

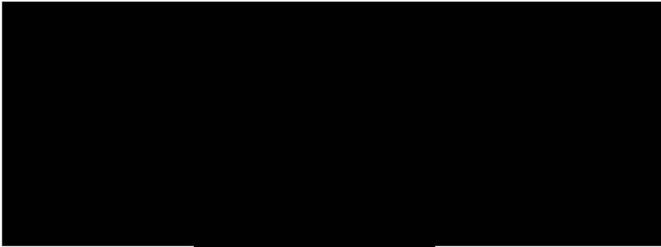


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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: MAR 21 2007
LIN 07 002 53423

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as 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:

SELF-REPRESENTED

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the employment-based immigrant visa petition, which is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is an institution of higher education. It seeks to classify the beneficiary as an outstanding professor pursuant to section 203(b)(1)(B) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(B). The petitioner seeks to employ the beneficiary permanently in the United States as an assistant professor. As required by the regulation at 8 C.F.R. § 204.5(i)(3)(iii), the petition was accompanied by a job offer extended to the beneficiary for a tenure-track position. The director determined that the petitioner had not established that the beneficiary is recognized internationally as outstanding in her academic field, as required for classification as an outstanding researcher.

On appeal, the petitioner submits a statement and additional documentation. For the reasons discussed below, we withdraw the director's single reference to "anthropology" and concur with the petitioner that the director considered the beneficiary's publication record in the wrong context. Nevertheless, as discussed below, we concur with the director's remaining findings.

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) states that a petition for an outstanding professor or researcher must be accompanied by:

(ii) Evidence that the alien has at least three years of experience in teaching and/or research in the academic field. Experience in teaching or research while working on an advanced degree will only be acceptable if the alien has acquired the degree, and if the teaching duties were such that he or she had full responsibility for the class taught or if the research conducted toward the degree has been recognized within the academic field as outstanding. Evidence of teaching and/or research experience shall be in the form of letter(s) from former or current employer(s) and shall include the name, address, and title of the writer, and a specific description of the duties performed by the alien.

This petition was filed on October 2, 2006, to classify the beneficiary as an outstanding professor in the field of finance. While the director identified the beneficiary's field as "anthropology" on page two of the decision, the remainder of the decision conforms with the facts in this matter. Thus, the error appears to be typographical. The petitioner must establish that the beneficiary had at least three years of teaching experience in the field of finance as of October 2, 2006, and that the beneficiary's work has been recognized internationally within the field as outstanding.

The beneficiary obtained her Ph.D. from City University of New York (CUNY) in 2004. She then worked as a substitute instructor at Queens College, CUNY, and as an assistant professor at Lake Forest College before accepting her current position with the petitioner.

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. More specifically, outstanding professors and researchers should stand apart in the academic community through eminence and distinction based on international recognition. The regulation at issue provides criteria to be used in evaluating whether a professor or researcher is deemed outstanding. 56 Fed. Reg. 30703, 30705 (July 5, 1991). The petitioner claims that the beneficiary has satisfied the following criteria.

Documentation of the alien's receipt of major prizes or awards for outstanding achievement in the academic field.

It is significant that the *proposed* regulation relating to this classification would have required evidence of a major *international* award. The final rule removed the requirement that the award be "international," but left the word "major." The commentary states: "The word "international" has been removed in order to accommodate the *possibility* that an alien might be recognized internationally as outstanding for having received a major award that is not international." (Emphasis added.) 56 Fed. Reg. 60897-01, 60899 (November 29, 1991.)

Thus, the standard for this criterion is very high. The rule recognizes only the "possibility" that a *major* award that is not international would qualify. Significantly, even lesser international awards cannot serve to meet this criterion given the continued use of the word "major" in the final rule. *Cf.* 8 C.F.R. § 204.5(h)(3)(i) (allowing for "lesser" nationally or internationally recognized awards for a separate classification than the one sought in this matter).

The petitioner relies on the beneficiary's receipt of the [REDACTED] Fellowship award, available to students at the City University of New York (CUNY) with "exceptional academic credentials." Scholarships are generally based on past *academic* achievement, not for accomplishments in a field of endeavor. While 8 C.F.R. § 204.5(i)(3)(A) references outstanding achievements in one's academic field, 8 C.F.R. § 204.5(i)(2) defines "academic field" as "a body of specialized knowledge offered for study." The definition does not include typical bases for scholarships, such as grade point average and class standing. It remains, academic study is not a field of endeavor, academic or otherwise. Rather, academic study is training for a future career in an academic field. As such, scholarships in recognition of academic achievement, such as grade point average, are insufficient. In addition, while CUNY may be a distinguished university in the United States, it remains that the beneficiary only competed against other students at the university at that time for the scholarship. Scholarships are simply not evidence of international recognition in the field. Rather, they represent high academic achievements in comparison with the beneficiary's fellow students.

In light of the above, the petitioner has not established that the beneficiary meets this criterion.

Documentation of the alien's membership in associations in the academic field which require outstanding achievements of their members.

The petitioner submitted evidence that the beneficiary is a member of the Chinese Economists Society (CES) and the Financial Management Association (FMA). The petitioner relies on the prestige of the associations and the fact that they boast prominent members. At issue, however, are the requirements for membership. Specifically, an association that happens to have members who are Nobel Laureates does not necessarily require outstanding achievements of all of its members. The plain language of the regulation at 8 C.F.R. § 204.5(i)(3)(i)(B) provides that the association must "require" outstanding achievements in order to qualify under this criterion. CES membership is "restricted to the Chinese

scholars and students of Economics, Business Administration, Population and those who specialize in Chinese economic studies in North America.” CES President [REDACTED] asserts that scholars with “expertise/interest in Chinese economic studies are eligible for membership.” An interest in the field is not an outstanding achievement. The materials for FMA reveal that its members include finance practitioners and academicians and students and that the association’s 5,000 members “find membership in the FMA to be an indispensable educational experience as well as a practical professional resource.” The e-mail notice confirmation of the beneficiary’s membership in FMA suggests that payment of membership dues is the primary requirement for membership. Overall, these materials do not suggest that FMA requires outstanding achievements of its members.

In response to the director’s request for additional evidence, the petitioner submits a September 20, 2006 letter from [REDACTED] Executive Director of the International Program at Baruch College, CUNY. [REDACTED] advises that he is nominating the beneficiary as a Faculty Fellow in the Program of International Executive Master of Science in Finance (EMSF) at Baruch College. The letter continues:

This appointment provides you employment under ideal conditions. You may work at the time and international sites that best suits your research and teaching efforts; support for travel and research expenses, as well as provisions for collaboration, are available in addition to a generous salary.

The director concluded that this letter constituted a job offer, not an election to membership. On appeal, the petitioner notes that [REDACTED] states that the faculty of EMSF are recognized internationally and asserts that this position is not simply a job offer, but an honorary position to lecture for a short duration.

The plain language of the regulation at 8 C.F.R. § 204.5(i)(3)(i)(B) requires membership in an exclusive association. We are not persuaded that the offer from CUNY, the beneficiary’s alma mater, is an election to membership in an association based on outstanding achievements.

In light of the above, the petitioner has not established that the beneficiary meets this criterion.

Published material in professional publications written by others about the alien’s work in the academic field. Such material shall include the title, date, and author of the material, and any necessary translation.

In response to the director’s request for additional evidence, the petitioner asserts that the World Bank and Bank of England working papers that briefly cite the beneficiary’s own 2003 working paper serve to meet this criterion. Articles which cite the beneficiary’s work are primarily about the author’s own work or constitute a general review of recent work in the field. They are not primarily “about” the beneficiary’s work in the field. As such, they cannot serve to meet this criterion.

Evidence of the alien's participation, either individually or on a panel, as the judge of the work of others in the same or an allied academic field.

The record reflects that the beneficiary has refereed articles for the *International Review of Economics and Finance*. [REDACTED] the beneficiary's coauthor on forthcoming articles, issued the request to the beneficiary. In a separate letter, [REDACTED] asserts that his request demonstrates that the beneficiary has established herself as an authority in the field. In response to the director's request for additional evidence, [REDACTED] asserts that editors chose reviewers based on the individual's "expertise, reputation, specific recommendations by associate and academic editors and the editor's own knowledge of a reviewer's past performance." It remains, however, that being requested to review an article by one's own coauthor is not evidence indicative of or uniquely consistent with international recognition. The petitioner has also submitted evidence of review requests issued to the beneficiary after the date of filing. These requests are not evidence of the beneficiary's eligibility as of that date. See 8 C.F.R. § 103.2(b)(12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg. Comm. 1971).

Finally, we cannot ignore that finance journals are peer reviewed and rely on many finance professionals to review submitted articles. Thus, peer review is routine in the field; not every peer reviewer enjoys international recognition. Without evidence that sets the beneficiary apart from others in her field, such as evidence that she has reviewed an unusually large number of articles, received independent requests from a substantial number of journals, or served in an editorial position for a distinguished journal, we cannot conclude that the beneficiary meets this criterion.

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

Obviously, the petitioner cannot satisfy its burden under this criterion simply by listing the beneficiary's past projects and demonstrating that the beneficiary's work was "original" in that it did not merely duplicate prior research. Research work that is unoriginal would be unlikely to secure the beneficiary a master's degree, let alone classification as an outstanding researcher or professor. Because the goal of the regulatory criteria is to demonstrate that the beneficiary has won international recognition as outstanding, it stands to reason that the beneficiary's research contributions have won comparable recognition. To argue that all original research is, by definition, "outstanding" is to weaken that adjective beyond any useful meaning, and to presume that most research is "unoriginal."

The opinions of experts in the field, while not without weight, cannot form the cornerstone of a successful claim of international recognition. Citizenship and Immigration Services (CIS) may, in its discretion, use as advisory opinions statements submitted as expert testimony. See *Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm. 1988). However, CIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of letters from experts supporting the petition is not presumptive evidence of eligibility; CIS may evaluate the content of those letters as to whether they support the alien's eligibility. See *id.* at 795-796. CIS may even give less weight to an opinion that is not corroborated, in accord with

other information or is in any way questionable. *Id.* at 795; *See also Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

In evaluating the reference letters, we note that letters containing mere assertions of international recognition and vague claims of contributions are less persuasive than letters that specifically identify contributions and provide specific examples of how those contributions have influenced the field. In addition, letters from independent references who were previously aware of the beneficiary through her reputation and who have applied her work are far more persuasive than letters from independent references who were not previously aware of the beneficiary and are merely responding to a solicitation to review the beneficiary's curriculum vitae and work and provide an opinion based solely on this review. Ultimately, evidence in existence prior to the preparation of the petition carries greater weight than new materials prepared especially for submission with the petition. An individual with international recognition should be able to produce unsolicited materials reflecting that recognition.

the beneficiary's thesis advisor at CUNY, discusses the beneficiary's dissertation, which focused on understanding swap curves. explains that her dissertation has led to three published articles in highly reputable journals. Specifically, the beneficiary (1) concluded that the liquidity factor plays the dominant role in determining U.S. swap spreads, (2) addressed the cointegration issue among swap spreads and a set of fixed income market variables in a manner suggesting a linkage between the swap and Nasdaq market and (3) found that the U.S. Treasury curve invokes significant positive responses on the Hong Kong dollar swap curve due to the existence of the currency peg system.

Another member of the beneficiary's dissertation committee, asserts that the beneficiary's finding relating to the importance of the liquidity factor in swap spreads is consistent with the prevailing view. He continues:

Her results also demonstrate the importance of credit risk and market volatility in valuing the swap contract. This is one of the most imaginative papers with some of the most striking empirical findings that I have encountered in many years. I view it as a seminal contribution to the literature. In my judgment, it lays the groundwork for all future research in this area, as it will serve as a point of departure.

The specific article referenced by was published in 2006, according to and the beneficiary's curriculum vitae. The article itself is not part of the record. Another reference, of Hong Kong Polytechnic University, asserts that the beneficiary was the first to suggest that realized, as opposed to implied, volatility exerts an influence on swap spreads. Neither nor suggests that they are now using the beneficiary's model. There is no evidence that this recent article is widely recognized as laying the groundwork for all future research in this area, such as coverage in trade journals, general media coverage or wide and frequent citation.

Thus, while we do not doubt [REDACTED] credentials and sincerity, the petition appears, at best, to have been filed prematurely, before the beneficiary's actual impact in the field can be gauged.

The beneficiary did present her work on the role of liquidity on swap spreads in 2003 at the University of Lausanne in Switzerland, with which [REDACTED] is affiliated. Her article on this subject was also published in 2003 as a working paper at the University of Reading, with which [REDACTED] is also affiliated. [REDACTED] Professor Emeritus of Economics and Finance at the University of Chicago, asserts that in this work, the beneficiary "proposed an innovative concept which was overlooked by previous studies." The beneficiary's use of "a vector autoregressive model on swap spreads and other risk factors provides important economic intuitions on why swap spreads are used by policy makers as indicators for credit and liquidity conditions in the economy." As noted by [REDACTED] and other references, the beneficiary's 2003 working paper is cited in working papers by both the World Bank and the Bank of England.

World Bank Working Paper No. 62, "What Determines U.S. Swap Spreads," reviews several models, including the one presented in the beneficiary's 2003 working paper. The World Bank does not appear to recommend one model over another. The portions of the World Bank's working paper submitted do not actually apply the beneficiary's model to reach any conclusions or evaluate it in relation to other models. Bank of England Working Paper No. 253 cites one of the beneficiary's articles in support of the proposition that "[m]ost studies have found that a small proportion of variation in the swap spread is due to credit risk." (Emphasis added.)

While [REDACTED]' credentials are distinguished, he does not assert that he has begun to apply the beneficiary's models or even that he was aware of the beneficiary's reputation and work in the field prior to being contacted for a reference letter. Rather, he indicates that his opinion is based on a reading of the beneficiary's work.

[REDACTED] Director of the People's Bank of China, asserts that he met the beneficiary at a conference where [REDACTED] gave the keynote address. He indicates that he spoke with the beneficiary at the conference about her own research. He opines that the beneficiary's findings "will also be made use of by China's regulatory agencies in the future as the Chinese financial system develops to a certain level." He does not suggest that the beneficiary's work is already impacting China's economic policy. The petitioner submitted a manuscript prepared while working in Illinois entitled, "The Interdependence of Sino-US Economies: Trade, Investment and Exchange Rates," purportedly presented at the Chinese consulate in Chicago in March 2005. The record, however, lacks evidence regarding the circumstances of this presentation. There is no evidence that the Chinese government itself has been influenced by this presentation at one of its U.S. consulates.

[REDACTED] explains that the beneficiary's Hong Kong dollar study produced results with "invaluable information for monetary policy makers of the Hong Kong Monetary Authority (HKMA)." Dr. Neftci does not indicate whether or not the HKMA has applied the beneficiary's models or otherwise recognized the beneficiary's work. The record contains no reports or letters from the HKMA. Dr.

██████████ asserts that this work “has the potential to play a vital role in evaluating economy wide risks and in conducting macroeconomic policy.” ██████████ provides no examples of entities relying on the beneficiary’s work to make such evaluations. Thus, his statement appears speculative.

Principal Economic Affairs Officer and Chief for Global Economic Monitoring at the Department of Economic and Social Affairs, the United Nations, asserts that he briefly met the beneficiary during her internship in his department. He indicates that he received “superb reports concerning her performance” during that time. ██████████ asserts that the beneficiary’s study of the impact of oil prices on China’s real exchange rate “is acknowledged as the first pioneering research linking the Chinese currency with the energy market.” While “in press” as of the date of filing, we acknowledge that this article was available online at that time. ██████████ however, does not provide examples of the beneficiary’s work impacting U.S. or Chinese policy other than to assert that her work has “practical implications” for both countries.

Furthermore, while ██████████ praises the beneficiary’s work on the feasibility of a common East Asian currency, he does not suggest that the beneficiary’s work is serving as a basis for negotiations between East Asian countries towards this end. While ██████████ asserts that he agrees with the beneficiary that a common currency would be an important force, he does not suggest that such a currency is being contemplated based on the beneficiary’s work.

Finally, ██████████ discusses the importance of a forthcoming article. Similarly, ██████████ a professor at the University of Dayton, discusses the articles he coauthored with the beneficiary that were not published as of the date of filing. This work cannot be considered evidence of the beneficiary’s international recognition as of the date of filing. See 8 C.F.R. § 103.2(b)(12); *Matter of Katigbak*, 14 I&N Dec. at 49. Thus, we will not consider this work.

With the exception of two articles, the beneficiary’s work was either in press as of the date of filing or had just been published within the past few months. Thus, while we have considered the opinions of distinguished members of the beneficiary’s field attesting to the potential impact of the beneficiary’s work, the petition appears to have been filed, at best, prematurely, before the true impact of the beneficiary’s work can be gauged. While the beneficiary’s research is no doubt of value, it can be argued that any research must be original and present some benefit to be worth pursuing and eligible for publication. Any Ph.D. thesis or other research, in order to be accepted for graduation or publication, must offer new and useful information to the pool of knowledge. The record does not, however, establish that the beneficiary’s work has garnered significant international recognition.

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

At the outset, we will consider the beneficiary’s conference presentations, which were not considered by the director under this criterion. We can only consider, however, those presentations that predate the

filing of the petition. *See* 8 C.F.R. § 103.2(b)(12); *Matter of Katigbak*, 14 I&N Dec. at 49. The beneficiary presented her work on the impact of credit and liquidity on swap spreads at the University of Reading in December 2002. The presentations were published as working papers. A manuscript with the same title indicates that it was presented at the University of Lausanne, Switzerland in September 2002; Queens College, CUNY, in March 2004 and the Graduate Center at CUNY in May 2004. The petitioner also submitted manuscripts purportedly presented at a July 2006 conference in Taiwan, a 2005 symposium jointly sponsored by Lake Forest College (where the beneficiary was teaching) the Chicago Council of Foreign Relations, the Chinese Consulate General in Chicago in 2005 and the June 2005 13th Conference on Pacific Basin Finance, Economics and Accounting in New Jersey. On appeal, Dr. David Ding, Director of the Center for Research in Financial Services at Nanyang Technological University in Singapore, discusses the significance of being accepted to present at an FMA conference. The FMA conference where the beneficiary presented her work, however, commenced on October 11, 2006, after the petition was filed.

As of the date of filing, the beneficiary had presented her work at local New York, New Jersey and Chicago institutions and international venues with which her coauthor, [REDACTED] has an affiliation. Thus, her presentations are, at best, some indication of international exposure.

Beyond her presentations, the beneficiary has also authored published articles. The director concluded that the record established that the beneficiary had authored five published articles as of the date of filing. On appeal, the petitioner asserts that this number is actually 11. The petitioner must establish the beneficiary's eligibility as of the date of filing. *See* 8 C.F.R. § 103.2(b)(12); *Matter of Katigbak*, 14 I&N Dec. at 49. In this matter, the date of filing is October 2, 2006. Thus, we cannot consider any articles published after the date of filing, even those articles that were "in press," as they had yet to appear *in* scholarly journals. Nevertheless, we will consider articles available online as of the date of filing as they were available to the public. We concur with the director that the record contains only five articles published in bound journals as of the date of filing. The sixth published article listed on the beneficiary's curriculum vitae, "Modeling Swap Spreads: The Roles of Credit Liquidity and Market Volatility" purportedly published in *Review of Futures Market* in 2006 is not in the record. Only two of the "in press" manuscripts submitted reveal that they were already available online. Specifically, the articles pending in the *Journal of International Financial Markets, Institutions & Money* and *China Economic Review* both contain website information. This raises the number of articles published in any form as of the date of filing to seven, not 11 as claimed by the petitioner.

The director cited a report regarding postdoctoral appointments, noting that researchers serving in such positions were expected to publish. As noted by the petitioner on appeal, the beneficiary is not a scientific researcher, but an economics and finance professor. We are persuaded that postdoctoral appointments are not utilized in the field of finance. Thus, the director's discussion of what is expected of postdoctoral researchers is not relevant to the beneficiary's field. Rather, her publication record must be considered in the context of her field of finance.

Several references attest to the distinguished nature of the journals that have accepted the beneficiary's articles for publication. We will not presume the impact of an article, however, from the journal in which it appears. Rather, the petitioner must demonstrate the impact of the individual article.

█ asserts that the beneficiary "has published at an extremely rapid rate." █ asserts that the beneficiary's rate of publication is "pretty unusual" in a field where "around five publications in five or six years will almost guarantee tenure in most universities in this country." █ asserts that the beneficiary "has published exceedingly fast, considering the fact that it takes one to three years to get an article published in the field of finance and economics under the double-blind peer review system." On appeal, the petitioner submits a new letter addressing her publication record. █ Editor-in-Chief of *Investment Management and Financial Innovations*, notes that articles in this journal are anonymously peer-reviewed. He further asserts that it is more difficult to publish one's work in the field of finance than in the sciences. The petitioner also submits a 1992 article in *The Journal of Finance*, which looked at performance data for finance doctoral recipients over 25 years. The abstract of the article indicates that "publishing one article per year in any finance journal . . . over any prolonged period of time is a truly remarkable feat, met by only 5% of graduates." It is not clear, however, what percentage of graduates in this field pursue academics rather than employment with financial institutions that is unlikely to involve publishing research.

We cannot simply discount the above opinions. Nevertheless, we note that █, who received his Ph.D. in 1977, published three articles in 1978, two in 1979, one in 1980, one in 1981 and three in 1982. █ who received his Ph.D. in 1970, published an article in 1970, one in 1972 and three in 1974. He also published a book in 1971. Thus, the beneficiary's publication record does not set the beneficiary apart from the publication records of her peers, even at the early stages of their careers.

The petitioner asserted in response to the director's request for additional evidence that eight articles or reports cited the beneficiary's work. The World Bank and Bank of England citations are discussed above. Two other articles cite the beneficiary's work as one of several models on swap spreads. Finally, the petitioner submitted a thesis supervised by █ and the beneficiary's own articles as additional cites. These citations do not demonstrate any recognition of the beneficiary's work beyond her colleagues. None of the citations suggest that the beneficiary's models are superior to or in wider use than other swap spread models.

Clearly, the beneficiary is a prolific author. Moreover, despite our stated reservations, we cannot ignore that esteemed members of the beneficiary's field consider her publication record remarkable. The petitioner has documented that both the World Bank and the Bank of England, while not elevating the beneficiary's models above other models, have found the beneficiary's work worth mention. Thus, we are persuaded that the beneficiary minimally meets this criterion. For the reasons discussed above, however, the evidence submitted falls far short of meeting any other criterion.

The petitioner has shown that the beneficiary is a talented and prolific researcher, who has won the respect of her collaborators, employers, and mentors, while securing some degree of international exposure for her work. The record, however, stops short of elevating the beneficiary to an international reputation as an outstanding professor. Therefore, the petitioner has not established that the beneficiary is qualified for the benefit sought.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. **The petitioner has not sustained that burden.** Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.