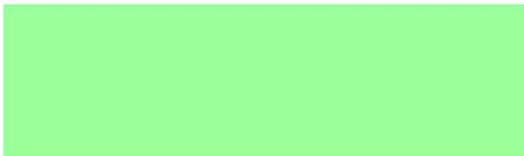


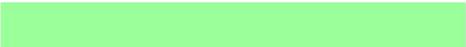


**U.S. Citizenship
and Immigration
Services**

(b)(6)



DATE: **OCT 03 2013** Office: NEBRASKA SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary: 

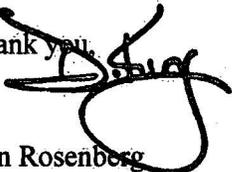
PETITION: Immigrant Petition for Alien Worker as Outstanding Professor or Researcher Pursuant to Section 203(b)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(B)

ON BEHALF OF PETITIONER:


INSTRUCTIONS:

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, Nebraska 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 is a private employer employing at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field. 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 Research Engineer (Aerospace). 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 and evidence that was already part of the record. For the reasons discussed below, the AAO concurs with the director that the petitioner has not established that the beneficiary enjoys international recognition as outstanding. Specifically, when the AAO simply "counts" the evidence submitted, the petitioner has submitted qualifying evidence under only one of the regulatory criterion: authorship of scholarly articles pursuant to 8 C.F.R. § 204.5(i)(3)(i)(F). As such, the petitioner failed to meet the initial regulatory requirements found at 8 C.F.R. § 204.5(i)(3)(i).

I. The Law

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.

8 C.F.R. § 204.5 states the following:

(i) *Outstanding professors and researchers.*

(1) Any United States employer desiring and intending to employ a professor or researcher who is outstanding in an academic field under section 203(b)(1)(B) of the Act may file an I-140 visa petition for such classification.

(2) *Definitions.* As used in this section:

Academic field means a body of specialized knowledge offered for study at an accredited United States university or institution of higher education.

* * *

(3) *Initial evidence.* A petition for an outstanding professor or researcher must be accompanied by:

(i) Evidence that the professor or researcher is recognized internationally as outstanding in the academic field specified in the petition. Such evidence shall consist of at least two of the following:

(A) Documentation of the alien's receipt of major prizes or awards for outstanding achievement in the academic field;

(B) Documentation of the alien's membership in associations in the academic field which require outstanding achievements of their members;

(C) 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;

(D) 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;

- (E) Evidence of the alien's original scientific or scholarly research contributions to the academic field; or
- (F) Evidence of the alien's authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field.

(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.

In 2010, the U.S. Court of Appeals for the Ninth Circuit (Ninth Circuit) reviewed the denial of a petition filed under a similar classification set forth at Section 203(b)(1)(A) of the Act. *Kazarian v. USCIS*, 2010 WL 725317 (9th Cir. March 4, 2010). Although the court upheld the AAO's decision to deny the petition, the court took issue with the AAO's procedure for evaluating evidence. In particular, *Kazarian* sets forth a two-part approach where the evidence is first counted and then, if qualifying under two criteria, considered in the context of a final merits determination.¹ In reviewing Service Center decisions, the AAO will apply the two-part approach set forth in *Kazarian*.

II. Analysis

This petition was filed on May 21, 2012 to classify the beneficiary as an outstanding researcher. Therefore, the petitioner must establish that the beneficiary had at least three years of research experience in his academic field as of that date,² and that the beneficiary's work has been recognized internationally within the field as outstanding.

As a preliminary issue, the petitioner has not accurately and consistently identified the beneficiary's "academic field." In a letter dated May 2, 2012 submitted with the initial petition, the petitioner asserted that the beneficiary's academic field is "stress concentration analysis" or "stress/strain concentration and engineering

¹ The classification at issue in *Kazarian*, section 203(b)(1)(A) of the Act, requires qualifying evidence under three criteria whereas the classification at issue in this matter, section 203(b)(1)(B) of the Act, requires qualifying evidence under only two criteria. While involving a different classification than the one at issue in this matter, the similarity of the two classifications makes the court's reasoning persuasive to the classification sought in this matter.

stress analysis of complex structures used in aerospace and in other industries.” In other documentation, however, the petitioner asserted that the beneficiary’s academic field is “aerospace engineering.”

The petitioner has not established that “stress concentration analysis” or “stress/strain concentration and engineering stress analysis of complex structures used in aerospace and in other industries” constitutes an “academic field” as defined by the regulations. Specifically, 8 C.F.R. § 204.5(i)(2) defines an “academic field” as “a body of specialized knowledge offered for study at an accredited United States university or institution of higher education.” The petitioner has not established that the beneficiary’s narrow concentration in the area of stress/strain concentration analysis is an entire body of knowledge offered for study at an accredited United States university or institution of higher knowledge.² By regulatory definition, a body of specialized knowledge is *larger* than a very small area of specialization. See USCIS Policy Memorandum *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator’s Field Manual (AFM) Chapter 22.2, AFM Update AD11-14* (December 22, 2010).

On appeal, the petitioner asserts that the beneficiary’s academic field is “Aerospace Engineering within the area of countersunk hole research.” The petitioner further asserts that the beneficiary “should not be compared to all aerospace engineers, but rather, to those aerospace engineers who perform research with respect to stress concentrations within various composite materials.” However, the petitioner’s assertion is unpersuasive and unsupported by legal authority. Although the petitioner cites to Chapter 22 of the Adjudicator’s Field Manual (AFM) to support its assertion, the AFM still refers to the statutory and regulatory requirement that the petitioner demonstrate that the beneficiary is recognized internationally as outstanding *in the academic field* (emphasis added). Again, the term “academic field,” as defined by the regulations, is larger than a very small area of specialization, and must be broad enough to constitute an entire body of knowledge offered for study at an accredited United States university or institution of higher knowledge. 8 C.F.R. § 204.5(i)(2). The petitioner submitted no evidence that the narrow area of specialization of countersunk hole research, as opposed to aerospace engineering in general, constitutes a body of knowledge offered for study at an accredited United States university or institution of higher knowledge.

Based on the above, the AAO concludes that the most appropriate description of the beneficiary’s academic field is aerospace engineering. Accordingly, the AAO’s analysis of whether the petitioner has established that the beneficiary is recognized internationally as outstanding will be based upon the academic field of aerospace engineering, not “stress concentration analysis,” “stress/strain concentration and engineering stress analysis of complex structures used in aerospace and in other industries,” or “Aerospace Engineering within the area of countersunk hole research.”

The remaining issue in this matter is whether the petitioner has demonstrated that the beneficiary’s work has been recognized internationally as outstanding within the academic field of aerospace engineering.

The petitioner initially asserted that the beneficiary was submitting qualifying evidence under three of the six criteria. The director determined that the petitioner had submitted qualifying evidence under one criterion. For

² The AAO observes that the beneficiary received his M.S and Ph.D. degrees in the academic field of Mechanical Engineering.

the reasons discussed below, the AAO concurs with the director's finding that the petitioner has only submitted qualifying evidence under one criterion.

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

The petitioner has not asserted that it was submitting evidence that meets the plain language requirements of this criterion, set forth at 8 C.F.R. § 204.5(i)(3)(i)(B), and the record contains no relevant evidence that relates to this criterion.

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

The petitioner has not asserted that it was submitting evidence that meets the plain language requirements of this criterion, set forth at 8 C.F.R. § 204.5(i)(3)(i)(A), and the record contains no relevant evidence that relates to this criterion.

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

The petitioner submitted several papers that cite the beneficiary's research as one of numerous references or briefly discuss his research. The director concluded that the submitted evidence did not establish eligibility under this criterion. On appeal, the petitioner does not contest the director's conclusion. Therefore, the AAO considers this particular issue to be abandoned. *Sepulveda v. U.S. Att'y Gen.*, 401 F.3d 1226, 1228 n. 2 (11th Cir. 2005); *Hristov v. Roark*, No. 09-CV-27312011, 2011 WL 4711885 at *1, *9 (E.D.N.Y. Sept. 30, 2011) (the court found the plaintiff's claims to be abandoned as he failed to raise them on appeal to the AAO).³ The petitioner has not submitted qualifying evidence that meets the plain language requirements set forth at 8 C.F.R. § 204.5(i)(3)(i)(C).

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

The petitioner has not asserted that it was submitting evidence that meets the plain language requirements of this criterion, set forth at 8 C.F.R. § 204.5(i)(3)(i)(D), and the record contains no relevant evidence that relates to this criterion.

³ Even if this particular issue were not abandoned, the AAO would have concurred with the director's finding that citations or brief references to the beneficiary's work do not constitute published material *about* the beneficiary's work (emphasis added). Articles which cite or briefly discuss the beneficiary's work are primarily about the author's own work or recent work in the field generally, and are not *about* the beneficiary's work.

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

The plain language of the regulation at 8 C.F.R. § 204.5(i)(3)(i)(E) does not require that the beneficiary's contributions themselves be internationally recognized as outstanding. That said, the plain language of the regulation does not simply require original research, but original "research contributions." Had the regulation contemplated merely the submission of original research, it would have said so, and not have included the extra word "contributions." Moreover, the plain language of the regulation requires evidence that the beneficiary has made original scientific or scholarly research contributions in the plural. Significantly, not all of the criteria at 8 C.F.R. § 204.5(i)(3)(i) are worded in the plural. Specifically, the regulation at 8 C.F.R. § 204.5(i)(3)(i)(D) only requires service on a single judging panel. Thus, the AAO can infer that the plural in any regulatory criterion has meaning. In a different context, federal courts have upheld USCIS' ability to interpret significance from whether the singular or plural is used in a regulation.⁴

As claimed evidence of the alien's original scientific or scholarly research contributions to the academic field, the petitioner submitted recommendation letters from peers and colleagues attesting to the beneficiary's "original and scholarly research contribution to the field of stress concentration analysis," as well as evidence that the beneficiary's work has been incorporated into [REDACTED] (3d. ed. 2008). The director found that the submitted evidence did not meet the requirements of the criterion set forth at 8 C.F.R. § 204.5(i)(3)(i)(E). Upon review of the evidence and for the reasons discussed herein, the AAO concurs.

The petitioner submitted a letter from [REDACTED], a physical scientist at the [REDACTED] who has worked with the beneficiary and served as a committee member in the beneficiary's Ph.D. dissertation committee. [REDACTED] describes the beneficiary's research focus on three dimensional stress and strain concentration in countersunk holes, and asserts that the beneficiary's equations "are both practically easy to use and error free." [REDACTED] notes that the beneficiary's Ph.D. research has been incorporated into [REDACTED] a handbook "referred by aerospace engineers on a daily basis for most problems that they encounter," and describes this as "a great achievement in one's life." [REDACTED] also asserts that the beneficiary's research in the areas of composite structures, fracture mechanics and Finite Element Analysis is "of great value to the aerospace industry." [REDACTED] does not explain with specificity how the beneficiary's research has contributed to the academic field of aerospace engineering.

The petitioner submitted two letters from [REDACTED] Senior Research Engineer [REDACTED], who knew the beneficiary as a master's student at [REDACTED] and also served as a committee member for the [REDACTED] [REDACTED] states that the beneficiary's Ph.D. thesis "dealt with solving a very

⁴ See *Maramjaya v. USCIS*, Civ. Act. No. 06-2158 (RCL) at 12 (D.C. Cir. March 26, 2008); *Snapnames.com Inc. v. Chertoff*, 2006 WL 3491005 at *10 (D. Or. Nov. 30, 2006) (upholding an interpretation that the regulatory requirement for "a" bachelor's degree or "a" foreign equivalent degree at 8 C.F.R. § 204.5(i)(2) requires a single degree rather than a combination of academic credentials).

important problem faced by aerospace engineers in determining the stress concentration factors in countersunk holes.” Specifically, [REDACTED] attests that the beneficiary developed several methodologies or equations that allow engineers to take into account a greater number of factors in conducting stress analysis with a negligible error rate of less than 3%. [REDACTED] explains that prior to the beneficiary’s equations, the methods used were “expensive, time consuming, and had an error rate of up to 50%.” [REDACTED] further asserts that besides the beneficiary’s Ph.D. dissertation, the beneficiary “has contributed enormously in the areas of finite element methods and analysis, and composite materials and structures.” [REDACTED] then emphasizes the beneficiary’s work on countersunk holes, and asserts that it “is so significant that it has been included in the latest edition of [REDACTED] which is the most referred handbook by aerospace engineers worldwide.” [REDACTED] asserts that “aerospace engineers consult the handbook regularly and have benefited from [the beneficiary’s] research on countersunk holes,” and that “[e]ngineers rely on the equations in [the beneficiary’s] work in our independent verification and analysis of aircraft safety.” [REDACTED] concludes that the beneficiary’s research allows for more accurate results from a simpler computation process, which furthers the end goal of better aircraft designs and safety, and well as more economical manufacturing.

[REDACTED] letter does not describe with specificity how the beneficiary’s research has contributed to the academic field beyond the particular area of stress concentration factors in countersunk holes. His statements regarding the significance of the beneficiary’s work as evidenced by its reference in [REDACTED] are not corroborated by objective, independent evidence. As will be discussed below, the fact that the beneficiary’s work has been referenced in [REDACTED] (3d. ed. 2008), *supra*, does not establish that the beneficiary has made original scientific or scholarly research contributions to the academic field. In addition, [REDACTED] asserts in a conclusory manner that the beneficiary “has contributed enormously in the areas of finite element methods and analysis, and composite materials and structures,” but gives no specific details as to the beneficiary’s contributions in these particular areas.

The petitioner submitted a letter from [REDACTED], Research Professor and Director of the [REDACTED] who was the beneficiary’s major professor for three courses, has worked with the beneficiary in a research capacity, and has co-authored two papers with the beneficiary. [REDACTED] asserts that, prior to the beneficiary’s Ph.D. research, “there was no design equation existed [*sic*] that is general and accurate to determine stress concentration factors for countersunk holes, until [the beneficiary] solved this problem systematically and developed his equations.” [REDACTED] highlights the fact that the stress concentration portion of the beneficiary’s research was published in [REDACTED] and asserts that “[t]he authors of the handbook seem to be so impressed with the practical applications of [the beneficiary’s] equations, that a section on ‘Countersunk Holes’ has been introduced in the latest edition of the book.” [REDACTED] letter does not describe with specificity how the beneficiary’s research has contributed to the academic field beyond the particular area of stress concentration factors in countersunk holes. Moreover, his/her statements regarding the significance of the reference of the beneficiary’s work in [REDACTED] (3d. ed. 2008), *supra*, are not corroborated by objective evidence. As will be discussed below, the fact that the beneficiary’s work has been referenced in [REDACTED] (3d. ed. 2008), *supra*, does not establish that the beneficiary has made original scientific or scholarly research contributions to the academic field.

The petitioner submitted a letter from [REDACTED] Director of [REDACTED], India and Professor in the Department of Mechanical Engineering. [REDACTED] attests that s/he has never worked with the beneficiary, but is familiar with the beneficiary's published research. [REDACTED] addresses the beneficiary's research on countersunk holes, the three equations the beneficiary developed, and its relevance in the aerospace industry. [REDACTED] asserts that the beneficiary's first equation "makes it possible" to build safer and lighter aircrafts, and reduces costs incurred due to the ability to skip or reduce experimental testing. [REDACTED] highlights the fact that the beneficiary's first equation has been incorporated into [REDACTED] and asserts that he is sure that the beneficiary's second equation is "an excellent candidate for inclusion in the handbook's next edition." [REDACTED] then briefly discusses the beneficiary's research in the areas of structural health monitoring (SHM) and self-healing of composites, namely, the beneficiary's article predicting the [REDACTED]. [REDACTED] states that "other researchers working in the areas of self-healing of composite structures has found his research applicable to their goals." [REDACTED] states that in his/her own research, s/he has "encountered many articles on self-healing that have cited [the beneficiary's] above journal article and which have employed the same analysis procedure and finite element modeling methods." [REDACTED] letter does not describe with specificity how the beneficiary has contributed to the academic field beyond the beneficiary's first equation on countersunk holes. While [REDACTED] briefly discusses the beneficiary's second and third equations as well as the beneficiary's research on [REDACTED], [REDACTED] does not specify what contributions this research has made or how it is being applied in the academic field in general. [REDACTED] speculation that the beneficiary's second equation will be a "good candidate" for publication in the next edition of [REDACTED] bears no weight.

The petitioner submitted a letter from [REDACTED] Associate Professor in the Department of [REDACTED]. [REDACTED] attests that s/he has never worked with the beneficiary, but is familiar with the beneficiary's published research. [REDACTED] asserts that the beneficiary has "successfully addressed various challenges encountered by aerospace engineers," and in particular, "the stress and strain concentration on countersunk holes." [REDACTED] asserts that the beneficiary's work "was particularly useful in defining research direction for my project which addressed fatigue behavior of countersunk holes in laminated aluminum sheets." [REDACTED] highlights the beneficiary's first stress analysis equation and the fact that it has been included in [REDACTED]. [REDACTED] then describes the beneficiary's other equations and research publications, and concludes that the beneficiary's research is "original and highly relevant" and "highly significant." While [REDACTED] explains why the beneficiary's research is original, he does not explain with specificity how the beneficiary's research has contributed to the academic field in general. [REDACTED] uses general or conclusory language to describe the beneficiary's research and how it is being applied in the field. For example, [REDACTED] asserts that the beneficiary's work was "particularly useful" in his/her own work, but fails to provide any additional details.

The petitioner submitted a letter from [REDACTED] Assistant Director, [REDACTED], who worked with the beneficiary for five years at the university's [REDACTED]. [REDACTED] explains his/her joint research project with the beneficiary, and explains that the beneficiary "was responsible for analytically substantiating the experimental

results and the hypothesis that I had obtained.” [REDACTED] then briefly discusses the beneficiary’s Ph.D. research on countersunk holes and the fact that it has been referenced in [REDACTED] which [REDACTED] characterizes as “the ‘Bible’ for stress concentrations by all aerospace and other engineers.” [REDACTED] does not explain with specificity how the beneficiary’s research has contributed to the academic field, and uses primarily conclusory assertions to describe the beneficiary’s achievements.

The petitioner submitted a letter from [REDACTED] Associate Professor in the [REDACTED] Texas State University-San Marcos. [REDACTED] attests that s/he has never worked with the beneficiary, but is “very familiar” with the beneficiary’s published research. [REDACTED] asserts that the beneficiary’s original research has “contributed significantly to the field of stress analysis relevant to aircraft design and manufacture.” [REDACTED] explains the beneficiary’s research on stress concentration in countersunk holes, and in particular, the beneficiary’s first equation, which [REDACTED] points out has been included “with special mention” in [REDACTED]. [REDACTED] asserts that the beneficiary’s first equation “makes it possible for aircraft industries to have safer aircrafts, while optimizing the weight and reducing the need for experimental tests.” [REDACTED] asserts that the beneficiary’s research areas “are highly pertinent and of paramount importance to aerospace research engineers around the world” and is “directly applicable to his ongoing research and design work for his current employer in the [REDACTED] (also popularly known as [REDACTED].” [REDACTED] also mentions the beneficiary’s research in the areas of [REDACTED]. [REDACTED] letter does not describe with specificity how the beneficiary’s research has contributed to the academic field in general, beyond the specific area of countersunk holes. While [REDACTED] briefly discusses the beneficiary’s other research, s/he does not specify how this research is being applied in the field. For instance, [REDACTED] cites to another article on self-healing that references the beneficiary’s work, although for a different composite material, and summarily concludes that “[f]rom this article, it can be seen that [the beneficiary’s] journal article has application not only in the area of health monitoring, but to self-healing of composite aircraft structures as well.”

The petitioner provided a letter from [REDACTED], Professor and Graduate Program Coordinator at the [REDACTED], who taught two courses to the beneficiary towards his Ph.D. program. [REDACTED] briefly discusses the beneficiary’s academic and research capabilities, the beneficiary’s publications, and the inclusion of the beneficiary’s Ph.D. research in [REDACTED]. [REDACTED] concludes: “[the beneficiary’s] research achievements have already been of paramount importance to the aerospace and engineering industries, and keeping in view his immense research capabilities, I strongly believe that he has a great potential to make further breakthroughs in these industries.” [REDACTED] does not explain with specificity how the beneficiary’s research has contributed to the academic field, and uses primarily conclusory assertions to describe the beneficiary’s achievements.

The petitioner provided a letter from [REDACTED] Professor of Aerospace Engineering and Professor of Mechanical Engineering, and Director, Composite Structures Laboratory at the [REDACTED]. [REDACTED] attests that he has never worked with the beneficiary and that his comments are based upon the beneficiary’s published research. [REDACTED] briefly describes the beneficiary’s research articles on countersunk holes and stress concentration equations, and asserts that the impact of the beneficiary’s work is “wide-ranging” and has resulted in the ability of aircraft engineers and designers to devise safer aircrafts, while

optimizing the weight and reducing the need for experimental tests. [REDACTED] mentions the inclusion of the beneficiary's work in [REDACTED]. [REDACTED] asserts that he has cited and referenced the beneficiary's research in three of his own publications. [REDACTED] then briefly discusses the beneficiary's other research relating to composite materials. [REDACTED] letter does not describe with specificity how the beneficiary's research has contributed to the academic field in general, beyond the specific area of stress concentration in countersunk holes. While [REDACTED] briefly discusses the beneficiary's other research, he does not specify how this other research is being applied in the field.

The petitioner provided a letter from [REDACTED] Research Professor at [REDACTED], who was a professor of the beneficiary in two courses. [REDACTED] briefly discusses the beneficiary's academic capabilities, the beneficiary's master's and Ph.D. research, and the beneficiary's personal qualities. [REDACTED] concludes: "[the beneficiary's] Ph.D. research has gained international recognition very recently, as the stress concentration equations he discovered are found to have high practical applications, especially in the aerospace industry. This should sum up [the beneficiary's] great abilities to carry out high quality research in the area of aerospace structural engineering." [REDACTED] does not explain with specificity how the beneficiary's research has contributed to the academic field, and uses primarily conclusory assertions to describe the beneficiary's achievements.

The petitioner provided a letter from [REDACTED] Lead Engineer, Structures Technology, at [REDACTED]. [REDACTED] attests that he has worked with the beneficiary for several years, as the petitioning company provides engineering support to [REDACTED]. [REDACTED] describes the specific aircraft program he worked on with the beneficiary, and asserts that the beneficiary "worked on many such problems [regarding fleet problems] very successfully." [REDACTED] also briefly discusses the beneficiary's personal qualities and concludes: "I see a great potential in [the beneficiary] to make many more significant contributions towards the aerospace engineering community." [REDACTED] does not explain with specificity how the beneficiary's research has contributed to the academic field, and asserts only in a conclusory manner that the beneficiary has made "significant contributions" to the academic field.

The petitioner provided a letter from [REDACTED] Professor and Chair of [REDACTED], who was the beneficiary's Ph.D. co-advisor, worked with the beneficiary in a research capacity at the university, and has co-authored a paper with the beneficiary. [REDACTED] briefly discusses the beneficiary's research, asserts in a conclusory manner that it "addresses the needs of aerospace engineers," and concludes with observations about the beneficiary's personal qualities. [REDACTED] does not explain with specificity how the beneficiary's research has contributed to the academic field.

The petitioner provided a letter from [REDACTED] Professor and [REDACTED], who was one of the beneficiary's graduate professors and served on the beneficiary's master's thesis committee. [REDACTED] briefly discusses the beneficiary's research in composite laminates, common problems associated with the drilling of composite materials, and concludes that the beneficiary's work "contributes to the alleviation of these issues associated

with composite materials.” [REDACTED] does not explain with any specificity how the beneficiary’s research has contributed to the academic field.

The petitioner provided a letter from [REDACTED], who was one of the beneficiary’s instructors for three courses at the [REDACTED]. [REDACTED] briefly discusses the beneficiary’s academic performance in his classes and the beneficiary’s dissertation focus. [REDACTED] concludes that he feels the beneficiary is “one of our graduates whom I feel is destined to make a very positive contribution to his profession.” [REDACTED] does not explain with any specificity how the beneficiary’s research has contributed to the academic field. Furthermore, [REDACTED] speculation as to the beneficiary’s potential to make future contributions bears no weight.

In response to the director’s request for evidence (RFE), the petitioner submitted more letters of recommendation. The petitioner submitted a letter from [REDACTED], Professor and the [REDACTED] United Kingdom. [REDACTED] attests that he has never worked with the beneficiary, but is “very familiar” with the beneficiary’s published research in the field of stress and strain concentrations of countersunk holes. Dr. Bahai discusses the beneficiary’s research in stress and strain concentration of countersunk holes, lists the three articles the beneficiary has published, and highlights the inclusion of the beneficiary’s work in [REDACTED] [REDACTED] which [REDACTED] characterizes as “one of the most respected publications in the field of Aerospace Engineering.” [REDACTED] asserts that the beneficiary’s equations “can now be very quickly and conveniently employed in the Aerospace industry, in place of aircraft vibration tests, which are expensive and time consuming.” [REDACTED] further asserts that the beneficiary’s research “has broadened the ability of aircraft engineers and researchers to carry out stress analysis for a wider range of angles,” resulting in allowing aerospace engineers to design aircraft more efficiently. [REDACTED] concludes: “[the beneficiary’s] research on stress analysis is ground breaking, and has significantly improved the field of aircraft design.” [REDACTED] letter does not explain with specificity how the beneficiary’s research has contributed to the academic field of aerospace engineering beyond the specific area of stress and strain concentration of countersunk holes.

The petitioner submitted a letter from [REDACTED], professor of Aerospace Engineering at [REDACTED]. [REDACTED] attests that he has never worked with the beneficiary, but is familiar with the beneficiary’s published research. [REDACTED] asserts that the beneficiary has made “major original and outstanding research contributions in the field of composite structures, which has had an impact in our research to monitor the structural health of various types of aircraft.” In particular, [REDACTED] focuses on the beneficiary’s article on stress concentration in composite laminates embedded with fiber optic sensors, which he claims “has led to applications being developed in other areas of aircraft health monitoring.” [REDACTED] asserts that the beneficiary’s studies “have served as one of the starting points in my student’s research.” [REDACTED] then briefly mentions the beneficiary’s research in the area of structural health monitoring of aircraft structures, and concludes that “[the beneficiary’s] original research in the areas of Structural Health Monitoring (SHM) has already made an important contribution to the Aerospace/Aeronautical Engineering community around the world.” [REDACTED] does not explain with sufficient specificity how the beneficiary’s research has contributed to the academic field. For instance, [REDACTED] claims vaguely that the beneficiary’s research “has led to applications being developed in other areas of aircraft health monitoring” and has “served as one of the starting

points in my student's research," but he does not provide any details as to how the beneficiary's research is actually being applied. Confusingly, [REDACTED] letter focuses on the beneficiary's contribution to the field of [REDACTED], but [REDACTED] then concludes that the beneficiary's research on [REDACTED] has contributed to the academic field.

Finally, the petitioner submitted a letter from [REDACTED], [REDACTED] [REDACTED]. [REDACTED] attests that he has never worked with the beneficiary, and that his letter is based upon the beneficiary's published research. [REDACTED] focuses on the novelty of the beneficiary's research in the area of stress and strain concentrations in countersunk holes. [REDACTED] asserts that the beneficiary's research is "so outstanding" that he and other scholars in the field have carried out related studies based on the beneficiary's research. [REDACTED] explains that he has published two research papers with the goal "to modify the existing equation developed by [the beneficiary]." [REDACTED] then concludes that the beneficiary's "original scientific contributions . . . have resulted in aircraft to be built to operate more efficiently, and safer." However, while [REDACTED] explains the novelty of the beneficiary's research, he does not explain with sufficient detail how the beneficiary's research has contributed to the academic field in general. Other than stating that he and other researchers have conducted research "based on" the beneficiary's research, [REDACTED] does not explain with specificity how he and others are applying the beneficiary's research to their own work. Furthermore, [REDACTED] asserts that he has modified the beneficiary's equations, which resulted in two of his own publications, but fails to explain how or why he sought to modify the beneficiary's equations.

The Board of Immigration Appeals (the Board) 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 Board 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 experts in the field 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 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, as we have done above, evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795; *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"). 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. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)).

The above letters, alone, are insufficient to establish that the beneficiary's research can be considered original research contributions to the academic field as a whole. More than half of the letters were written by members

of the beneficiary's master's or Ph.D. dissertation committees, prior professors, or his immediate collaborators. Of the letters written by individuals who had not directly worked with the beneficiary, many of them contained similar or even the same template language, thus raising doubt as to their credibility.⁵ Many letters contained primarily conclusory assertions of widespread recognition and contributions, without explaining in detail how the beneficiary's work has contributed to the academic field. Merely repeating the language of the statute or regulations does not satisfy the petitioner's burden of proof.⁶ In addition, many of the letters failed to explain how the beneficiary's research has made a contribution to the academic field of aerospace engineering in general, beyond the specific area of stress concentration in countersunk holes.

Moreover, the petitioner failed to submit objective, independent corroborating evidence in support of the letters. The petitioner repeatedly emphasizes the fact that the beneficiary's work has been referenced in [REDACTED] (3d. ed. 2008), *supra*, and that this handbook is a widely-used and respected reference for aerospace engineers. However, a careful reading of the sections apparently referencing the beneficiary's work fails to corroborate the claim that the inclusion of the beneficiary's work in this book represents original scientific or scholarly research contributions to the academic field. The petitioner specifically highlights the following statement in the preface of the book: "[REDACTED] are included in this edition. These can be useful in the study of riveted structural components." The statement does not specifically identify the beneficiary's research as providing the "[r]ecently developed stress concentration factors" referenced above. Even assuming *arguendo* that the statement refers to the beneficiary's research, it only states that it "*can* be useful in the study of riveted structural components (emphasis added)." This statement falls short of establishing that the beneficiary's research *is* useful or that it constitutes original scientific or scholarly research contributions to the academic field as a whole.

The petitioner also provides a copy of the actual section on [REDACTED] *supra*, which references the beneficiary's research [REDACTED]. One statement references the beneficiary's research as a string of research that has studied [REDACTED] experimentally and computationally. Another statement references the beneficiary's research as follows: "Based on further finite element analysis, [REDACTED] proposed somewhat refined versions of [REDACTED]." This statement only indicates that the beneficiary's research "proposed somewhat refined versions" of existing equations. Again, this statement falls short of establishing that the

⁵ For example, the letters from [REDACTED] all contain similar or the same language with respect to the discussing the beneficiary's three articles on countersunk holes, the citation of the beneficiary's work in [REDACTED], the beneficiary's article on fiber optic sensors being published in a prominent journal in the area of composite material, and stating that in their own work, they have encountered many articles on self-healing that have cited one of the beneficiary's article.

⁶ *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F. 2d 41 (2d. Cir. 1990); *Avyr Associates, Inc. v. Meissner*, 1997 WL 188942 at *5 (S.D.N.Y.). Similarly, USCIS need not accept primarily conclusory assertions. *1756, Inc. v. The Attorney General of the United States*, 745 F. Supp. 9, 15 (D.C. Dist. 1990).

beneficiary's research is a refined version of existing equations or that it constitutes original scientific or scholarly research contributions to the academic field. The book's characterization of the beneficiary's equation as a "somewhat refined version" of existing equations is not consistent with the claims made by the petitioner and in the letters of recommendation that the beneficiary's equation represents a ground-breaking or a highly significant development in the problem of countersunk holes. Furthermore, the petitioner provided no proof that the beneficiary's actual equations were cited in [REDACTED]. A plain reading of the statement indicates that the equations found in the handbook are not the beneficiary's equations.

In light of the above, the petitioner has not submitted evidence that meets the plain language requirements of the criterion at 8 C.F.R. § 204.5(i)(3)(i)(E).

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

The petitioner submitted several articles authored by the beneficiary. Thus, the petitioner has submitted evidence that qualifies under 8 C.F.R. § 204.5(i)(3)(i)(F).

In light of the above, the petitioner has submitted evidence that meets only one of the six criteria that must be satisfied to establish the minimum eligibility requirements for this classification. As such, the petitioner failed to meet the initial regulatory requirements found at 8 C.F.R. § 204.5(i)(3)(i). The AAO will not move to the final merits determination.

III. Conclusion

The petitioner failed to establish that the beneficiary is internationally recognized as an outstanding researcher in the academic field of aerospace engineering. While the petitioner has shown that the beneficiary is a talented researcher who has won the respect of his professors, collaborators, and peers, the record stops short of elevating the beneficiary to the level of an alien who is internationally recognized as an outstanding researcher. The petitioner has not established that the beneficiary is qualified for the benefit sought.

For the reasons discussed above, the appeal will be dismissed. 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.