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

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

DATE: JUN 2 6 2015

FILE #:
PETITION RECEIPT #:

IN RE: Petitioner:
           Beneficiary:

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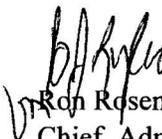
ON BEHALF OF PETITIONER:

INSTRUCTIONS:

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the immigrant visa petition. The petitioner filed a motion to reopen and reconsider. The director reopened the matter and affirmed the denial of the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. We will sustain the appeal.

The petitioner is a search technology company specializing in internet-related services and products. 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 as a software engineer performing research and development of computer vision, face recognition, and object recognition technologies. The director determined the petitioner had submitted evidence establishing that the beneficiary satisfied the categories of evidence at 8 C.F.R. § 204.5(i)(3)(i)(D), (E), and (F), but that the beneficiary had not attained the outstanding level of achievement and international recognition required for classification as an outstanding researcher.

On appeal, the petitioner submits a brief and additional evidence. The petitioner asserts that the submitted evidence demonstrates that the beneficiary is recognized internationally as outstanding in his academic area. For the reasons discussed below, we find that the petitioner has shown that the beneficiary meets the statutory and regulatory requirements for the classification sought.

I. LAW

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

(1) Priority workers. -- Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):

<div align="center">*　　　　　*　　　　　*</div>

(B) Outstanding professors and researchers. -- An alien is described in this subparagraph if --

(i) the alien is recognized internationally as outstanding in a specific academic area,

(ii) the alien has at least 3 years of experience in teaching or research in the academic area, and

(iii) the alien seeks to enter the United States --

(I) for a tenured position (or tenure-track position) within a university or institution of higher education to teach in the academic area,

(II) for a comparable position with a university or institution of higher education to conduct research in the area, or

(III) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

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.

The Immigrant Petition for Alien Worker (Form I-140), was filed on July 29, 2014. The petitioner seeks to classify the beneficiary as an outstanding researcher in the field of computer vision. Therefore, the petitioner must establish that the beneficiary had at least three years of research experience in the field as of the petition's filing date, and 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.

The submission of evidence relating to at least two criteria does not, in and of itself, establish eligibility for this classification. *See Matter of Chawathe*, 25 I&N Dec. at 376 (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."); *see also Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the evidence is first counted and then, if satisfying the required number of criteria, considered in the context of a final merits determination). *See generally Dir., Office of Workers' Comp. Programs, Dep't of Labor v. Greenwich Collieries*, 512 U.S. 267, 272-80 (1994) (explaining that the term "burden of proof" includes a burden of persuasion).

II. ANALYSIS

A. Evidentiary Criteria

The record supports the director's determination that the beneficiary has met the categories of evidence at 8 C.F.R. § 204.5(i)(3)(i)(D), (E), and (F). Accordingly, the petitioner has submitted the requisite initial evidence that satisfies at least two of the six regulatory criteria.

B. Final Merits Determination

The next step is a final merits determination that considers whether the evidence is consistent with the statutory standard in this matter, being recognized internationally as outstanding in the academic area. Section 203(b)(1)(B)(i) of the Act. In addition, the controlling purpose of the regulation at 8 C.F.R. § 204.5(i)(3)(i) is to establish that the researcher is recognized internationally as outstanding in the academic field, and any evidence that meets the preceding categories of evidence must therefore be commensurate with 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.

The submitted evidence, in the aggregate, is sufficient to demonstrate the beneficiary is internationally recognized as outstanding in the academic area. The beneficiary has peer-reviewed a large number of articles for the

The petitioner also submitted citation metrics reflecting that three of the aforementioned conferences and two of the aforementioned journals rank among the top seven most influential publications in the field of computer vision and pattern recognition. The beneficiary's peer review of

a significant number of articles for multiple distinguished journals and prominent international conferences is consistent with being recognized internationally as outstanding in the academic area.

Furthermore, the petitioner submitted documentary evidence showing that the beneficiary has authored a substantial number of articles in international journals and conference proceedings such as

In addition, the beneficiary authored a book chapter in   The beneficiary's scholarly articles have garnered a significant number of citations internationally, some of which apply and build upon his work. *See Kazarian*, 596 F.3d at 1121 (citations may be relevant to the final merits determination).

The petitioner also submitted reference letters from independent experts in the field, detailing the beneficiary's specific contributions and explaining how those contributions are important to the academic field. For example, Dr.   Professor, Department of Computer Science and Applied Mathematics,   Israel, states that the beneficiary has "made significant advances to the field of computer vision, especially to the sub-field of 3D object category recognition." In addition, Dr.   Professor in the Dean of the   Taiwan, comments that the beneficiary "has made a significant international impact with his research" and "published groundbreaking findings . . . in the field of compositional modeling of object image patterns." While we need not accept unsupported conclusory assertions,[1] the evidence of record, including evidence not discussed in this decision, supports their statements. Thus, in light of the evidence discussed herein and other corroborating evidence of record, the beneficiary's achievements in the aggregate are commensurate with being recognized internationally as outstanding in the academic field.

III. CONCLUSION

The record demonstrates that the beneficiary meets at least two of the six criteria listed at 8 C.F.R. 204.5(i)(3)(i). In addition, the petitioner has shown that the evidence of the beneficiary's achievements is consistent with that of an individual who is internationally recognized as an outstanding researcher. Based on the evidence submitted, the petitioner has established that the beneficiary qualifies under section 203(b)(1)(B) of the Act as an outstanding researcher.

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 been met.

ORDER: The appeal is sustained and the petition is approved.

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[1] *See 1756, Inc. v. The Attorney General of the United States,* 745 F. Supp. 9, 15 (D.C. Dist. 1990).