



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

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

In Re: 10713253

Date: MAY 24, 2021

Appeal of Nebraska Service Center Decision

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

The Petitioner, a public college, seeks to classify the Beneficiary as an outstanding professor or researcher in the field of international economics, technology, and development. *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 her 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.

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

I. LAW

The statute requires that beneficiaries under this immigrant visa classification should stand apart in their academic area based on international recognition. To establish a professor or researcher's eligibility, a petitioner must provide initial qualifying documentation that meets at least two of six categories of specific objective evidence and demonstrates the beneficiary is recognized internationally within the academic field as outstanding.

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.¹ 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. 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 her Ph.D. in Economics from University of [REDACTED] in 2013. She later worked as an Assistant Professor at the [REDACTED]

[REDACTED] The Beneficiary is currently employed as an Assistant Professor of Economics in the Petitioner's Department of Social Sciences, Human Services and Criminal Justice.

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 her 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 she 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 evidence², that the beneficiary's achievements are sufficient to demonstrate that she 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). In this matter, we agree with the Director that the Petitioner has not shown the Beneficiary's eligibility.³

¹ USCIS has previously confirmed the applicability of this two-part adjudicative approach in the context of outstanding professors and researchers. See USCIS Policy Memorandum PM-602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14* 20 (Dec. 22, 2010), <https://www.uscis.gov/legal-resources/policy-memoranda>.

² 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).

³ In the final merits analysis, the Director's decision discussed the documentation relating to the Beneficiary's peer review

The Petitioner argues on appeal that the “Director erred in stating that evidence showing the Beneficiary has ‘judged the work of others’ by serving as a reviewer for academic journals does not ‘set the alien apart from the field.’” It further contends that “[t]he regulation does not require the Beneficiary to show that her participation ‘exceeds that of other researchers’ as stated in . . . the denial.” Additionally, the Petitioner asserts that the Director disregarded letters of support attesting to the Beneficiary’s peer review service and her accomplishments in the field. It further states that Director did not properly consider articles and book reviews written by others about her work in the academic field.

It is important to note that the controlling purpose of the regulation at 8 C.F.R. § 204.5(i)(3)(i) is to establish a beneficiary’s international recognition, and any evidence submitted to meet these criteria must therefore be to some extent indicative of international recognition. More specifically, outstanding professors and researchers should stand apart in the academic community through eminence and distinction based on international recognition. *Employment-Based Immigrants*, 56 Fed. Reg. 30703, 30705 (proposed July 5, 1991) (enacted 56 Fed. Reg. 60897 (Nov. 29, 1991)). Therefore, to the extent that the Director first determined that the evidence satisfied the plain language requirements of specific evidentiary criteria, and then evaluated whether that evidence, as part of the entirety of the record, was sufficient to demonstrate the Beneficiary’s recognition as outstanding at the international level, his analysis was in keeping with the statute, regulations, and policy pertaining to the requested immigrant visa classification.

As it pertains to the Beneficiary’s participation as a judge of the work of others, the record includes a November 2015 email from the [redacted] Committee on Doctoral Studies thanking the Beneficiary “for agreeing to be an external examiner” for a doctoral student’s thesis. Here, the evidence shows only that the Beneficiary agreed to serve as an external examiner for [redacted] Committee on Doctoral Studies, not that she completed the requested thesis evaluation report. Regardless, the Petitioner did not provide supporting documentation showing that serving in such a capacity renders the Beneficiary internationally recognized as outstanding in the academic field. *See* 8 C.F.R. § 204.5(i)(3)(i).

The Petitioner also submitted emails thanking her for reviewing one manuscript each for *Vikalpa: Journal for Decision Makers* (2016) and *Economic Modelling* (2017). In response to the Director’s notice of intent to deny (NOID), the Petitioner presented a November 2019 letter from [redacted] [redacted] *Economic Modelling*, which states: “Because of the importance of peer review in maintaining the quality and validity of the research published in the journal, we would only request reviews from recognized experts in the field.” This letter further indicates: “We asked [the Beneficiary] to serve as a reviewer because she is an expert on [redacted] and an outstanding researcher in Economics.”⁴

The Petitioner’s response to the NOID also included a December 2013 agenda for the [redacted] Academy of Management Conference at [redacted]. While the aforementioned conference agenda

activities, research contributions, published and presented work, and citation evidence, and explained why that evidence, as part of the entirety of the record, was insufficient to demonstrate the Beneficiary’s recognition as outstanding at the international level.

⁴ We note that the publication’s editorial team ultimately decides whether to publish or reject submitted papers.

identifies the Beneficiary as “Panelist 4,” it does not demonstrate that her role as panelist involved participation as a judge of the work of others in her field. Nor is there evidence showing that her participation in this conference rendered her internationally recognized as outstanding.

An evaluation of the significance of the Beneficiary’s judging experience is appropriate to determine if such evidence is indicative of the outstanding achievement required for this classification.⁵ Here, the Petitioner has not established that the Beneficiary’s level of review is indicative of or consistent with being recognized internationally as outstanding in her academic area. For example, the Petitioner has not demonstrated the stature or ranking of *Vikalpa: Journal for Decision Makers* or *Economic Modelling* relative to other journals in the field.

Furthermore, in many scientific and academic fields, peer review is a routine part of the process through which articles are selected for publication or presentation at conferences. Participation in the peer review process does not automatically demonstrate that an individual is internationally recognized as outstanding in her academic field. Without evidence that sets the Beneficiary apart from others in the field, such as evidence that she has completed reviews for a substantial number of distinguished journals or conferences relative to others in her field, served in editorial positions for highly regarded journals or publications, or chaired evaluation committees for reputable conferences, the Petitioner has not established that the Beneficiary’s peer review experience has resulted in, or is reflective of, recognition at an international level for being outstanding in the field.

With respect to the Beneficiary’s research contributions, the record includes letters of support discussing her research projects at [redacted] and the Petitioner.⁶ For example, regarding the Beneficiary’s work analyzing [redacted] in India, [redacted] professor at [redacted], asserted that the Beneficiary’s work showed “[redacted] skilled jobs that are most likely to be [redacted] [redacted] have the lowest share in employment, whereas [redacted] jobs have much higher shares in employment.” [redacted] further stated that the Beneficiary’s findings indicated “the share of [redacted] jobs has been increasing over the period under consideration at the expense of [redacted] jobs” and that although “the share of [redacted] jobs is low, it does not reflect a substantial decline over the period.” While [redacted] noted that the Beneficiary published this work in *Indian Journal of Labour Economics* (2016), the record does not indicate that her findings have been extensively cited, have impacted the field of economics in a substantial way, or have otherwise risen to the level of a contribution that is recognized internationally as outstanding.⁷

In regard to the Beneficiary’s research involving the impact of [redacted] firm-level and worker-level outcomes, [redacted] professor at [redacted] stated that the Beneficiary examined “how [redacted] and [redacted] can affect key economic variables like employment and wages of [redacted] workers.” [redacted] explained that the Beneficiary’s work “was able to show that strong [redacted] exist between [redacted] workers and [redacted] inputs for plants importing high-

⁵ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 19 (stating that an individual’s participation should be evaluated to determine whether it was indicative of being recognized internationally as outstanding in a specific academic area).

⁶ While we discuss a sampling of these letters, we have reviewed and considered each one.

⁷ The Petitioner submitted November 2019 information from Google Scholar indicating that this article has not received any citations.

[redacted] inputs.”⁸ He further indicated that the Beneficiary’s research is “important from a policy perspective as it shows how [redacted], and how labor policy can incorporate these predictions while charting schemes for providing [redacted] to workers.” [redacted], however, did not offer specific examples of how the Beneficiary’s work has been utilized in formulating economic policy or has otherwise influenced the field at a level commensurate with being internationally recognized as outstanding.

Furthermore, [redacted] professor at [redacted] University, asserted that the Beneficiary “demonstrated, using an innovative strategy for [redacted] [redacted] increased the wages and employment of skilled worker[s] in comparison to their unskilled peers.” While [redacted] further stated that this work “provides unique insight for policy makers that enables them to make significantly more informed policy decisions about [redacted] with regards to the employment of, and demand for, skilled workers,” he did not further elaborate and identify which policy decisions have been affected by Beneficiary’s research. Nor does the record contain corroborating evidence showing that the Beneficiary’s strategy for [redacted] has been recognized internationally as outstanding in the field of international economics, technology, and development.

With regard to the Beneficiary’s work relating to [redacted] changes, [redacted] [redacted]⁹ associate professor at [redacted] University, indicated that the Beneficiary’s research “results suggest that [redacted] the [redacted] plants.”¹⁰ In addition, [redacted] asserted that the Beneficiary’s work helps “to explain the mechanism behind the relative [redacted] plants” and “emphasizes the [redacted] workers in response to [redacted] reform,” but her statements are insufficient to demonstrate that the Beneficiary’s findings have influenced the field of economics in a substantial way that signifies international recognition or outstanding achievement in the field.

Likewise, [redacted] professor at University [redacted] discussed the Beneficiary’s work examining the impact of [redacted] on firms and workers. He stated that the Beneficiary’s research identified “the cause of [redacted] from existing research on the [redacted] workers.” [redacted] further indicated that the Beneficiary’s findings “provided valuable insight on how [redacted] workers at firms, and how labor policy can incorporate these predictions while charting schemes for providing [redacted] workers.” We recognize that research must add information to the pool of knowledge in some way in order to be accepted for publication, presentation, funding, or academic credit, but not every research finding that broadens knowledge in a particular field renders an individual’s work as outstanding or internationally recognized in her academic area. The letters of

⁸ The Beneficiary published these findings in a paper, entitled [redacted] [redacted] in *Applied Economics* (2018). The November 2019 information from Google Scholar shows that this article has received only one citation (a self-citation by the Beneficiary).

⁹ [redacted] stated that she previously worked at [redacted] and that the Beneficiary “was a Ph.D. student in International Economics at [redacted] under my guidance through June 2013.”

¹⁰ The Beneficiary published these findings in a paper, entitled [redacted] [redacted] in 2013. The November 2019 information from Google Scholar shows that this paper has received only five citations since its publication in 2013.

support offered by the Petitioner do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Beneficiary's work is viewed by the overall academic field, rather than by a solicited few, as substantially influential or otherwise indicative of international recognition.

The record indicates that the Beneficiary has participated in 18 conferences, and has published a book chapter, seven journal articles, and four working papers since 2005. As authoring scholarly articles is often inherent to the work of professors and researchers, the citation history or other evidence of the influence of the Beneficiary's articles can be an indicator to determine the impact and recognition that her work has had on the field and whether her articles demonstrate that she is internationally recognized as outstanding in the academic field.¹¹ In response to the Director's NOID, the Petitioner submitted November 2019 information from Google Scholar indicating that the Beneficiary's three highest cited articles entitled [REDACTED] (2013), [REDACTED]

[REDACTED] (2013), and [REDACTED] (2018) each received 13, 5, and 3 citations, respectively.¹² The Petitioner does not specify how many citations for each of these individual articles were self-citations by the Beneficiary or her coauthors.¹³

Regarding the Beneficiary's citation rate, the Petitioner states: "According to the Scimago website, the top-ranking journal in Economics, Econometrics and Finance, *American Economic Journal: Macroeconomics*, has an average of only 3.4 citations per article."¹⁴ The Petitioner further contends: "Therefore, when viewed in the proper context, [the Beneficiary's] publications have comparable or even higher citation rates than Economics papers published in the top-ranking journals in the field." The Scimago ranking for *American Economic Journal: Macroeconomics* lists average citations per document in a two-year period as 3.40. Based on this metric, only one of the Petitioner's papers has an above average citation rate when compared to articles published in the aforementioned journal. Regardless, the Beneficiary has not published any articles in that journal. Moreover, the Petitioner has not demonstrated that papers with just an above average citation rate are necessarily internationally recognized in the academic field as outstanding. Nor has the Petitioner indicated whether it factored in any self-citations in compiling the Beneficiary's particular citation rate.¹⁵

While the Beneficiary's citations, both individually and collectively, show that the field has taken some notice of her work, the Petitioner has not established that the number of citations received by her published and presented work is sufficient to demonstrate a level of attention commensurate with

¹¹ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 20 (stating that an individual's authorship of articles should be evaluated to determine whether it was indicative of being recognized internationally as outstanding in a specific academic area).

¹² The Petitioner did not demonstrate how many of these citations occurred in papers published prior to or at the time of initial filing. See 8 C.F.R. § 103.2(b)(1).

¹³ The record also includes Scimago rankings identifying the top journals in "Economics, Econometrics and Finance," but the Petitioner has not shown that her work was published in any of the listed journals.

¹⁴ Two of the top-six ranked journals, *Journal of Supply Chain Management* and *American Economic Journal: Applied Economics*, list average citations per document in a two-year period as 4.91 and 7.78, respectively.

¹⁵ That a publication bears a high ranking or impact factor is reflective of the publication's overall citation rate. It does not, however, show the influence of any particular author or otherwise demonstrate that the individual's research is internationally recognized as outstanding.

being recognized internationally in her field. See section 203(b)(1)(B)(i) of the Act. Nor has the Petitioner shown that the amount of citations to the Beneficiary's work represents interest at a level consistent with outstanding achievement in the academic field.

As documentation of published material in professional publications written by others about the Beneficiary's work, the Petitioner submitted an article, entitled [REDACTED] [REDACTED]¹⁶ This article discusses [REDACTED] and "whether [REDACTED] is a vehicle for promoting [REDACTED] or a threat to such [REDACTED]." It also introduces [REDACTED] [REDACTED] that were presented as part of the [REDACTED]. The Beneficiary's work is mentioned in a single paragraph within the three-page introduction. In addition, the Petitioner provided the "Comments and Discussion" section that follows the Beneficiary and [REDACTED]'s article in *India Policy Forum 2012-13*. Their article appears on [REDACTED] and the "Comments and Discussion" section relating to their article immediately follows on [REDACTED]. The record also includes a book review of [REDACTED]¹⁷ in the *South Asia Economic Journal*. This nine-page book review of [REDACTED] includes a brief summary of [REDACTED] which was coauthored by the Beneficiary. Furthermore, the Petitioner submitted the "Introduction" section of *Journal of International and Global Studies* [REDACTED] 2012) that discusses the "essays, review essay, and book reviews" presented in that issue. The Introduction section (consisting of three pages) includes a single paragraph summarizing the Beneficiary's article in the [REDACTED] 2012 issue. The Petitioner, however, has not demonstrated that these examples of published material show that the Beneficiary is recognized internationally as outstanding in the field of international economics, technology, and development.

The Petitioner also submitted examples of several articles that cited to the Beneficiary's papers. The submitted articles are about the authors' own research and not the Beneficiary's work. See 8 C.F.R. § 204.5(i)(3)(i)(C). Regardless, a review of those articles does not show the significance of her research or demonstrate that it has widely impacted the field.¹⁸ For instance, the Petitioner provided an article, entitled [REDACTED] (*Telecommunications Policy*) that references the Beneficiary's paper in *India Policy Forum*. The Beneficiary's paper is mentioned among several previous studies which observe that [REDACTED] and "that the use of [REDACTED] has the potential to influence manufacturing performance positively." This article in *Telecommunications Policy* does not highlight the Beneficiary's work as outstanding, nor does it distinguish the Beneficiary's written work from the 60 other referenced papers.

Another article presented by the Petitioner, entitled [REDACTED] [REDACTED] (*Pacific Asia Conference on Information Systems 2018 Proceedings*) cites to the Beneficiary's paper in in *India Policy Forum*. The article's authors mention the Beneficiary's paper among three examples of [REDACTED] [REDACTED]. This article in *Pacific Asia Conference on Information Systems 2018 Proceedings* does not differentiate the Beneficiary's work from the more than 30 other papers referenced in the article.

¹⁶ The date of this material was not provided as required by the regulation at 8 C.F.R. § 204.5(i)(3)(i)(C).

¹⁷ The Beneficiary and [REDACTED] wrote about India in [REDACTED] of this book.

¹⁸ Although we discuss representative sample articles here, we have reviewed and considered each one.

While the evidence indicates that the Beneficiary is a skilled researcher, the Petitioner has not established that she stands apart in the academic community through eminence and distinction based on international recognition. After consideration of the totality of the evidence of the Beneficiary's work in the field of international economics, technology, and development, including evidence of her published research articles, citations to those articles by other researchers, her service as a peer reviewer, published material about her work, and the opinions of experts in the field, we conclude that this documentation does not sufficiently establish that she has been internationally recognized as an outstanding researcher or professor.

III. CONCLUSION

The evidence in the record demonstrates that the Beneficiary meets at least two of the evidentiary criteria, and thus the initial evidence requirements for this classification. A review of the totality of the evidence, however, does not establish that she is internationally recognized as an outstanding professor or researcher in her academic field. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.