



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

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF U-O-N-R-

DATE: JULY 24, 2018

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a public university, seeks to classify the Beneficiary as an outstanding professor. Immigration and Nationality Act (the Act) section 203(b)(1)(B), 8 U.S.C. § 1153(b)(1)(B). This first preference classification makes immigrant visas available to foreign nationals who are internationally recognized as outstanding in their academic field.

The Director of the Nebraska Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary is internationally recognized as outstanding in her academic field, information systems.

On appeal, the Petitioner asserts that the Director did not properly consider the reference letters submitted by experts in the Beneficiary's field, and that those letters and the high ranking of the journals in which her work has been published sufficiently establish that she has earned an international reputation for being outstanding in her field.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

The statute requires that beneficiaries under this immigrant visa classification should stand apart in their academic area based on international recognition. To establish a professor or researcher's eligibility, a petitioner must provide initial qualifying documentation that meets at least two of six categories of specific objective evidence and demonstrates the beneficiary is 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 petitioner must provide initial qualifying documentation for the beneficiary that meets at least two of the six regulatory criteria listed at 8 C.F.R. § 204.5(i)(3)(i)(A)-(F) (including items such as awards, published material in certain media, and scholarly articles authored by the beneficiary.) The submission of evidence relating to at least two criteria does not, in and of itself, establish eligibility for this classification. Instead, the quality of the evidence taken as a whole must demonstrate that

the individual is recognized internationally as outstanding in the academic field specified in the petition.¹

Specifically, section 203(b)(1)(B)(i) of the Act provides that a foreign national is an outstanding professor or researcher 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 [for a qualifying position with a university, institution of higher education, or certain private employers].

Finally, the regulation at 8 C.F.R. § 204.5(i)(3)(ii) provides that a petition for an outstanding professor or researcher must be accompanied evidence that the foreign national has at least three years of experience in teaching and/or research in the academic field.

II. ANALYSIS

The Beneficiary is employed by the Petitioner as an Assistant Professor, and her research focus is in the area of design science research. The Director found that the Beneficiary met the requirements of two of the six evidentiary criteria, those pertaining to the authorship of scholarly articles and judging the work of others in the field, but did not find that she is internationally recognized as outstanding in the field of information systems. In his qualitative analysis, the Director noted that the Petitioner had not shown the Beneficiary's role in the routine peer review process relied upon by scholarly journals is indicative of international recognition, nor is the limited citation of the Beneficiary's published work by other researchers in her field. On appeal, the Petitioner asserts that the Director failed to give sufficient consideration to the 19 reference letters² submitted, and that the prestige of the publications in which the Beneficiary's work was published and the conferences at which she presented papers lends support to her international recognition.³

The Petitioner acknowledges in its appeal brief that "letters of support alone cannot form the cornerstone of a successful outstanding researcher [petition]," but also asserts that the level of detail

¹ See *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010) (holding that the "truth is to be determined not by the quantity of evidence alone but by its quality" and that U.S. Citizenship and Immigration Services (USCIS) examines "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true").

² Not all of these reference letters are mentioned in this decision, but all were reviewed and considered.

³ The Petitioner also asserts that the Beneficiary meets the requirements of the criterion at 8 C.F.R. § 204.5(i)(3)(i)(E), which requires evidence of her original scientific or scholarly research contributions to her field. Since the evidence already establishes that she meets the required two criteria, we will not consider the Beneficiary's satisfaction of that criterion, but will analyze the evidence submitted thereunder together with the aggregate in a final merits determination.

included in the letters submitted make corroborating evidence of the Beneficiary's contribution to her field and international recognition unnecessary. Many of the letters provide a very detailed account of the Beneficiary's work, as well as its potential practical applications in the field. However, they do not provide detailed information which would support the Petitioner's eligibility claim.

For example, several of the writers refer to the publication of the Beneficiary's work on tele-monitoring of patients as a [REDACTED] case study, and state that this work has made a contribution to the field of information systems since it is used to train students and professionals. However, despite the fact that these writers hold faculty positions at several different universities, none of them indicate that they use the Beneficiary's work in this way, or refer to specific examples of others that do so. Evidence of the use of the Beneficiary's work as a training tool for professionals in her field could possibly substantiate the claim that she has made a contribution to the field, as well as help to establish her international recognition as outstanding, but the assertions made in these letters do not establish that this is the case.

Some of the writers also mention that the Beneficiary has made contributions to the field of information science by teaching classes as the Petitioner's employee. For example, [REDACTED] of [REDACTED] notes that the Beneficiary is a founding member of the Petitioner's [REDACTED] which he indicates has developed a "pioneering model for educating academics, practitioners and students" which is "quite promising," but he does not claim that this model has been employed at other institutions or more broadly in the field of information systems. In addition, the letters from the Beneficiary's colleagues at the [REDACTED] do not contain additional information about the [REDACTED] or the Beneficiary's role as a founding member. This evidence does not establish that the Beneficiary has gained international recognition as outstanding in the overall field of information science by teaching at one institution.

In addition, several of the letter writers assert that because the Beneficiary has published articles in respected journals in the field, and presented papers at respected conferences, she has necessarily made contributions to the field of information science. For example, [REDACTED] of [REDACTED], under a heading of [REDACTED] [sic]," writes that "Researchers in this field do not usually have this degree of success in such high impact journals... or in national and international conferences... unless they have something truly novel and original to contribute to the field." In addition, [REDACTED] of [REDACTED], in discussing the Beneficiary's work in developing a framework for resolving opposing viewpoints in design science research, writes that "[t]he impact of this research is evidenced by its publication in [REDACTED] which is the most prestigious journal in our field." However, as stated by the Director in his decision, the act of publishing an article (or presenting a paper at a conference) alone is not indicative of making a contribution to the field, nor does it necessarily connote international recognition in the field. While we acknowledge the impact factor of [REDACTED] and other journals in which the Beneficiary's work has been published, we will not presume that every author whose work appears in such a

journal is internationally recognized as outstanding. Rather, we look to the impact of the Beneficiary's specific work on the field, which the letters do not address.

Many of the letters highlight the single article published in [REDACTED] [REDACTED] as evidence of the Beneficiary's most well-cited and impactful work. [REDACTED] of [REDACTED] a co-author of this article, indicates that it has been downloaded over 500 times, which she indicates "reflects the impact of this research." [REDACTED] of the [REDACTED] states this work "provides useful guidelines for evaluating the different types of knowledge contributions that can be produced in [REDACTED] projects," and that it has been cited by other researchers 22 times. He also indicates that the guidelines have been used by other researchers in their own work and cites an example, but the record does not include a copy of that article. Similarly, [REDACTED] of the [REDACTED] provides three examples of other research groups that have cited to the Beneficiary's article and employed the principles from it to varying degrees.

However, while the downloading of an article reflects interest in it, this information is incomplete as a measure of impact or contribution to an academic field, since it does not reflect a reader's assessment of the work, or whether that reader went on to apply the work to his or her own research. Similarly, citations to an individual's work can corroborate that a beneficiary is internationally recognized as outstanding, but without evidence of the context of the citation we cannot make such a determination. Here, the record lacks evidence of the content of the citing articles, testimony from the researchers to explain how and to what extent the Beneficiary's guidelines were used, or other evidence which would verify the impact of this work on the field.

Finally, the evidence establishes that the Beneficiary served as a reviewer of papers submitted for presentation at several scientific conferences, and reviewed a manuscript for publication in a scientific journal. The record does not support a finding that the Beneficiary's role in the peer review process is commensurate with international recognition as outstanding.

III. CONCLUSION

The Petitioner submitted evidence to establish that the Beneficiary meets the required two regulatory criteria, but the totality of the evidence on record does not demonstrate that she is internationally recognized as outstanding in her academic field.

ORDER: The appeal is dismissed.

Cite as *Matter of U-O-N-R-*, ID# 1329224 (AAO July 24, 2018)