



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

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

In Re: 10793556

Date: MAY 25, 2021

Appeal of Nebraska Service Center Decision

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

The Petitioner, a university, 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 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 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.<sup>1</sup> 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 is currently employed as an Associate Professor in the Petitioner's Department of [REDACTED]. The record includes a November 2018 letter from [REDACTED] Distinguished Professor and Chair of the Petitioner's Department of [REDACTED] stating that the Beneficiary "will continue to teach courses in filmmaking and production; conduct research in filmmaking and film production; advise students; and serve on departmental committees."

In denying the Petition, the Director determined 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 receipt of major prizes or awards for outstanding achievement, published material written by others about her work, and her participation as a judge of the work of others. 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 evidence<sup>2</sup>, 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).

---

<sup>1</sup> 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>.

<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).

The Petitioner argues on appeal that the Beneficiary “has achieved international recognition as an outstanding professor/researcher in the field of [redacted]” It contends that the Director disregarded the stature of the Beneficiary’s awards, her scholarly [redacted] contributions, mainstream media coverage relating to her work, and scholarly articles in professional publications that offered a detailed analysis of her [redacted] For the reasons discussed below, we agree with the Petitioner that it has demonstrated the Beneficiary’s eligibility.

The Beneficiary has received several major prizes for outstanding achievement in [redacted] For example, her [redacted] entitled [redacted] won the [redacted] Award [redacted] for Best [redacted] (2012), the [redacted] Award for Best [redacted] at the [redacted] Festival in [redacted] (2012), and the People’s Choice Award at the [redacted] Festival (2011). The Petitioner also presented supporting evidence (such as media coverage) demonstrating that the aforementioned awards are internationally recognized in [redacted] In addition, the Beneficiary’s [redacted] entitled [redacted] won the Industrial Union [redacted] Prize and the Sales Distribution Prize at the [redacted] Festival for [redacted] (2000), and the [redacted] Newcomer Award for [redacted] (2000).

With regard to media coverage relating to the Beneficiary’s work, the record contains articles from news outlets such as CNN, the BBC, *Variety*, *Royal Gazette*, and others about the Beneficiary and her [redacted] projects. The Petitioner also provided articles discussing the Beneficiary and her work in various professional publications, including [redacted] (Indiana University Press), [redacted] (University of California, Berkley Press), [redacted] (Duke University Press), and [redacted] (Routledge Publishing). Additionally, the Beneficiary has served as a jury member for the [redacted] Prize at the [redacted] Festival (2008) and for the [redacted] Scriptwriter Competition in Germany (2004). Furthermore, she organized the International Symposium and Festival of [redacted] at [redacted] and the University of [redacted] (2017) and is a member of the Faculty Advisory Board at the Petitioner’s Humanities Institute. The record also includes supporting documentation indicating that both the Beneficiary’s judging experience and the published material about her work are consistent with being recognized internationally as outstanding in her academic area.<sup>3</sup>

Additionally, the Petitioner submitted reference letters from experts in the field, detailing the Beneficiary’s [redacted] contributions and explaining how those contributions are important to the academic field. For example, with respect to the Beneficiary’s [redacted] [redacted] Founder and Executive Director of the [redacted] Festival, stated that the Beneficiary wrote and directed an investigative [redacted] regarding “how [redacted] sister managed problems and difficulties in different cultural contexts while maintaining her native identity.” [redacted] explained that the Beneficiary’s [redacted] provides “a layered historical context and discussions of [redacted] identity from a feminist perspective. This innovative approach has elevated [the Beneficiary’s] work to the highest artistic levels, garnering it numerous awards and [redacted] festival selections . . . .” Additionally, [redacted] indicated that her organization

---

<sup>3</sup> For instance, the Petitioner provided circulation information and background material about the publications that discussed the Beneficiary’s work.

and other [redacted] festival organizations have deemed [redacted] “a landmark of [redacted] and “certainly one of the most important [redacted] we have featured in recent years.”

After review of the totality of the evidence in the record, which shows the Beneficiary’s major prizes for outstanding achievement in the field, service as a [redacted] jury member, extensive published material about her work, accomplishments in [redacted], and the widespread recognition that she has received as a result of this work, we conclude that it establishes that she is internationally recognized as outstanding in the field.

### III. CONCLUSION

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

**ORDER:** The appeal is sustained.