

(b)(6)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

[Redacted]

DATE: **JAN 27 2014** OFFICE: TEXAS SERVICE CENTER

FILE: [Redacted]

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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:
[Redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition. The matter is now before the AAO on appeal. The AAO will dismiss the appeal.

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 physician. At the time she filed the petition, the petitioner was a pediatric endocrinology fellow at [REDACTED] a teaching hospital affiliated with the [REDACTED] in Florida. The petitioner is now a pediatric endocrinologist at [REDACTED]. 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 statement from counsel. On Form I-290B, Notice of Appeal or Motion, the petitioner indicates that a brief will be forthcoming within 30 days. To date, more than six months after the filing of the appeal, the record contains no brief. The AAO therefore considers the record to be complete as it now stands.

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 director did not dispute 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).

Supplementary information to regulations implementing the Immigration Act of 1990, P.L. 101-649, 104 Stat. 4978 (Nov. 29, 1990), published at 56 Fed. Reg. 60897, 60900 (Nov. 29, 1991), states:

The Service [now U.S. Citizenship and Immigration Services (USCIS)] 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 Dep’t 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 the alien 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 the alien 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.

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

The USCIS regulation at 8 C.F.R. § 204.5(k)(2) defines “exceptional ability” as “a degree of expertise significantly above that ordinarily encountered” in a given area of endeavor. By statute, aliens of exceptional ability are generally subject to the job offer/labor certification requirement; they are not exempt by virtue of their exceptional ability. Therefore, whether a given alien seeks classification as an alien of exceptional ability, or as a member of the professions holding an advanced degree, that alien cannot qualify for a waiver just by demonstrating a degree of expertise significantly above that ordinarily encountered in his or her field of expertise.

The petitioner filed the Form I-140, Immigrant Petition for Alien Worker, on June 29, 2012. In a statement accompanying the initial filing, the petitioner stated:

As a Pediatric Endocrinologist, I am trained to treat children with hormonal problems. . . . Within the field of Pediatric Endocrinology, my areas of expertise include obesity and its complications. . . . Unlike most Pediatric Endocrinologists, I am also experienced in management of genetic in addition to metabolic causes of hypoglycemia. Additionally, with the rapid increase in childhood obesity and other hormonal problems, there is a significant shortage and growing demand [for] Pediatric Endocrinologists throughout the country.

A local labor shortage does not warrant the national interest waiver, because the labor certification process is already in place to address such shortages. *See NYSDOT* at 218. Section 203(b)(2)(B)(ii) of the Act created special waiver provisions for physicians in designated shortage areas, but one does not qualify for that waiver simply by being a physician and claiming a shortage. Rather, the USCIS regulations at 8 C.F.R. § 204.12 contain instructions on how to apply for such a waiver. In this proceeding, the petitioner did not follow the specified procedures or submit the evidence required to qualify for the physician waiver. Therefore, the petitioner has not properly applied for the physician waiver, and the proper must instead establish eligibility under the guidelines published in *NYSDOT*.

Beyond her clinical efforts, the petitioner discussed her research work:

I believe that my research work has been very practically important to the medical community and has been implemented in several ways by peers within the field. My research study on adolescents and young women with polycystic ovary syndrome (PCOS) focuses primarily on endocrine disorders that are intertwined with nutritional problems. My research aims to determine the relation of PCOS with vitamin D. . . . If treatment of vitamin D insufficiency improves insulin sensitivity and symptoms of PCOS, it could provide a breakthrough low cost treatment for this very common disorder seen in women of reproductive age group.

My research work on children with sub-clinical thyroidism (a condition that indicates impending thyroid failure) focuses on the role of iodine in thyroid function. National studies have reported that the prevalence of iodine insufficiency in children and adolescents is very significant. . . .My research throws light [on] this area where sufficient evidence is not available and provides opportunity for others to further investigate the role of iodine deficiency in thyroid problems in the United States.

In a separate 20-page résumé, the petitioner listed positions she has held, credentials she has earned, and activities she has performed. The petitioner also provided further details about her research work. The petitioner stated how each listed item demonstrates her standing in the field. The petitioner, however, did not submit documentary evidence to support these claims. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)).

For example, the petitioner stated that she has “been invited to be an independent expert reviewer” for three open-access journals, all published by [REDACTED]

[REDACTED] The petitioner claimed: “All three journals are highly cited, and have wide readership. Extremely few researchers are selected to be a reviewer for such illustrious journals.” The petitioner submitted a March 1, 2012 electronic mail message from [REDACTED] publisher at [REDACTED] reporting the acceptance of the petitioner’s “recent application to become a peer-reviewer of [REDACTED] journals.” The record contains no evidence from [REDACTED] to establish the number of reviewers, and no documentation to establish that the “journals are highly cited, and have wide readership.” The petitioner’s unsupported claims do not meet her burden of proof. *See Matter of Soffici*, 22 I&N Dec. 165.

In her résumé, the petitioner claimed 19 “lectures and presentations,” all but one of which took place at [REDACTED] during her training there. The only exception was a presentation at the [REDACTED] § [REDACTED] which the petitioner stated “is limited to only 50 participants from all countries that are nominated by the division chairman and selected by the [REDACTED].” Documentation from the [REDACTED] confirms that the workshop “is limited to 50 fellows to preserve the interpersonal nature of instruction. Fellows wishing to participate must be nominated by their Program Directors and will be selected on a first-come, first-serve [*sic*] basis.” The full name of the program is the ‘ [REDACTED] [REDACTED]’ to which “[f]irst year fellows are . . . encouraged to apply.” The purpose of the program is to “provide [participants] with the skills needed to develop and implement successful hypothesis-driven research.”

The petitioner’s résumé listed two “peer reviewed publications and abstracts,” specifically a 2006 article in the [REDACTED] and a 2012 poster presentation at the [REDACTED] in Philadelphia, Pennsylvania. The petitioner submitted documentation of her participation in the 2012 conference. The petitioner also submitted a copy of the 2006 article, which was a study of 110 ‘ [REDACTED]’ among patients across a wide age range, with most of the patients being over 21 years of age. The petitioner’s only claimed published article, therefore, was not in the specialty of pediatric endocrinology, and, according to the chronology in her résumé, predates her training in that specialty.

The petitioner separated the initial submission into sections, using labeled divider pages. One divider page reads: “Significant Original Contributions.” The pages following that divider, however, do not concern the petitioner’s contributions. Instead, the section consists of background documentation about pediatric endocrinology and the stated shortage of specialists.

Several witness letters accompanied the initial filing. Five of the letters are recommendation letters prepared in July 2006, upon the petitioner’s graduation from [REDACTED]. These letters contain general praise for the petitioner’s abilities as a medical student; three of them contain variations on the following sentence: “Her personal and professional attributes and a

genuine commitment towards the achievement of her goals will make her an outstanding student.” The letters predate her training as a pediatric endocrinologist and therefore contain no information about her skills or achievements in that specialty.

Many of the remaining witnesses emphasized the asserted shortage in the petitioner’s specialty which, as explained above, is not grounds for approving the waiver under the *NYS DOT* guidelines. Multiple witness letters attesting to a claimed shortage in the petitioner’s specialty cannot suffice to establish eligibility for the physician waiver under section 203(b)(2)(B)(ii) of the Act.

Professor [REDACTED] of the [REDACTED] is chairman of the Department of Pediatrics at [REDACTED] where the petitioner trained from 2007 to 2010. Prof. [REDACTED] claimed that the petitioner “is a nationally recognized physician” but did not elaborate on this point. Instead, Prof. [REDACTED] described the petitioner’s treatment of a ten-year-old patient, including “encourag[ing] the patient . . . to make lifestyle changes” and “enroll[ing] the patient in . . . a very successful childhood obesity prevention and treatment program.”

Two assistant professors at [REDACTED] provided witness letters that are very similar to one another, with some passages appearing verbatim or nearly so in both letters. Dr. [REDACTED] stated that the petitioner “plays a pivotal role in the research project ‘Role of iodine deficiency in healthy children with sub-clinical hypothyroidism.’ . . . Without [the petitioner’s] insightful and original work, the project would not have succeeded.” Dr. [REDACTED] stated that the petitioner “plays a pivotal role in the research project ‘Evaluation of obesity and cardio metabolic risk factors in children with premature adrenarche.’ . . . [W]ere it not for her contribution and work, the project would not have come to fruition.” Neither witness specified the nature of the petitioner’s contributions to the projects.

Dr. [REDACTED] research associate professor at [REDACTED] stated:

[The petitioner] is a physician of superb ability in pediatric endocrinology and a research scientist of national repute. [The petitioner] has produced numerous groundbreaking research findings. She spearheaded a research [*sic*] to evaluate cardio metabolic risk factors in children with premature adrenarche. [The petitioner] also launched a study to investigate the role of iodine deficiency in healthy children with sub-clinical hypothyroidism. This landmark research design was selected for presentation before the [REDACTED] and is currently being prepared in manuscript form to be submitted to the peer-reviewed scientific literature.

Regarding the petitioner’s peer review work, Dr. [REDACTED] claimed that the petitioner “has been selected to undertake such an important responsibility as a result of her premier expertise in the field.”

Professor [REDACTED] stated: "What distinguishes [the petitioner] from her peers in the country today is her extensive background in pediatric endocrinology work." Prof. [REDACTED] did not elaborate on this point.

The remaining witnesses claimed not to know the petitioner personally. Dr. [REDACTED] chairman of the Department of Medicine at the [REDACTED] holds professorships at three universities in the [REDACTED] area. Dr. [REDACTED] called the petitioner "a distinguished physician" who "has distinguished herself in clinical care and in research. . . . Her current work is innovative and has significantly benefited children with endocrine disease in the United States." Dr. [REDACTED] however, provided no further details on these points. The generic assertion that the petitioner is "a distinguished physician . . . [who] has significantly benefited children" cannot suffice to establish the petitioner's eligibility for the national interest waiver.

Professor [REDACTED] of the [REDACTED] stated that the petitioner "has demonstrated exceptional skill in her field and certainly makes a significant contribution to the health of children in this country." Prof. [REDACTED] described the medical phenomena that the petitioner is studying, but she did not discuss the petitioner's findings or explain how her work has distinguished her in the field, except to claim that it "is a true distinction" to be able to make a presentation at the [REDACTED]

Dr. [REDACTED] associate professor at the [REDACTED] in [REDACTED] Maryland, asserted that the petitioner "has distinguished herself in clinical care and in research." Like Dr. [REDACTED], Dr. [REDACTED] provided no further details regarding the petitioner's contributions.

Dr. [REDACTED] additional professor of neurosurgery at [REDACTED] [REDACTED] claimed that the petitioner "is highly sought after for her expertise in pediatric endocrinology" and is "a nationally recognized leader" in that specialty. Dr. [REDACTED] also claimed that the petitioner's "medical research prowess is well known and has had significant impact in the advancement of our medical knowledge." Dr. [REDACTED] stated that the petitioner's "landmark finding [regarding vitamin D levels in diabetic children] was selected for presentation at the [REDACTED] a remarkable honor for any physician." Dr. [REDACTED] claimed: "Prominent journals, including [REDACTED] have selected [the petitioner's] research for publication." Dr. [REDACTED] did not identify any other journal by title, and the petitioner herself did not claim more than one published journal article. The vague reference to unidentified other articles is not, itself, evidence that other articles exist. Dr. [REDACTED] a neurosurgeon, did not claim or establish any credentials in the petitioner's specialty of pediatric endocrinology.

The director issued a request for evidence on November 21, 2012, instructing the petitioner to submit evidence to establish eligibility under the three-prong *NYS DOT* national interest test. The director also specifically requested the "citation record" of the petitioner's published work.

In response, counsel stated that the petitioner had submitted “[t]estimonials from renowned experts, who are considered the foremost leaders in their fields.” The witnesses themselves claimed no such distinction.

Counsel revisited the initial evidence, including the petitioner’s authorship of one published article and her presentation of research at two conferences. Counsel stated that the petitioner “should not be required to go through the labor certification process, because this process is not able to take into consideration the unique skills that she has developed as a specialist in Advanced Heart Failure and Transplant cardiology.” The last phrase appears to relate to another of counsel’s clients, because the petitioner is not, and does not claim to be, a cardiologist. Regarding the broader point about labor certification, counsel stated:

Please note that [the petitioner] has extensive responsibilities as both a clinician and as a medical researcher. However her contractual services encompass clinical work only. This is customary in the medical profession. Virtually all academic researchers who are not yet permanent residents are not reimbursed contractually for any research work that they may perform. Furthermore, since the Department of Labor does not allow for a combination of occupations when filing a labor certification, such a combination is not possible. A very significant percentage of the patients that [the petitioner] treats receive Medicare Medicaid [sic]. Her outstanding diagnostic abilities allow her to diagnose these patients at earlier stages of their illness than [sic] the large majority of her colleagues would be able to. This saves the federal government a great amount of money because the need for later much more expensive and invasive procedures is avoided.

Counsel did not cite any evidence to support the claims quoted above. The unsupported assertions of counsel do not constitute evidence. See *Matter of Obaighena*, 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).

There is no blanket waiver for physicians who treat patients on Medicaid and/or Medicare, and the petitioner, and the petitioner has submitted no evidence to show that her work has resulted in nationally significant savings in Medicaid or Medicare costs. The assertion that other doctors would make poorer or later diagnoses, resulting in greater costs, amounts to unsupported speculation.

Regarding counsel’s claim that “the Department of Labor does not allow for a combination of occupations when filing a labor certification,” the Department of Labor regulation at 20 C.F.R. § 656.17(h)(3) states:

If the job opportunity involves a combination of occupations, the employer must document that it has normally employed persons for that combination of occupations, and/or workers customarily perform the combination of occupations in the area of intended employment, and/or the combination job opportunity is based on a business

necessity. Combination occupations can be documented by position descriptions and relevant payroll records, and/or letters from other employers stating their workers normally perform the combination of occupations in the area of intended employment, and/or documentation that the combination occupation arises from a business necessity.

The quoted regulation shows that “a combination of occupations” is acceptable under certain specified conditions. Furthermore, several witness letters from university faculty members include the authors’ *curricula vitae*. These materials routinely show both clinical duties and research duties, as well as teaching duties, indicating that the combination of duties is customary.

Counsel asserted that the petitioner “is constantly teaching the use of the skills to both junior and even senior peers, as such creating a ripple effect that is making the performance of these procedures more widespread nationally.” Counsel did not identify the procedures in question, and the petitioner has not established that she developed any widely used medical procedures. Teaching existing procedures, while employed at a teaching hospital, does not distinguish the petitioner from other physicians similarly engaged.

The petitioner submitted additional correspondence relating to her peer review work, but these materials do not distinguish her from others in the field. They do not, for instance, show that the petitioner’s reputation as an expert results in an especially high volume of requests to perform peer review.

The petitioner submitted new statements from herself and from some prior witnesses, all at [REDACTED]. The petitioner’s statement is a modified version of the statement submitted with the initial filing of the petition. The petitioner stated: “I am regarded as an expert in the area of premature adrenarche.” The petitioner asserted that she has “been very involved with teaching medical students, residents and junior fellows,” but did not explain how this distinguishes her from other advanced trainees at teaching hospitals.

Dr. [REDACTED] stated that the petitioner “was a lead contributor to [the] project” that the petitioner presented at the [REDACTED] (Dr. [REDACTED] like the petitioner, left off the phrase “for Trainees” when identifying the workshop, but materials from the [REDACTED] show that “for Trainees” is an integral part of the name.) Dr. [REDACTED] praised the petitioner’s “innovative ideas” and “essential work,” but provided no details about the nature of the petitioner’s work on the project.

In contrast, Dr. [REDACTED] provided some details about the petitioner’s work on another project:

[The petitioner’s] work constituted 75%, if not more, of the work on this project, including formulation of study design, obtaining Institutional Review Board approval, execution of the study protocol, data collection, data analysis and writing up the manuscript. I can honestly state that were it not for her expert abilities, the project

would not have been completed and we would not have been able to obtain the ground breaking results that we did. We have found for the very first time in our ethnic population that children with premature adrenarche and an advanced bone age may have a final height lower than their genetic potential and that obesity plays a major role in this occurrence. These ground breaking results will soon be published in one of the top journals in the United States.

The above letter provides some additional information about the nature of the petitioner's research work. Nevertheless, engaging in medical research does not necessarily establish eligibility for the waiver; there is no blanket waiver for medical researchers.

Dr. [REDACTED] provided a letter with wording that, at times, is very similar to the wording in Dr. [REDACTED] letter:

Our analysis found for the very first time in our ethnic population, and in one of the very first reports from the United States, that children with premature adrenarche and an advanced bone age may have a final height lower than their genetic potential and that obesity plays a major role in this occurrence. These ground breaking results will soon be published in one of the top scientific journals in the United States.

The results of the study were still unpublished several months after the petition's filing date, and the record does not show that anyone other than the investigators themselves considered the findings to be "ground breaking." Neither Dr. [REDACTED] nor Dr. [REDACTED] identified the "top journal" that would publish the results, and the record contains no evidence that any journal had accepted the article for publication at the time the witnesses made that claim in January 2013.

Prof. [REDACTED] stated:

[The petitioner] has earned a widely renowned reputation for both her great clinical skills and her important research that is relied upon by countless physicians, such as her work on evaluation of iodine deficiency in children with sub-clinical hypothyroidism. I apply this to my own practice of medicine when I treat this disorder by evaluating for iodine deficiency in a patient with unexplained sub-clinical hypothyroidism and thus avoiding unnecessary and expensive tests. This is an opinion that is shared throughout our field.

Prof. [REDACTED] credentials in his field are not in dispute, but the record does not establish that he is in a position to speak for "countless physicians . . . throughout [the] field" with respect to the petitioner's impact and influence. Such a claim is an assertion of fact, rather than an expert opinion, and as such the weight of the claim depends upon the degree of corroboration.

The petitioner submitted a printout of a January 8, 2013 electronic mail message from Dr. [REDACTED] co-founder and chairman of the board of [REDACTED] Inc. The body of the message reads:

I'm writing today to thank you for the exceptional research that you have produced in the field of Pediatric Endocrinology. I would specifically like to mention my experience with regard to your research work about "Evaluation of iodine deficiency in children with sub-clinical hypothyroidism." I have relied upon your novel research in this area and your work has been extremely helpful to my own patients. I use your findings in the evaluation and management of children suffering from sub-clinical hypothyroidism. Your findings have helped design a protocol for evaluation of these children and identification of a cause that is simple to treat. This has also helped reduce the need for expensive testing and evaluation. Considering that I follow a majority of patients with Medicaid, this reduces the burden on National expenses in addition to alleviating the anxiety the family has to go through.

Again, I would like to appreciate your research work and contribution that provides direct benefits to the highly specialized field of Pediatric Endocrinology in our country and to the patients that we treat.

This one message from Dr. [REDACTED] is not sufficient to support the claim that the petitioner's protocol is in widespread use. Dr. [REDACTED] did not explain how he came to know of the petitioner's work. The petitioner's presentation on hypothyroidism took place at the [REDACTED] in 2011, but Dr. [REDACTED] name is not on the list of attendees. Unlike most other witnesses he did not provide a *curriculum vitae* that may have disclosed prior contact with the petitioner or her mentors. Dr. [REDACTED] made the general statement that the petitioner's work has influenced his own, but he provided no further details.

The director denied the petition on June 11, 2013. The director quoted from several witness letters, but stated that the petitioner had not established eligibility for the national interest waiver under the *NYSDOT* guidelines. The director stated that playing a key role in a research project is not sufficient to qualify the petitioner for the waiver.

On appeal, counsel contends: "clear evidence was submitted showing that [the petitioner] has made significant contributions to the field, that her work has impacted the national interest, especially her research work, and that she has distinguished herself from her peers, thereby justifying the waiver of labor certification." Counsel states that the petitioner "has published her work in very prominent national and international medical journals, including: [REDACTED] The record contains a copy of only one journal article by the petitioner, and that article does not concern pediatric endocrinology. The publication of research work does not inherently establish eligibility; the petitioner must also establish the impact and influence of the published work.

Counsel lists meetings where the petitioner has presented her work, and journals for which the petitioner has performed peer review. Listing the petitioner's professional endeavors in this way does not establish eligibility for the waiver, as the petitioner has provided no objective evidence that these activities distinguish her from other qualified professionals in her specialty.

Counsel asserts: "numerous testimonies submitted with the original application as well as with the response to the request for evidence made clear that she is highly respected for her clinical abilities in the field of pediatric endocrinology," and has earned "a reputation as a prominent physician scientist."

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 received due consideration 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 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, 502 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. 165.

The letters considered above primarily contain bare assertions of recognition and vague claims of contributions without specifically providing specific examples of how those contributions have influenced the field. Several witnesses made claims of fact, rather than opinion, without providing corroborating evidence. The objective documentation in the record does not support the witnesses' claims of fact regarding the importance of her research or her reputation in the field.

The petitioner has not established a past record of achievement at a level that would justify a waiver of the job offer requirement. The petitioner need not demonstrate notoriety on the scale of national acclaim, but the national interest waiver contemplates that her 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.").

As is clear from a plain reading of the statute, it was not the intent of Congress that every person qualified to engage in a profession in the United States should be exempt from the requirement of a job offer based on national interest. Likewise, it does not appear to have been the intent of Congress to grant national interest waivers on the basis of the overall importance of a given profession, rather than on the merits of the individual alien. 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.

The AAO will dismiss the appeal for the above stated reasons. 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, the petitioner has not met that burden.

ORDER: The appeal is dismissed.