of in vitro model development for isolation of [redacted] [redacted] and has "enlightened scientists around the world with a methodology for isolating and culturing [redacted] cells for various studies." [redacted] a professor at the University of [redacted] Transplantation Institute, discussed the Petitioner's research in this area, noting that the Petitioner's "novel [redacted] approach is both a safe and effective approach for clinical [redacted] transplantation." He also identified another researcher who cited the Petitioner's research, noting that the Petitioner's work on [redacted] transplants was "valuable to the execution of this study." [redacted] [redacted] a professor at the University of [redacted] states that a "cell isolation core" at [redacted] uses a protocol directly modified from the Petitioner's method to isolate human [redacted] from [redacted] tissue. More generally, [redacted] notes that the ability to isolate human [redacted] is critical to studying and treating [redacted] diseases, and states that "the conclusions shaped by [the Petitioner's] guidance hold weighty implications for the progressing advancement of modern medical solutions."

These two letters are not sufficiently detailed to explain how the Petitioner's research in the area of human [redacted] isolation is considered to be an original contribution of major significance. Further, we note that the Petitioner states that he developed "a methodology for isolating and culturing human [redacted] cells," and [redacted]'s letter seems to support this statement. However, the Petitioner's published article indicates that his research group's objective was to optimize the composition of a [redacted] [redacted] enzyme [redacted] reagent used for the isolation of [redacted] to ensure consistency and purity. In fact, the Petitioner's paper states that the [redacted] and subsequent [redacted] isolation procedures used were developed by [redacted] . . ." and therefore does not support the Petitioner's own claim that he developed a methodology for isolating and culturing [redacted]. The Petitioner's paper does indicate that his group developed a [redacted] reagent called [redacted] by reverse engineering a particular lot of an existing [redacted] reagent that was being used in the Petitioner's lab. While the research appears to have been novel based on its objective to identify an ideal composition for [redacted] reagents used in [redacted] isolation, the Petitioner did not establish, for example, that the [redacted] product developed is being widely used for isolation of [redacted] or that this research has otherwise had an impact of major significance on the field.

Turning to the Petitioner's research involving pre-term labor in pregnant women, a supporting cover letter indicates that he "developed a cost effective compounded formulation of [redacted] for treatment of pre-term birth." The Petitioner submitted a letter from [redacted] of the University of [redacted] School of Medicine. [redacted] echoes the Petitioner's statement that his research "resulted in developing an effective, safe, and inexpensive alternative for [redacted] treatment" and states that it "has the potential in helping more than 130,000 who receive treatment for preterm delivery each year." However, the Petitioner's article, titled [redacted] [redacted] does not corroborate the Petitioner's claim that his research group developed a cost effective [redacted] treatment. Rather it states that they evaluated the quality of compounded [redacted] samples obtained from 15 U.S. pharmacies, which produce an alternative to the much more expensive FDA-approved version of [redacted] marketed as [redacted]. The article reflects that similar studies had already been undertaken by other researchers, and by the

FDA itself. The study concluded that the compounded [redacted] evaluated did not raise any safety concerns when assessed for potency, sterility, pyrogen status or impurities. While it appears this research somewhat expanded upon prior evaluations of compounded [redacted] it is evident that the Petitioner's research did not result in the development of a new inexpensive [redacted] treatment as claimed by the Petitioner and apparently confirmed by [redacted] rather, it confirmed the safety of available compounded versions of [redacted]. We may, in our discretion, use as advisory opinion statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. However, where an opinion is not in accord with other information or is in any way questionable, we are not required to accept or may give less weight to that evidence. *Matter of Caron Int'l*, 19 I&N Dec. 791 (Comm'r 1988). Further, the evidence does not establish that the Petitioner's research in this area was deemed a contribution of major significance in the field.

[redacted] a professor at the University of [redacted] indicates that the Petitioner worked with him in researching medications taken by pregnant women and served as the primary assayist of blood and tissue samples collected during these studies. He notes that the Petitioner developed an assay for [redacted] but does not otherwise address the above-referenced study or its impact on the field. He also states that the Petitioner developed assays for [redacted], an agent used to treat patients with an [redacted] disorder. [redacted] indicates that his research with [redacted] has led to a change in how the medication is administered to pregnant women in terms of dosage. He also states that the studies in which the Petitioner participated have "had significant impact on pregnancy care." He does not state that the Petitioner's study on [redacted] has had an impact of major significance on the field. Further, the record does not reflect that the Petitioner has published research with respect to [redacted] and pregnancy and it is unclear whether or to what extent he has contributed to the dosage recommendations referenced by [redacted], or whether those recommendations have been widely implemented in the field, or are being implemented within the University of [redacted] medical system.

Finally, the Petitioner indicates that he studied the effect of endogenous steroid hormones on pharmacokinetics of [redacted] in pregnant women. [redacted] of the University of [redacted] School of Medicine comments on the Petitioner's research in this area, stating that he "sought to provide evidence-based guidelines for the use of [redacted] in preventing premature birth." He indicates that the Petitioner's study evaluated [redacted] and [redacted] and noted that plasma concentrations of [redacted] varied significantly between patients, despite identical doses, and found that endogenous steroid hormones inhibited the metabolism of [redacted], thus explaining the observed discrepancy. [redacted] explains the Petitioner's study, but does not elaborate as to how or to what extent the Petitioner's research has significantly impacted the field. The record does not, for example, demonstrate that the Petitioner's research resulted in implementation of the evidence-based guidelines referenced by [redacted]. Therefore, we cannot determine that the Petitioner's research in this area is recognized as an original contribution that has remarkably influenced the field.

The fourth original contribution identified by the Petitioner relates to his study of [redacted] drugs in patients who have received organ transplants and are undergoing [redacted] therapy to prevent organ rejection. [redacted]'s letter discusses this research, noting that the Petitioner's results "highlight the need to incorporate new formulations of [redacted] into treatment standards for transplant patients, especially for transplant patients with [redacted]." He notes that the Petitioner's

study was cited by other researchers in a retrospective study, which highlighted his finding that transplant patients with [redacted] exhibit decreased absorption of [redacted] if taken by oral suspension. [redacted], an oncology clinical pharmacist at University of [redacted], stresses the importance of therapeutic drug monitoring to ensure appropriate dosing for transplant patients. He states that the Petitioner developed and validated assays for measuring [redacted] and [redacted] in patient university's hospital and notes that his methods "have been utilized by various other researchers in their research work in various patient populations." However, the letters and referenced retrospective article do not contain sufficient information to establish that the Petitioner's research in this area, while perhaps novel, has remarkably impacted treatment or therapeutic drug monitoring recommendations or practices for transplant patients on a scale consistent with a contribution of major significance in his field.

Finally, the Petitioner states that he has developed and validated a [redacted] probe for the measurement of amino acids and "similar natural products" in organic compounds, noting that amino acids cannot be detected and analyzed effectively using traditional [redacted] methods because they cannot absorb ultraviolet light. [redacted] addresses this research in his letter, noting that the Petitioner's [redacted] probes "allow researchers to collect measurement at much lower concentrations than was possible using [redacted]" He also indicates that the [redacted] probes serve as a viable and less costly alternative to [redacted] stating that the Petitioner "has enabled the pharmaceutical industry to better screen their products for purity, leading to a more productive, transparent, and safe industry overall." While [redacted] explains the novelty and benefit of the Petitioner's [redacted] probe, there is insufficient support in the record showing that this technology is being widely used in the pharmaceutical industry or that his work is recognized for making the industry safer and more productive on the scale suggested by [redacted]

A letter from [redacted] professor of pharmaceutical sciences at University of [redacted] also addresses this research, noting that the Petitioner made a "significant contribution to the development of new methods for various [redacted]." [redacted] notes that the Petitioner developed a novel [redacted] compound and [redacted] probe that is "1.13 to 8.21 times more sensitive than [redacted] derivatives (a well-known amino acid [redacted] probe)." While [redacted] noted that the Petitioner "successfully used this probe for detection of [redacted]," his letter does not corroborate [redacted]'s statement that the Petitioner's [redacted] probe has had a significant impact on the productivity and safety of the pharmaceutical industry.

Overall, the letters considered above primarily contain attestations of the novelty and utility of the Petitioner's research studies without providing specific examples of contributions that rise to a level consistent with major significance in the Petitioner's field. Letters that specifically articulate how a petitioner's contributions are of major significance to the field and its impact on subsequent work add value.³ Letters that lack specifics and use hyperbolic language do not add value, and are not considered to be probative evidence that may form the basis for meeting this criterion.⁴ USCIS need not accept primarily conclusory statements. *1756, Inc. v. The U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.C. Dist. 1990). The authors' assertions in the above-referenced letters do not explain how the Petitioner's research findings have been widely implemented or relied upon by others in the field or not establish

³ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9.

⁴ *Id.* at 9.

that the Petitioner's work has had a demonstrable impact on the field as a whole commensurate with a contribution of major significance.

Petitioner's Publications and Citation History

In addition to the expert opinion letters, the Petitioner also provides his publication and citation record from Google Scholar, statistical information regarding his number of publications and citations from Clarivate Analytics and Microsoft Academics, and samples of other published articles that cite his work. The fact that the Petitioner has published articles that other researchers have referenced is not, by itself, indicative of a contribution of major significance. Publications are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "major significance." We acknowledge, however, that a petitioner may present evidence that his articles "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 [his] work as authoritative in the field, may be probative of the significance of [his] contributions to the field of endeavor."⁵

The Petitioner also submitted evidence from Clarivate Analytics showing that some of the articles he published, in both cancer chemotherapy research and in other areas discussed above, were ranked among the top 10% in citations when grouped by academic field (in this case, pharmacology and toxicology) and year of publication. He further submitted a paper published in the journal *Scientometrics* which suggests that this metric is one of three that should be used to evaluate individual researchers in the natural and life sciences" for purposes of funding and promotion or hiring decisions. The authors state that "publications which are among the 10% most cited publications in their subject area are as a rule called highly cited or excellent" and that "the top 10% based excellence indicator" should be given "the highest weight when comparing the scientific performance of single researchers." However, this evidence does not establish that metrics that may be suitable for comparing applicants for academic research positions and grants are indicators that a researcher has made contributions of major significance to his or her field.

Comparative rankings to baseline or average citation rates do not automatically establish that a given petitioner has made a contribution of major significance in the field.⁶ Highly-cited publications alone are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "major significance" as a citation ranking does not provide sufficient context to determine the impact or importance of a given researcher's work in the field. That context must be provided by other evidence in the record. The Petitioner has not demonstrated, as he asserts, any of the articles he characterizes as highly cited resulted in an original contribution of major significance in the field. While the Petitioner submitted corroborating evidence in the form of expert opinion letters, that evidence, for the reasons already discussed, is not sufficient to establish that any of the Petitioner's research findings have remarkably impacted or influenced his field.

⁵ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 9.

⁶ For instance, according to the data from Clarivate Analytics, pharmacology and toxicology papers published in 2017 receiving only five citations are in the top 10%. The Petitioner has not demonstrated that papers with such citation counts have necessarily had a major, significant impact or influence in the field as evidenced by being among the top 10% of most highly cited articles according to year of publication.

The Petitioner also states that, according to Microsoft Academic, his total number of publications and citations is high compared to other researchers active during the same period of time. However, data that summarizes citations to the Petitioner's entire body of published work do not demonstrate that any specific work of his is so widely cited and relied upon that it is considered to have made a major impact his field. Comparison of the Petitioner's cumulative citations to others in the field is often more appropriate in determining whether the record shows sustained national or international acclaim and demonstrates that he is among the small percentage at the very top of the field of endeavor in a final merits determination. Once again, the issue for this criterion is whether the Petitioner has made original contributions of major significance in the field rather than where his overall citation rates rank among others in his field.

Further, the record indicates that the Petitioner submitted examples of "notable citations" to his work by other researchers. A review of those articles, though, does not show the significance of the Petitioner's research or demonstrate how it has widely impacted the field. The Petitioner's most cited article, both in the cancer chemotherapy research area and overall, was published in *Biomaterials* in 2013. The Petitioner provided a copy of an article entitled, "[redacted]" (Cancer Letters), in which the authors cited to his 2013 *Biomaterials* article.⁷ However, the article does not distinguish or highlight the Petitioner's written work from the over 50 other cited papers; rather, the authors cited his article and two others as a source for establishing a well-tolerated dose of [redacted] in mice.

The Petitioner also submitted copies of articles that cite his 2012 *Cell Transplant* article titled "[redacted]" which was his second most cited publication at the time of filing according to Google Scholar. Several researchers cited the Petitioner's article in support of a statement that "[redacted]" and one paper indicates that "[redacted]" according to the methods described previously by [the Petitioner's team]. However, the cited portions of the Petitioner's paper were not his original findings; rather, the Petitioner's own article indicates that "[redacted]" is a common method for [redacted] and it states that the methods used in the Petitioner's study for [redacted] and subsequent [redacted] procedures were established by other researchers. These and other articles citing the Petitioner's research do not demonstrate how his original findings have significantly influenced the field.

The Petitioner also emphasizes that his publications have been cited in several review articles, and stated that the appearance of his articles in the review literature demonstrates the significant impact of his work. The Petitioner further explains that review articles are "an attempt to . . . sum up the current state of the research on a particular topic" and may identify "the main people working in a field" and "recent major advances and discoveries." One of the submitted review articles, titled "[redacted]" (*New England Journal of Medicine*), cites to the Petitioner's finding that compounded [redacted] from 15 pharmacies were found to raise no safety concerns. It does not, however, support the Petitioner's claim that the article's author "recommended [redacted] based on the Petitioner's demonstration of its safety as a treatment" given that the record reflects that [redacted]

⁷ Although we discuss representative sample articles here, we have reviewed and considered each one.

treatment has been a widely used treatment for preterm labor and had been approved by the FDA for this purpose prior to the Petitioner's study.

Another review article, titled [REDACTED] [REDACTED] (*Journal of Materials Chemistry B*) cites to two of the Petitioner's studies in this area (published in his 2013 and 2015 *Biomaterials* articles) as being among "several attempts toward [REDACTED] based [REDACTED] drug delivery systems with different antitumor agents," but does not otherwise address the impact of this research or the importance of the Petitioner's findings in these studies, nor does it distinguish his papers from the other 116 papers cited.

While the evidence indicates that the Petitioner has made original contributions in several fields of active scientific research, we cannot determine that every publication cited in a review article is indicative of an original contribution of major significance. Considered together, the evidence consisting of the citations to the Petitioner's published findings, the citation statistics, and the reference letters from his colleagues and other experts, establishes that the Petitioner has been very productive, and that his published data and findings have been relied upon by others in their own research. It does not demonstrate that the Petitioner has made an original contribution of major significance in his field. Therefore, he has not met this criterion.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward 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 of his work is indicative of the required sustained national or international acclaim or that it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.