

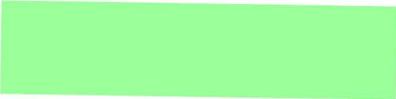
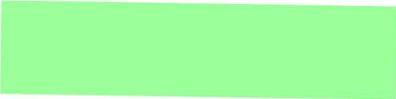
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U.S. Citizenship
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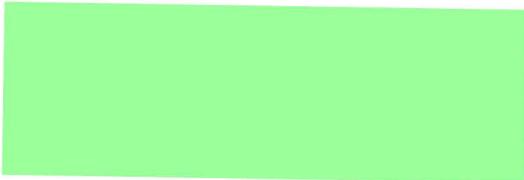


Date: **APR 18 2014** Office: NEBRASKA SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary: 

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:



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,


f 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 seeks classification under section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner seeks employment as a psychologist. At the time of filing, the petitioner was working as staff psychologist at [REDACTED] in California. Previously, the petitioner worked at [REDACTED] as a Clinical Psychology Intern (September 2006 - August 2007) and as a Psychology Clinician (September 2007 - January 2008). The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner has not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

On appeal, the petitioner submits a brief from counsel and additional documentary evidence.

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

(2) Aliens Who Are Members of the Professions Holding Advanced Degrees or Aliens of Exceptional Ability. –

(A) In General. – Visas shall be made available . . . to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

(B) Waiver of Job Offer –

(i) . . . the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

The petitioner received a Ph.D. in Clinical Psychology from [REDACTED] in September 2007. The director determined that the petitioner qualifies as a member of the professions holding an advanced degree. The sole issue in contention is whether the petitioner has established that a waiver of the job offer requirement, and thus a labor certification, is in the national interest.

Neither the statute nor the pertinent regulations define the term “national interest.” Additionally, Congress did not provide a specific definition of “in the national interest.” The Committee on the Judiciary merely noted in its report to the Senate that the committee had “focused on national interest by increasing the number and proportion of visas for immigrants who would benefit the United States economically and otherwise. . . .” S. Rep. No. 55, 101st Cong., 1st Sess., 11 (1989).

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

The Service believes it appropriate to leave the application of this test as flexible as possible, although clearly an alien seeking to meet the [national interest] standard must make a showing significantly above that necessary to prove the “prospective national benefit” [required of aliens seeking to qualify as “exceptional.”] The burden will rest with the alien to establish that exemption from, or waiver of, the job offer will be in the national interest. Each case is to be judged on its own merits.

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

The petitioner has established that his work as a psychologist is in an area of substantial intrinsic merit. While the work of an individual staff psychologist at a state hospital would not be national in scope, the record reflects that the petitioner intends to continue his psychological research concerning religion and violence. Accordingly, the proposed benefits of his work appear to be national in scope. It remains, then, to determine whether the petitioner will benefit the national interest to a greater extent than an available U.S. worker with the same minimum qualifications.

While the national interest waiver hinges on prospective national benefit, the petitioner must establish his past record justifies projections of future benefit to the national interest. *Id.* at 219. The petitioner’s subjective assurance that he will, in the future, serve the national interest cannot suffice to establish prospective national benefit. The inclusion of the term “prospective” is used here to require future contributions by the petitioner, rather than to facilitate the entry of an individual with no demonstrable prior achievements, and whose benefit to the national interest would thus be entirely speculative. *Id.*

Eligibility for the waiver must rest with the petitioner’s own qualifications rather than with the position sought. Assertions regarding the overall importance of a petitioner’s area of expertise cannot suffice to establish eligibility for a national interest waiver. *NYSDOT* at 220. At issue is whether this petitioner’s contributions in the field are of such significance that he merits the special

benefit of a national interest waiver, a benefit separate and distinct from the visa classification he seeks. A petitioner must demonstrate a past history of achievement with some degree of influence on the field as a whole. *Id.* at 219, n. 6. In evaluating the petitioner's achievements, original innovation, such as demonstrated by a patent, is insufficient by itself. Whether the specific innovation serves the national interest must be decided on a case-by-case basis. *Id.* at 221, n. 7.

In addition to documentation of his published and presented work, the petitioner submitted letters of support discussing his activities in the field.

Dr. [REDACTED] Professor of Psychology, School of Psychology, [REDACTED] stated:

[The petitioner] has an accomplished publication record with articles in top-ranked international journals, including *Journal of Applied Social Psychology* and *Journal of Peace Psychology*. His publications are important for the dialogue between Muslims and Christians and identifying resources for peacemaking. Recognizing that righteous anger may explain the action of terrorists, his research into Sacred violation, perceptions of injustice, and anger in Muslims was the first to examine the role of religious appraisal in the formation of Muslim anger in political events. The findings provide a model for understanding the relationship between dimension of anger and religiousness in Muslims, and provide insight into personal religious resources for the moderation/mediation of Muslim anger and aggression. [The petitioner] also played a significant role in the first effort to frame a scientific understanding of peacemaking. He and other scholars were preoccupied with the question, how will peace flourish between Muslims and Christians? [The petitioner] and colleagues, in the absence of studies to direct their work, conducted a descriptive and applied investigation of Muslim and Christian peacemakers from around the world, to identify peacemaking perceptions, attitudes, and practices. This engagement with the most complex of all human problem, peacemaking, spurred the developed of The [REDACTED] which is the first peacemaking scale endowed with moral principles taken from justice reasoning and monotheistic religious faith. The [REDACTED] attempts to harness [REDACTED] precepts in a manner designed to identify behaviors and attitudes relevant to peacemaking practice. This scale may facilitate targeted peacemaking curricula aimed at Americans who potentially share virtues intrinsic to [REDACTED]

* * *

The [REDACTED] demonstrates promise in helping to identify core moral domains that might be targeted for interventions related to the promulgation of [REDACTED] practices.

Dr. [REDACTED] comments on the petitioner's research concerning the role of religious appraisal in the formation of Muslim anger in political events and the petitioner's involvement in the development of the [REDACTED] but fails to provide specific examples of how the petitioner's findings are being applied by others throughout the field or have otherwise influenced the field as a whole. While the petitioner's graduate research has value, any research must be original and likely to present some benefit if it is

to receive funding and attention from the scientific community or government. In order for a university, publisher or grantor to accept any research for graduation, publication, presentation or funding, the research must offer new and useful information to the pool of knowledge. Not every graduate student who performs psychological research that adds to the general pool of knowledge in the field inherently serves the national interest to an extent that is sufficient to waive the job offer requirement.

In addition, although Dr. [REDACTED] asserts that the [REDACTED] that he and the petitioner developed “demonstrates promise in helping to identify core moral domains that might be targeted for interventions related to the promulgation of [REDACTED] practices,” the evidence submitted by the petitioner does not show that the petitioner’s work has yet been utilized in the field as a method for fostering peace in communities experiencing religious conflict. Speculation about the possible future impact of the petitioner’s work is not evidence, and cannot establish eligibility for the third prong of the national interest waiver test. Eligibility must be established at the time of filing. 8 C.F.R. § 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg’l Comm’r 1971). A petition cannot be approved at a future date after the petitioner becomes eligible under a new set of facts. *Matter of Izummi*, 22 I&N Dec. 169, 175 (Comm’r 1998). That decision further provides, citing *Matter of Bardouille*, 18 I&N Dec. 114 (BIA 1981), that USCIS cannot “consider facts that come into being only subsequent to the filing of a petition.” *Id.* at 176.

Dr. [REDACTED], Dean and Professor of Psychology, School of Humanities, Religion, and Social Sciences, [REDACTED] stated:

[The petitioner’s] contributions include the development of a self-report survey known as the [REDACTED]. The instrument represents a groundbreaking integration of cutting-edge scientific theory and practical strategies associated with reduction of conflict between religious groups. The instrument is remarkable for its cross-cultural sensitivity, incorporating justice language from major monotheistic faiths (i.e., Christian, Muslim, Jewish) in the United States. The instrument has many uses both at home and abroad.

Dr. [REDACTED] was one of the petitioner’s five coauthors of the article entitled [REDACTED] in *Peace and Conflict: Journal of Peace Psychology*. Although Dr. [REDACTED] asserts that the [REDACTED] “instrument has many uses both at home and abroad,” he fails to provide specific examples of how the [REDACTED] is being utilized domestically or internationally. 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).

Dr. [REDACTED] Professor of Psychology, School of Psychology, [REDACTED] stated:

[The petitioner] is an expert on applying statistical methods for quantitative and qualitative analysis in cultural constructs. He garnered these skills under the tutelage of Dr. [REDACTED] an international pioneer in the field of psychology. His expertise has aided our preparation of four manuscripts, two of which are currently under review. In this field, his

expertise in both quantitative and qualitative advanced methods is a unique and valuable contribution. [The petitioner] has had a number of research articles published in highly ranked peer-reviewed journals demonstrating his scientific depth in social and health psychology and his technical skills in data analytic methods.

Dr. [REDACTED] comments on the petitioner's graduate research work at [REDACTED] his expertise in applying statistical methods for quantitative and qualitative analysis, and his technical skills in data analytic methods. However, special or unusual knowledge or training does not inherently meet the national interest threshold. *NYS DOT* at 221. Any claim that the petitioner possesses useful skills or a "unique background" relates to whether similarly-trained workers are available in the United States and is an issue under the jurisdiction of the U.S. Department of Labor through the employment certification process. *Id.* at 221. Dr. [REDACTED] also mentions the petitioner's journal articles, but there is no documentary evidence showing that the petitioner's work has been frequently cited by independent researchers or has otherwise influenced the field as a whole.

Dr. [REDACTED] Professor of Psychiatry, [REDACTED] stated:

I am aware of [the petitioner's] work through psychology colleagues, in particular, his empirical work in the field of cultural psychology as it relates to religion, violence, and peace. [The petitioner] has published several peer-reviewed articles in social psychology (e.g., the *Journal of Applied Social Psychology* and *Peace & Conflict*).

* * *

One piece deserving of special mention is [the petitioner's] "[REDACTED] a potentially useful peacemaking scale. . . . There simply is no question that peacemaking dialogue between Christians and Muslims calls for the development of measures to capture effective peacemaking practices that are sensitive to religious worldviews. The [REDACTED] demonstrates some promise in helping to identify core moral domains that might be targeted for interventions related to peacemaking efforts in both faith communities and other specific populations.

Dr. [REDACTED] comments on the petitioner's journal articles and development of the "potentially useful" [REDACTED], but fails to provide specific examples of how the petitioner's work has already affected the field as a whole. In addition, Dr. [REDACTED] repeats Dr. [REDACTED] assertion that the [REDACTED] demonstrates "promise in helping to identify core moral domains that might be targeted for interventions" to facilitate peacemaking efforts. However, a petitioner cannot establish eligibility based solely on the expectation of future eligibility. *Matter of Katigbak* at 49. The petitioner submits no documentary evidence showing that his published work has been frequently cited by independent researchers or that his findings have otherwise influenced the field as a whole.

Dr. [REDACTED] Associate Professor, Department of Surgery, [REDACTED] stated:

[The petitioner's] key contributions to the field of psychosocial oncology are the role of religious beliefs, fatalism, and emotions in screening attitudes and behaviors. These contributions have led to advances in understanding how cultural factors, including religiousness, may influence illness representations and preventative health behavior. This achievement will allow increased prostate and colorectal cancer screening behavior among African-American men, a high-risk a population. These advances have the potential to improve health care by targeting religiously based illness perceptions of colorectal and prostate cancer. [The petitioner's] expertise in the fields of colorectal and prostate cancer can further be applied to breast oncology, and could help to eradicate the widely recognized disparities in breast cancer care in African-American women.

Dr. [REDACTED] asserts that the petitioner's findings on religious beliefs, fatalism, and emotions in screening attitudes and behaviors "have led to advances in understanding how cultural factors . . . may influence illness representations and preventative health behavior." Dr. [REDACTED] further states that this work "will allow increased prostate and colorectal cancer screening behavior among African-American men" and that the petitioner's work has "the potential to improve health care by targeting religiously based illness perceptions of colorectal and prostate cancer." Although Dr. [REDACTED] offers her opinion regarding the potential impact of the petitioner's findings, she fails to provide specific examples of how the petitioner's work has already been utilized to improve prostate and colorectal cancer screening rates among African-American men, or to reduce disparities in breast cancer care in African-American women. Again, eligibility must be established at the time of filing. 8 C.F.R. § 103.2(b)(1), (12); *Matter of Katigbak* at 49.

Dr. [REDACTED] Senior Researcher, Department of [REDACTED], stated:

I have reviewed [the petitioner's] publications in the *Journal of Applied Social Psychology* and *Peace & Conflict*. His work is important for new initiatives in developing empirically validated measures for resolving conflicts without recourse to violence.

One significant contribution is his work on understanding the role of religiousness in Muslim anger. This is a significant achievement, as there are minimal empirical studies that examine this personally sensitive variable in Muslims. [The petitioner's] research has shown practical importance in providing models and formulas describing anger experience and expressions that are grounded in a particular set of situational or individual characteristics.

Dr. [REDACTED] comments on the petitioner's development of empirically validated measures for resolving religious conflicts involving Muslims, but there is no evidence showing that the petitioner's models and formulas have been implemented to resolve religious conflicts in various communities or regions, that his findings have been frequently cited by psychology scholars, or that his work has otherwise influenced the field as a whole.

Dr. [REDACTED] President, [REDACTED] Atlanta, Georgia, stated:

The mechanisms by which some religious sentiments may facilitate violence and the circumstances which influence such developments are among the most important studies in cultural, religious and social psychology. Collaboration of scholars from classically diverse areas is absolutely necessary to this kind of research; [the petitioner's] varied professional background in business, computing, the ministry, clinical psychology, quantitative methodology and broader social science areas make him a valuable synthesizer.

Mr. [REDACTED] comments on the general importance of the petitioner's studies concerning religious violence, but does not specify how the petitioner's findings are being utilized in the field or have otherwise affected the field as a whole. As previously discussed, general arguments or information regarding the importance of a given field of expertise cannot by themselves establish that an individual benefits the national interest by virtue of engaging in the field. *NYSDOT* at 217. Such assertions and information address only the "substantial intrinsic merit" prong of *NYSDOT*'s national interest test. In addition, Dr. [REDACTED] mentions the petitioner's "professional background in business, computing, the ministry, clinical psychology, quantitative methodology and broader social science." However, as previously discussed, special or unusual knowledge or training does not inherently meet the national interest threshold. *NYSDOT* at 221.

Finally, Dr. [REDACTED] Senior Professor of Psychology, School of Psychology, [REDACTED] stated:

[The petitioner's] contributions to understanding cultures, such as Islam, have been substantiated by many other colleagues in our field. This is evidenced by his letters of support and the number of citations he has received in a very new and specialized research field. This is one significant reason we need [the petitioner] to continue his work here. He will continue to use his multicultural background and research expertise to help us better develop our understanding of such cultures as Islam.

Dr. [REDACTED] mentions the petitioner's "multicultural background and research expertise," but any objective qualifications which are necessary for the performance of the occupation can be articulated in an application for labor certification. *NYSDOT* at 220-221. In addition, Dr. [REDACTED] points to the "number of citations" that the petitioner's work has received. The petitioner submitted search results from Google Scholar showing an aggregate of thirteen citation results for his body of published work. The submitted search results indicate that five of the listed citations are self-cites by the petitioner's coauthors. Self-citation is a normal, expected practice. Self-citation cannot, however, demonstrate the response of independent researchers. The submitted documentation reflects that none of the petitioner's articles was independently cited to more than four times. Specifically:

1. [REDACTED] (*Peace and Conflict: Journal of Peace Psychology*) was independently cited to four times (plus three self-citations by the petitioner's coauthors Dr. [REDACTED] and Dr. [REDACTED])

2. [REDACTED] (*Journal of Applied Social Psychology*) was independently cited to three times; and
3. [REDACTED]
[REDACTED] was independently cited to once (plus two self-citations by the petitioner's coauthors Dr. [REDACTED] and Dr. [REDACTED]).

The petitioner's submission of documentation reflecting that his findings have been cited by others in their work is insufficient to establish eligibility for the national interest waiver without documentary evidence reflecting that the petitioner's work has influenced the field as a whole. Generally, the number of citations is reflective of the petitioner's original findings and that the field has taken some interest regarding the petitioner's work. However, it is not an automatic indicator that the petitioner's work has affected the field as a whole. The petitioner has not established that the number of independent cites per article for his published work is indicative of influence on the field as a whole.

In response to the director's request for evidence, the petitioner submitted additional letters from Dr. [REDACTED] and [REDACTED] Executive Director, [REDACTED] commenting on research projects proposed by the petitioner. However, neither of the preceding letters explains how the petitioner's research work has already influenced the field.

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

The opinions of the petitioner's references are not without weight and have been considered above. USCIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, USCIS is ultimately responsible for making the final determination regarding a petitioner's eligibility for the benefit sought. *Id.* The submission of letters of support from the petitioner's professional contacts is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the petitioner's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). Thus, the content of the experts' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by a petitioner in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of a psychology researcher who has influenced the field as a whole.

The director denied the petition on August 13, 2013. The director determined that the reference letters were not sufficient to demonstrate the petitioner's "past impact in the field of psychology." In

addition, the director concluded that the limited number of citations to the petitioner's work did not "present a benefit so great as to outweigh the national interest inherent in the labor certification process." The director therefore concluded that the petitioner failed to establish that an exemption from the requirement of a job offer would be in the national interest of the United States.

On appeal, counsel points to two non-precedent decisions in which the AAO sustained appeals for a chemistry researcher and a microbiology researcher dated December 20, 2010 and January 18, 2005, respectively. Counsel argues that the AAO's decisions, which involved researchers whose work received a similar number of citations as the petitioner, comport with the present matter.

First, each petition is a separate proceeding with a separate record. *See* 8 C.F.R. § 103.8(d). In making a determination of statutory eligibility, USCIS is limited to the information contained in the record of proceeding. *See* 8 C.F.R. § 103.2(b)(16)(ii). While AAO precedent decisions are binding on all USCIS employees in the administration of the Act, unpublished AAO decisions are not similarly binding. *See* 8 C.F.R. § 103.3(c). Moreover, counsel fails to establish that the facts of the instant petition are similar to those in the unpublished decisions. In fact, the two non-precedent decisions quoted multiple reference letters that provided specific examples of how the researchers' work had influenced the field as a whole by "resolving a controversy" in the field and by "substantiat[ing] a suspicion in the field." Similar examples have not been provided in this case. Further, as discussed in the December 20, 2010 non-precedent decision, the AAO "will not set a benchmark number of citations that is decisive in all fields irrespective of the other evidence of record. Thus, the fact that the AAO has sustained an appeal for an alien seeking the same benefit but who had few citations is not determinative."

The petitioner's appellate submission includes evidence of his presentations at conferences such as the [REDACTED] (2004), the [REDACTED] (2006), and the [REDACTED] program at the 2006 American Psychological Association (APA) convention. Many professional fields regularly hold meetings and conferences to present new work, discuss new findings, and to network with other professionals. These meetings and conferences are promoted and sponsored by professional associations, businesses, educational institutions, and government agencies. Although presentation of the petitioner's work demonstrates that his findings were shared with others and may be acknowledged as original based on their selection to be presented, there is no documentary evidence showing that his presented work has been frequently cited by independent researchers or that his findings have otherwise affected the field as a whole.

Counsel asserts that the petitioner "has made specific contributions to the field of psychology that have been relied upon by his peers." The petitioner submits a January 31, 2006 letter from [REDACTED] Chair of the APA [REDACTED] informing the petitioner that his proposal entitled "[REDACTED]" was accepted for presentation at the [REDACTED] program at the 2006 APA convention. The conclusion of Mr. [REDACTED] letter lists three "reviewer comments" that state:

- Conceptualization and methodological considerations behind measure are good. Broader population for study needed and cross validation to cultures and religious beliefs. N is good. Discriminant functions Analysis and Regression Equation Method for Analysis would be helpful for looking at factors (go beyond [REDACTED])
- It is research based and should generate discussion. It may not be sufficient material for a session by itself and could be in a paper session with another paper.
- The [REDACTED] looks like a very promising instrument for peace researchers and since there are so few sound instruments this could be another strong addition.

Counsel points to the last of the three “reviewer comments” bullets as evidence that the petitioner’s work has “been relied upon by his peers.” The reviewer comment describes the [REDACTED] as a “promising” instrument and states that it “could be another strong addition” for peace researchers. Again, speculation about the possible future impact of the petitioner’s work is not evidence, and does not establish that the [REDACTED] had already influenced the field as a whole.

Counsel lists various research articles that cited to the petitioner’s work, but as previously discussed, the number of independent cites is minimal. Counsel asserts that it would be “highly unusual” for publications in the petitioner’s field “to have a large or even moderate number of citations” and that “low citation count is the norm for [the petitioner’s] area of research.” Without documentary evidence to support the claims, the assertions of counsel will not satisfy the petitioner’s burden of proof. The unsupported assertions of counsel do not constitute evidence. *See Matter of Obaigbena*, 19 I&N Dec. 533, 534, n.2 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1, 3, n.2 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). The petitioner has not established that the level of independent citation of his work is indicative of his influence on the field as a whole. As previously discussed, although reference letters from independent scholars in the petitioner’s field would be indicative of the impact of his research, the petitioner has submitted only a few such letters from independent sources which lack specific descriptions of the depth or extent of his influence on the field as a whole. Listing the petitioner’s research findings and speculating on their potential future impact cannot suffice in this regard, because all researchers are expected to produce original work.

Counsel contends that federal funding of the petitioner’s work by the U.S. Department of Justice shows that his work “is clearly in the national interest.” While federal funding of the petitioner’s research shows that his work meets the “substantial intrinsic merit” prong of *NYS DOT*’s national interest test, it is not sufficient to demonstrate that he will serve the national interest to a substantially greater degree than other U.S. psychologists with the same minimum qualifications. A substantial amount of scientific research is funded by grants from a variety of public and private sources. The past achievements of the principal investigator are a factor in grant proposals because the funding institution has to be assured that the investigator is capable of performing the proposed research. Nevertheless, receiving federal funding to undertake a research project does not differentiate the petitioner from other capable researchers, or demonstrate that his federally-funded research has influenced the field as a whole.

A plain reading of the statute indicates that it was not the intent of Congress that every advanced degree professional or alien of exceptional ability should be exempt from the requirement of a job offer based on national interest. The petitioner has not shown that his past record of achievement is at a level sufficient to waive the job offer requirement which, by law, normally attaches to the visa classification sought by the petitioner. While the petitioner need not demonstrate notoriety on the scale of national acclaim, the national interest waiver contemplates that his influence be national in scope. *NYS DOT* at 217, n.3. More specifically, the petitioner “must clearly present a significant benefit to the field of endeavor.” *Id.* at 218. *See also id.* at 219, n.6 (the alien must have “a past history of demonstrable achievement with some degree of influence on the field as a whole”). On the basis of the evidence submitted, the petitioner has not established that a waiver of the requirement of an approved labor certification will be in the national interest of the United States.

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

ORDER: The appeal is dismissed.