



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

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

In Re: 17401897

Date: JUN. 25, 2021

Appeal of Nebraska Service Center Decision

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

The Petitioner, a scientific researcher, seeks classification as an alien 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 Petitioner had satisfied only two of the initial evidentiary criteria, of which he must meet at least three.

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)(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 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).

II. ANALYSIS

The Petitioner is a postdoctoral scholar in the field of biochemistry and biophysics, where he indicates he studies [redacted]. He received his bachelor of science in biotechnology and his master of science in [redacted] biotechnology from the University of [redacted] Iran in 2008 and 2010, respectively, and his doctor of philosophy in [redacted] [redacted] developmental biology from the University of [redacted] in 2017. At the time of filing, the Petitioner was employed as a postdoctoral scholar at the University of [redacted] [redacted].¹ 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).

In denying the petition, the Director determined that the Petitioner fulfilled two of the initial evidentiary criteria, judging at 8 C.F.R. § 204.5(h)(3)(iv) and scholarly articles at 8 C.F.R. § 204.5(h)(3)(vi). The Petitioner's documentary evidence indicates that he has peer-reviewed a manuscript for *The Journal of Physical Chemistry*. In addition, the record contains evidence that the Petitioner has authored scholarly articles published in journals including *Developmental Cell*, *RNA*, and *FEBS Letters*. Accordingly, we agree with the Director that the Petitioner fulfilled the requirements of the judging and scholarly articles criteria.

On appeal, the Petitioner asserts that he also meets four additional criteria.² After reviewing all of the evidence in the record, we conclude that the Petitioner does not establish that he satisfies the requirements of at least three criteria.

Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.
8 C.F.R. § 204.5(h)(3)(ii).

¹ See the Petitioner's curriculum vitae and Form I-485, Application to Register Permanent Residence or Adjust Status.

² We note that the Director determined that the Petitioner claimed, but did not establish, that he meets the criterion related to receipt of lesser nationally or internationally recognized prizes or awards for excellence in her field. See 8 C.F.R. § 204.5(h)(3)(i). On appeal, the Petitioner does not contest the Director's finding that he does not meet this criterion or offer additional arguments. Therefore, we consider this issue to be abandoned. See *Sepulveda v. U.S. Att'y Gen.*, 401 F.3d 1226, 1228 n. 2 (11th Cir. 2005); *Hristov v. Roark*, No. 09-CV-27312011, 2011 WL 4711885 at *1, *9 (E.D.N.Y. Sept. 30, 2011) (the court found the plaintiff's claims to be abandoned as he failed to raise them on appeal to the AAO).

On appeal, the Petitioner maintains that his membership in the American Chemical Society (ACS) and his claimed membership in Iran’s National Elites Foundation (INEF) meet the regulatory requirements of this criterion.³ In order to satisfy this criterion, the Petitioner must show that membership in the association is based on being judged by recognized national or international experts as having outstanding achievements in the field for which classification is sought.⁴

As it relates to ACS, the Petitioner provided an email dated October 2019 from two representatives of ACS Publications, offering him “a complimentary year of membership to the [ACS]” for his contributions as “a new reviewer that has recently completed two or more reviews for an ACS Journal.” The Petitioner also provided a copy of his undated ACS membership certificate, which states that the Petitioner is “a Member of the [ACS], entitled to all rights and privileges associated therewith as specified in the Constitution, By-Laws, and Regulations of the Society.” The Director determined that the Petitioner did not submit documentary evidence demonstrating that outstanding achievements are required for membership in ACS, as judged by recognized national or international experts.

On appeal, the Petitioner asserts as follows:

I was invited to join the ACS for my outstanding contributions to scientific peer review as judged by independent journal editors This special complimentary membership is in contrast to regular membership of the ACS which requires membership fees and a set of minimum professional criteria. It is reasonable to expect that only a *small percentage* of scientists qualify for this distinct class of ACS affiliation; otherwise the regular membership criteria would be meaningless.

The Petitioner’s statement, however, is not accompanied by any supporting evidence regarding the ACS or its membership requirements, such as information from its website regarding membership and the application process, or its constitution or bylaws, which may contain information regarding the selection criteria and process for becoming a member, including, as the Petitioner asserts, at a “special complimentary membership” level. Regardless, the documentation submitted does not demonstrate how having “completed two or more reviews for an ACS Journal” constitutes outstanding achievements. Based on the above, the Petitioner did not establish that membership with ACS represents outstanding achievements and is judged by recognized national or international experts.

The Petitioner also asserts that he meets this criterion based on his claimed membership in INEF. The record shows that in 2004 the Beneficiary received a silver medal in an international high school student competition, the [REDACTED] The Petitioner also provided an award certificate from INEF, which states, in pertinent part:

³ The Petitioner previously claimed that he also meets this criterion based on his membership in the New York Academy of Sciences and his appointment to the Iran Biology Olympiad National Steering Committee. On appeal, the Petitioner claims eligibility based on the associations mentioned above and does not address these entities.

⁴ See 6 USCIS Policy Manual F.2(B)(2), Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence, <https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2> (providing an example of admission to membership in the National Academy of Sciences as a Foreign Associate that requires individuals to be nominated by an academy member, and membership is ultimately granted based upon recognition of the individual’s distinguished achievements in original research).

In recognition of your success in achieving the Silver medal of the [redacted] [redacted] in the year [2004] . . . the scientific prize of the National Elites Foundation of the first class is awarded to you for your education in the Bachelor's level.

The evidence includes a *Wikipedia* entry regarding the INEF. We note that *Wikipedia* is an online open source collaborative encyclopedia that explicitly states it cannot guarantee the validity of its content.⁵ The Petitioner also provided the INEF bylaws on “Designation as Elites and Top Talents,” which state at Article 2, “Definitions of Elite and Top Talent,” in pertinent part, as follows:

“Elite” according to Article 4 of the Foundation’s Statute refers to a prominent and competent person whose impact on the development and expansion of country’s science, art, technology, culture, and administration is tangible, and whose intelligence, creativity, entrepreneurship, and intellectual genius in development and expansion of knowledge and innovation accelerates the growth and development of science and the upliftment of country’s human society.

In addition, the INEF bylaws at Article 4, “Criteria for Designation as Top Talents and Elites,” indicate that “[i]ndividuals meeting one of the following criteria are recognized as top talent or elite As Elite, the winners of the first to third places at authentic [redacted] with the approval of the Ministry of Education.” First, we note that the INEF bylaws submitted do not specifically address the membership requirements of the INEF, and the record does not contain evidence establishing the Petitioner’s membership in INEF at the time of filing the petition in August 2020.⁶ Even assuming that designation as “Elite” confers membership in the INEF, the Petitioner has not established how winning “first to third places at authentic [redacted],” represents outstanding achievements in the field, or that membership with INEF is judged by recognized national or international experts. As indicated above, the bylaws reflect that designation as “Elite” based on top placements at [redacted] requires the approval of the Ministry of Education. The Petitioner did not provide further evidence showing that they qualify as recognized national or international experts.

For the reasons discussed, the Petitioner has not established that he meets this criterion

Published material about the alien in professional or major trade publications or other major media, relating to the alien’s work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. 8 C.F.R. § 204.5(h)(3)(iii).

The record contains articles dated 2004 from en.mehrnews.com and Isna.ir which mention that the Petitioner received a silver medal, two other students received bronze medals, and Iran placed [redacted] the [redacted]. An article dated 2008 from Isna.ir titled “To Participate in the [redacted] [redacted] Iranian Students Left for India Today” indicates that the Petitioner was one of the

⁵ See General Disclaimer, Wikipedia, https://en.wikipedia.org/wiki/Wikipedia:General_disclaimer (last visited June 24, 2021); see also *Badasa v. Mukasey*, 540 F.3d 909 (8th Cir. 2008).

⁶ 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).

scientific advisors who accompanied the students and their supervisors to that competition. The Petitioner also provided an article dated 2014 from [redacted] titled [redacted] [redacted] that provides that the Petitioner was one of several graduate student advisors at the International Genetically Engineered Machine (iGEM) competition. Although the Petitioner's name is mentioned, the aforementioned articles are about the 2014 iGEM competition, and the 2004 and 2008 [redacted] and the performance of the Iranian team; they are not about the Petitioner. Articles that are not about the petitioner do not meet this regulatory criterion. *See, e.g., Negro-Plumpe v. Okin*, 2:07-CV-820-ECR-RJJ at *1, *7 (D. Nev. Sept. 8, 2008) (upholding a finding that articles about a show are not about the actor).

Further, the record contains a 2010 press release from [redacted], the publishers of the Petitioner's 2010 book [redacted]. The article, published on Ibna.ir, mentions the Petitioner as the book's author and states that the work's target audience is "undergraduate students in biological sciences" and "high school students, [especially] participants in the biology Olympiads." A book review dated 2011 from [redacted] (indicating *Book of the Month Science and Technology* as its source) summarizes the content of each chapter of the Petitioner's book, praises its chapter questions, Persian-to-English glossary, and references for further reading, and notes several weaknesses, such as "generalities" and the omission of certain topics. However, book reviews of the Petitioner's book, without more, do not qualify as published material about the Petitioner and relating to his work as required for this criterion. Here, the Petitioner provided articles only about his work instead of articles about him relating to his work.

In addition, the above-referenced articles from en.mehrnews.com, Isna.ir, and Ibna.ir do not identify, as required, the author of the material, and the Petitioner did not submit evidence to establish that the online publications in which the articles appeared are a major trade publication or other major media. Similarly, although the Petitioner provided information about *Book of the Month Science and Technology* from Lib1.uc.acir, indicating it is a "[m]onthly periodical specialized in book review and news," and the publication's "national distribution page" listing the location of several bookstores that distribute the publication, the Petitioner did not provide supporting evidence indicating that the print edition of this publication qualifies as major media.⁷

Finally, the Petitioner submitted several screenshots of a video from the [redacted] show and an English translation of a transcript. The Petitioner claimed that the video reflected an interview of him broadcasted in 2004 on [redacted] in Iran. However, as noted by the Director, the record lacks the original untranslated transcript corresponding to this item. It is the Petitioner's burden to establish eligibility for the benefit sought through submission of all required initial evidence. *See* 8 C.F.R. § 103.2(b)(1). Regarding the submission of foreign language documents, the regulation provides that the Petitioner shall submit such documents accompanied by a full English language translation. *See* 8 C.F.R. § 103.2(b)(3). It does not indicate that English language translations may be provided in lieu of foreign language documents. As the record does not include the foreign language document, we are unable confirm the authenticity of the English translation, and therefore cannot consider it as

⁷ *See* 6 USCIS Policy Manual F.2(B)(2), Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence, <https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2> (indicating that evidence of published material in professional or major trade publications or in other major media publications should establish that the circulation (on-line or in print) is high compared to other circulation statistics).

demonstrating published material about the Petitioner relating to his work. Moreover, the Petitioner did not establish that the [redacted] show represents a major medium.

For the reasons discussed above, the Petitioner did not demonstrate that he satisfies this criterion.

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).

The Petitioner maintains 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. In order to meet this criterion, a petitioner must establish that not only has he made original contributions but that they have been of major significance in the field.⁸ 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.

Although the Petitioner provided evidence reflecting the originality of his research through recommendation letters praising him for his contributions,⁹ 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 been recognized as having had great significance.” 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.

For instance, [redacted] the Petitioner’s Ph.D. advisor at [redacted] provides that the Petitioner joined his laboratory in 2011 researching the process [redacted] [redacted] provides that in his thesis research, the Petitioner led his group’s efforts in determining the [redacted] and that the Petitioner’s findings “led to new insights into how the [redacted] [redacted].” The Petitioner also developed “a quantitative model for the [redacted] [redacted] based on these and other findings in the field” that “explained apparent discrepancies between expected and observed [redacted] revealed by results of [redacted] spectroscopy assays published by prominent experts in the field, and . . . predicted outcomes that were indeed realized upon further investigation of [redacted].” He states that the Petitioner’s thesis results were published in the Petitioner’s 2019 *RNA* article and 2019 *FEBS Letters* article, the latter of which was featured as [redacted] by the journal, which “showcases articles of highest quality and of interest for a broad research community.”

[redacted] also explains that the Petitioner previously studied [redacted] [redacted] with [redacted] at [redacted]. The Petitioner’s research in this area showed an early role for the [redacted]

⁸ See 6 USCIS Policy Manual F.2(B)(2), Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence, <https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2> (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).

⁹ Although we do not discuss every letter submitted, we have reviewed and considered each one.

[redacted], which controls [redacted]. He notes that the Petitioner was the co-author on the resulting 2013 *Developmental Cell* article, which “has been cited by many experts in the field.” Although [redacted] reviews the areas of the Petitioner’s previous work, he does not elaborate as to how, or to what extent the Petitioner’s research has significantly impacted the field. Here, [redacted]’s letter does not discuss 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. He asserts that the Petitioner’s work “advanced the scope of research in my group and has set the stage for new discoveries regarding the [redacted] in the future.” While he generally notes the potential application of the Beneficiary’s research, [redacted] does not explain how it has already significantly influenced or impacted their shared field. *See Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134-135 (D.D.C. 2013) (upholding a finding that a ballroom dancer had not met this criterion because she did not corroborate her impact in the field as a whole).

Additional letters speculate on the potential influence and on the possibility of being majorly significant at some point in the future. For example, [redacted] the Petitioner’s supervisor at [redacted], indicates that the Petitioner studies the [redacted] level with the use of [redacted] and employs a doubling-labeling strategy that marks [redacted] with two fluorescent dyes simultaneously. He states that these technologies and strategies “will for the first time allow us to follow changes in the conformation of the [redacted] along the [redacted] which would have a great impact on our detailed understanding of the [redacted] process.” [redacted], who met the Petitioner at [redacted]’s laboratory at [redacted] states that the Petitioner’s research findings, that the [redacted] product, built upon his own earlier work on the interaction between [redacted] and “opened an exciting new chapter in our understanding of this crucial cellular process.” [redacted], a professor of biochemistry and biophysics at University of [redacted] indicates that the Petitioner made his quantitative model for the [redacted] available in the peer-reviewed database of molecular structures known as the [redacted] and that “research of the type done by [the Petitioner] can have direct and transformative effects on our understanding of molecular processes such as [redacted].” While the letters show promise in the Petitioner’s work, they do not establish how his work already qualifies as a contribution of major significance in the field, rather than prospective, potential impacts.

[redacted] also indicates that the Petitioner “made major contributions to instructor resources” for the 6th edition of [redacted]’s textbook, [redacted] contributing “a library of well-crafted questions for every chapter of the book that instructors could use either during their classroom lessons or in exams, in order to encourage students to think more like scientists and less like passive listeners.” There is no documentary evidence, however, showing that the Petitioner’s question bank has notably influenced the field or otherwise equates to an original contribution of major significance in the field.

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.¹⁰ 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.¹¹ 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 establish that the Petitioner’s work has had a demonstrable impact on the field as a whole commensurate with a contribution of major significance.

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, 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 articles 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 [a petitioner’s] work as authoritative in the field, may be probative of the significance of [his] contributions to the field of endeavor.”¹²

Regarding his citations, the Petitioner initially provided evidence from *Google Scholar* reflecting 147 cumulative citations. Specifically, the record shows that his three highest cited articles received 141 (*Developmental Cell*), 5 (*RNA*), and 1 (*FEBS Letters*), citations, respectively.¹³ On appeal, the Petitioner claims, regarding his three highest-cited articles, that “[w]ith an average of 49 citations per paper in less than 10 years, my works have had over twice as many citations as average paper in my field.” The Petitioner’s evidence in support of this claim includes a printout published on *Timeshighereducation.com* of data from *Incites Essential Science Indicators* by Thomson Reuters, showing a table of “Citation Averages” for papers published by field for 2000-2010. We note that the Petitioner has not established the relevance of this data to the documented citations of his articles published in 2013 and 2019.¹⁴ Notwithstanding, the line for “Biochemistry” indicated that the documented citations of the Petitioner’s highest cited article, cited 141 times, does exceed the 17.25 average citations for “all years” in that field.¹⁵

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. Highly-cited publications alone

¹⁰ See 6 *USCIS Policy Manual* F.2(B)(2), Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence, <https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2>.

¹¹ *Id.*

¹² *Id.*

¹³ The Petitioner’s remaining article garnered no citations.

¹⁴ The Petitioner further submits a paper published in 2005 in the journal *Scientometrics* which suggests “normalization of total number of citations with respect to the number of citations in mathematics is suggested as a tool for comparing scientific impact expressed by the number of citations in different fields of science,” and argues, based on those metrics, that “[t]he 147 citations to my paper would thus correspond to over a thousand citations in clinical research.” However, this evidence does not establish that metrics that may be suitable for comparing scientific impact expressed by the number of citations in different fields of science are indicators that a researcher has made contributions of major significance to his or her field.

¹⁵ We note that the documented citations of the Petitioner’s second and third highest cited articles, cited 5 and 1 times, respectively, do not exceed that average.

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, that 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.

In addition, the Petitioner submitted examples of 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 provided a copy of an article entitled, [redacted] [redacted] (*Nature*), in which the authors cited to his 2013 *Developmental Cell* article, his highest cited publication at the time of filing according to Google Scholar.¹⁶ The authors cited his article, and one other, as a source for the statements that [redacted]

[redacted] and [redacted]

However, the article does not distinguish or highlight the Petitioner’s written work from the 33 other cited papers. In the case here, the Petitioner has not shown that his published articles through citations rise to a level of “major significance” consistent with this regulatory criterion. 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 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.

Further, the Petitioner has not established, as asserted, that publication of his articles in highly ranked journals, as well as presentations at reputable conferences, establish that the field considers his research to be an original contribution of major significance. A publication that bears a high ranking or impact factor is reflective of the publication’s overall citation rate. It does not show an author’s influence or the impact of research on the field or that every article published in a highly ranked journal automatically indicates a contribution of major significance. Publications and presentations are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of “major significance.” See *Kazarian v. USCIS*, 580 F.3d at 1036, *aff’d in part*, 596 F.3d at 1115. 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.

On appeal, the Petitioner also maintains that his 2010 textbook, [redacted] satisfies the regulatory requirements of this criterion. The record contains documentation from [redacted] that the Petitioner’s textbook, a [redacted] [redacted] has sold over 8000 copies in Iran since its publication in 2010, making it the best-selling academic book in biology published by [redacted]. The Petitioner asserts that “[g]iven its sales record, it has already been implemented and used by a significant number of other scientists in Iran.” Although the sales information for the Petitioner’s textbook indicates it was a best-

¹⁶ Although we discuss a representative sample article, we have reviewed and considered each one.

seller for its publisher, the Petitioner has not demonstrated that his textbook's level of sales and distribution indicate an original scientific contribution of major significance in the field. For instance, the documentation submitted does not show the number of scientists who have utilized the Petitioner's textbook as instructional material or that the textbook has affected the biological sciences at a level indicative of a contribution of major significance in the field.

Further, the Petitioner claims on appeal that the [redacted] questions that he authored, "used in at least 14 nationally-administered [redacted] exams . . . attended by hundreds of thousands of students" and "republished verbatim in at least 7 separate books . . . in which [redacted] were analyzed in detail" demonstrates that work "clearly had a major significance in Iran." The Petitioner provided an uncertified English translation of a screenshot of book covers. The Petitioner claimed that the books contain some of his [redacted] questions and their suggested answers. However, the Petitioner did not provide content from those books showing they contain questions and answers authored by him. Regardless, while the record indicates the Petitioner's [redacted] questions may have had an influence on several student [redacted] and the authors analyzing them, it does not establish the materials' significance to the greater field of biology.

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown that he has made original contributions of major significance in the field.

Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(viii).

The Petitioner contends that he has performed in a leading or critical role for the [redacted] [redacted] as executive director of its 2006 two-month [redacted] summer school.¹⁷ For a leading role, the evidence must establish that a petitioner is or was a leader. A title, with appropriate matching duties, can help to establish if a role is or was, in fact, leading.¹⁸ Regarding a critical role, the evidence must demonstrate that a petitioner has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities. It is not the title of a petitioner's role, but rather the performance in the role that determines whether the role is or was critical.¹⁹ For the reasons outlined below, we find that the Petitioner has not submitted evidence sufficient to demonstrate that he meets the requirements of this criterion.

Within his initial submission, the Petitioner provided several appointment letters from the [redacted] that show that while he was an undergraduate and graduate student he worked as a teacher and grader during [redacted]'s two-month [redacted] summer school, including as an instructor to teach the courses "[redacted]" for the [redacted] 2006 summer school. The Petitioner also submitted a letter from [redacted] a professor of biochemistry and chairman of Iran's [redacted] steering committee, who provides that the Petitioner took on the "crucial" role of executive director of the [redacted]'s two-month 2006 [redacted]

¹⁷ The Petitioner previously claimed that he also meets this criterion based on roles as a member of the [redacted] [redacted] steering committee and as an instructor in its [redacted] summer school between 2005 and 2010. On appeal, the Petitioner claims eligibility based on the role mentioned above and does not address these roles.

¹⁸ See 6 USCIS Policy Manual F.2(B)(2), Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence, <https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2>.

¹⁹ *Id.*

[redacted] summer school, in which he “led the planning and implementation of the intensive two-month-long summer training curriculum,” including “curriculum design, comprehensive classroom and laboratory training, and extensive examinations.” The Petitioner’s initial submission also included a letter dated 2010 from [redacted] director of the [redacted] in which he confirms that between 2005 and 2010 the Petitioner’s work included the positions of lecturer and teacher of molecular genetics, cell biology, and biochemistry, and instructor of biology laboratory. The letter indicates the Petitioner “was giving up his position to continue his education in Ph.D. degree” and stated that “our institution gratefully recognizes his expertise.”

Within his response to the Director’s request for evidence (RFE) the Petitioner submitted a second letter from [redacted] dated 2020, in which he provides that the [redacted] is a scientific and educational organization established to administer and coordinate all [redacted] in Iran. He explains that the [redacted] board of trustees consists of Iran’s [redacted], Iran’s [redacted] President of the [redacted] [redacted] and eight university faculty members. He notes that [redacted] exams are administered annually in all cities in the country, and the first round of [redacted] exams includes the subject areas of mathematics, computer science, physics, astronomy, chemistry, biology, stem cell science, and literature. He indicates that [redacted] administers and prepares several additional rounds of exams and training. He explains that [redacted] eventually nominates and prepares four students in each subject area for participation in [redacted]. He provides that “the organization of [redacted] is akin to an academic institution in higher education, employing a broad range of administrative and scientific personnel “in administering and coordinating national exams, training programs, and international representations.”

He claims that the Petitioner played a leading role as “the executive director of the [redacted] summer school in 2006.” He explains that, in response to complaints of participants in the 2004 and 2005 biology summer school program, the Petitioner revised the program curriculum, bolstered the scientific rigor of the program, streamlined and extended the exam procedures, and introduced scientific team projects and extracurricular science excursions. He asserts that the success of the 2006 [redacted] summer school program “was a testament to the importance of [the Petitioner’s] unique role at the [redacted] during a critical period.”

The letters from [redacted] and [redacted] did not indicate where the Petitioner’s role as executive director of [redacted]’s 2006 [redacted] summer school fit within the overall hierarchy of [redacted] so as to demonstrate that it was a “leading” position within the club. Furthermore, while the Petitioner implemented changes to [redacted]’s 2006 [redacted] summer school program at a “critical period” for the organization, he has not provided evidence sufficient to show that his duties and responsibilities were critical for the [redacted] as a whole. The submitted documentation does not establish that the Petitioner’s role was “leading” based on his title, placement in the organization, or his duties, nor does the Petitioner provide information sufficient to establish that the success of the Petitioner’s 2006 summer school curriculum was of significant importance to the outcome of [redacted]’s activities to the extent that his role was deemed critical. For these reasons, the Petitioner has not established that he meets 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.