



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

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

In Re: 29024063

Date: JAN. 11, 2024

Appeal of Nebraska Service Center Decision

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

The Petitioner, a water management and geographic information system (GIS) software company, seeks to classify the Beneficiary as an outstanding professor or researcher. *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 Petitioner did not establish, as required, that the Beneficiary is internationally recognized as outstanding in his academic field. The matter is now before us on appeal.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(B) of the Act provides that an individual is an outstanding professor or researcher if:

- (i) the individual is recognized internationally as outstanding in a specific academic area,
- (ii) the individual has at least 3 years of experience in teaching or research in the academic area, and
- (iii) the individual 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 their academic field.<sup>1</sup> 8 C.F.R. § 204.5(i)(3)(i). *See also Viswanadha v. Mayorkas*, 660 F. Supp. 3d 759, 770-72 (N.D. Ind. 2023) (concluding that USCIS’ two-step analysis is consistent with the regulation at 8 C.F.R. § 204.5(i)(3)); *Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination).<sup>2</sup>

## II. ANALYSIS

The Petitioner states that the Beneficiary is an Internet of Things (IoT) and artificial intelligence researcher. At the time of filing, the Petitioner presented a letter from a graduate advisor at [REDACTED] [REDACTED] indicating that the Beneficiary “completed all the courses and thesis credits required of his M.S. Plan A thesis degree in Computer Engineering at [REDACTED]. He is awaiting to get the changes reviewed in his thesis which was required by the department but all courses and research credits are complete.”<sup>3</sup> After attending [REDACTED] the Beneficiary began working for the Petitioner as a Senior IoT Engineer and Lead Researcher in Artificial Intelligence.

### A. Evidentiary Criteria

In his decision, the Director found that the Beneficiary met at least two of the evidentiary criteria at 8 C.F.R § 204.5(i)(3)(i)(A)-(F), thus satisfying the initial evidence requirement, but that the totality of the record did not establish the requisite international recognition in his field.<sup>4</sup> 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.

### B. Final Merits Determination

In a final merits determination, we analyze a researcher’s accomplishments and weigh the totality of the evidence to evaluate whether a petitioner has demonstrated, by a preponderance of the evidence,<sup>5</sup>

---

<sup>1</sup> “Academic field means a body of specialized knowledge offered for study at an accredited United States university or institution of higher education.” 8 C.F.R § 204.5(i)(2). By regulatory definition, a body of specialized knowledge is larger than a very small area of specialization in which only a single course is taught or that is the subject of a very specialized dissertation. For example, it would be acceptable to conclude that a beneficiary is an outstanding professor or researcher in particle physics rather than physics in general, as long as it has been demonstrated that the claimed field is “a body of specialized knowledge offered for study at an accredited United States university or institution of higher education.” *See 6 USCIS Policy Manual* F.3(B), <https://www.uscis.gov/policy-manual>.

<sup>2</sup> USCIS has confirmed the applicability of this two-step analysis to evaluate the evidence submitted with the petition to demonstrate an individual’s eligibility for classification as an outstanding professor or researcher in their academic field. *See 6 USCIS Policy Manual, supra*, at F.3(B).

<sup>3</sup> The Petitioner provided a copy of the Beneficiary’s academic transcript from [REDACTED] but it does not show the date of his graduation. Nor does the record include evidence indicating that the Beneficiary has received his Master of Science degree from [REDACTED].

<sup>4</sup> The Director determined that the Beneficiary satisfied the evidentiary criteria at 8 C.F.R § 204.5(i)(3)(i)(D), (E), and (F).

<sup>5</sup> A petitioner must establish that the beneficiary meets the eligibility requirements of the benefit sought by a preponderance

that the beneficiary's achievements are sufficient to demonstrate that he has been internationally recognized as outstanding in the academic field. *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.<sup>6</sup>

On appeal, the Petitioner submits a brief asserting that the Director erred in following USCIS policy guidance relating to the two-step analysis for evaluating the evidence submitted to demonstrate eligibility for classification as an outstanding professor or researcher. The Petitioner contends that "[t]he dichotomous approach requiring officers to essentially evaluate a case twice, allows adjudicators to deny petitions even after the appellant has met the requisite criteria, in effect overriding the statutory standards set by the [Act]." We disagree that simply meeting two of the categories of evidence at 8 C.F.R. § 204.5(i)(3)(i) is itself sufficient to demonstrate eligibility for this classification. Such an interpretation is in conflict with both the text of the regulation (which sets forth criteria that must be met to show "initial evidence") and the text of the statute (which requires that the beneficiary be "recognized internationally as outstanding in a specific academic area"). *See Viswanadha v. Mayorkas*, 660 F. Supp. 3d at 772. Accordingly, we conclude that USCIS' two-step analysis does not contradict the statute or regulation.

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. Therefore, to the extent that the Director first determined that the evidence satisfied the plain language requirements of three specific evidentiary criteria (relating to judging, research contributions, and authorship of scholarly articles), 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 for those three criteria was in keeping with the statute, regulations, and USCIS policy pertaining to the requested immigrant visa classification.

The Petitioner further argues 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. It contends that the Director did not properly analyze the Beneficiary's research contributions, including his development of an IoT remote water pressure monitoring system, artificial intelligence predictive analysis, and interactive hydraulic modeling system. In addition, the Petitioner points to an award it received for "export achievements," and letters of support from overseas organizations and the Beneficiary's colleagues discussing his work.

The Petitioner's appellate submission includes a June 2023 press release from the U.S. Department of Commerce's Office of Public Affairs indicating that the Petitioner was among "24 U.S. companies

---

of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-76. 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).

<sup>6</sup> In the final merits analysis, the Director's decision discussed the documentation relating to the Beneficiary's judging the work of others, research contributions, published 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.

and organizations” that received “2023 Presidential Awards for Export Achievements.”<sup>7</sup> The Petitioner received this award after filing the petition.<sup>8</sup> Eligibility must be demonstrated at the time of filing the benefit request. *See* 8 C.F.R. § 103.2(b)(1), (12). Regardless, this award for increasing export sales was presented to the Petitioner and not the Beneficiary. Further, the Petitioner has not shown that the award was “for outstanding achievement in the academic field.” *See* 8 C.F.R. § 204.5(i)(3)(i)(A). Accordingly, the Petitioner has not demonstrated that its national award signifies that the Beneficiary is recognized internationally as outstanding in his academic field.

With respect to the Beneficiary’s research contributions, the record includes letters of support discussing his water management projects for the Petitioner and his graduate research at [redacted] under the guidance of his master’s thesis advisor, Dr. K-L.<sup>9</sup> For example, regarding the Beneficiary’s work for the Petitioner, M-S-, its president, stated that the Beneficiary “has successfully led the IoT department and developed a real-time water pressure and water quality reporting product. This product is currently helping utilities and cities immensely reduce the non-revenue water loss and abide by the department of water resources water loss regulations.” M-S- further indicated that the Beneficiary’s “work is helping [the Petitioner’s] products to have massive added value and increase the revenue stream,” but he did not sufficiently detail in what ways the Beneficiary’s innovations have had a meaningful impact in the academic field beyond the Petitioner and its clientele, or have otherwise influenced the field at a level rendering the Beneficiary internationally recognized as outstanding.

In addition, C-A-, Vice President of Corporate Business Development for D-I-, Inc., asserted that the Beneficiary’s “research on wireless IoT network sensors for water utilities has significantly enabled water companies internationally and in the United States to connect wireless sensors for monitoring critical assets in the systems.” While C-A- also claimed that the Beneficiary “has made extraordinary contributions to the field of water management, water loss, and water monitoring by developing real-time monitoring using artificial intelligence,” he did not offer specific examples of how the Beneficiary’s work has advanced the state of research in the academic field or explain how the Beneficiary’s work has affected the wider field beyond the Petitioner and its clients at a level commensurate with being internationally recognized as outstanding.

Furthermore, S-P-A-, Chief Engineer of the [redacted] in Nepal, stated that the Beneficiary “has continuously distinguished himself for his highly detailed work” as “evidenced by his publication record.” S-P-A- further indicated that the Beneficiary’s research “is a significant resource internationally for both academics and industry practitioners in the field of water management and monitoring. He has also been constantly invited to be a guest speaker at international scholarly conferences in this area.” The record, however, does not include corroborating evidence showing that the Beneficiary’s water management publications and presentations have influenced the academic field, have been extensively cited by independent researchers, or have otherwise risen to the level of a contribution that is recognized internationally as outstanding. 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 his academic area.

---

<sup>7</sup> The Petitioner was honored based on its “sustained increase in export sales over a four-year period.”

<sup>8</sup> The Form I-140 petition in this matter was filed in August 2022.

<sup>9</sup> While we discuss a sampling of the letters of support, we have reviewed and considered each one.

Regarding the Beneficiary's graduate research, Dr. K-L-, professor in electrical and computer engineering at [redacted], explained that the Beneficiary's master's thesis "addresses the ability of networks of air quality sensors to determine the location public source of particulate pollution, whether that be a factory chimney or a forest fire, as well as the rate at which that source is emitting the particles." Dr. K-L- further asserted that this work "will help further research in this field with better prediction accuracy," but he did not provide specific examples indicating that the Beneficiary's work has affected the field in a substantial way that signifies international recognition or outstanding achievement in the academic field.

The Petitioner argues that the aforementioned letters show "that the Beneficiary's work has been internationally recognized" and that he "has risen to the top of the field." The letters of support offered by the Petitioner, however, 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 the references he selected, as substantially influential or otherwise indicative of international recognition.

As it pertains to the Beneficiary authorship of scholarly articles, the record includes his master's thesis, entitled [redacted] and an article by him in *International Journal of Computer Systems* (2016), entitled [redacted]. The Petitioner also submitted a conference paper by the Beneficiary, entitled [redacted] that was presented at both the [redacted] Conference (2021) and the [redacted] Seminar (2022). 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 his work has had on the field and whether his articles demonstrate that he is internationally recognized as outstanding in the academic field.<sup>10</sup>

The Petitioner submitted a Google Scholar citation profile for an individual having the same name as the Beneficiary, who was affiliated with the [redacted] and not [redacted]. None of the Beneficiary's scholarly articles listed in the preceding paragraph is included in the submitted Google Scholar information. Nor did the Petitioner provide copies of any of the three articles listed in the Google Scholar citation profile. In addressing this document, the Director stated:

A copy of Google Scholar submitted as evidence shows . . . the 3 articles cited [redacted] and [redacted] appear to be published by [another individual] affiliated with the [redacted]. The Beneficiary submitted evidence demonstrating his affiliation with [redacted]. In addition, water supply systems management or water loss audit validation principles are not the subject of any of the three articles cited which you . . . suggest

<sup>10</sup> See 6 USCIS Policy Manual, *supra*, at F.3(B)(1) (stating that a beneficiary's authorship of books or articles should be evaluated to determine whether they were indicative of the beneficiary being recognized internationally as outstanding in a specific academic area).

are a part of the Beneficiary's academic expertise. Therefore, the relevancy of the articles and citations is questionable at best and a closer examination suggests that the Google Scholar page you submitted may not actually be . . . the Beneficiary of this petition.

The Petitioner does not challenge the Director's conclusion that the three articles listed in the Google Scholar citation profile are not the work of the Beneficiary. The Petitioner has not resolved this inconsistency in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit. *Id.*; see also *Matter of O-M-O-*, 28 I&N Dec. 191, 197 (BIA 2021).

The Petitioner did not provide citation information for the Beneficiary's articles, entitled [redacted]

[redacted] Without statistical evidence comparing the number of citations received by the Beneficiary's articles with others in his field, the Petitioner has not demonstrated that the Beneficiary's work has been recognized at a level consistent with outstanding achievement in the academic field. Nor has the Petitioner shown that the number of citations received by the Beneficiary's published and presented work is sufficient to demonstrate a level of attention commensurate with being recognized internationally in his field. See section 203(b)(1)(B)(i) of the Act.

With regard to the invitations the Beneficiary received to present his paper at the [redacted] Conference (2021) and the [redacted] Seminar (2022), the Petitioner did not, for example, provide evidence from the organizers that invited the Beneficiary to participate indicating that they reserve their invitations for researchers who are recognized internationally as outstanding in the academic field. The Beneficiary's participation in the aforementioned conference and seminar demonstrates that his research findings were shared with others in his field, but without documenting broader impact of his presented research, such participation is not sufficient to show that his work is recognized internationally as outstanding in the academic field.

The Petitioner also submitted evidence that the Beneficiary and M-S- have coauthored a U.S. patent application and received a "Notice of Recordation of Assignment." While a patent recognizes the originality of an idea, it does not by itself demonstrate that the inventor has made a research contribution to the academic field that signifies international recognition or outstanding achievement. Rather, the significance of the innovation must be determined on a case-by-case basis. Here, the Petitioner has not shown in what ways the Beneficiary's invention has advanced the state of research in the academic field or explained how the Beneficiary's work has affected the wider field beyond his employer and its clientele. The Petitioner therefore has not demonstrated that the Beneficiary's patent assignment has had an impact that is internationally recognized as outstanding in his field.

As it pertains to the Beneficiary's participation as a judge of the work of others, the Petitioner submitted evidence indicating that the Beneficiary served as a judge for the [redacted] [redacted] (2022), the [redacted] (2022), the [redacted] (2022), the [redacted] (2022), and the [redacted] (2022). 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.<sup>11</sup> At issue here is the extent to which the Beneficiary's judging activities have required, reflected, or resulted in him being recognized internationally as outstanding in his field. The Petitioner did not present documentation indicating the aforementioned events' specific requirements for selection of judges. For instance, the record does not contain evidence demonstrating that they reserve their invitations for researchers who are recognized internationally as outstanding in the academic field. Judging for events that select their reviewers based on subject matter expertise would not provide strong support for the petition, because possessing expertise in a given field is a considerably lower threshold than being recognized internationally within the academic field as outstanding. Nor has the Petitioner demonstrated how the Beneficiary's participation as a judge compares to or differentiates him from his peers in the field. Moreover, the record does not show that the Beneficiary has received any international recognition for his service as a judge. Without this or other evidence differentiating him from others in his field, the Petitioner has not established how the Beneficiary's participation as a judge contributes to establishing that he is internationally recognized as outstanding in his academic field. 8 C.F.R. § 204.5(i)(3)(i).

Although the evidence indicates that the Beneficiary is a skilled IoT and artificial intelligence engineer, the Petitioner has not established that he stands apart in the academic field through outstanding achievement and international recognition. After consideration of the totality of the evidence of the Beneficiary's work in the areas of water pressure monitoring, artificial intelligence predictive analysis, and interactive hydraulic modeling, including evidence of his published and presented work, citation record, participation as a judge, and patent assignment, as well as the opinions of his colleagues in the field, we conclude that this documentation does not sufficiently establish that he has been internationally recognized as an outstanding researcher in the field.

### III. CONCLUSION

The evidence demonstrates that the Beneficiary meets at least two of the evidentiary criteria at 8 C.F.R § 204.5(i)(3)(i)(A)-(F), and thus the initial evidence requirements for this classification. A review of the totality of the evidence, however, does not establish that the Beneficiary is internationally recognized as an outstanding professor or researcher in the 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.

---

<sup>11</sup> See 6 USCIS Policy Manual, *supra*, at F.3(B)(1) (stating that a beneficiary's participation as a judge should be evaluated to determine whether it was indicative of the beneficiary being recognized internationally as outstanding in a specific academic area).