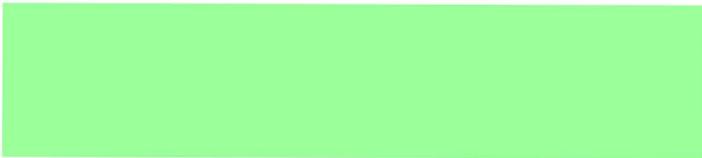




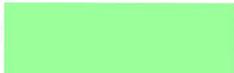
U.S. Citizenship
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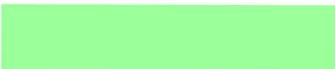
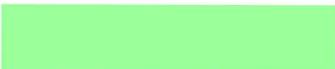
(b)(6)



DATE: **SEP 09 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:

SELF-REPRESENTED¹

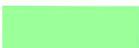
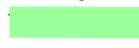
INSTRUCTIONS:

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

¹ Although the applicant's appeal was filed by attorney , it was not accompanied by the required new Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. See 8 C.F.R. § 292.4(a). On August 22, 2013, a request for a new Form G-28 was sent to attorney  via facsimile indicating that a new Form G-28 must be submitted within seven days. A new Form G-28 has not been submitted, the applicant will therefore be deemed to be self-represented.

DISCUSSION: The Director, Nebraska Service Center, denied the immigrant visa petition and the petitioner’s motion to reopen and reconsider. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is an enterprise software company. 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 Software Engineer (Research and Development). 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 copies of previously submitted evidence. 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 two of the regulatory criteria as required: judging the work of others and scholarly articles pursuant to 8 C.F.R. §§ 204.5(i)(3)(i)(D) and (F). As explained in the final merits determination, however, much of the evidence that technically qualifies under these criteria does not set the beneficiary apart in the academic community through eminence and distinction based on international recognition, the purpose of the regulatory criteria.¹ *Employment-Based Immigrants*, 56 Fed. Reg. 30703, 30705 (proposed July 5, 1991) (enacted 56 Fed. Reg. 60897 (Nov. 29, 1991)).

Beyond the decision of the director, the record lacks the actual job offer issued by the petitioner to the beneficiary. An application or petition that fails to comply with the technical requirements of the law may be denied by the AAO even if the Service Center does not identify all of the grounds for denial in the initial decision. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff’d*, 345 F.3d 683 (9th Cir. 2003); *see also Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004) (noting that the AAO conducts appellate review on a de novo basis).

I. Statute

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 --

¹ The legal authority for this two-step analysis will be discussed at length below.

- (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.

II. Job Offer from Qualifying Employer

The regulation at 8 C.F.R. § 204.5(i)(3)(iii) provides that a petition must be accompanied by:

An offer of employment from a prospective United States employer. A labor certification is not required for this classification. The offer of employment shall be in the form of a letter from:

- (A) A United States university or institution of higher learning offering the alien a tenured or tenure-track teaching position in the alien's academic field;
- (B) A United States university or institution of higher learning offering the alien a permanent research position in the alien's academic field; or
- (C) A department, division, or institute of a private employer offering the alien a permanent research position in the alien's academic field. The department, division, or institute must demonstrate that it employs at least three persons full-time in research positions, and that it has achieved documented accomplishments in an academic field.

In the instant matter, the petitioner has not submitted its job offer letter to the beneficiary as required by 8 C.F.R. § 204.5(i)(3)(iii). The petitioner's letters dated June 7, 2012 and October 26, 2012, describing and affirming the petitioner's offer of employment to the beneficiary do not constitute job offer letters to the beneficiary. These letters, addressed to the United States Citizenship and Immigration Services (USCIS), are

not addressed directly to the beneficiary. The ordinary meaning of an “offer” requires that it be made to the offeree, not a third party. *See Black’s Law Dictionary* 1189-90 (9th ed. 2009) (defining “offer” as “the act or an instance of presenting something for acceptance” or “a display of willingness to enter into a contract on specified terms, made in a way that would lead a reasonable person to understand that an acceptance, having been sought, will result in a binding contract;” defining “offeree” as “[o]ne to whom an offer is made;” and defining “offeror” as “[o]ne who makes an offer”).

Furthermore, it is unclear whether the beneficiary has been offered a permanent position, as the letters state only that the petitioner is offering “full-time, at-will employment.” The petitioner provided no evidence establishing that the offer of employment is intended to be of an indefinite or unlimited duration and that the nature of the position is such that the employee will ordinarily have an expectation of continued employment. *See* 8 C.F.R. § 204.5(i)(2) (defining the word “permanent” as “either tenured, tenure-track, or for an indefinite or unlimited duration, and in which the employee will ordinarily have an expectation of continued employment unless there is good cause for termination”). In light of the above, the petitioner failed to submit required initial evidence pursuant to 8 C.F.R. § 204.5(i)(3)(iii).

III. Beneficiary’s Qualifications

A. Law

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 June 27, 2012 to classify the beneficiary as an outstanding researcher in the academic field of “computational methods for metabolic networks.” Therefore, the petitioner must establish that the beneficiary had at least three years of teaching and/or research experience in the academic field as of that date, and that the beneficiary’s work has been recognized internationally within the academic field as outstanding. At issue in this matter is whether the petitioner has demonstrated that the beneficiary’s work has been recognized internationally 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 the following six criteria, of which the beneficiary must submit evidence qualifying under at least two.

- (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.

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*, 596 F.3d 1115 (9th Cir. 2010). Although the court upheld the AAO’s decision to deny the petition, the court took issue with the AAO’s evaluation of evidence submitted to meet a given evidentiary criterion. With respect to the criteria at 8 C.F.R. § 204.5(h)(3)(iv) and (vi), the court concluded that while USCIS may have raised legitimate concerns about the significance of the evidence submitted to meet those two criteria, those concerns should have been raised in a subsequent “final merits determination.” *Id.* at 1121-22.

The court stated that the AAO’s evaluation rested on an improper understanding of the regulations.² Instead of parsing the significance of evidence as part of the initial inquiry, the court stated that “the proper procedure is to count the types of evidence provided (which the AAO did),” and if the petitioner failed to submit sufficient evidence, “the proper conclusion is that the applicant has failed to satisfy the regulatory requirement of three types of evidence (as the AAO concluded).” *Id.* at 1122 (citing to 8 C.F.R. § 204.5(h)(3)). The court also explained the “final merits determination” as the corollary to this procedure:

² Specifically, the court stated that the AAO had unilaterally imposed novel substantive or evidentiary requirements beyond those set forth in the regulations at 8 C.F.R. § 204.5(h)(3)(iv) (comparable to 8 C.F.R. § 204.5(i)(3)(i)(D)) and 8 C.F.R. § 204.5(h)(3)(vi) (comparable to 8 C.F.R. § 204.5(i)(3)(i)(F)).

If a petitioner has submitted the requisite evidence, USCIS determines whether the evidence demonstrates both a “level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the[ir] field of endeavor,” 8 C.F.R. § 204.5(h)(2), and “that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise.” 8 C.F.R. § 204.5(h)(3). Only aliens whose achievements have garnered “sustained national or international acclaim” are eligible for an “extraordinary ability” visa. 8 U.S.C. § 1153(b)(1)(A)(i).

Id. at 1119-20.

Thus, *Kazarian* sets forth a two-part approach where the evidence is first counted and then considered in the context of a final merits determination.³ 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. In reviewing Service Center decisions, the AAO will apply the test set forth in *Kazarian*.

B. Analysis

1. Academic Field

As a preliminary issue, the petitioner has not established that the academic field specified in the petition, “computational methods for metabolic networks,” 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.” On appeal, counsel specifically characterizes the field of computational methods for metabolic networks as “a highly specialized field.” However, by regulatory definition, a body of specialized knowledge is *larger* than a very small area of specialization, in which only a single course is taught or is the subject of a very specialized dissertation.⁴ The AAO will, therefore, determine whether the evidence establishes that the beneficiary is recognized internationally as outstanding in the larger academic field of computer science as a whole, and not solely within the beneficiary’s very small area of specialization.⁵

2. Evidentiary Criteria

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 two of the criteria.

³ 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.

⁴ See also 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).

⁵ The AAO notes the beneficiary received her B.S., M.S., and Ph.D. degrees in the academic field of Computer Science.

For the reasons discussed below, the AAO finds that the petitioner has submitted qualifying evidence under two of the criteria.

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)(A), 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)(B), 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 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)(C), and the record contains no relevant evidence that relates to this criterion.

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

The petitioner submitted evidence that the beneficiary has participated as a judge of the work of others in the same or allied academic field. The AAO concurs with the director that this evidence qualifies under the plain language of the criterion set forth at 8 C.F.R. § 204.5(i)(3)(i)(D).

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."

As purported evidence of the beneficiary's contributions to the academic field, the petitioner submitted letters of recommendation from experts within the field. Through these letters, the petitioner seeks to highlight that the

beneficiary's research "has heavily influenced the research of top research institutions and universities around the world," including the University of Georgia, Beijing Wuzi University, Methodist Hospital, Weill Cornell Medical College, Indiana University, Mount Sinai School of Medicine (New York), Beijing Forestry University, Academy of Mathematics and Systems Science (China), Case Western Reserve University (Ohio), and the University of Tokyo.

The petitioner submitted a letter from [REDACTED] Director of the [REDACTED] [REDACTED] at the [REDACTED] Tel Aviv University. [REDACTED] is the [REDACTED], the [REDACTED] and serves on the editorial boards of several other journals including [REDACTED]. [REDACTED] attests that he has not collaborated with the beneficiary but has come to know of her through her research. [REDACTED] asserts that in his capacity as an [REDACTED] he invited the beneficiary to write a short review or commentary article on [REDACTED] "[d]ue to the reputation [the beneficiary] has earned in the field as a top researcher." [REDACTED] asserts that the beneficiary is "an outstanding researcher who has made with [sic] extraordinary contributions to the field," including her research on [REDACTED]. [REDACTED] briefly describes the beneficiary's development of algorithms for the enzymatic target identification problem. [REDACTED] asserts that the beneficiary's research "has subsequently inspired the work of other researchers" including [REDACTED] of Beijing Wuzi University, [REDACTED] of Mount Sinai School of Medicine, and an unidentified research team at the Academy of Mathematics and Systems Science (Beijing). [REDACTED] concludes: "Such institutions have therefore recognized [the beneficiary's] work as critical to advancements in the field. In shaping subsequent research, [the beneficiary] has earned international distinction as an outstanding researcher in the field."

In addition, [REDACTED] briefly discusses the beneficiary's published article on [REDACTED], a scoring scheme developed by the beneficiary for aligned biological sequences, and highlights that this article has been cited in five articles by other researchers. He asserts that "it often takes about two to four years for a researcher's article [in this field] to generate citations in this field," and concludes that the five citations to the beneficiary's work "is a significant achievement" that confirms "the intrinsic value" of the beneficiary's work. [REDACTED] further asserts that the beneficiary's research findings on the [REDACTED] method "have served as a foundation for the work of other research in the field," including researchers from the University of Georgia and [REDACTED] at Indiana University. [REDACTED] concludes that the fact that other scientists "have adopted the research results developed by [the beneficiary] is strong evidence that she has made a significant impact on the field and is highly regarded in the community as an outstanding researcher." [REDACTED] highlights that the beneficiary's work has been cited more than 49 times, which he asserts is "a significant accomplishment" and indicative of distinction within the field, given the "specialized nature" of the field and the field's "generally low publication rate." Finally, [REDACTED] briefly highlights the beneficiary's judging experience as a special session chair and program committee member for the [REDACTED] and as a reviewer for [REDACTED]. [REDACTED] concludes that, in his capacity as the [REDACTED] of [REDACTED] various conferences such as [REDACTED] and [REDACTED] "journals

and conferences in our field have rigorous guidelines with respect to selecting reviewers, and session chairs” and that selected individuals “must be internationally established experts who have risen to the very top of their field due to outstanding original research contributions.”

letter is problematic in several aspects. First, while he briefly describes the beneficiary’s research findings, fails to explain with any specificity how the beneficiary’s research has contributed to the academic field as a whole. Second, makes several statements and conclusions about the impact of the beneficiary’s work on other researchers, but fails to explain how he is qualified to make such statements. For instance, asserts that the beneficiary’s research “inspired” and formed the basis of other researchers’ work, including of Beijing Wuzi University, of Mount Sinai School of Medicine, at Indiana University, and unidentified research teams at the Academy of Mathematics and Systems Science (Beijing) and University of Georgia, but he fails to explain the factual basis of his assertions regarding other researchers’ work or how he is qualified to make such assertions. The petitioner submitted no corroboratory evidence - such as the actual publications by the other researchers or letters from the above researchers - to document the nature of the impact of the beneficiary’s work on the other researchers’ work. also provides no factual basis for his assertion that 49 citations to the beneficiary’s work is “a significant accomplishment.” Similarly, provides no factual basis for his assertions regarding the “rigorous guidelines” used to select reviewers and session chairs by journals and conferences in the field, or to explain in what capacity he is qualified to make statements on behalf of the actual journals and conferences in which the beneficiary has served as a judge. The AAO observes that is an editor or serves on the editorial boards for

none of which have utilized the beneficiary’s services as a judge. Generalized assumptions about the selection criteria of other conferences or journals bear no weight. Overall, without providing any specific detail as to the beneficiary’s actual contributions to the field or any factual basis to support the above claims, letter contains primarily conclusory assertions regarding the beneficiary’s contributions and reputation, and thus, bears little weight.

The petitioner provided a letter from Professor at Semmelweis University, Hungary. serves as an Editor and and has served or serves on the editorial boards of other journals including and attests that he has not collaborated with the beneficiary but is familiar with her research due to their similar research interests. briefly discusses the beneficiary’s research and published article relating to in-silico approaches for metabolic engineering, and asserts that her methods “are regarded as foundation for further research as her iteration phase solved the problem for the in less than 10 s and her fusion phase refined the results with a high accuracy.” asserts that the six citations to this particular article is an indication of significant influence in the field, and asserts that in this “specialized field,” articles generally take between two to four years to be cited. briefly discusses the beneficiary’s research and published article relating to developed by the beneficiary, and asserts that the beneficiary’s results “became the standard results for followers to compare with.” asserts that the 22 citations to this particular article is an indication of “heavy impact,” again asserting that in this “specialized field,” articles generally take between three and four

years to be cited.⁶ [REDACTED] also briefly discusses the beneficiary's research and published article relating to [REDACTED] and asserts that the beneficiary's results "laid a foundation for other researchers across the international scientific community to develop this field." [REDACTED] asserts that the seven citations to this particular article is an indication of "scholarly value," considering that publication is low in this field. Like [REDACTED] [REDACTED] asserts that the beneficiary's research has been "leveraged by other researchers" including researchers at Mount Sinai School of Medicine, Academy of Mathematics and Systems Science, Indiana University, and University of Georgia. Like [REDACTED] [REDACTED] highlights that the beneficiary's work has been cited more than 49 times, which he asserts is "significant" considering the specialized nature and low publication rate of the field. Finally, like [REDACTED] [REDACTED] briefly highlights the beneficiary's judging experience for the [REDACTED] and as a reviewer for [REDACTED]. [REDACTED] concludes that, in his capacity as the editor for [REDACTED] and [REDACTED], "journals or conferences such as these have very stringent criteria for the selection of chairs and reviewers" and that selected individuals "must have risen to the top of their field and be internationally recognized because of the outstanding caliber of their research."

[REDACTED] letter is problematic in several aspects. First, while he briefly describes the beneficiary's research findings, [REDACTED] fails to explain with any specificity how the beneficiary's research has contributed to the academic field as a whole. Second, [REDACTED] makes several statements and conclusions about the impact of the beneficiary's work on other researchers, but fails to explain how he is qualified to make such statements. For instance, [REDACTED] asserts that the beneficiary's research has "laid the foundation" for other researchers' work at Mount Sinai School of Medicine, Academy of Mathematics and Systems Science, Indiana University, and University of Georgia, but [REDACTED] failed to explain the factual basis of his assertions regarding other researchers' work. The petitioner submitted no corroboratory evidence - such as the actual publications by the other researchers or letters from the above researchers - to document the nature of the impact of the beneficiary's work on the other researchers' work. [REDACTED] also provides no factual basis for his assertion that 22 citations to an article, seven citations to another article, and 49 total citations to the beneficiary's work, is "significant." Similarly, [REDACTED] provides no factual basis for his assertions regarding the "very stringent criteria" used to select reviewers and session chairs by journals and conferences in the field, or to explain in what capacity he is qualified to make statements on behalf of the actual journals and conferences in which the beneficiary has served as a judge. The AAO observes that [REDACTED] is or was on the editorial boards for [REDACTED] and [REDACTED] but only attested to the beneficiary's judging experience for [REDACTED] [REDACTED] as indicative of her reputation and achievements. In particular, the AAO observes that while the beneficiary has reviewed one article for [REDACTED] for which [REDACTED] / serves on the editorial board, [REDACTED] made no specific reference to the beneficiary's participation as a reviewer for [REDACTED]. [REDACTED] generalized assumptions about another conference or journal's selection criteria bear no weight. Overall, without providing any specific detail as to the beneficiary's actual contributions to the

⁶ [REDACTED] previously asserted that articles in this "specialized field" generally take between two to four years, not three to four years, to be cited.

field or any factual basis to support the above claims, [REDACTED] letter contains primarily conclusory assertions regarding the beneficiary's contributions and reputation, and thus, bears little weight.

The petitioner submitted a letter from [REDACTED], Chair of the Department of Computer Science at [REDACTED], who has served as Editor in Chief or editorial board member for journals including [REDACTED] and who has also served as guest editor for journals including [REDACTED]. [REDACTED] asserts that he is "not in [the beneficiary's] immediate circle of supervisors or colleagues," but is familiar with her work. [REDACTED] briefly explains the beneficiary's research and published article regarding [REDACTED] and points out that this article has been cited seven times, which he characterizes as "a significant accomplishment in this niche field." [REDACTED] also asserts that the beneficiary's [REDACTED] scheme has been "heavily utilized" by researchers at the University of Georgia, Indiana University, and Case Western Reserve University. [REDACTED] then briefly discusses the beneficiary's research and published article regarding [REDACTED] and points out that this research article has been cited by others in 24 articles, which he characterizes as a "significant testament to the great influence of [the beneficiary's] findings," considering that it takes approximately two to four years to publish an article.⁷ [REDACTED] then asserts that other researchers at Beijing Forestry University, Beijing Wuzi University, and Mount Sinai School of Medicine "have leveraged" the beneficiary's research on [REDACTED]. [REDACTED] asserts that, in his capacity as Editor in Chief for the [REDACTED], he invited the beneficiary to review a paper "[b]ased on [the beneficiary's] outstanding research contributions to biological sequence analysis field." [REDACTED] highlights the beneficiary's judging experience for [REDACTED] and [REDACTED] and asserts that this "speaks volumes to [the beneficiary's] international reputation." Finally, [REDACTED] highlights that the beneficiary's work has been cited more than 49 times, which he asserts is "a significant achievement in our burgeoning field."

[REDACTED] letter is problematic in several aspects. Like the other letters, while [REDACTED] briefly describes the beneficiary's research findings, [REDACTED] fails to explain with any specificity how the beneficiary's research has contributed to the academic field as a whole. Second, [REDACTED] makes several statements and conclusions about the impact of the beneficiary's work on other researchers at the University of Georgia, Indiana University, Case Western Reserve University, Beijing Forestry University, Beijing Wuzi University, and Mount Sinai School of Medicine, but fails to explain how he is qualified to make such statements or the factual basis behind his assertions. Again, the petitioner submitted no corroboratory evidence to document the nature of the impact of the beneficiary's work on the other researchers' work. Like the other letters, [REDACTED] provides no factual basis for his assertion that 24 citations to an article, seven citations to another article, and 49 total citations to the beneficiary's work, is "significant." While [REDACTED] as Editor in Chief for [REDACTED], attested that he invited the beneficiary to review a paper for [REDACTED], he failed to give any detailed, factual explanation of the specific criteria he used to select the beneficiary as a reviewer for [REDACTED]. [REDACTED] provides no factual basis for his assertions regarding the beneficiary's judging experience for [REDACTED] and [REDACTED] and he fails to explain in what capacity he is qualified to make assertions on behalf of those particular

⁷ In comparison, [REDACTED] asserts that this article has been cited 22 times and that it generally takes about three to four years for an article in this field to be cited.

conferences or journals. Generalized assumptions about another conference or journal's selection criteria bear no weight. Overall, without providing any specific detail as to the beneficiary's actual contributions to the field or any factual basis to support the above claims, [REDACTED] letter contains primarily conclusory assertions regarding the beneficiary's contributions and reputation, and thus, bears little weight.

The petitioner submitted a letter from [REDACTED], Professor of Computer Science at [REDACTED]. [REDACTED] has served as a program chair for several conferences such as [REDACTED]

[REDACTED] asserts that he has not collaborated with the beneficiary but is familiar with her research. [REDACTED] briefly explains the beneficiary's research and published article regarding [REDACTED] and highlights that it has been cited 24 times, which he characterizes as "a significant achievement," considering that it takes up to four years to for a published article to be cited in this field. [REDACTED] asserts that other researchers at Beijing Forestry University, Beijing Wuzi University, and Mount Sinai School of Medicine have "adopted" the beneficiary's research on [REDACTED]. [REDACTED] briefly explains the beneficiary's research and published article regarding [REDACTED] and points out that this article has been cited seven times, which he characterizes as "a significant accomplishment." [REDACTED] also asserts that the beneficiary's [REDACTED] scheme has been "widely utilized" by other researchers at the University of Georgia and Indiana University. [REDACTED] highlights that the beneficiary's work has been cited more than 49 times, which he asserts attests to the beneficiary's "significant impact on the field." [REDACTED] then highlights the beneficiary's judging experience for [REDACTED]

[REDACTED] asserts that, "[b]ased on my service as Editor-in-Chief and Vice Chair, I can attest that journals and conferences such as these have exacting standards with regard to the selection of reviewers" and that reviewers must be "an established expert with an outstanding research record and an international reputation of expertise."

Like the letters above, [REDACTED] letter is problematic in several aspects. While [REDACTED] briefly describes the beneficiary's research findings, [REDACTED] fails to explain with any specificity how the beneficiary's research has contributed to the academic field as a whole. Second, [REDACTED] makes several statements and conclusions about the impact of the beneficiary's work on other researchers, but he fails to explain how he is qualified to make such statements or the factual basis behind his assertions. Again, the petitioner submitted no corroboratory evidence to document the nature of the impact of the beneficiary's work on the other researchers' work. The AAO observes that while [REDACTED] attested that the beneficiary's research in [REDACTED] has been utilized by researchers at Case Western University, [REDACTED] who works at Case Western University, does not specifically mention this in his letter. In addition, like the other letters, [REDACTED] provides no factual basis for his assertion that 24 citations to an article, seven citations to another article, and 49 total citations to the beneficiary's work is "significant." [REDACTED] provides no factual basis for his assertions regarding the beneficiary's judging experience for [REDACTED] and he fails to explain in what capacity he is qualified to make assertions on behalf of those particular conferences or journals.

Generalized assumptions about another conference or journal's selection criteria bear no weight. While [REDACTED] has served as a program chair for the [REDACTED] in which the beneficiary has also participated as a reviewer, [REDACTED] does not specifically mention this aspect of the beneficiary's judging experience or explain the specific selection criteria for this particular conference. Instead, he uses general language to assert that "journals and conferences *such as these* have exacting standards with regard to the selection of reviewers (emphasis added)." Overall, without providing any specific detail as to the beneficiary's actual contributions to the field or any factual basis to support the above claims, [REDACTED] letter contains primarily conclusory assertions regarding the beneficiary's contributions and reputation, and thus, bears little weight.

The petitioner submitted a letter from [REDACTED] Associate Professor in the Department of Computer Information Science and Engineering at the [REDACTED], who was the beneficiary's Ph.D. advisor and has co-authored several articles with her. [REDACTED] is a member of the editorial boards for [REDACTED] and the [REDACTED]. He is also a lead guest editor for the [REDACTED] special issue, [REDACTED] and the chair of the program committee for the [REDACTED]. [REDACTED] briefly explains the beneficiary's research and published article regarding [REDACTED] and highlights that it has been cited 24 times, which he characterizes as "an outstanding and rare achievement," because he states that it takes two to four years for a published article to be cited in the field. [REDACTED] asserts that other researchers at University of Tokyo, Methodist Hospital, Weill Cornell Medical College (Houston), and Beijing Wuzi University have "adopted" the beneficiary's research on [REDACTED]. [REDACTED] briefly explains the beneficiary's research and published article regarding [REDACTED] and points out that this article has been cited seven times, which he asserts "[confirms] the intrinsic value of [the beneficiary's] article in this narrow field." [REDACTED] also asserts that the beneficiary's [REDACTED] scheme has been "heavily relied upon" by other researchers at the University of Georgia, Indiana University, and Case Western University. [REDACTED] highlights that the beneficiary's work has been cited more than 49 times, which he asserts attests to the beneficiary's "significant impact on the field," considering that "the publication rate in this narrow field is lower than that of larger fields." [REDACTED] then highlights the beneficiary's judging experience for [REDACTED] and [REDACTED]. [REDACTED] asserts that "journals and conferences in our field select reviewers with rigorous guidelines."

Like the letters above, [REDACTED] letter is problematic in several aspects. While [REDACTED] briefly describes the beneficiary's research findings, [REDACTED] fails to explain with any specificity how the beneficiary's research has contributed to the academic field as a whole. Second, [REDACTED] makes several statements and conclusions about the impact of the beneficiary's work on other researchers, but he fails to explain how he is qualified to make such statements or the factual basis behind his assertions. Again, the petitioner submitted no corroboratory evidence to document the nature of the impact of the beneficiary's work on the other researchers' work. Like the other letters, [REDACTED] provides no factual basis for his assertion that 24 citations to an article, seven citations to another article, and 49 total citations to the beneficiary's work, is "significant." [REDACTED] provides no factual basis for his assertions regarding the beneficiary's judging

experience for [REDACTED] and he fails to explain in what capacity he is qualified to make assertions on behalf of those particular conferences or journals. Generalized assumptions about another conference or journal's selection criteria bear no weight. While [REDACTED] has served as the Chair of the Program Committee for the [REDACTED] and the beneficiary also reviewed articles for the [REDACTED], [REDACTED] does not specify which year(s) or program committee(s) he served on for this conference. Regardless, [REDACTED] does not specifically highlight this aspect of the beneficiary's judging experience, nor does he explain the specific selection criteria for this particular conference. Instead, he uses general language to assert that "journals and conferences *in our field* select reviewers with rigorous guidelines (emphasis added)." Overall, without providing any specific detail as to the beneficiary's actual contributions to the field or any factual basis to support the above claims, [REDACTED] letter contains primarily conclusory assertions regarding the beneficiary's contributions and reputation, and thus, bears little weight.

In response to the director's request for evidence, the petitioner provided additional letters of recommendation from chief editors, editors, associate editors, editorial board members, and conference chairs of several journals within the field. Through these additional letters, the petitioner seeks to establish that the beneficiary has made original research contributions of major significance to the field.

The petitioner submitted a second letter from [REDACTED] confirming the beneficiary's employment at the [REDACTED]. The rest of the letter largely reiterates [REDACTED] previous letter.

The petitioner provided a letter from [REDACTED], Professor in the Bioinformatics Center, Institute for Chemical Research, [REDACTED] is the Associate Editor for [REDACTED] an Editorial Board Member for [REDACTED] and was the Editor in Chief of [REDACTED] from 2006-2009. [REDACTED] does not explain how he gained knowledge about the beneficiary's work. [REDACTED] asserts that as a member of the editorial board for [REDACTED], he invited the beneficiary as an expert reviewer due to her "original research achievements in the field of computational methods for metabolic networks, and the international reputation she has received as a result." [REDACTED] asserts that reviewers for distinguished journals such as the above "should have achieved an outstanding caliber of research and received worldwide recognition for expertise in their field." [REDACTED] highlights the beneficiary's selection as Guest Editor for the [REDACTED], which he asserts has "a selection process that may be even more stringent than that applied to journal reviewership described above [for [REDACTED]]." [REDACTED] then discusses the beneficiary's research and published articles relating to [REDACTED], asserts that her research has "significantly influenced researchers all over the world," and highlights that the beneficiary's research on [REDACTED] has been cited 31 times (self-excluding cites). [REDACTED] points out that he has applied the beneficiary's research to his own research, stating: "For example, I and my colleague applied [the beneficiary's] novel minimal damage model in our study of metabolic networks, specifically the [REDACTED]. In addition, we extended the computational complexity of [the beneficiary's] innovative model." [REDACTED] then goes on highlight that

other researchers at Mount Sinai School of Medicine, the Academy of Mathematics and Systems Science (China), and Weill Medical College of Cornell have applied the beneficiary's research. [REDACTED] asserts that the beneficiary's research has been cited at least 54 times and 61 times internationally, and concludes that this is "a significant accomplishment, indicative of international influence."

While [REDACTED] attests that, as a member of the editorial board for [REDACTED] [REDACTED] he invited the beneficiary as an expert reviewer due to her research achievements and international reputation, [REDACTED] does not provide any specific, factual information as to the actual selection criteria utilized for the above journal. General statements that the beneficiary was invited due to her research contributions or her international recognition, without any factual basis to support the statements, are insufficient to establish the actual criteria used to select reviewers. Furthermore, [REDACTED] does not provide the factual basis for his assertion regarding the selection process for Guest Editors for [REDACTED] [REDACTED] which, regardless, amounts to no more than a speculation that bears no weight. Moreover, [REDACTED] fails to explain with any specificity how the beneficiary's research has contributed to the academic field. For instance, [REDACTED] briefly explains in technical terms how he applied the beneficiary's research to his own research, but he fails to explain the contribution made by the beneficiary's research upon his own research, as well as the contribution of his own research upon the academic field. [REDACTED] does not provide any factual basis to support his assertions regarding the impact of the beneficiary's research on other researchers or the significance of the beneficiary's citation record. Overall, without providing specific detail as to the beneficiary's actual contributions or any factual basis to support the above claims, [REDACTED] letter contains primarily conclusory assertions regarding the beneficiary's contributions and reputation, and thus, bears little weight.

The petitioner provided a letter from [REDACTED] Professor, Concordia [REDACTED] [REDACTED] [REDACTED] attests that, as an advisory chair of [REDACTED] [REDACTED] he invited the beneficiary as a reviewer. [REDACTED] also attested that this conference employs "rigorous guidelines with respect to the selection of reviewers" and that reviewers for this conference "must be established experts who have risen to the very top of their field due to their outstanding research contributions." However, [REDACTED] does not provide any specific, factual information as to the actual selection criteria utilized for this conference. General statements that the beneficiary was invited due to her research contributions or her international recognition, without any factual basis to support the statements, are insufficient to establish the actual criteria used to select reviewers. [REDACTED] also asserts that he invited the beneficiary to serve as a reviewer for the [REDACTED] [REDACTED] Similarly, [REDACTED] does not provide any specific, factual information as to the actual selection criteria utilized for the [REDACTED] [REDACTED] [REDACTED] asserts that the number of invitations the beneficiary has received is "demonstrative of the international recognition that [the beneficiary] has achieved for her outstanding research and extraordinary expertise in the field."

[REDACTED] briefly describes the beneficiary's research and published articles relating to [REDACTED] and highlights the fact that it has been cited 31 times, which he characterizes as a "significant achievement," considering that "the

publication rate in this narrow field is low, compared to others fields.” [REDACTED] briefly describes how the beneficiary’s research on [REDACTED] has been “adopted and implemented” by other researchers, including at the University of Tokyo, Weill Medical College of Cornell, Kyoto University and Academy of Mathematics and Systems Science. [REDACTED] then briefly describes the beneficiary’s research and published articles relating to [REDACTED] and highlights the fact that it has been cited seven times, which he again characterizes as a “significant achievement” in the “highly specialized field.” [REDACTED] briefly describes how other researchers, including at University of Georgia, University of Delaware, and Indiana University, have “applied” and “leveraged” the beneficiary’s research. [REDACTED] asserts that the beneficiary’s research has been cited at least 54 times and 61 times internationally and concludes that this is “an outstanding accomplishment, indicative of a significant impact a researcher’s work has had on the field.” However, [REDACTED] fails to explain with any specificity how the beneficiary’s research has contributed to the academic field. [REDACTED] does not provide any factual basis to support his assertions regarding the impact of the beneficiary’s research on other researchers or the significance of the beneficiary’s citation record. Overall, without providing specific detail as to the beneficiary’s actual contributions or any factual basis to support the above claims, [REDACTED] letter contains primarily conclusory assertions regarding the beneficiary’s contributions and reputation, and thus, bears little weight.

The petitioner provided a letter from [REDACTED], Founding Editor-in-Chief of the [REDACTED] [REDACTED] attests that [REDACTED] “employs critical and rigorous criteria” in selecting reviewers, and that reviewers for this journal “must have earned an international reputation as an outstanding researcher, based on their original research achievements.” [REDACTED] asserts that the number of invitations the beneficiary has received “speaks to her international recognition.” [REDACTED] highlights the beneficiary’s selection as Guest Editor for the [REDACTED] and asserts that “only those researchers who have sustained international recognition for their outstanding research achievements are selected for such Editor positions.” [REDACTED] briefly describes the beneficiary’s research and published article relating to in-silico approaches for metabolic engineering. He highlights the fact that the article has been cited eight times, which he characterizes as “an outstanding achievement” considering the “narrow field of computational methods for metabolic networks.” [REDACTED] briefly describes how the beneficiary’s above research has been “applied” by other researchers, including [REDACTED] at Semmelweis University, [REDACTED] from the University of Minho (Portugal), [REDACTED] at Pennsylvania State University, and [REDACTED] from Dalian University (China). [REDACTED] asserts that the beneficiary’s research has been cited at least 54 times and 61 times internationally and concludes that this is “an outstanding achievement” indicative of international recognition.

Like the above letters, [REDACTED] does not provide any specific, factual information as to the actual selection criteria utilized for [REDACTED]. General statements that the beneficiary was invited due to her research contributions or her international recognition, without any factual basis to support the statements, are insufficient to establish the actual criteria used to select reviewers. Moreover, [REDACTED] fails to explain with any specificity how the beneficiary’s research has contributed to the academic field. He does not provide any factual basis to support his assertions regarding the impact of the beneficiary’s research on other researchers or the significance of the beneficiary’s citation record. Notably, [REDACTED] asserts that the beneficiary’s research has been applied by [REDACTED] at Semmelweis University, but [REDACTED] own letter does not mention the beneficiary’s impact on his work. Overall, without providing specific detail as to the beneficiary’s actual contributions or any factual basis to support the above claims, [REDACTED]

letter contains primarily conclusory assertions regarding the beneficiary's contributions and reputation, and thus, bears little weight.

The petitioner provided a letter from [REDACTED], Associate Professor, Computer Science & Computer Information Systems, [REDACTED]. [REDACTED] states he was Conference Chair for the [REDACTED]. [REDACTED] asserts that due to the beneficiary's "original research contributions that have earned [the beneficiary] international recognition as an outstanding researcher," the beneficiary "has repeatedly been invited by several distinguished organizations" as a reviewer. [REDACTED] attests that [REDACTED] selects its reviewers "based on the outstanding caliber of their original scientific contributions to the field, and the internationally distinguished reputation they have garnered as a result." [REDACTED] asserts that the number of invitations the beneficiary has received is "a testament to not only the extraordinary caliber of the research she has advanced, but also the continued worldwide recognition she has garnered as a result." [REDACTED] briefly describes the beneficiary's research and published articles relating to [REDACTED], highlights the fact that it has been cited 31 times, and then briefly describes how the beneficiary's above research has been "adopted" by other researchers, including at Weill Medical College of Cornell, Kyoto University, Mount Sinai School of Medicine, and the Academy of Mathematics and Systems Science. [REDACTED] asserts that the beneficiary's research has been cited at least 54 times and 61 times internationally and concludes that this is "a significant achievement in this field," indicative of international recognition.

[REDACTED] does not provide any specific, factual information as to the actual selection criteria utilized by [REDACTED] to select the beneficiary as a reviewer. General statements that the beneficiary was invited due to her research contributions or her international recognition, without any factual basis to support the statements, are insufficient to establish the actual criteria used to select reviewers. In addition, [REDACTED] fails to explain with any specificity how the beneficiary's research has contributed to the academic field. [REDACTED] does not provide any factual basis to support his assertions regarding the impact of the beneficiary's research on other researchers or the significance of the beneficiary's citation record. Overall, without providing specific detail as to the beneficiary's actual contributions or any factual basis to support the above claims, [REDACTED] letter contains primarily conclusory assertions regarding the beneficiary's contributions and reputation, and thus, bears little weight.

The petitioner provided a letter from [REDACTED], Associate Editor of [REDACTED] and one of the beneficiary's co-authors. [REDACTED] confirms that the above journal invited the beneficiary to serve as a reviewer, and that the journal "employs rigorous guidelines with respect to the selection of reviewers." [REDACTED] further attests that reviewers "must be established experts who have risen to the very top of their field due to their outstanding research contributions." [REDACTED] confirms that he invited the beneficiary to serve as a reviewer for [REDACTED] and the [REDACTED]. [REDACTED] asserts that the number of invitations the beneficiary has received is "not only a significant honor and accomplishment in comparison with other researchers in the field, but also demonstrative of the international recognition that [the beneficiary] has achieved." [REDACTED] briefly describes the beneficiary's research and published articles relating to [REDACTED], highlights the fact that it has

been cited 31 times, and then briefly describes how the beneficiary's above research has been "adopted" by other researchers, including at Weill Medical College of Cornell, University of Tokyo, Kyoto University, and the Academy of Mathematics and Systems Science. [REDACTED] briefly describes the beneficiary's research and published article relating to [REDACTED], highlights that it has been cited seven times, characterizes this citation record as "a significant achievement," and briefly discusses how this research has been used by researchers from the University of Georgia, University of Delaware, and Indiana University. [REDACTED] then asserts that the beneficiary's research has been cited at least 54 times and 61 times internationally and concludes that this is "a significant record which certainly confirms the broad influence of [the beneficiary's] research."

Like the above letters, [REDACTED] does not provide any specific, factual information as to the actual selection criteria utilized by [REDACTED] and the [REDACTED] to select the beneficiary as a reviewer. General statements that the beneficiary was invited due to her research contributions or her international recognition, without any factual basis to support the statements, are insufficient to establish the actual criteria used to select reviewers. In addition, [REDACTED] fails to explain with any specificity how the beneficiary's research has contributed to the academic field. [REDACTED] does not provide any factual basis to support his assertions regarding the impact of the beneficiary's research on other researchers or the significance of the beneficiary's citation record. Overall, without providing specific detail as to the beneficiary's actual contributions or any factual basis to support the above claims, [REDACTED]'s letter contains primarily conclusory assertions regarding the beneficiary's contributions and reputation, and thus, bears little weight.

In support of the petitioner's motion to reopen and reconsider, the petitioner submitted supplementary letters from [REDACTED] and [REDACTED]. All of these letters substantially state the same thing: that they have become aware of USCIS's recent decision to decrease the weight of the beneficiary's citation record; that they nevertheless conclude that the beneficiary's citation record of 61 self-excluding citations (51 excluding co-authors) is a significant achievement and a strong indicator of the widespread impact of the beneficiary's research contributions; that another strong indicator of the beneficiary's contributions is the fact that the beneficiary's research has been utilized by researchers from around the world; and that they uphold their previous testimonies. None of the letters provided any further factual information or explanations to support the above assertions or the assertions made in their prior letters.

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 letters considered above primarily contain conclusory assertions of widespread recognition and contributions, without specifically identifying the beneficiary's contributions and providing specific examples of how those contributions have influenced the field. USCIS need not accept primarily conclusory assertions. *1756, Inc. v. The Attorney General of the United States*, 745 F. Supp. 9, 17 (D.D.C. 1990). Similarly, merely repeating the language of the statute or regulations does not satisfy the petitioner's burden of proof. *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.). Moreover the letters, while not identical, all use very similar language consistent with a common source. We acknowledge that the authors all signed their letters, affirming the contents. Nevertheless, the use of slightly modified boilerplate language somewhat reduces the evidentiary weight of these letters. For these reasons, the letters, alone, are insufficient to establish that the beneficiary's research can be considered a contribution to the academic field as a whole. Other than the above letters, the petitioner has not submitted any other evidence in support of this criterion.

In light of the above, the petitioner has not submitted evidence that meets the 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 evidence of articles and a book chapter authored by the beneficiary. Thus, the petitioner has submitted evidence that qualifies under the plain language of 8 C.F.R. § 204.5(i)(3)(i)(F).

In light of the above, the petitioner has submitted evidence that meets two of the criteria that must be satisfied to establish the minimum eligibility requirements for this classification. Specifically the petitioner submitted evidence to meet the criteria set forth at 8 C.F.R. §§ 204.5(i)(3)(i)(D) and (F). The next step is a final merits determination that considers whether the evidence is consistent with the statutory standard in this matter, international recognition as outstanding. Section 203(b)(1)(B)(i) of the Act.

3. Final Merits Determination

It is important to note at the outset that the controlling purpose of the regulation is to establish international recognition, and any evidence submitted to meet these criteria must therefore be to some extent indicative of international recognition. More specifically, outstanding professors and researchers should stand apart in the

academic community through eminence and distinction based on international recognition. The regulation at issue provides criteria to be used in evaluating whether a professor or researcher is deemed outstanding. *Employment-Based Immigrants*, 56 Fed. Reg. 30703, 30705 (proposed July 5, 1991) (enacted 56 Fed. Reg. 60897 (Nov. 29, 1991)).

The nature of the beneficiary's judging experience is a relevant consideration as to whether the evidence is indicative of the beneficiary's recognition beyond her own circle of collaborators in the final merits determination. *See Kazarian*, 596 F.3d at 1122. The petitioner submits several letters from chief editors, editors, associate editors, editorial board members, and conference chairs of several journals within the field, purportedly attesting to the selection criteria for reviewers. However, all of these letters make general, conclusory assertions regarding the selection criteria for peer reviewers, such as calling the selection criteria "stringent," "exacting," and "rigorous." As discussed above, none of the letters provide any specific, factual information as to the actual selection criteria utilized to select reviewers. Again, USCIS need not accept primarily conclusory assertions. *1756, Inc. v. The Attorney General of the United States*, 745 F. Supp. at 17.

Generally, peer review is routine in the field; not every peer reviewer enjoys international recognition. Without factual information to establish the actual selection criteria and evidence that sets the beneficiary apart from others in her field, such as evidence that she has reviewed manuscripts for a journal that credits a small, elite group of referees, received independent requests from a substantial number of journals, or served in an editorial position for a distinguished journal, the petitioner failed to establish that the beneficiary's judging experience is indicative of or consistent with international recognition.

Notably, the AAO observes that while the beneficiary completed eight reviews for [REDACTED] alone, the Associate Editor of this journal is [REDACTED] one of the beneficiary's co-authors. In addition, for at least one of the journals for which the beneficiary has been a reviewer, namely [REDACTED] the beneficiary was specifically invited by the author, not by an editor of the journal itself. Furthermore, the email from the General Editor of [REDACTED] states: "If this paper is not familiar with your research area exactly, please understand the journal's situation. Sometimes, it's very hard to assign all submitted papers to the reviewers if we should find exact reviewers only in their research scope." These factors all undermine the petitioner's assertion that an invitation to serve as a reviewer is indicative of the beneficiary's contributions to the academic field and international reputation as an expert in the academic field.

The petitioner highlights the fact that the beneficiary has served as a Guest Editor for [REDACTED]. The petitioner asserts that the selection process as a Guest Editor "is even more stringent than that applied to peer reviewership." As evidence, the petitioner submitted letters from editors from unrelated journals speculating about [REDACTED] selection process or the general selection process for all journals within the field, including one letter that states that the selection process "may be even more stringent than that applied to journal reviewership described above (emphasis added)." However, as discussed above, the petitioner failed to provide any objective documentary evidence to support this assertion.

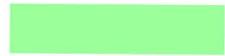
The beneficiary's publication and citation history are also relevant considerations when evaluating the beneficiary's recognition in the field. *See Kazarian, 596 F. 3d at 1122.* The petitioner repeatedly emphasizes that the beneficiary's research has been cited a total of 49 times, and asserts that this is high considering the narrow and highly specialized field of computational methods for metabolic networks. However, as discussed above, the petitioner provides no factual basis or credible corroborating evidence to support this assertion; the above letters from experts - all of which contain conclusory assertions that this number of citations is high - do not constitute evidence as to fact. Furthermore, as previously stated, the petitioner must establish that the beneficiary is recognized internationally as outstanding *in the academic field* in general, not only within a narrow and unique specialized area. *See 8 C.F.R. § 204.5(i)(3)(i)* (defining an "academic field" as "a body of specialized knowledge offered for study at an accredited United States university or institution of higher education"); 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) (stating that by regulatory definition, a body of specialized knowledge is *larger* than a very small area of specialization). Thus, even assuming *arguendo* that 49 total citations is high within the beneficiary's narrow research focus of "computational methods for metabolic networks," the petitioner has failed to establish that this citation record is high within the academic field of computer science as a whole.

The petitioner repeatedly emphasizes that other researchers have relied upon and used the beneficiary's work in their own research. However, as previously discussed, the petitioner failed to provide any credible, objective corroborating evidence to support this assertion. The petitioner failed to provide the actual publications by the other researchers to show whether the articles substantively discuss the beneficiary's work rather than merely citing it as one among many other references, letters from the above researchers, or other documentation that would establish the actual nature and the impact of the beneficiary's work on the other researchers' work. All but one of the expert letters failed to provide any factual basis for their assertions regarding other researchers' works, and provided no explanation as to how they were qualified to make these assertions. Of the single expert, [REDACTED] he submitted a letter attesting that he applied the beneficiary's work to his own research, this letter did not explain with any specificity how the beneficiary's work actually contributed to his own work or to the academic field as a whole.

In light of the above, our final merits determination reveals that the beneficiary's qualifying evidence, participating in the widespread peer review process and publishing articles that have not garnered significant citations or other response in the academic field, does not set the beneficiary apart in the academic community through eminence and distinction based on international recognition, the purpose of the regulatory criteria. 56 Fed. Reg. at 30705. The remaining evidence in the record, when considered as a whole, also fails to establish that the beneficiary is internationally recognized as an outstanding researcher in the academic field.

IV. Conclusion

The petitioner has shown that the beneficiary is a talented researcher, who has won the respect of her peers. The record, however, stops short of elevating the beneficiary to the level of an alien who is internationally recognized as an outstanding researcher. Therefore, the petitioner has not established that the beneficiary is qualified for the benefit sought.



(b)(6)

NON-PRECEDENT DECISION

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The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision. 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.