

(b)(6)

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

[Redacted]

DATE: **APR 18 2014** Office: TEXAS SERVICE CENTER FILE: [Redacted]

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)

ON BEHALF OF PETITIONER:  
[Redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification under 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. The petitioner seeks employment as a Process Engineer and Process Integrator for Chemical Projects. At the time of filing, the petitioner was working for [REDACTED] (U.S.) Inc. 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 has not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

On appeal, the petitioner submits a brief and additional documentary evidence concerning how the proposed benefits of his work will be the national scope. The petitioner also submits information pertaining to the U.S. Department of Labor's labor certification process. The petitioner asserts that the standard of proof in this matter is preponderance of the evidence. In most administrative immigration proceedings, the petitioner must prove by a preponderance of the evidence that he or she is eligible for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. 369 (AAO 2010). The truth is to be determined not by the quantity of evidence alone but by its quality. *Id.* at 376. In the present matter, the documentation submitted by the petitioner fails to demonstrate, by a preponderance of the evidence, that a waiver of the requirement of an approved labor certification will be in the national interest of the United States.

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

(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 –

(i) . . . the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements 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 record reflects that the petitioner qualifies as a member of the professions holding an advanced degree. The sole issue in contention 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 the pertinent 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).

A supplementary notice regarding the regulations implementing the Immigration Act of 1990, P.L. 101-649, 104 Stat. 4978 (Nov. 29, 1990) (IMMACT90), published at 56 Fed. Reg. 60897, 60900 (Nov. 29, 1991), states, in pertinent part:

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.

*In re New York State Dept of Transportation*, 22 I&N Dec. 215, 217-18 (Act. Assoc. Comm’r 1998) (NYSDOT), has set forth several factors which must be considered when evaluating a request for a national interest waiver. First, a petitioner must establish that he seeks employment in an area of substantial intrinsic merit. *Id.* at 217. Next, a petitioner must establish that the proposed benefit will be national in scope. *Id.* Finally, the petitioner seeking the waiver must establish that he will serve the national interest to a substantially greater degree than would an available U.S. worker having the same minimum qualifications. *Id.* at 217-18.

The petitioner has established that his work as a process engineer and process integrator in the chemical engineering field is in an area of substantial intrinsic merit. With regard to the second prong of the national interest waiver test, the director found that the proposed benefits of the petitioner’s work for [redacted] (U.S.) Inc. would not be national in scope. On appeal, the petitioner points to documentary evidence indicating that his employment provides the prospective national benefit of improving environmental, health, and safety conditions in the chemical refinery industry. In addition, the petitioner points to documentation indicating that his prospective employment facilitates the production of chemicals that are important to other industries throughout the United States and helps to “debottleneck” existing ethylene oxide manufacturing capacity in the U.S. The petitioner further states that the resulting increase in manufacturing capacity will reduce production costs, create domestic jobs, and improve U.S. competitiveness in the industry globally. As the documentation submitted by the petitioner is sufficient to demonstrate that

the proposed benefits of his work are national in scope, the director's finding on this issue is withdrawn.

It remains, then, to determine whether the petitioner will benefit the national interest to a greater extent than an available U.S. worker with the same minimum qualifications. Although the national interest waiver hinges on prospective national benefit, the petitioner must establish his past record justifies projections of future benefit to the national interest. *NYSDOT* at 219. The petitioner's subjective assurance that he 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 petitioner, rather than to facilitate the entry of an individual with no demonstrable prior achievements, and whose benefit to the national interest would thus be entirely speculative. *Id.*

Eligibility for the waiver must rest with the petitioner's own qualifications rather than with the position sought. Assertions regarding the overall importance of a petitioner's area of expertise cannot suffice to establish eligibility for a national interest waiver. *Id.* at 220. At issue is whether this petitioner's contributions in the field are of such significance that he merits the special benefit of a national interest waiver, a benefit separate and distinct from the visa classification he seeks. A petitioner must demonstrate a past history of achievement with some degree of influence on the field as a whole. *Id.* at 219, n. 6. In evaluating the petitioner's achievements, original innovation, such as demonstrated by a patent, is insufficient by itself. Whether the specific innovation serves the national interest must be decided on a case-by-case basis. *Id.* at 221, n. 7.

In support of the petition, the petitioner submitted letters of support discussing his work for [redacted] Inc. and [redacted], a [redacted] oil company.

[redacted] Project Consultant, [redacted] Spain, stated:

I worked very closely to [the petitioner] on the "Sulfur Reduction to 50 ppm (parts per million) in commercial fuels" project, between 2003 and 2005. During that period, our task was the development of Conceptual (pre-FEED [Front End Engineering Design]) and Basic (FEED) Engineering for [redacted] Refinery. The project was the result of a legal requirement to reduce sulfur content on commercial fuels, mainly gasoline and gasoil, in order to decrease pollution on the four most populated [redacted] cities. Only for [redacted] Refinery, this tighter quality specification would lead to a sulfur emission reduction to the atmosphere greater than 10 tons per day. The project involved more than ten process units either for modifications on existing or construction of new grassroots units exceeding more than five hundred million dollars of capital investment. In a joined effort, [the petitioner] and I were responsible for the framing of the different most probable scenarios, mass and energy balance development for the entire refinery, technology selection and basis of design development, just to mention some.

Ms. [redacted] comments on her project with the petitioner to develop a FEED design to reduce sulfur content emission from the [redacted] Refinery, but there is no documentary evidence showing

that the process engineering design developed by the petitioner has affected practices at a number of refineries in the industry or has otherwise influenced the field as a whole.

Global Technology Manager for Catalytic Cracking and Delayed Coking, and Chief Process Engineer – (U.S.) Inc., stated that he “hired [the petitioner] in the Catalytic Cracking team in Amsterdam, The Netherlands.” Mr. further stated:

[The petitioner] became leader of preparing technical proposals for licensing bids. His main contribution was the standardization of the process to deliver the technical offer packages, improving the quality of the deliverables and reducing not only the response time but also the man-hour costs.

[The petitioner] performed a study as to coke formation in a Cat Cracking Unit of one of the refineries, which unit had been suffering several unplanned shutdowns due to coke formation in one essential piece of equipment. . . . After a rigorous analysis, [the petitioner] found the incident root causes and based on that he wrote a report with sound technical recommendations. Since then, the unit has not been shut down due to this problem.

[The petitioner] performed a study to improve the circulation of the catalyst in Catalytic Cracking units; [the petitioner] took over an ongoing project for the installation of a catalyst circulation device (proprietary technology) in a third party customer in Scotland. His duties consisted of design review, start up assistance and performance test run after installation. This project was a success as it came to life without delays after a flawless start-up and fulfilling all the technical guarantees. [The petitioner] was the key player in this project.

Stack emissions study: One important refiner in Europe went through a major incident in its catalytic cracking unit releasing harmful species to the atmosphere. . . . [The petitioner] was assigned to investigate the facts which led to the incident as well as to determine the chemical species sent to the atmosphere and in which amounts. [The petitioner’s] report was used for the refiner as reference documentation within the information to be provided to local environmental authorities.

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Pre-commissioning, commissioning and start-up of a major (USD 100 million +) revamp in a Cat Cracking Unit in Venezuela: [The petitioner] was appointed as a member of a multi-disciplinary team in charge of this activity. Due to delays, the revamp became behind schedule and the team leader got his retirement in the middle of the project. [The petitioner] took over the leadership position immediately showing courage to face the new situation and leading the group efficiently to a successful start-up.

Mr. points to the petitioner’s preparation and standardization of s technical proposals, his study and recommendations concerning coke formation in a catalytic cracking unit at

a [redacted] refinery, his installation of a catalyst circulation device for a [redacted] customer in Scotland, his investigation and report on stack emissions at a European refinery, and his commissioning and start-up of a catalytic cracking unit in Venezuela, but does not provide examples of how the petitioner's work has had a specific impact beyond [redacted] and its customers. The petitioner's specific influence on the field of chemical engineering as a whole is not documented in the record.

[redacted] Team Lead for Process Engineering for Projects, Chemicals and Innovation, Research and Development, [redacted] (U.S.) Inc., stated:

[The petitioner] has a strong background and skill in understanding new technology/technology new to him, and then performing computer modeling of that technology. . . . His significant background in operations support early in his career combined with his significant experience on a large capital project at that same facility, with a previous employer, gives him a unique balance of exposure to be able to function on both sides of the fence: operations and projects. . . . His exposure to the [redacted] organization while serving as a [redacted] employee adds to his unique skill set in that he understands how to interact with operating [redacted] sites while working with a technical team scoping out a project even though he has not served at an operating [redacted] facility. This unique ability is very difficult to find outside of the [redacted] internal technical community . . . . He brings his background to the table along with his skilled technical abilities to learn any one of the technologies we support within our team to be able to scope out a project using computer modeling tools with support from site operations when needed. Based on my personal exposure to the current market place reviewing resumes for external positions open in my team, I am convinced that [the petitioner's] unique skill set is hard to find in the current U.S. market place today.

[redacted] comments on the petitioner's unique skills and technological background, but special or unusual knowledge or training does not inherently meet the national interest threshold. *NYS DOT* at 221. Any claim that the petitioner possesses useful skills or a "unique background" relates to whether similarly-trained workers are available in the United States and is an issue under the jurisdiction of the U.S. Department of Labor through the employment certification process. *Id.*

[redacted] further stated:

[The petitioner] is currently playing a strong role in scope development of new projects at our premier U.S. Chemicals manufacturing facility in [redacted] Louisiana. He is one of a few engineers in the entire company that has the skill and ability to run computer models of our ethylene oxide production plants. In that capacity he has made significant contributions to project scope for our units to be able to increase capacity through them, resulting in increased product output. The increased production capacity will add to [redacted]'s Chemical portfolio related to an increase in ethylene oxide and ethylene glycol molecules. Whether used internally in other [redacted] product streams or sold externally as is, this increase in production will benefit the U.S. economy both locally and nationally. Customers of [redacted]

will be able to increase their production rates and manufacture new products employing these molecules, for use in the U.S. market.

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For another project he has also created a computer model to simulate our manufacturing process for a new molecule being produced at our [redacted] facility for our detergents business. For this new chemical process, [the petitioner] also validated the reactor design using proprietary design tools that are no longer supported within the [redacted] technical community.

[redacted] states that the petitioner creates and runs computer models at [redacted]'s production plant in [redacted] Louisiana to simulate manufacturing processes and to analyze the facility's ability to handle increased production capacity. However, [redacted] does not provide specific examples of how the petitioner's work has led to advancements in the chemical refinery industry or has otherwise affected the field of chemical engineering as a whole. The petitioner must demonstrate not only that his work is useful to [redacted] and its customers, but also that it has influenced the field as a whole.

[redacted] Principle Process Technologist, Ethylene Oxide/Glycols, Projects and Technology [redacted] (U.S.) Inc., also comments on the petitioner's work at the [redacted] Plant. He stated:

Several projects have been identified to expand capacity at [redacted] Chemicals [redacted], Louisiana manufacturing facility. . . . [The petitioner] began working with the Ethylene Oxide/Glycol Technology group in January 2010. The work began with a capacity test run at the [redacted] Plant in early 2010. The data was analyzed and projects developed to increase the unit capacity. [The petitioner] provided the modeling and detailed design of the modifications for the site.

[The petitioner] supported the project in two major areas: Unit Safeguarding and Debottleneck Scope. . . . [The petitioner] was able to evaluate each system and confirm that all were properly designed and sized for the new operating conditions. This was especially challenging around the EO [Ethylene Oxide] reaction system where preliminary evaluations from the past had indicated major modifications might be required. By making a thorough analysis of this system at the new operating conditions, [the petitioner] was able to show that modifications were not required resulting in substantial project cost reductions.

[The petitioner] is supporting the debottleneck project for the Ethylene Oxide/Glycol Unit. In this work, he developed a computer (ASPEN<sup>®</sup>) model of the unit. This entailed taking data from the test run and adjusting the model to fit the plant data. . . . This modeling work has historically been done in [redacted] Technology Center. However, it is important to develop this skill in the U.S. and [the petitioner] brings this skill to the [redacted] Technology Center.

[The petitioner] provided the design to increase unit capacity by 15% with options to increase capacity even further in the future. The preliminary cost of the project was unacceptably high. [The petitioner] reviewed the project scope and was able to reduce cost by 30%.

Mr. [REDACTED] comments on the petitioner's involvement in a project to expand capacity at [REDACTED]'s [REDACTED] manufacturing facility. However, there is no evidence showing that the petitioner's unit safeguarding analysis and computer modeling work using the ASPEN<sup>®</sup> simulation tool have influenced the field as a whole. Regarding the petitioner's skill in ASPEN<sup>®</sup> modeling, any objective qualifications which are necessary for the performance of the occupation can be articulated in an application for labor certification. *NYS DOT* at 220-221. In addition, although Mr. [REDACTED] states that the petitioner's design increased capacity and reduced manufacturing cost at [REDACTED] site, he does not explain how the petitioner's work has specifically influenced practices in the chemical refinery industry or has otherwise affected the field of chemical engineering as a whole.

[REDACTED] Senior Process and Technology Engineer, [REDACTED] (U.S.) Inc., stated:

[The petitioner] became my colleague after a company re-organization moved me from the Lower Olefins group to the Chemical Projects group in Jan 2010. We were initially assigned to assist with the test run and safeguarding review of two Ethylene Oxide (EOEG) plants in Louisiana. Later, we collaborated in the debottlenecking of the plants that would lead to capital investment by [REDACTED]

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[The petitioner] was given the task of evaluating the efficacy of almost 100 relief valves for higher operating rates of the EOEG2 plant within a short period of time. With diligence and applying good engineering sense, [the petitioner] was able to complete the evaluation in time, allowing the high capacity test run to be executed within a narrow time window. This enabled [REDACTED] to conduct a safe test run and collect crucial information to launch a capital project that would eventually provide higher return on investment for [REDACTED] EO plants in the U.S.

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[The petitioner] is a savvy user of the Aspen flow sheeting program which is used to perform heat and material balance around EOEG plants. His attention to details and careful analysis of plant data and modeling principals [sic] allowed model improvements that proved to be important for project/economic evaluations and designs that followed. An accurate economic assessment is especially needed in a depressed economy to ensure profitable capital investments that provide expected returns to stakeholders like stock and bond holders.

\* \* \*

[The petitioner's] chemical engineering skills are highly needed in the U.S. as this country strives to improve the environment and make more productive use of natural resources. Advances in chemical technology are needed to resolve problems such as renewable energy and greenhouse gas reduction with sustainable economic growth.

Ms. [REDACTED] points to a safeguarding analysis performed by the petitioner concerning higher operating rates for relief valves at the EOEG2 plant and to his usage of the Aspen flow sheet program to perform heat and material balance for [REDACTED] EOEG plants, but fails to provide specific examples of how the petitioner's work has impacted other process engineers in the chemical refinery industry or has otherwise influenced the field as a whole. In addition, Ms. [REDACTED] comments on the importance of the petitioner's "chemical engineering skills" and the need for advances in chemical technology in areas such as renewable energy and greenhouse gas reduction. However, general arguments or information regarding the importance of a given field of expertise cannot by themselves establish that an individual benefits the national interest by virtue of engaging in the field. *NYSDOT* at 217. Such assertions and information address only the "substantial intrinsic merit" prong of *NYSDOT*'s national interest test. Moreover, with regard to the petitioner's "chemical engineering skills," special or unusual knowledge or training does not inherently meet the national interest threshold. *Id.* at 221.

[REDACTED], Manager, Regional Manufacturing Support, [REDACTED] (U.S.) Inc., stated:

In my present role, [the petitioner] worked in my team for approximately 1½ years. [The petitioner] was supporting the FCC [Fluidized Catalytic Cracking] technology area, and he was the focal point for several manufacturing sites. In this role, [the petitioner] provided technical support and services to multiple manufacturing sites. These services and support included process unit monitoring, troubleshooting, optimization and process design for projects.

\* \* \*

Because of the significant shortage of Science, Technology, Engineering and Math (STEM) professionals in the U.S. and the increasing demand for these professions, [the petitioner's] educational and professional experience would help to meet this resource demand in the U.S.

Mr. [REDACTED] comments that the petitioner provided technical support and services to multiple manufacturing sites, but there is no documentary evidence showing that the petitioner's specific work has had an impact beyond [REDACTED] and its customers, or has otherwise affected the field as a whole. In addition, Mr. [REDACTED] mentions the "significant shortage" of STEM professionals in the United States. However, the unavailability of qualified U.S. workers or the amelioration of local labor shortages are not considerations in national interest waiver determinations because the labor certification process is already in place to address such shortages. *Id.* at 218. Again, the issue of whether similarly-trained workers are available in the U.S. is an issue under the jurisdiction of the U.S. Department of Labor through the labor certification process. *Id.* at 221.

The Board of Immigration Appeals (BIA) has held that testimony should not be disregarded simply because it is “self-serving.” *See, e.g., Matter of S-A-*, 22 I&N Dec. 1328, 1332 (BIA 2000) (citing cases). The BIA also held, however: “We not only encourage, but require the introduction of corroborative testimonial and documentary evidence, where available.” *Id.* If testimonial evidence lacks specificity, detail, or credibility, there is a greater need for the petitioner to submit corroborative evidence. *Matter of Y-B*, 21 I&N Dec. 1136 (BIA 1998).

The opinions of the petitioner’s references are not without weight and have been considered above. USCIS 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’r 1988). However, USCIS is ultimately responsible for making the final determination regarding a petitioner’s eligibility for the benefit sought. *Id.* The submission of letters of support from the petitioner’s professional contacts is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the petitioner’s eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to “fact”). Thus, the content of the experts’ statements and how they became aware of the petitioner’s reputation are important considerations. Even when written by independent experts, letters solicited by a petitioner in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of a chemical process engineer who has influenced the field as a whole.

The director denied the petition on August 9, 2013. The director determined that the reference letters from immediate colleagues and coworkers of the petitioner were not sufficient to demonstrate the petitioner’s past impact in the field of process engineering. In addition, the director concluded that the submitted evidence did not show that the petitioner “has made a contribution to any aspect of process . . . engineering so great as to outweigh the national interest inherent in the labor certification process.” The director therefore concluded that the petitioner failed to establish that an exemption from the requirement of a job offer would be in the national interest of the United States.

On appeal, the petitioner asserts that the petitioner will benefit the national interest to a substantially greater degree than would a similarly qualified U.S. worker. The petitioner contests the director’s statement that “[a]n employer is never restricted on the type of work experience that can articulated on a labor certification” and offers a detailed explanation of the labor certification process. The petitioner cites to U.S. Department of Labor (DOL) regulations at 20 C.F.R. § 656.17(i) that indicate employers do face certain restrictions on the type of work experience that can be articulated on a labor certification. Accordingly, the director’s statement to the contrary is withdrawn.

However, the inapplicability or unavailability of a labor certification cannot be viewed as sufficient cause for a national interest waiver; the petitioner still must demonstrate that he will serve the national interest to a substantially greater degree than do others in the same field. *NYSDOT* at 218, n.5. By statute, eligibility for the waiver is based on serving the national interest, not the employer’s inability or unwillingness to obtain a labor certification.

The petitioner also challenges the director's statements that the petitioner failed "to establish or even claim that [he] has authored or co-authored any professionally published articles in his specialty" and that having one's work cited to by other engineering professionals in their publications is a reliable measure of impact on the field. The petitioner states: "It appears that the Service is saying that the beneficiary of a national interest waiver petition must be a published author in the field of endeavor in order to illustrate that the beneficiary's efforts have had a sufficient bearing on the field to warrant a national interest waiver . . . ."

Although publication and frequent citation by others are not required to demonstrate eligibility for the national interest waiver, they are examples of the types of evidence that are helpful in demonstrating that an individual's work has garnered the attention of other professionals in the field beyond his coworkers. Again, in order to demonstrate eligibility for the third prong of the national interest waiver test, a petitioner must demonstrate a past history of achievement with some degree of influence on the field as a whole. *NYS DOT* at 219, n. 6. As evidence of his past history of achievement, the petitioner relies on letters of support that are limited to his current and former coworkers from [REDACTED] and [REDACTED]. Although these letters are important in providing information about the petitioner's role in various projects for his employers, they cannot by themselves establish that his work has affected the field as a whole.

The petitioner asserts that he "engineers and designs various chemical processes" and that the "processes are usually highly proprietary and confidential, and do not often warrant scholarly publication in the field." Although the proprietary nature and confidentiality of the petitioner's work may be normal in the chemical engineering field, without documentary evidence that the petitioner's work has impacted the field beyond his employers in some specific manner, it has not been established that he has influenced the field as a whole.

The petitioner points out that he was a lecturer at the "South American Cat Cracking Catalytic Symposium" in Brazil in 2002 and at the "First Latin American Refinery Technical Conference" in Argentina in 2001. Although the petitioner submitted copies of materials entitled "New Operational Strategy for Cat Cracking Units (FCC) in [REDACTED] Refinery" and "Distillation Control in RLC-FCC II Depropanizer," there is no documentary evidence from the conference organizers (such as conference agenda or an event program listing the lecturers) demonstrating that he was a featured speaker on those topics at the aforementioned conferences in 2001 and 2002. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)). Regardless, many professional fields regularly hold meetings and conferences to present new work, discuss new findings, and to network with other professionals. These meetings and conferences are promoted and sponsored by professional associations, businesses, educational institutions, and government agencies. Although presentation of the petitioner's work demonstrates that his findings were shared with others and may be acknowledged as original based on their selection to be presented, there is no documentary evidence showing that his presented work has been frequently cited by independent engineering professionals or that his findings have otherwise influenced the field as a whole.

In addition, the petitioner asserts that he served as a trainer of a 40-hour “[REDACTED]” course in Turkey in 2008. The August 29, 2012 letter from Mr. [REDACTED] stated:

Catalytic Cracking and Related Processes Course: [The petitioner] was appointed as lecturer leader of this course. That was the first time this training was delivered to a third party (it had been only an internal [REDACTED] course until then) and a very positive feedback from the customer was received, mainly related to the skills and knowledge of the lecturer.

With regard to petitioner’s work as a trainer or lecturer for the above course, there is no documentary evidence establishing that benefits of his work extended beyond his students such that his instructional material influenced the field as a whole. Furthermore, as Mr. [REDACTED] stated that the course previously existed as “an internal [REDACTED] course,” there is no evidence demonstrating that the petitioner was the original developer or author of the course material.

The petitioner further states that he served as lecturer of a 24-hour “SHARC Course” in Turkey in 2007, but provided no documentary evidence to support the claim. *Matter of Soffici*, at 165. Regardless, there is no evidence showing that the petitioner’s course material has affected the field as a whole.

A plain reading of the statute indicates that it was not the intent of Congress that every advanced degree professional or alien of exceptional ability should be exempt from the requirement of a job offer based on national interest. The petitioner has not shown that his past record of achievement is at a level sufficient to waive the job offer requirement which, by law, normally attaches to the visa classification sought by the petitioner. While the petitioner need not demonstrate notoriety on the scale of national acclaim, the petitioner must have “a past history of demonstrable achievement with some degree of influence on the field as a whole.” *NYSDOT* at 219, n.6. 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.

In visa petition proceedings, it is the petitioner’s burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

**ORDER:** The appeal is dismissed.