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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

[Redacted]

FILE:

[Redacted]

Office: VERMONT SERVICE CENTER

Date:

NOV 01 2004

IN RE:

Petitioner:

[Redacted]

Beneficiary:

PETITION: Immigrant Petition for Alien Worker as an Outstanding Professor or Researcher pursuant to Section 203(b)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(B)

ON BEHALF OF PETITIONER:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Johnson

for Robert P. Wiemann, Director
Administrative Appeals Office

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prevent clearly unwarranted
invasion of personal privacy

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained, and the petition will be approved.

The petitioner is a "Manufacturer of Specialty Polymer Materials/Components." It seeks to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(B) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(B), as an outstanding professor or researcher. The petitioner seeks to employ the beneficiary as a "Senior Development Engineer." The director determined the petitioner had not established that the beneficiary qualifies for the classification sought.

Section 203(b) of the Act states, in pertinent part, that:

(1) Priority Workers. -- Visas shall first be made available ... to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):

(B) Outstanding Professors and Researchers. -- An alien is described in this subparagraph if-

- (i) the alien is recognized internationally as outstanding in a specific academic area,
- (ii) the alien has at least 3 years of experience in teaching or research in the academic area, and
- (iii) the alien seeks to enter the United States --
 - (I) for a tenured position (or tenure-track position) within a university or institution of higher education to teach in the academic area,
 - (II) for a comparable position with a university or institution of higher education to conduct research in the area, or
 - (III) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

The regulation at 8 C.F.R. § 204.5(i)(3)(i) states that a petition for an outstanding professor or researcher must be accompanied by "[e]vidence that the professor or researcher is recognized internationally as outstanding in the academic field specified in the petition." The regulation lists six criteria, of which the beneficiary must satisfy at least two. It is important to note here that the controlling purpose of the regulation is to establish international recognition, and any evidence submitted to meet these criteria must therefore be to some extent indicative of international recognition. We find that the petitioner's evidence satisfies the following two criteria.

Evidence of the alien's original scientific or scholarly research contributions to the academic field.

The petitioner submitted several witness letters in support of the petition. We cite representative examples here.

██████████ Professor of Heterogeneous Polymer Materials, Martin Luther University, Halle-Wittenberg, Germany, asserts that the beneficiary has made significant "contributions in the field of polymer science, especially for polymer blends."

██████████ Assistant Professor, Faculty of Technology, ██████████ University, Czech Republic, states that he and the beneficiary "developed a new method of preparation of maleicanhydride modified polypropylene (MA-PP); ██████████ further states:

The small addition (about 3%) of this MA-PP to PP/glass fiber composite during extrusion in [a] twin-screw extruder increased tensile strength of about 80%. This MA-PP is still used in industry in preparation of new composite materials. [The beneficiary] made with this project a great original scientific contribution to the field of polymer composites.

██████████ Professor of Chemistry and Materials Science, University of Connecticut, states that she has never met the beneficiary in person, but is aware of his research ██████████ states: "I am familiar with [the beneficiary's] work at Ohio State University (OSU), where he performed research on polypropylene (PP)/organoclay nanocomposites ██████████ further states: "The addition of clay to PP always improves the tensile strength and tensile modulus, but reduces its ultimate elongation, regardless of the molecular weight of PP-MA. The addition of 1 to 2% of clay shows the most significant increase in tensile strength." Dr. Sung notes that the beneficiary's work was published in an article appearing in the *Journal of Applied Polymer Science*. The record contains evidence showing that this article has been cited numerous times by independent researchers. Independent citations (such as those contained in the record) show that other researchers have been influenced by the beneficiary's work and are familiar with it.

██████████ Professor of Chemical Engineering and Director of the Center for Advanced Polymer and Composite Engineering, Ohio State University, states that the beneficiary's presentation at the Annual Technical Conference for the Plastic Industry in Dallas, Texas in 2001 "was regarded as one of the best in the field of nanocomposites. Especially the connection of small spherulite size with increased impact strength originating from not fully dispersed nanoclay can be attributed to him as his original scientific contribution in the field of polymer nanocomposites."

██████████ Disposables Inc., a company that "manufactures wipers used in the healthcare and foodservice industry," states that he has a business background "in the manufacturing of products using polypropylene based materials. ██████████ asserts that the beneficiary has greatly improved properties of low-cost polypropylene by the addition of a relatively small amount of organoclay (less than 5%).

██████████ o, Professor, Department of Chemical Engineering and Materials Science, University of Minnesota, states:

[The beneficiary's] original scientific contribution in nanocomposites came from adding high-molecular-weight maleic-modified PP, thus increasing the modulus and tensile strength and the impact strength. [The beneficiary] studied the crystallization and discovered 100 nm tactoids of not-perfectly-dispersed clay play the role of nucleation agent in the mixture, yielding many small spherulites (a structure favorable for impact strength).

Department of Polymer Science and Engineering asserts that the beneficiary is an "internationally recognized scientist." In regard to the beneficiary's published article entitled "Light-Scattering and TEM Analyses of Virtual Upper Critical Solution Temperature Behavior in PCL/SAN Blends" states: "In this study [the beneficiary] has shown experimentally the existence of miscibility loop for polymer blends, the first in the world. This is certainly his original scientific contribution to the field of polymer blends."

On appeal, the petitioner submits evidence showing that that the beneficiary is named as an inventor on an approved U.S. patent entitled "Flame Retardant Polyurethane Composition and Method of Manufacture Thereof." In regard to this patent High Performance Foams Development, states: "[The beneficiary's] work led to products which passed the most stringent burn test rating." While this patent was not granted until after the petition's filing date, it is noted that the invention was submitted to the U.S. Patent and Trademark Office on April 25, 2002.

In this case, the evidence indicates that the beneficiary's contributions are important not only to the research institutions where he has worked, but also throughout the greater field. Scientific experts from around the world have acknowledged the value of the beneficiary's work and that his contributions have attracted international recognition. Therefore, we find that the petitioner's evidence satisfies this criterion.

Evidence of the alien's authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field.

The petitioner submitted evidence of the beneficiary's authorship of several articles appearing in publications such as *Polymer*, *Macromolecules*, *Acta Polymer*, and the *Journal of Applied Polymer Science*. Also submitted was a citation index showing that the beneficiary's published articles have garnered numerous independent citations.

When judging the influence and impact that the beneficiary's published work has had, the very act of publication is not as reliable a gauge as is the citation history of the published works. Publication alone may serve as evidence of originality, but it is difficult to conclude that a published article is important or influential if there is little evidence that other researchers have relied upon the beneficiary's findings. In this case, however, the large number of citations of the beneficiary's published articles demonstrates widespread international interest in, and reliance on, his work. These citations show that many other researchers have acknowledged the beneficiary's influence and found his work to be significant.

In this case, we find that the evidence presented satisfies at least two of the regulatory criteria at 8 C.F.R. § 204.5(i)(3)(i). Therefore, the petitioner has overcome the stated grounds for denial and thereby established that the beneficiary qualifies under section 203(b)(1)(B) of the Act as an outstanding researcher. The burden

of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has sustained that burden.

ORDER: The decision of the director is withdrawn. The appeal is sustained and the petition is approved.