



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

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

In Re: 17497613

Date: JUL. 23, 2021

Appeal of Nebraska Service Center Decision

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

The Petitioner, a research scientist in the field of molecular virology, 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 Nebraska Service Center 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. The matter is now before us on appeal.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit by a preponderance of the evidence. *See* Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). 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 international recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

## II. ANALYSIS

The Petitioner is a research scientist in the field of molecular virology. At the time of filing, he was employed as a postdoctoral research associate for the [REDACTED] [REDACTED] at [REDACTED] in [REDACTED] Tennessee.

### 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). The Petitioner asserts that he can satisfy four of these ten criteria, summarized below:

- (ii), Memberships in organizations that require outstanding achievements of their members;
- (iv), Judging the work of others in the field;
- (v), Original contributions of major significance in the field; and
- (vi), Authorship of scholarly articles in professional publications.

The Director determined that the Petitioner met two of the evidentiary criteria, related to judging the work of others and authorship of scholarly articles. We agree. The Petitioner submitted evidence that he is a member of the editorial board of *Journal of Life Sciences* and has served as a peer reviewer for other scientific journals in his field and therefore satisfied the criterion at 8 C.F.R. § 204.5(h)(3)(iv). In addition, the record reflects that he has authored articles published in professional publications included the *Journal of Virology*, *Frontiers in Microbiology*, and *Journal of Biological Chemistry*, thus satisfying the criterion at 8 C.F.R. § 204.5(h)(3)(vi).

On appeal, the Petitioner asserts that the Director erred in concluding that he did not satisfy the membership criterion or establish that he has made original contributions of major significance in his field. After reviewing all the evidence in the record, we conclude that he has satisfied one additional criterion.

8 C.F.R. § 204.5(h)(3)(v) calls for evidence of the individual's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field. The Petitioner maintains that the Director overlooked or excluded much of the evidence he submitted in support of this criterion<sup>1</sup> and states that, when viewed collectively, the record establishes that he has more likely than not made significant scientific contributions based on his original research. We find the Petitioner's claims persuasive with respect to his research regarding the role of the [redacted] [redacted] which includes his 2019 article, [redacted] [redacted] published in *Journal of Virology*.

The Petitioner provided two letters from University [redacted] professor [redacted] a permanent member of the [redacted] [redacted] who served as the scientific editor for the Petitioner's first-authored publication in *Journal of Virology*, writes:

[redacted] is one of the most attractive and sought-after therapeutic targets for the development of next generation [redacted] drugs. I can confirm that [the Petitioner's] crucial work, using the investigational [redacted], has provided compelling biochemical evidence for a regulatory role of [redacted]. His finding represents a significant advance in the ongoing efforts to discover and understand novel roles of [redacted] infection and in the development of effective [redacted] inhibitors.

[redacted] also emphasizes that the fact that the article was selected to be featured on the *Journal of Virology's* cover further validates it "high value and influence." Finally, he states, that, based on his own long-standing relationship with the [redacted] he can affirm that "the fact that [the Petitioner's] work was the basis of a successful [redacted] grant funding, which is the most competitive and prestigious grant in the biomedical field, is clear proof that his research findings were evaluated and judged by the experts to be of significance and a major development in the field."

[redacted] a professor in the Department of Microbiology and Immunology at [redacted] University [redacted] further explains that the Petitioner's findings "helped solve a longstanding and open-ended debate that had been marked by contradictory results . . . on the [redacted] function of [redacted] in virus replication." [redacted] explained that he cited to the Petitioner's *Journal of Virology* article twice in his own 2019 *Nature Microbiology* paper, noting that he highlighted the Petitioner's work as a "vital and major development." He further states:

The lack of understanding of the role of [redacted] in these steps of [redacted] represents one of the last substantial knowledge gaps regarding the [redacted] lifecycle. [The Petitioner's] timely publication last year in the *Journal of Virology* provided a major breakthrough and clarity in the field. His ingenious work, by providing a direct biochemical evidence that [redacted] can be blocked by an [redacted] drug [redacted] that specifically targets [redacted] established a functional role for [redacted]

<sup>1</sup> The Director determined that "most of the letters were written by experts who have employed, instructed, or collaborated with you," and therefore could not show the recognition of the Petitioner's work outside his "circle of colleagues." However, as emphasized by the Petitioner on appeal, almost all the submitted letters were from experts in the field who have not employed or collaborated with the Petitioner.

replication. . . . [The Petitioner] set forth the new proof that [redacted] is critical for [redacted] en after entering the [redacted] This finding has fundamentally advanced the field.

[redacted] Director of [redacted] with biopharmaceutical company [redacted] [redacted] also addresses the Petitioner's *Journal of Virology* publication, noting that it "both fundamentally advanced basic research on [redacted] and opened exciting new prospects for a second generation of [redacted] drugs that target these activities." He emphasizes that the Petitioner's work "yielded the first compelling evidence for a direct link between [redacted]" He describes the significance of the Petitioner's findings in technical detail and states that "the information revealed through [the Petitioner's] research on [redacted] is very valuable to researchers in the field who strive to develop [redacted] drugs."

[redacted] indicates that he cited to the Petitioner's work in his own 2019 *Nature Medicine* article in which his team reported on the discovery of an [redacted] drug that binds and inhibits the function of [redacted] He further explains that "to extend [the Petitioner's] work on [redacted] to our newly disclosed [redacted]. . . my research team at [redacted] and his research team at [redacted] have executed a Material Transfer Agreement" which allows the Petitioner to investigate the effects of [redacted]'s newly discovered [redacted] on [redacted] The Petitioner has provided a copy of the material transfer agreement.

Based on this and other evidence related to this research, the Petitioner has provided sufficient detail to establish the nature and significance of his contributions to [redacted] research projects at [redacted] Therefore, we conclude that he has satisfied the criterion at 8 C.F.R. § 204.5(h)(3)(v) and established that he meets the initial evidence requirements for this classification by satisfying three of the ten criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

## B. Final Merits Determination

As the Petitioner submitted the requisite initial evidence, we will evaluate whether he has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim and that he is one of the small percentage at the very top of the field of endeavor, and that his achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate that they have extraordinary ability in the field of endeavor. See section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); see also *Kazarian*, 596 F.3d at 1119-20.<sup>2</sup>

The record reflects that the Petitioner completed his bachelor's degree in biochemistry at [redacted] University in India in 1992 and his master of science in biochemistry at [redacted] University in 1995. He was subsequently employed as a research fellow at the [redacted] [redacted] in [redacted] from 1996 to 1999, where he studied [redacted]

<sup>2</sup> See also 6 USCIS Policy Manual F.2(B)(2), <https://www.uscis.gov/policy-manual> (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established, by a preponderance of the evidence, the required high level of expertise for the immigrant classification).

[redacted] The Petitioner received his doctorate degree in molecular virology from [redacted] University in 2006. During his studies at [redacted] he worked as a graduate research assistant in the Department of Botany and Plant Pathology from 2000 to 2006. Since 2007, he has been focused on [redacted] research, initially as a postdoctoral research visiting fellow in the [redacted] [redacted] from 2007 to 2012. He later served as a special research volunteer in this program in 2013 and has been with the [redacted] at [redacted] since 2015, initially as a research assistant, and since 2017, as a postdoctoral research associate. In 2018, the Petitioner was recognized as the “Postdoctoral Fellow of the Year” at [redacted] based on his work at [redacted]

As mentioned above, the Petitioner has judged the work of others within his field, authored scholarly articles, and made scientific contributions through his research, and we have considered other evidence in the record including evidence of his membership in a professional association and his presentations at conferences and meetings in his field. The record, however, does not demonstrate that his achievements to date reflect a “career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990) or place him among that small percentage of researchers at the very top of his field.

Regarding his service as a judge of the work of others, an evaluation of the significance of his experience is appropriate to determine if such evidence is indicative of the extraordinary ability required for this highly restrictive classification. *See Kazarian*, 596 F. 3d at 1121-22. Participation in the peer review process does not automatically demonstrate that an individual has sustained national or international acclaim at the very top of their field. The Petitioner highlights [redacted] of *Journal of Life Sciences (JoLS)* (previously published as *Journal of Postdoctoral Research*), which he had held since October 2017.<sup>3</sup> *JoLS* is described as “a Postdoc community initiative,” which is “entirely run by Post-Doctoral research scientists from universities and research institutes across the world.” According to the journal’s website, its [redacted] staff includes “senior and seasoned post-doctoral scientists with excellent publication and research experience.” The journal emphasizes that it offers “rich learning opportunities to fresh Post-doctoral trainees,” providing a forum for them “to participate and train in scientific writing, peer-reviewing, editing and building a compelling scientific resume.”

The Petitioner provided a letter from [redacted] of *JoLS*, who confirms that the journal’s [redacted] “consists of accomplished postdoctoral scientists from various universities and research institutions.” He states that the Petitioner was selected for his position as an [redacted] through a “stringent selection process” and because of his “international reputation as a leader in the area of Molecular Virology.”<sup>4</sup> [redacted] does not further address the selection process or the specific criteria considered in the decision to select a researcher as an [redacted] board

<sup>3</sup> On appeal, the Petitioner provides evidence that he is currently [redacted] of *JoLS* and one of 130 [redacted] [redacted] who form the Journal Topics Board for *Vaccines*, an open-access journal focused on laboratory and clinical vaccine research. The Petitioner did not hold these positions at the time of filing. The Petitioner must establish that all eligibility requirements for the immigration benefit have been satisfied from the time of the filing and continuing through adjudication. 8 C.F.R. § 103.2(b)(1).

<sup>4</sup> [redacted] also discusses the Petitioner’s role as a [redacted] for Society of Life Sciences, which is described as “outreach arm” of *Journal of Life Sciences* which showcases “the accomplishments and life stories of the stakeholders in the scientific research enterprise.” The record does not reflect that the Petitioner’s role with Society of Life involves peer review activities or other activities that involve judging the work of others in his field.

member, nor does the record contain evidence showing, for example, that other postdoctoral researchers who serve as *JoLS* [redacted] enjoy sustained acclaim at the top of their respective fields.

The evidence submitted regarding the Petitioner's editorial role for *JoLS* demonstrates he has been recognized by the journal as an accomplished postdoctoral researcher in his field. As noted, *JoLS* specifically seeks to highlight the research work of postdoctoral trainees and limits selection to its [redacted] to "senior and seasoned post-doctoral scientists" thereby excluding much of the field in its selection process for these positions. The evidence does not demonstrate that the Petitioner's [redacted] role reflects or resulted in his sustained national or international acclaim or that it places him among the small percentage of scientists at the very top of his field, which includes all research scientists and not only postdoctoral researchers.

The record also reflects that the Petitioner has served as an *ad hoc* peer reviewer for *JoLS* and six other journals, including *PLoS One*, *The Open AIDS Journal*, and *Infection and Drug Resistance*. The Petitioner did not provide information from these journals reflecting their requirements or selection criteria for peer reviewers and therefore we cannot evaluate his judging activities in terms of those requirements. None of the invitation emails in the record indicate or imply that peer review for these specific journals is a privilege reserved for top experts, rather than a responsibility shared by individuals with relevant subject matter knowledge. The evidence regarding the Petitioner's service as a peer reviewer for journals verifies his expertise as researcher in the field of molecular virology but does not demonstrate that his service in this role is indicative of his widespread acclaim or elevated standing within his field.

The Petitioner provided a letter from [redacted] who serves as [redacted] [redacted] at [redacted] University's [redacted] Medical Institute. [redacted] states that "peer review is essential for validation and evaluation of research" and that "journal editors select and invite experts in the specific research area for this vital task." However, having subject matter expertise in a given field is a lower threshold than enjoying standing among the small percentage at the very top of that field. With respect to the Petitioner's specific peer review experience, [redacted] notes that his "selection to serve as a reviewer for several journals further indicates that he is a notable researcher in the field," but he does not assert that the Petitioner's peer review activities have contributed to or reflect his sustained national or international acclaim among researchers in molecular virology.

The Petitioner also provided evidence that he served as a judge for the 2012 Fellows Award for [redacted] sponsored by the [redacted] [redacted]. The record reflects that Petitioner won a 2011 [redacted] award during his postdoctoral fellowship at [redacted]. The [redacted] awards recognize "outstanding scientific research performed by intramural postdoctoral fellows" at [redacted]. Fellows submit an abstract of their research, which is peer reviewed in a blind study section competition, and authors who score in the top 25% are recognized as [redacted] winners, receive a \$1500 travel stipend to present their abstract at a scientific meeting, and serve as judges the following year. While the Petitioner's receipt of the award and resulting appointment to judge the [redacted] competition are notable professional achievements, the record does not establish that either the 2011 award or the associated judging opportunity for the 2012 competition earned him national or international recognition.

Overall, we note that, without evidence that sets him apart from others in his field, the Petitioner has not shown that his judging experience to date places him among that small percentage who has risen to the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). He did not show, for example, how the number of reviews he conducted or the position he held on an editorial board compares to the judging activities of researchers at the top of the field or demonstrate that he has garnered wide attention from the field based on his peer review work.

With respect to his authorship of scholarly articles, the Petitioner provided evidence that he published 17 articles between 2006 and 2020, as well as a book chapter, published in 1999.<sup>5</sup> However, the Petitioner's publication of his research does not automatically place him at the top of the field and he has not provided evidence that directly compares his research output to that of others in his field. We acknowledge that some of the expert opinion letters address the Petitioner's publications among his other achievements. For example, [redacted] of the University of [redacted] [redacted] states that the Petitioner "has maintained a productive career as a scientific researcher in the United States," stating that this is evidenced by his publications in peer-reviewed journals and research presentations at conferences in the field. [redacted] likewise praises the Petitioner's "considerable productivity" noting that he is "an impressive researcher and an expert in the area of retrovirology," whose work is regularly "published in reputed journals" and selected for conference presentations.

Although the record reflects that the Petitioner has 13 years of post-doctoral experience in the [redacted] research field, we note that 14 of his 18 publications had been published since he joined [redacted] in 2015, and that 12 of those were published since 2017. This evidence supports the expert opinions that he has become a productive researcher in the field, especially in recent years, but the record does not contain sufficient evidence that his publications have garnered him sustained national or international acclaim or place him among the small percentage of scientists at the very top of his field. *See* 8 C.F.R. § 204.5(h)(2). The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provide that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required" for lesser classifications. 56 Fed. Reg. 30703, 30704 (July 5, 1991).

The Petitioner also emphasized that he published his work in "the leading forums in his field." He provided the journal impact factor for each journal that has published his work and noted that "many peer-reviewed journals are ranked in their field according to these impact factors." However, he did not provide their respective rankings. Nevertheless, we note that publication in a highly ranked journal in-and-of-itself does not indicate a petitioner's sustained national or international acclaim. Moreover, a publication's impact factor simply reflects the publication's overall citation rate. It does not, however, show the influence of any particular author or demonstrate how an individual's research has had an impact within the field. As discussed above, several of the expert opinion letters call particular attention to the Petitioner's publication in *Journal of Virology* and note the significance of having his 2019 article featured as [redacted] While we recognize that this publication is noteworthy, the Petitioner did not demonstrate that his overall publication record is tantamount to a career of acclaimed

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<sup>5</sup> The Petitioner indicated that he had three additional manuscripts undergoing preparation or peer review when the petition was filed in July 2020. As noted, the Petitioner must establish that all eligibility requirements for the immigration benefit have been satisfied from the time of the filing and continuing through adjudication. 8 C.F.R. § 103.2(b)(1).

work or that it demonstrates the required sustained national or international acclaim for this classification.

As authoring scholarly articles is often inherent to the work of scientists and researchers, the citation history or other evidence of the influence of his articles can be an indicator to determine the impact and recognition that his work has had on the field and whether such influence has been sustained. Such an analysis at the final merits determination stage is appropriate pursuant to *Kazarian*, 596 F. 3d at 1122. At the time of filing, the Petitioner offered evidence from *Google Scholar* indicating that his articles had been cited 261 times, with his top three articles receiving approximately 123, 31, and 28 citations, respectively.<sup>6</sup> While the Petitioner's citations, both individually and collectively, show that field has noticed his work, he did not establish that such rates of citation are sufficient to demonstrate a level of interest in his field commensurate with sustained national or international acclaim. See section 203(b)(1)(A) of the Act.

A letter from [redacted] of [redacted] University [redacted] discusses four of the Petitioner's [redacted] research studies and states that "the citation record of [the Petitioner's] impactful articles is quite high in his area of expertise and are commensurate with the citation record of other articles of major significance in the field published during the corresponding time period." However, the studies referenced by [redacted] had accumulated between 0 and 11 citations, respectively, at the time he wrote his letter and no supporting evidence was submitted to establish that these numbers are "quite high." In addition, [redacted] notes that one of the review articles co-authored by the Petitioner "remains one of the most frequently cited publication on the late events of [redacted] [redacted]" apparently in reference to the Petitioner's 2011 *Physiology* review article, which had 123 citations at the time of filing. The Petitioner did not submit any other evidence in support of his claim that some of his individual articles have been highly cited or establish how such citations are indicative of or resulted in his national or international acclaim or recognition. Nor does he compare his cumulative citations to others in his field of endeavor. Based on the limited comparative information provided, the Petitioner did not show that the citations to his research represent attention at a level consistent with being among small percentage at the very top of his field. See 8 C.F.R. § 204.5(h)(2).

The Petitioner emphasizes that some of his articles published in on-line, open access journals have been viewed and downloaded with a frequency that far exceeds their citation rates, and have collectively been viewed and downloaded over 28,000 times as of the date of the appeal. This evidence, unlike evidence of citations to the Petitioner's work, does not demonstrate that other researchers have frequently applied or implemented the Petitioner's work, either in their own published research or in practice. The supporting evidence does not provide any context regarding the significance of these download numbers or a basis for comparison of the Petitioner's download statistics in relation to others in his field. For example, we note that the numerous expert opinion letters in the record do not address the Petitioner's article views and downloads in discussing his achievements and reputation in the field. While the downloads may show that his articles have been read or reviewed, the record does not establish the importance or relevance of the figures provided.

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<sup>6</sup> An updated *Google Scholar* profile submitted in response to a request for evidence indicated 287 cumulative citations to the Petitioner's work as of October 2020. The Petitioner's most-cited article is a 2011 review article published in *Physiology*. Three of the Petitioner's five most-cited articles were review articles, rather than publications of his original research, with the remaining two articles based on plant-based research he conducted at [redacted] on the [redacted] virus. His most-cited original research publication in the [redacted] was his 2019 *Journal of Virology* article.



Specifically, he did not demonstrate that such download numbers sufficiently demonstrate a level of interest in the field commensurate with sustained national or international acclaim or represent attention at a level consistent with being among small percentage at the very top of his field.

The Petitioner also submitted evidence related to his presentations at national and international conferences and places particular emphasis on his participation as a presenter at multiple sessions of the [redacted] Meeting on [redacted] Participation in conferences demonstrates that his original research findings were shared with others in the field. [redacted] [redacted] a professor at [redacted] University, emphasizes that it is significant that the Petitioner's work has been selected by [redacted] for podium presentations on multiple occasions, noting that there are "hundreds of competing submissions" and that [redacted] is "one of the most preeminent meetings in the field of [redacted] attended by national and international experts." [redacted] mentions the fact that the Petitioner's research is "regularly selected for oral and poster presentations at major international conferences, including the renowned [redacted] meeting," in support of his opinion that the Petitioner is "an impressive researcher and an expert in the area of [redacted]" [redacted] mentions that he personally "watched [the Petitioner's] notable talks and presentations at the internationally renowned [redacted] [redacted]"

The evidence related to the Petitioner's conference presentations provides support for a determination that his original research findings are valued for their significance in an active research field. While we do not doubt that the Petitioner's participation in [redacted] and other meetings and conferences in his field has garnered him recognition from conference attendees who attended his talks and viewed his poster presentations, the record does not establish how his activities in this area compare to other researchers in his field. Further, while the record indicates that there is a competitive peer review process associated with participation in these conferences, the evidence does not demonstrate that podium and poster presentation opportunities are reserved only for those researchers who are at the very top of the field. The selection of the Petitioner's work for the [redacted] meeting over several consecutive years is noteworthy and reflective of the high quality of that work. However, the record does not establish how the Petitioner's scholarly work, whether published or presented, has earned him sustained acclaim, or how it sets him apart from others and places him among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2).

On appeal, the Petitioner highlights his membership in Sigma Xi, asserting that the Director erred in determining that this scientific research honor society does not qualify as an association that requires its members to have outstanding achievements as judged by recognized national or international experts. *See* 8 C.F.R. § 204.5(h)(3)(ii). While we disagree with the Director's determination that Sigma Xi is not an "association," we agree that the evidence does not establish that it is one which requires its members to have outstanding achievements. The Petitioner submitted his membership certificate indicating that he was promoted to "full membership" in 2011, two letters from Sigma Xi, the portion of the Sigma Xi bylaws that address membership requirements, and information from the society's website. The initial letter from Sigma Xi states that "[f]ull membership is conferred upon those who have demonstrated noteworthy achievements in research" and that "Sigma Xi interprets 'noteworthy achievement' to include primary authorship of two papers" including refereed journal articles, patents or internal reports." According to this letter, "[t]he Society also considers career preparation, career path, quality of research and similar factors" although these requirements are not

stated elsewhere in the provided materials and no explanation was provided regarding how these factors are weighed. The subsequent letter from Sigma Xi states that “Full Membership is reserved to only those leading experts in the field, who have made noteworthy achievements. In our organizations’ view, the term ‘noteworthy’ is the same as the term ‘outstanding.’”

Even if we determined “noteworthy” and “outstanding” are synonymous and that publication of two first-authored publications can be deemed an “outstanding achievement,” the record does not offer sufficient support for the assertion that only “leading experts in the field” are admitted to full membership, or that full membership in the organization reflects or results in national or international acclaim. The Petitioner does not articulate a claim that he was recognized as a “leading expert” in his field when he was admitted as a full member of Sigma Xi in 2011. At that time, he had co-authored two published research articles, one in 2006 and one in 2011. While it appears that this record was sufficient to meet the “noteworthy achievements” requirement for promotion from associate member to full member, and his full membership is notable, the Petitioner has not demonstrated how such membership is indicative of his placement among the small percentage of scientific researchers who have risen to the top of the field.

The record also contains 14 recommendation letters from 12 experts in the field that summarize the Petitioner’s research and original contributions and, in some cases, comment on his overall achievements and reputation in the field. Most of the letters comment primarily on the Petitioner’s research with [redacted] during the few years preceding the filing of the petition. As discussed above, we have considered these letters and relied on them, in part, in determining that the Petitioner has been recognized for significant research contributions related to [redacted] based on his recent work at [redacted]. The importance of his work and contributions has been acknowledged through these letters and his record of participation in federally funded research projects, publications, presentations, and citations. However, as with all the regulatory criteria, satisfaction of the “original contributions” criterion does not establish eligibility or create a presumption of sustained national or international acclaim. Letters of this kind can assist in explaining and demonstrating the nature and impact of the Petitioner’s contributions but should be supported with corroborating documentary evidence to establish that he is recognized as being at the top of the field. While we acknowledge that most of the letters are from scientists who have not directly worked or collaborated with the Petitioner, the record as a whole does not show that the writers’ views represent the consensus within the field.

While all the authors offer praise for the Petitioner’s research achievements to date and expertise in his field, they are not uniform in their assessments of his standing and degree of acclaim and recognition in the field. As noted, [redacted] describes the Petitioner as having a “productive career as a scientific researcher” and as an “expert and distinguished scientist in the field.” [redacted] notes that the Petitioner is “an impressive researcher and an expert in the area of [redacted]” and notes his “considerable productivity and laudable professional contributions.” [redacted], an assistant dean at the University of [redacted] states that he regards the Petitioner as an “extraordinary and successful researcher,” a “productive and prominent scientist” and a “very talented researcher.” [redacted] describes the Petitioner’s work as “commendable and praiseworthy,” states that his capabilities as a researcher are “exemplary” and expresses his opinion that the Petitioner “will continue to be a leading scientist in the future.”

Other letters include more direct assertions regarding the Petitioner's standing in the field. [redacted] a Professor at [redacted] University, states that he "would place [the Petitioner] among the top scientific talents in this vital field" based on his publications, citations, presentations at conferences and selection as a peer reviewer for journals. [redacted] of [redacted] states that the Petitioner is "well known internationally as an illustrious expert in the field." Further, [redacted] describes the Petitioner as "clearly an individual of extraordinary abilities that are much sought after in the field," while [redacted] states that the Petitioner, based on his contributions "exceeds the achievements and contributions of others within his field" and "has obtained an international reputation that places him at the top of his field."

Here, while the letters (including those reviewed and not discussed here) praise the Petitioner's expertise and contributions to the field, they do not provide sufficient information and explanation, nor does the record include sufficient corroborating evidence, to show that he is already viewed by his overall field as being among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). We acknowledge that some of the submitted letters referenced the Petitioner's publications, citation record, contributions, and peer review activities. However, as discussed above, we have reviewed this evidence and do not find, for example, that the Petitioner's experience as a peer reviewer or his citation record supports a finding that he has sustained acclaim and is at the very top of his field. The record establishes that the Petitioner has performed critical work in the [redacted] research field as a postdoctoral researcher in two distinguished laboratories, and that he has had the opportunity to publish and present his original findings. The evidence shows that the Petitioner has increasingly gained notice in the field for his research achievements over the past several years, particularly during his tenure at [redacted] and that he is likely poised for sustained national or international recognition in the future.

However, the record as a whole does not establish the Petitioner's eligibility for the benefit sought. Here, the Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. Even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability." *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, we find the record insufficient to demonstrate that he has the required sustained national or international acclaim and is among the small percentage at the top of his field. *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(2).

### III. CONCLUSION

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.