



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

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

In Re: 14274078

Date: JULY 27, 2021

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Outstanding Professors/Researchers)

The Petitioner, a supplier of medical electronics, seeks to classify the Beneficiary as an outstanding professor or researcher in the field of [REDACTED] See Immigration and Nationality Act (the Act) section 203(b)(1)(B), 8 U.S.C. § 1153(b)(1)(B).

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 his academic field.

On appeal, the Petitioner submits additional documentation and a brief asserting that the Director overlooked or did not properly evaluate evidence in the record, and that this evidence establishes that the Beneficiary qualifies under the high standards of this immigrant visa classification.

Upon *de novo* review, we will sustain 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.

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].

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 set forth at 8 C.F.R. § 204.5(i)(3)(i)(A)-(F). This, however, is only the first step, and the successful submission of evidence meeting at least two criteria does not, in and of itself, establish eligibility for this classification. When a petitioner submits sufficient evidence at the first step, we will then conduct a final merits determination to decide whether the evidence in its totality shows that the beneficiary is internationally recognized as outstanding in his or her academic field.<sup>1</sup> 8 C.F.R. § 204.5(i)(3)(i).

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 received his Ph.D. in [redacted] (2009) from University [redacted] in the United Kingdom and Master of Engineering degree (2004) from University [redacted] in Spain. He is currently employed as a Staff [redacted] Scientist in the Petitioner's Healthcare Division at its research facility located in [redacted] Tennessee.

In his decision, the Director found that the Beneficiary met three of the evidentiary criteria, thus satisfying the initial evidence requirement, but that the totality of the record did not establish the requisite international recognition in his field. Upon review, we agree with the Director that the evidence demonstrates the Beneficiary's service as a judge of the work of others, original scientific or scholarly research contributions to the academic field, and authorship of scholarly articles. As he therefore meets the initial evidence requirements, we will consider all the evidence of record when conducting the final merits determination.

In a final merits determination, we analyze a researcher or professor's accomplishments and weigh the totality of the evidence to evaluate whether a petitioner has demonstrated, by a preponderance of the evidence<sup>2</sup>, that the beneficiary's achievements are sufficient to show that he has been internationally recognized as outstanding in the field of endeavor. See section 203(b)(1)(B)(i) of the Act; 8 C.F.R. § 204.5(i)(3)(i).

The Petitioner argues on appeal that the evidence shows the Beneficiary "has international recognition for his outstanding achievements in the field of [redacted]". It contends that the Beneficiary's peer review work for respected journals, chairing of multiple conference sessions, research contributions, authorship of scholarly articles, and citations to those articles by others in the

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<sup>1</sup> USCIS has confirmed the applicability of this two-step analysis to evaluate the evidence submitted with the petition to demonstrate eligibility for classification as an outstanding professor or researcher. See 6 *USCIS Policy Manual* F.3(B), <https://www.uscis.gov/policy-manual>.

<sup>2</sup> A petitioner must establish that the beneficiary meets the eligibility requirements of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). In other words, a petitioner must show that what it claims is "more likely than not" or "probably" true. To determine whether a petitioner has met its burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.* at 376; *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989).

field demonstrate his international recognition in the field. For the reasons discussed below, we agree with the Petitioner that it has demonstrated the Beneficiary's eligibility.

The record indicates that the Beneficiary has peer reviewed numerous articles for *Journal of Nuclear Medicine*, *Nuclear Instruments and Methods in Physics Research*, *Physics in Medicine & Biology*, *IEEE Transactions on Radiation and Plasma Medical Science*, *Medical Physics*, and *Neuroimage*. In addition, he served as session chair for the [redacted] and [redacted] in 2015, 2016, 2017, and 2018. The Petitioner also submitted documentation showing that the Beneficiary's peer review service is indicative of his international recognition as a researcher. For example, the Petitioner provided impact factor rankings and other evidence reflecting the international stature of the aforementioned journals. Furthermore, the record includes a letter from a senior editor for *Neuroimage* stating that "[p]eer reviewers for the journal are selected based on proven expertise and a track record in the field." Likewise, the Petitioner provided letters from the editorial staff of *Medical Physics* indicating that its reviewers are chosen based on their subject matter expertise and stature in the field. The Beneficiary's peer review of a significant number of articles for distinguished international journals and participation as a chair for multiple sessions of a reputable conference is consistent with being recognized internationally as outstanding in his academic area.

Furthermore, the Petitioner presented documentation showing that the Beneficiary has authored a substantial number of articles in journals with international circulation, including *Brain*, *European Journal of Nuclear Medicine and Molecular Imaging*, *Neuroimage*, *Journal of Nuclear Medicine*, *Nuclear Instruments and Methods in Physics Research Section A: Accelerators, Spectrometers, Detectors and Associated Equipment*, *Physics in Medicine & Biology*, and *Biological Psychiatry*. In addition, the record contains evidence demonstrating that the Beneficiary's scholarly articles have garnered an extensive number of citations internationally, many of which apply and build upon his work.<sup>3</sup>

Additionally, the Petitioner submitted reference letters from experts in the field, detailing the Beneficiary's specific contributions and explaining how those contributions are important to the academic field. For instance, regarding the Beneficiary's work involving [redacted] system matrices for clinical [redacted], [redacted] professor of radiology at [redacted] University, stated that the Beneficiary "exploited rotational and specular symmetries in the [redacted], and specular symmetries [redacted]. . . . These cylindrical symmetries represent a major achievement in the field since they can be escalated to [redacted] [redacted]?" [redacted] further indicated that the Beneficiary's work has "been incorporated into [redacted] products and utilized in clinical applications."

With respect to the Beneficiary's work relating to the development of [redacted] for detecting mental disorders [redacted] professor of medical physics at University [redacted] asserted that the Beneficiary devised "a novel method to correct for [redacted] and explained that this "pioneering method, based on [redacted] sequences, calculates the [redacted] in 10 seconds, compared to the other . . . methods that require 30-60 minutes and achieves the same [redacted] accuracy comparable to the most advanced

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<sup>3</sup> The Petitioner provided information from Google Scholar showing hundreds of citations to the Beneficiary's published work along with copies of articles that cited to his work. A review of these articles shows the significance of the Beneficiary's research and demonstrates that it has widely impacted the field.

available methods for [redacted] correction.” [redacted] further stated that Beneficiary’s work “is widely recognized as an original scientific development of major significance to the field because he has produced high [redacted] in [redacted] disease and [redacted] in a fraction of the time compared to other state-of-the-art methods including templates, databases, and neural networks.”

While we need not accept unsubstantiated claims, the documentation discussed above and other corroborating evidence of record, supports the aforementioned references’ statements concerning the Beneficiary’s original research contributions and his international recognition in the academic field. After review of the totality of the evidence in the record, which shows the numerous occasions on which the Beneficiary has been relied upon as an expert peer reviewer for highly regarded journals, his participation as a chair for multiple sessions of a reputable conference, the reach and impact of the Beneficiary’s research in the [redacted] field, and the recognition that he has received as a result of this work, we conclude that it establishes that he is internationally recognized as outstanding in his field.

### III. CONCLUSION

The Petitioner has submitted evidence which establishes that the Beneficiary meets the requisite two evidentiary criteria and is internationally recognized as an outstanding researcher in his academic field.

**ORDER:** The appeal is sustained.