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U.S. Department of Justice
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
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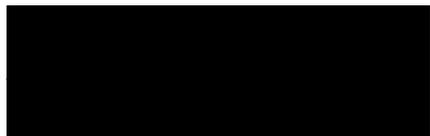


File: EAC 99 123 51844 Office: Vermont Service Center Date: 23 MAY 2002

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

Petition: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(2)

IN BEHALF OF PETITIONER:



Public Copy

INSTRUCTIONS:

This is the decision 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(2), as a member of the professions holding an advanced degree and as an alien of exceptional ability. The petitioner seeks employment as a School Psychologist/Researcher. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner had not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

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

(2) Aliens Who Are Members of the Professions Holding Advanced Degrees or Aliens of Exceptional Ability. --

(A) In General. -- Visas shall be made available . . . to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

(B) Waiver of Job Offer. -- The Attorney General may, when he deems it to be in the national interest, waive the requirement of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

The petitioner holds M.A. degrees in School Psychometry and Educational Psychology from the University of Alabama. The petitioner's occupation falls within the pertinent regulatory definition of a profession. The petitioner thus qualifies as a member of the professions holding an advanced degree. The petitioner also claims eligibility as an alien of exceptional ability. Because she qualifies as an advanced-degree professional, however, an additional finding of exceptional ability would be of no further benefit to the petitioner. The remaining issue is whether the petitioner has established that a waiver of the job offer requirement, and thus a labor certification, is in the national interest.

Neither the statute nor Service regulations define the term "national interest." Additionally, Congress did not provide a specific definition of "in the national interest." The Committee on the Judiciary merely noted in its report to the Senate that the committee had "focused on national interest by increasing the number and proportion of visas for immigrants who would benefit the United States economically and otherwise. . . ." S. Rep. No. 55, 101st Cong., 1st Sess., 11 (1989).

Supplementary information to Service regulations implementing the Immigration Act of 1990 (IMMACT), published at 56 Fed. Reg. 60897, 60900 (November 29, 1991), states:

The Service believes it appropriate to leave the application of this test as flexible as possible, although clearly an alien seeking to meet the [national interest] standard must make a showing significantly above that necessary to prove the "prospective national benefit" [required of aliens seeking to qualify as "exceptional."] The burden will rest with the alien to establish that exemption from, or waiver of, the job offer will be in the national interest. Each case is to be judged on its own merits.

Matter of New York State Dept. of Transportation, I.D. 3363 (Acting Assoc. Comm. for Programs, August 7, 1998), has set forth several factors which must be considered when evaluating a request for a national interest waiver. First, it must be shown that the alien seeks employment in an area of substantial intrinsic merit. Next, it must be shown that the proposed benefit will be national in scope. Finally, the petitioner seeking the waiver must establish that the alien will serve the national interest to a substantially greater degree than would an available U.S. worker having the same minimum qualifications.

It must be noted that, while the national interest waiver hinges on prospective national benefit, it clearly must be established that the alien's past record justifies projections of future benefit to the national interest. The petitioner's subjective assurance that the alien will, in the future, serve the national interest cannot suffice to establish prospective national benefit. The inclusion of the term "prospective" is used here to require future contributions by the alien, rather than to facilitate the entry of an alien with no demonstrable prior achievements, and whose benefit to the national interest would thus be entirely speculative.

At the time of filing, the petitioner indicated that she was pursuing a Ph.D. in School Psychology from the University of Alabama and serving as a school psychologist for the Virginia Beach City Public Schools. Counsel for the petitioner states:

...granting a waiver of the job offer is in the national interest because [the petitioner's] national activism in the field of school psychology has clearly contributed in the past, and will contribute in the future, to improving education and training programs for children throughout the United States. Furthermore, [the petitioner] fulfills one of the major goals of the United States Department of Education and State of Virginia which is to add to the ethnic diversity of the counseling force, both on a local and national level.

In regards to the petitioner's "national activism in the field of school psychology," the petitioner submits a letter from the National Association of School Psychologists, dated December 18, 1998, acknowledging the petitioner as "one of 120 participants" in a training program on public policy. The letter does not specify whether the petitioner was elected or whether she simply volunteered to participate in the training event. The letter states: "As part of your training, we expect you to contact your representatives in Congress..." The petitioner

on the Individuals with Disabilities Education Act. These response letters from Congressional offices, which are typically issued in reply to a constituent, are hardly indicative of the petitioner's impact on the field of school psychology or the legislative process in the United States.

The petitioner submits articles stressing the importance of increasing the number of minority members in the field of psychology and discussing the shortage of school psychologists in the United States. Counsel cites an article entitled "Minority Recruitment" which states that "there are disproportionately few ethnic minority school psychologists to serve both regular and special education needs." The Service recognizes the undoubted importance of maintaining cultural diversity in the field of school psychology. However, pursuant to Matter of New York State Dept. of Transportation, a shortage of qualified workers in the psychology field or general arguments as to the urgency of remedying the diversity problem do not constitute grounds for a national interest waiver.

Counsel's above statement referring "to add[ing] to the ethnic diversity of the counseling force" suggests that the petitioner qualifies for a national interest waiver simply by virtue of being a foreign-born school psychologist. By law, advance degree professionals and aliens of exceptional ability are generally required to have a job offer and a labor certification. With regard to Congressional intent, a statute should be construed under the assumption that Congress intended it to have purpose and meaningful effect. Mountain States Tel. & Tel. v. Pueblo of Santa Ana, 472 U.S. 237, 249 (1985); Sutton v. United States, 819 F.2d 1289, 1295 (5th Cir. 1987). Counsel for the petitioner essentially contends that the job offer requirement should never be enforced for the petitioner's occupation, and thus this section of the statute would have no meaningful effect. Congress plainly intends the national interest waiver to be the exception rather than the rule.

We note Congress' creation of a blanket national interest waiver for certain physicians. The creation of Section 203(b)(2)(B)(ii) of the Act demonstrates Congress' willingness to grant such blanket waivers. We cannot ignore the absence, to date, of such a blanket waiver for school psychologists. Furthermore, the creation of the blanket waiver for certain physicians demonstrates that no such blanket waiver for any given occupation is implied in the statute. Otherwise, the blanket waiver for certain physicians would be superfluous.

Counsel cites a 1998 article appearing in *School Psychology Review* reflecting that there is a shortage in school psychologists. Pursuant to published precedent, a shortage of qualified workers in a given field, regardless of the nature of the occupation, does not constitute grounds for a national interest waiver. Given that the labor certification process was designed to address the issue of worker shortages, a shortage of qualified workers is an argument for obtaining rather than waiving a labor certification.

The petitioner submits other articles demonstrating the undoubted importance of school psychologists. Pursuant to Matter of New York State Dept. of Transportation, eligibility for the waiver must rest with the alien's own qualifications rather than with the occupation sought. In other words, we generally do not accept the argument that a given occupation is so important that

waiver must rest with the alien's own qualifications rather than with the occupation sought. In other words, we generally do not accept the argument that a given occupation is so important that any alien qualified to work in that field must also qualify for a national interest waiver. At issue is whether this petitioner's contributions in the field are of such unusual significance that the petitioner merits the special benefit of a national interest waiver, over and above the visa classification she seeks. By seeking an extra benefit, the petitioner assumes an extra burden of proof. A petitioner must demonstrate a past history of achievement with some degree of influence on the field as a whole.

The petitioner submits several witness letters. We discuss representative examples here. Patti Harrison, Professor in the School of Psychology at the University of Alabama, serves as the petitioner's "advisor and chair of her dissertation committee." Professor Harrison devotes most of her letter to describing the petitioner's academic accomplishments and service as a graduate teaching assistant. She describes the petitioner as "typically in the top ten percent of every class she takes." University study is not a field of endeavor, but, rather, training for future employment in one's field of endeavor. The petitioner's scholastic achievement may place her among the top students at her educational institution, but it offers no meaningful comparison between the petitioner and experienced, licensed professionals in the field of school psychology.

Assistant Professor of School Psychology at Texas A&M University, previously taught the petitioner at the University of Alabama while serving on the faculty there. She states: "I also worked with [the petitioner] in collecting standardization data for a major measure of intelligence and provided supervision for her internship experience." Professor Riccio summarizes the petitioner's background and experiences and credits the petitioner with "impacting on school psychology practice." Jack Naglieri, Professor of School Psychology at Ohio State University, states that he enlisted the petitioner's assistance in the national standardization of the Cognitive Assessment System. Professor Naglieri indicates that he published this system in 1997 and relied on the petitioner to "provide cases that were needed in her region."

President of the Virginia Academy of School Psychologists ("VASP"), states: "As a member of the board, [the petitioner] was instrumental in implementing a successful letter writing campaign that allowed qualified doctoral level school psychologists to continue to be eligible for licensure as clinical psychologists. She also serves as co-editor of our association's newsletter." closes her letter by noting that "there is currently a shortage of qualified school psychologists in the United States" and that "there are several school divisions in Virginia that have unfilled positions." However, it has already been noted that a shortage of qualified workers in a given occupation does not constitute grounds for a national interest waiver. Such a shortage is properly addressed through the labor certification process.

and and o an briefly mention the petitioner's research projects, regional and national conference presentations, and published articles. The petitioner provides evidence of her presentations at the 1996 and 1997 conventions of the National Association of School Psychologists. The petitioner also submits evidence of her authorship of local articles appearing in the Virginia Academy of School Psychologist's *Bulletin* and the

Rappahannock Record, a Virginia newspaper. The petitioner offers no evidence that she ever published scholarly articles in psychology journals such as the *School Psychology Review*. The Association of American Universities' Committee on Postdoctoral Education, on page 5 of its Report and Recommendations, March 31, 1998, set forth its recommended definition of a postdoctoral appointment. Among the factors included in this definition were the acknowledgement that "the appointment is viewed as preparatory for a full-time academic and/or research career," and that "the appointee has the freedom, and is expected, to publish the results of his or her research or scholarship during the period of the appointment." Thus, this national organization considers publication of one's work to be "expected," even among researchers who have not yet begun "a full-time academic and/or research career." When judging the influence and impact that the petitioner's work has had, the very act of publication or presentation 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 petitioner's findings. Frequent citation by independent researchers, on the other hand, demonstrates more widespread interest in, and reliance on, the petitioner's work. The petitioner has failed to provide any evidence of independent citation of her research. Simply providing evidence of the petitioner's conference presentations and published articles offers no valuation of their overall significance to the field of school psychology.

The petitioner submits letters from additional witnesses demonstrating her dedication and competence in the field of school psychology. [REDACTED] School Social Worker, Virginia Beach City Public schools, describes student needs in her school system and how the petitioner fulfills those needs as a local school psychologist. She also mentions local child study teams and committees on which the petitioner serves. [REDACTED] Assistant Principal at Seatack Elementary School, and [REDACTED] Assistant Principal at First Colonial High School, offer similar letters of support detailing the petitioner's specific activities at their schools.

[REDACTED] Supervisor of Psychological Services for Virginia Beach City Public Schools, states:

I have known [the petitioner] as her supervisor since August 1996 when she joined my staff as a school psychologist and completed her doctoral internship with us. [The petitioner] is a doctoral candidate in school psychology at the University of Alabama. While working for us, she has demonstrated exceptional skills and abilities as a school psychologist. She has been involved in national professional associations and has presented at national conventions of school psychologists. At these national conventions, [the petitioner] has presented research findings that have direct impact on professional practice to school psychologists from all over the country.

She is actively involved in the Virginia Academy of School Psychologists, which is an academy within the Virginia Psychological Association, and serves on their Board of Directors. She was responsible for initiating a letter writing campaign to address changes in the state licensure regulations that would have excluded doctoral level school psychologists

from clinical licensure. As a result of this campaign, doctoral school psychologists have continued to be included for clinical licensure. As chair of the Board of Psychology and the school psychology representative, I very much appreciated the support that [the petitioner] solicited on behalf of the state's school psychologists. This decision also had national impact as executive directors at the Practice Directorate of the American Psychological Association and at the National Register of Health Service Providers were closely monitoring the outcome of our state regulations.

[The petitioner] also served as an active team member preparing the self-study that was part of the accreditation process for our doctoral internship training program. As a result of the self-study and on-site visit, the American Psychological Association (APA) accredited our program in June 1997. We became the first and only school-based APA-approved internship training program in professional psychology in Virginia and one of five in the nation.

She also participated in the national standardization of an innovative cognitive assessment instrument that has recently been published. The instrument is marketed and used nationally to assess cognitive functioning in children and adolescents. I am also aware that [the petitioner] had worked on a cross-cultural research project funded by the National Institute of Mental Health and had been a graduate teaching assistant.

Based on the professional contributions indicated above, [the petitioner] has had a great impact on school psychology at the national level within a very brief time. I feel that she has the potential to be a very influential psychologist who could advance the practice of school psychology if provided the opportunity.

Dr. [REDACTED] Assistant Executive Director of the National Association of School Psychologists ("NASP"), states:

[The petitioner's] outstanding work as a practitioner includes her contribution as an active NASP member. [The petitioner] has taken a leadership role in the Association with presentations on the practice of school psychology at two NASP National Conventions, attended by more than 3,500 school psychologists. She has participated in the development of NASP's position statements as a member of the Advisory Committee to the Child and Profession Advocacy Committee. These position statements are used by practitioners, school districts and policy makers to define the goals and standards for the delivery of school psychological services. [The petitioner] also advocated at the federal level for the mental health needs of children through her participation in the 1999 NASP Public Policy Institute held in Washington, DC.

[The petitioner's] contribution to the profession is due in part to her ability to serve an increasingly culturally and linguistically diverse student population. The NASP *Position Statement on Minority Recruitment* (see enclosed) states "it is critical that a greater number of culturally and linguistically representative school psychologists be recruited to

work with children.” [The petitioner’s] own ethnic background, her fluency in seven Asian Indian languages, and her own research in the area of multiculturalism, uniquely qualify her to serve the needs of all children and to inform the profession on the area of diversity. Her broad expertise in violence prevention, primary prevention, program evaluation and multicultural issues provide her with the optimum skills to create a safe and effective learning environment in the schools.

[The petitioner] has demonstrated herself to be an outstanding practitioner and a valuable asset to the profession of school psychology. Her permanent residency would enable her to further her work to improve the delivery of school psychological services and enhance the profession in this country.

The letter from Dr. [REDACTED] refers to the petitioner’s NASP membership and her “participation” in developing position statements as a member of the Advisory Committee to the Child and the Profession Advocacy Committee. The petitioner offers no direct evidence that she authored any of these position statements. Dr. [REDACTED] not detail the specific role or contribution of petitioner on these committees or state that the petitioner is significantly more qualified than other school psychologists or committee advisory members. His letter fails to describe the petitioner’s specific research or findings that have influenced the field of school psychology as a whole. Dr. [REDACTED] states that the petitioner’s ethnic background, fluency in seven Asian Indian languages, and research in the area of multiculturalism “uniquely qualify her to serve the needs of all children and to inform the profession on the area of diversity,” but fails to explain how the petitioner’s work has had any effect at all on children outside of the Virginia school system. If some of the above mentioned traits are indeed fundamental for serving as a school psychologist in the Virginia school system, then a shortage of workers with such traits would facilitate the approval of labor certification.

In addition to the above documents, the petitioner submits her educational credentials, letters from Riverside Publishing verifying her participation as a site coordinator and examiner for the national standardization of the *Das-Naglieri: Cognitive Assessment System*, a bulletin reflecting that the petitioner serves as a co-editor and one of the twenty-four board members of the Virginia Academy of School Psychologists, and a letter from Joan Stoner of the Case Day School inviting the petitioner to participate in a trip to Russia as a part of a delegation of professionals in the field of learning disabilities.

The petitioner’s witness letters and supporting documentation demonstrate the petitioner’s exceptional ability as school psychologist. However, in accordance with the statute, exceptional ability is not by itself sufficient cause for a national interest waiver. The benefit that the petitioner presents to her field of endeavor must greatly exceed the “achievements and significant contributions” contemplated in the regulation at 8 C.F.R. 204.5(k)(3)(ii)(F). A petitioner seeking a national interest waiver must persuasively demonstrate that the national interest would be adversely affected if a labor certification were required for the alien. The labor certification process exists because protecting the jobs and job opportunities of U.S. workers having the same objective minimum qualifications as an alien seeking employment is in the national interest. An alien

petitioner possesses useful skills, or a "unique background." The alien must clearly present a significant benefit to the field of endeavor.

The director requested further evidence that the petitioner has met the guidelines published in Matter of New York State Department of Transportation. In response, the petitioner submits a statement from counsel and several documents previously submitted at the time of filing. Counsel argues persuasively that the petitioner's occupation possesses substantial intrinsic merit. Counsel states that "the issue of worker shortage is not involved in [the petitioner's] request for a waiver of the labor certification requirement" and that the petitioner's contributions "have had a significant impact in her area of expertise to benefit the nation as a whole." Counsel also asserts that the petitioner will serve the national interest to a substantially greater degree than would an available U.S. worker having the same minimum qualifications. The assertions of counsel do not constitute evidence. Matter of Laureano, 19 I&N Dec. 1, 3 (BIA 1983); Matter of Obaigbena, 19 I&N Dec. 533, 534 (BIA 1988); Matter of Ramirez-Sanchez, 17 I&N Dec. 503, 506 (BIA 1980).

Counsel summarizes the petitioner's background and experiences and states that "there is not another school psychologist in the United States that is fluent in seven Asian Indian languages." The petitioner includes with her response to the director a copy of the 1998 *Directory of Bilingual School Psychologists*. It has not been demonstrated how the petitioner's fluency in several Asian Indian languages is of overall benefit to the field of school psychology or to students throughout the Virginia Public School System or the United States. The only tangible benefit would be to certain non-English speaking students of an extremely limited segment of the population who receive counseling directly from the petitioner, thus localizing her impact. Furthermore, the petitioner has not even submitted evidence as to the number of non-English speaking Asian or Indian students to whom she has provided counseling services, or specific examples of how she is more effective as a multilingual school psychologist. If being multilingual is a requirement for school psychologists in the Virginia Public School System, then a shortage of workers with those traits would facilitate the approval of labor certification.

Counsel states that the petitioner, "as a speaker, writer, and advocate, influences the field on a national level." The record does not support this conclusion. The impact and implications of the petitioner's research findings and conference presentations must be weighed. Simply submitting evidence of the petitioner's activities as a school psychologist or noting that she "participated" in the development of position statements for NASP does not establish the importance of the petitioner's contributions to her field relative to those of other qualified school psychologists/researchers. The record in this case generally describes the petitioner's work rather than offering a valuation of its overall significance to the field of school psychology. Part 6 of the Form I-140 reflects that the petitioner seeks employment as a "researcher," but the petitioner offers no evidence that her research has been published in reputable psychology journals. The authorship of two brief articles appearing in the Virginia Academy of School Psychologist's *Bulletin* and a local Virginia newspaper do not reflect significant impact on the field as a whole. Further, the record does not establish the extent to which other school psychologists have relied upon the petitioner's methods and research findings as a model, or that the petitioner has implemented her own new methods of counseling or psychological testing which represent a significant

field as a whole. Further, the record does not establish the extent to which other school psychologists have relied upon the petitioner's methods and research findings as a model, or that the petitioner has implemented her own new methods of counseling or psychological testing which represent a significant improvement upon existing methods. Finally, no evidence has been submitted to establish the petitioner's specific impact upon other school psychologists in different states.

The director denied the petition, stating that the evidence submitted did not demonstrate the petitioner's contributions "outside of her immediate working environment." The director noted that the petitioner's "accomplishments reach a very small, but important population of students at the state and local level."

On appeal, the petitioner requests oral argument. Oral argument, however, is limited to cases where cause is shown. The petitioner must show that a case involves unique facts or issues of law that cannot be adequately addressed in writing. In this case, the petitioner has shown no cause for argument; the petitioner simply expresses a desire to make her case in person. Consequently, the petitioner's request for oral argument is denied.

The petitioner submits additional articles stressing the undoubted importance of the prevention and treatment of mental disorders. These articles do not even mention the petitioner or her research; they discuss only general issues of mental health and the need for early treatment of psychological disorders. Pursuant to published precedent, the overall importance of a given occupation is insufficient to demonstrate eligibility for the national interest waiver.

The petitioner submits further evidence on appeal, including: proof of her certification as a school psychologist from NASP, a school psychologist license from Virginia, VASP goals, an e-mail message mentioning the possibility of financial support for her attendance at a NASP Tolerance Training Workshop, evidence she taught undergraduate courses at the University of Alabama, course evaluations completed by her students, demographic information from the University of Alabama, a reference letter from Assistant Professor Joan Miller describing her diligence in a 1989 research project, and additional documentation pertaining to her field of research.

The documentation submitted on appeal offers further evidence of the petitioner's local accomplishments and dedication to her field. We note that the analysis followed in "national interest" cases under section 203(b)(2)(B) of the Act differs from that for standard "exceptional ability" cases under section 203(b)(2)(A) of the Act. In the latter type of case, the local labor market is considered through the labor certification process and the activity performed by the alien need not have a national effect. For instance, pro bono legal services as a whole serve the national interest, but the impact of an individual attorney working pro bono would be so attenuated at the national level as to be negligible. Similarly, while education is in the national interest, the impact of a single schoolteacher in one elementary school would not be in the national interest for purposes of waiving the job offer requirement of section 203(b)(2)(B) of the Act. In this case, the petitioner has failed to submit evidence demonstrating that her activities as school psychologist have a

national impact or influence on the field of school psychology as a whole.

The letters submitted by the petitioner are all from her former professors, research collaborators, coworkers in the Virginia Public Schools, and colleagues from NASP and VASP. Many of these individuals describe the petitioner's skills as a dedicated school psychologist, but offer no evidence of her specific achievements and contributions having a potential to impact students throughout the United States. The witness letters essentially limit the petitioner's impact to the students with whom she interacts in Virginia and her undergraduate students at the University of Alabama. The petitioner has failed to demonstrate how her influence as a school psychologist, which appears mostly limited to her school system in Virginia, is national in scope.

Further, while many of the testimonial letters describe the future promise of the petitioner with phrases such as "has the potential to be a very influential psychologist" and "has the potential to impact the profession of school psychology on a national level," the evidence submitted is insufficient to demonstrate a past record of significant achievements and contributions to the field of school psychology which set her above others in the field.

We note that the record reflects little formal recognition or awards for the petitioner's work, arising from various groups taking the initiative to recognize the petitioner's contributions, as opposed to private letters solicited from selected witnesses expressly for the purpose of supporting the visa petition. Recognition from independent researchers in the field is more persuasive than subjective statements from individuals personally acquainted with the petitioner. We do not dispute that the petitioner's presentations and activities with NASP have yielded positive results, but her individual work has not been shown as having attracted significant attention from independent researchers or educators in the field of school psychology. The petitioner's witnesses are limited to individuals from the Virginia Public Schools, officials from organizations in which the petitioner is an active member, and the petitioner's former professors and research supervisors. The petitioner offers no evidence of groundbreaking research or the development of new methods of counseling which set her apart from others in the field school psychology.

Clearly, the petitioner's immediate colleagues have a high opinion of the petitioner and her work, as do other individuals who know the petitioner from her involvement in VASP and NASP. The petitioner's research findings, however, do not appear to have yet had a measurable influence in the larger field. While the petitioner's work has added to the overall body of knowledge in her field, this is the goal of all such research; the assertion that the petitioner's findings were presented at a NASP conference does not persuasively distinguish the petitioner from other competent school psychology researchers. The petitioner's dedication to the field and fluency in several languages, while valued by her immediate colleagues, does not appear to represent a national interest issue.

At issue is whether this petitioner's contributions to the field of school psychology are of such unusual significance that the petitioner merits the special benefit of a national interest waiver, over and above the visa classification she seeks. By seeking an extra benefit, the petitioner assumes an extra burden of proof. Without evidence that the petitioner has been responsible for specific

significant achievements in the field of school psychology, we must find that the petitioner's assertion of prospective national benefit is speculative at best.

As is clear from a plain reading of the statute, it was not the intent of Congress that every person qualified to engage in a profession in the United States should be exempt from the requirement of a job offer based on national interest. Likewise, it does not appear to have been the intent of Congress to grant national interest waivers on the basis of the overall importance of a given profession, rather than on the merits of the individual alien. On the basis of the evidence submitted, the petitioner has not established that a waiver of the requirement of an approved labor certification will be in the national interest of the United States.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, U.S.C. 1361. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed.