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U.S. Citizenship
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Services

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FILE: [REDACTED]
LIN 07 099 50560

Office: NEBRASKA SERVICE CENTER

JAN 16 2009
JAN 16 2009

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:



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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

John F. Grissom
John F. Grissom, Acting 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 (AAO) on appeal. The appeal will be dismissed.

The petitioner is an electronics manufacturer. It seeks to classify the beneficiary as an outstanding researcher 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 a senior staff engineer at an engineering research facility. The director determined that the petitioner had not established that the beneficiary had attained the outstanding level of achievement required for classification as an outstanding researcher.

On appeal, counsel submits a brief, memoranda, non-precedent decisions by this office and evidence relating to after the petition's date of filing. For the reasons discussed below, counsel's legal and factual assertions cannot support approval of the petition. The new evidence does not establish the beneficiary's eligibility as of the date of filing as required. See 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l. Comm'r. 1971).

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 current or former 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 February 13, 2007 to classify the beneficiary as an outstanding researcher in the field of software engineering and computational intelligence. Therefore, the petitioner must establish that the beneficiary had at least three years of research experience in the field as of that date and that the beneficiary's work has been recognized internationally within the field as outstanding. As the beneficiary received her Ph.D. less than three years before the petition was filed, the petitioner must demonstrate that the beneficiary's Ph.D. research has been recognized within the academic field as outstanding.

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. On appeal, counsel asserts that the petitioner need only submit evidence relating to the six criteria and that the director erred in considering whether the evidence was indicative of international recognition. It is important to note here that the controlling purpose of the regulation is to establish international recognition, and any evidence submitted to meet the regulatory 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. *Employment-Based Immigrants*, 56 Fed. Reg. 30703, 30705 (proposed July 5, 1991) (enacted 56 Fed. Reg. 60897 (Nov. 29, 1991)). The petitioner claims to have satisfied the following criteria.¹

¹ The petitioner does not claim that the beneficiary meets any criteria not discussed in this decision and the record contains no evidence relating to the omitted criteria.

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.

Initially, counsel asserted that the beneficiary meets this criterion through the articles that cite her work. Counsel noted that some of the citing articles include several sentences relating to the petitioner's work. We note that the articles quoted by counsel were authored by the beneficiary's collaborators and constitute a review of their joint project.

On January 8, 2008, the director requested additional evidence, noting that mere references to the beneficiary's work in footnotes is insufficient. Counsel's response did not address this criterion. Thus, the director's final decision included no discussion of this criterion.

On appeal, counsel erroneously asserted that the director failed to comment in the request for additional evidence on the citation evidence submitted initially, concluding that the director "has not fully reviewed the evidence presented." Counsel asserts that both the number of citations and the quality of the citations are significant.

We concur with the director's concerns expressed in the request for additional evidence and find that the director did not err in failing to address this issue in the final decision because counsel did not respond to those concerns in her response. Ultimately, articles that cite the beneficiary's work are primarily about the author's own work or provide a general overview of a broad subject. They are not primarily about the beneficiary's work. "Verification and Validation of Neural Networks: A Sampling of Research in Progress," authored by one of the beneficiary's collaborators, addresses the beneficiary's research within the context of reviewing work in the area in general. "Weaving it all Together – A Methodology for the Verification and Validation of Adaptive Neural Networks," authored by the same collaborator, cites the beneficiary's work as one of "numerous operational monitoring approaches." Both articles are several pages long and devote only one or two paragraphs to the beneficiary's work. As such, they cannot be considered published material about the beneficiary. The Institute for Scientific Research Report is an internal report on research being done in collaboration with the institute and cannot be considered published material. Nevertheless, we will consider the citations below as they relate to the academic community's response to the beneficiary's published articles.

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.

Initially, counsel asserted that the beneficiary meets this criterion through serving as a committee member at a Computer Software and Applications Conference (COMPSAC 2006), chairing and co-chairing workshops organized by the petitioner and reviewing articles for four journals, including two special issues, and 10 conferences. This review experience is also listed on the beneficiary's curriculum vitae. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1, 3 n.2 (BIA

1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). Moreover, 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)).

The record does not contain evidence of all of the above experience. Rather, the record reflects that the beneficiary was invited to referee a single article in the *Applied Soft Computing Journal* and serve as a reviewer for the 2007 International Joint Conference on Neural Networks (IJCNN). The beneficiary is also listed as one of 93 reviewers for the 2004 HASE conference; one of 16 members of the "Steering Committee" for the Third International Workshop on Software Cybernetics (IWSC '06), which included the beneficiary's doctoral supervisor as a program co-chair; and one of more than 400 reviewers for a 2006 World Congress on Computational Intelligence (WCCI) conference. Finally, the record contains a certificate issued by the petitioner to the beneficiary in recognition of her service as a Workshop Chair at a 2006 symposium.

In response to the director's request for additional evidence, the petitioner submitted an even lengthier list of review experience, much of which postdates the filing of the petition, but the only new evidence was a letter from [REDACTED], Senior Lecturer in Computer Science at the University of Manchester. [REDACTED] confirms that he invited the beneficiary to serve as a reviewer for a book published in 2007, "Trends in Neural Computation." [REDACTED] does not specify whether his invitation predated the filing of the petition on February 13, 2007. Moreover, his description of the book as a volume in a series that publishes scholarly articles and his subsequent reference to the petitioner as a referee reveals that the beneficiary, assuming she accepted [REDACTED] offer, performed comparable services to a journal reviewer. [REDACTED] does not indicate the number of reviewers who review articles for this series.

The director concluded that the beneficiary's participation in the review process was not indicative of international recognition. On appeal, counsel asserts that the beneficiary had served as a reviewer or panelist 22 times as of the date the petitioner responded to the director's request for additional evidence. As stated above, however, the petitioner must demonstrate the beneficiary's eligibility as of the date of filing the initial petition. See 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. at 49. Counsel further notes that the petitioner served as a panelist at conferences attended by researchers from around the world. Counsel also quotes from the U.S. Citizen and Immigration Services (USCIS) Adjudicator's Field Manual, asserting that the manual does not suggest that adjudicators should consider the volume or type of review. Finally, counsel asserts that the director's request for additional evidence misstated the amount of the beneficiary's review participation and that the final decision fails to take into account statements from editors regarding the requirements for reviewers and the prestigious nature of the journals for which the beneficiary has served as a reviewer.

The language from the Adjudicator's Field Manual quoted by counsel relates to aliens of extraordinary ability under section 203(b)(1)(A) of the Act and is subsequently referenced as relevant to outstanding researchers under section 203(b)(1)(B) of the Act. The full discussion also admonishes adjudicators to keep in mind that the evidence submitted to meet this criterion "is being submitted to establish that the

alien” meets the statutory standard for the classification. The evidence submitted to meet a given criterion must be indicative of or consistent with international recognition if that statutory standard is to have any meaning. We acknowledge an alien must meet at least two criteria to qualify, suggesting that it is the cumulative nature of the evidence that establishes international recognition. While we recognize the cumulative nature of the regulations, it cannot credibly be argued that two ordinary achievements for a researcher are any more persuasive than a single ordinary achievement would be. Thus, we reject counsel’s implication that the evidence submitted to meet a given criterion need not set the alien apart from others in the field.

The record does not establish that the beneficiary’s service on a steering committee involved any judging responsibilities. We acknowledge that the members of the beneficiary’s field who support the petition reference the beneficiary’s review work as indicative of her international recognition. 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 (Commr. 1988). USCIS may give less weight to an opinion that is not corroborated, in accord with other information or is in any way questionable. *Id.* at 795. As stated above, the beneficiary was one of 93 and approximately 400 reviewers for the conferences. The sessions for which she served as a panelist prior to the date of filing were at conferences hosted by her employer.

We cannot ignore that scientific journals are peer reviewed and, consistent with the evidence submitted, rely on many scientists 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 his 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. While the beneficiary lists considerable review experience on her curriculum vitae, the record does not support the claim that, as of the date of filing, she had received independent requests from a substantial number of journals, conferences and book series.

In light of the above, the petitioner has not established that the beneficiary met this criterion as of the date of filing.

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

Obviously, the petitioner cannot satisfy 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. Because the goal of the regulatory criteria is to demonstrate that the beneficiary has won international recognition as an outstanding researcher, 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.”

As stated above, outstanding 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). Any Ph.D. thesis, postdoctoral or other research, in order to be accepted for graduation, publication or funding, must offer new and useful information to the pool of knowledge. To conclude that every researcher who performs original research that adds to the general pool of knowledge meets this criterion would render this criterion meaningless.

Furthermore, the regulations include a separate criterion for scholarly articles. 8 C.F.R. § 204.5(i)(3)(i)(F). Thus, the mere authorship of scholarly articles cannot serve as presumptive evidence to meet this criterion. To hold otherwise would render the regulatory requirement that a beneficiary meet at least two criteria meaningless.

The petitioner relies on several reference letters. The opinions of experts in the field, while not without weight, cannot form the cornerstone of a successful claim of international recognition. As stated above, USCIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. at 795. However, USCIS 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; USCIS may evaluate the content of those letters as to whether they support the alien’s eligibility. *See id.* at 795. USCIS 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. at 165 (citing *Matter of Treasure Craft of California*, 14 I&N Dec. at 190).

In evaluating the reference letters, we note that letters containing mere assertions of widespread 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. Letters from independent references who were previously aware of the petitioner through her reputation and who have applied her work are the most persuasive. 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.

In 2005, the beneficiary received her Ph.D. in Computer Science from West Virginia University under the direction of [REDACTED]. Her Ph.D. research was funded by the Office of Naval Research (ONR) and the National Aeronautics and Space Agency (NASA) Independent Verification and Validation (IV&V) Facility. Upon graduating, the beneficiary began working for the petitioner. We reiterate that in order to include the beneficiary’s Ph.D. research as part of her qualifying three

years of research experience, the petitioner must demonstrate that the beneficiary's Ph.D. research has been recognized internationally in the field as outstanding.

currently a professor at the New Jersey Institute of Technology, asserts that the beneficiary joined his research group while he was a professor at West Virginia University. asserts that the beneficiary's first project was sponsored by ONR and involved applying neural network models to predict the elasto-plastic response of the welding process, significant for Maglev systems and ship construction. explains that the "inherent complexity and uncertainty associated" with a quality prediction model has been an obstacle to applications. asserts that the beneficiary "has made significant advances in this area by conducting comparative studies on different neural network models and analyzing the performance of such models with various parametric settings and a number of learning rules." This work, according to I led the beneficiary to pursue her later work using neural networks as a new type of emerging self-learning software. asserts that the beneficiary proposed to NASA validation and verification of neural network-based online adaptive systems using formal methods.

discusses at length the beneficiary's investigations of verification and validation techniques used to evaluate software systems that change and adapt over the course of program execution (adaptive controllers). Such systems can accommodate unforeseen environments and are of significant interest to the Department of Defense and NASA. explains that while traditional software verification was performed offline, the beneficiary "developed online monitoring techniques for neuron-adaptive control systems, which offer insightful results on the analysis of adaptive behavior of neural networks." further asserts that the beneficiary used parametric analysis to explore the structure of neural network models and developed performance measures such as a validity index. According to , the beneficiary's results "provide a novel and unique indirect approach to reason about and understand the behavior of neural network-based adaptive learners in an economically viable yet theoretically sound manner." Finally, asserts that the beneficiary's empirical studies verified the validity of her proposed methods and that she provided very detailed analysis of data from the high-fidelity simulator of a flight control system. notes that this work was all published. As noted above, however, publication of scholarly articles is a separate criterion set forth in 8 C.F.R. § 204.5(i)(3)(i)(F). We cannot conclude that evidence directly related to that criterion is also presumptive evidence to meet this criterion.

an associate professor at the Universita dell'Aquila in Italy and a former research assistant professor at West Virginia University, authored a letter supporting the petition but his letter merely speculates as to the beneficiary's impact in the future. His references to the U.S. "national interest" and the "substantial intrinsic merit" of the alien's area of research relate to a lesser classification than the one sought in this matter.² explains that there has been increasing attention to applying adaptive leaning models such as neural networks and that the

² Section 203(b)(2) of the Act provides for a national interest waiver of the alien employment certification process for members of the professions holding advanced degrees or aliens of exceptional ability. *See also New York State Dep't of Transp.*, 22 I&N Dec. 215 (Comm'r 1998).

beneficiary provided “a potential solution” to a long time problem with these models. He concludes that her research “may benefit important national interests of the United States.” [REDACTED] continues discussing her work in more detail, affirming that her results “make it possible to closely monitor the adaptive performance online against safety and reliability requirements,” and have “the potential for a great impact on the improvement of adaptive systems.” While [REDACTED] notes that the beneficiary’s work has been published, he concludes that the publications demonstrate that “the practical significance and direct link of [the beneficiary’s] research to US national interest in national defense and software technology development have been well recognized by the scientists in the field.” Research that did not offer practical solutions would not be likely to receive funding, let alone be accepted for publication. [REDACTED] then speculates that the beneficiary’s research “could have an impact on advancing software engineering technology in America.”

[REDACTED] a principal scientist at the Institute for Scientific Research, Inc. and co-principal investigator of NASA’s Independent Verification and Validation Facility, confirms her collaboration with the beneficiary on the NASA project. [REDACTED] asserts broadly that the beneficiary pioneered a new verification and validation method critical to U.S. national defense. [REDACTED] continues that the beneficiary’s work benefited researchers and organizations around the world and “formed the basis of many projects that directly followed.” [REDACTED] provides no examples and, as will be discussed in more detail below, the beneficiary’s citation record does not support this broad claim.

[REDACTED] a senior scientist at the Research Institute for Advanced Computer Science (RIACS) who coauthored a journal article with the beneficiary, asserts that validation technology, especially as it relates to neuron-adaptive flight controllers, has “huge potential for military and civilian aviation” and is currently being tested on F-15 and C-17 manned aircraft at a NASA center and is being evaluated by Boeing. After discussing NASA and Boeing’s interest in this technology, [REDACTED] asserts that the beneficiary’s Ph.D. research made “major contributions” to this technology. In a subsequent letter, [REDACTED] asserts that the beneficiary’s research was “integrated with the confidence tool as part of the verification and validation toolset for NASA’s test flight tools deployed for the Intelligent Flight Control System (IFCS) project” used to test the F-15. [REDACTED] further asserts that this project “was successfully demonstrated for a Congressional Milestone and received high acclaims for its originality, accuracy, and robustness.” [REDACTED] continues that the beneficiary’s monitoring techniques were collected into NASA’s Office of Safety and Mission Assurance (OSMA)’s guidelines for verification and validation. The record does not contain these guidelines or confirmation from any NASA official regarding the significance of the beneficiary’s work to NASA.

A letter from a coauthor of [REDACTED] also supports the petition. [REDACTED] a systems lead engineer for Nemerix, asserts:

[The beneficiary] made a pioneering breakthrough in adaptive systems by providing online performance evaluation methods through constant monitoring in order to address the impact of environmental changes on adaptive behavior.

[The beneficiary's] major contributions to this point have been: Developing novel algorithms to monitor and estimate the performance of the neural networks used for adaptation, and applying the statistical learning model in validating the online learning of neural networks.

attests to the originality of the beneficiary's work, its universal applicability and notes that the published results "are available for the benefit of the entire software engineering community." Research that duplicates the work of others would hardly qualify for publication (a separate criterion) or even graduation from a Ph.D. program. To conclude that every Ph.D. graduate and published author meets this criterion would render it meaningless. While attests to the potential for the beneficiary's work to benefit the engineering community, he provides no examples of independent engineers using the beneficiary's work. does not claim to have applied the beneficiary's work himself.

, an associate professor at the University of Texas at Dallas who has led NASA-funded research, provides similar information to that discussed above. While asserts that the beneficiary's work was "recognized by the Office of Safety and Mission Assurance at NASA," he does not explain whether this was official recognition such as an award. The record contains no evidence that the beneficiary received an award from NASA.

The petitioner initially submitted a letter from , a member of the petitioner's technical staff. asserts that the beneficiary's Ph.D. research has practical value for the petitioner. Specifically, notes that the large number of events reported on the petitioner's network operation center was a challenge for the network team and speculates that the use of the methodology and tool developed by the beneficiary will make the localization and identification of network faults more efficient and thus save a significant amount of the operational costs associated with the fault management. estimates a savings of \$2 to \$3 million per year for one network operation center.

In response to the director's request for additional evidence, the petitioner submitted a letter from Dr. , Director of the petitioner's Autonomic Networking Labs. asserts that the beneficiary's work with the petitioner has resulted in proprietary inventions for which the petitioner is seeking patents and that the beneficiary's framework "is being transferred to the common platform of our next generation autonomic management system." The record does not reflect that the petitioner has filed patent applications listing the beneficiary as an inventor either as of the date the petition was filed or subsequently. While confirms that the beneficiary's work has produced useful results for her employer, the record does not establish that the beneficiary's work for the petitioner has been internationally recognized.

The petitioner also submitted two letters from [REDACTED] coauthors, [REDACTED] of the Universitat Politecnica de Catalunya in Spain and [REDACTED] of the Waterford Institute of Technology. These letters contain similar information to that discussed above.

While we do not question the sincerity of the above references, the record does not support the implication that the beneficiary's contributions are internationally recognized as outstanding. If the beneficiary's work formed the basis of other research internationally as claimed by some of the beneficiary's references, it can be expected that it would be widely cited by independent researchers. The petitioner submitted some examples of citation initially and on appeal the petitioner submits search results for citations at www.scholar.google.com. The citation search results submitted on appeal were conducted on May 7, 2008 and do not necessarily reflect citations as of the date of filing in this matter. Regardless, the citations are not indicative of international recognition. Specifically, the petitioner submitted evidence that three of the beneficiary's articles have been cited thirteen, nine and seven times. Of the thirteen citations, nine of the first ten were authored by the beneficiary herself. The record does not contain the final three citations. Self-citation by the beneficiary or her immediate circle of colleagues, while a normal and expected process, cannot demonstrate that the beneficiary enjoys any recognition beyond that circle of colleagues. Of the nine citations of the second article, seven are in articles authored by the beneficiary or her coauthors and collaborators. Of the seven articles that cite the beneficiary's third article, four are authored by the beneficiary or her coauthors.

Throughout the proceedings, counsel has also focused on the content of the citations of the beneficiary's work. Counsel is not persuasive. We acknowledge that [REDACTED] cites the beneficiary's work at length in reviewing the NASA project to date and that a report from the Institute for Scientific Research, Inc., with which the beneficiary has collaborated, as well as an article by a researcher at this institute ([REDACTED]) have referenced the beneficiary's work. These citations do not constitute an independent review of the beneficiary's work. [REDACTED] moreover, only cites the beneficiary's work for the proposition that on-line learning neural networks that continually adapt and evolve "cannot be precertified at release time" because of adaptation with use. The two independent citations in the record do not suggest that the beneficiary's work is internationally recognized as outstanding. An article by researchers at Iowa State University and the California Institute of Technology acknowledges: "Early indications of these deviations from expected behavior are frequently useful from a reliability perspective." The authors cite three examples of such systems, including the beneficiary's work. Researchers from the Massachusetts Institute of Technology and Boeing cite the beneficiary's work but conclude that the techniques are specific to neural network based adaptive control systems, making it "difficult to envision their use in an industry setting due to their complicated and theoretical nature."

While the beneficiary's research is no doubt of value, it can be argued that any research must be shown to be original and present some benefit if it is to receive funding and attention from the scientific community. Any Ph.D. thesis or postdoctoral research, in order to be accepted for graduation, publication or funding, must offer new and useful information to the pool of knowledge.

The record does not establish that the beneficiary's original research has been recognized internationally as outstanding.

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

On her Curriculum Vitae, the beneficiary listed seven published articles and 13 conference and workshop papers. 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. at 165 (citing *Matter of Treasure Craft of California*, 14 I&N Dec. at 190). The record contains three published articles, six conference presentations published in the conferences' proceedings and two manuscripts with no indicia of publication such as a journal heading or internal pagination.

The director concluded that the beneficiary's publication record did not set her apart from others in the field. On appeal, counsel asserts that the beneficiary meets this criterion simply by virtue of having published articles in internationally circulated journals and that the impact of the articles is not a necessary factor in meeting this criterion. Nevertheless, counsel further asserts that the reference letters discussed above and the beneficiary's citation record serves as evidence of the impact the beneficiary's articles have had.

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 are 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." This report reinforces our position that publication of scholarly articles, while indicative of international *exposure*, is not automatically evidence of international *recognition*. In considering whether the beneficiary's publication record is consistent with international recognition, we must consider the research community's reaction to those articles.

As discussed above, the beneficiary has not been well cited by independent researchers. Thus, we concur with the director that the beneficiary's publication record is not indicative of or consistent with international recognition in the field. Even if we concurred with counsel that publication in and of itself was presumptive evidence to meet this criterion, and we do not, the beneficiary would only meet one criterion. For the reasons discussed above, the record does not establish that the beneficiary met any of the other criteria as of the date of filing.

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 the level of an

alien who is internationally recognized as an outstanding researcher or 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.