



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

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

In Re: 30240228

Date: MAR. 4, 2024

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, a sociological researcher, 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 and dismissed a subsequent motion, concluding that the Petitioner did not establish, as required, that the Beneficiary is internationally recognized as outstanding in her 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 the person is recognized internationally as outstanding in a specific academic area, has at least three years of experience in teaching or research in the academic area, and seeks to enter the United States for a qualifying position with a university, an 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.¹ 8 C.F.R. § 204.5(i)(3)(i);

¹ "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

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)); *see also Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (describing the two-step process).²

II. ANALYSIS

The Beneficiary earned both a bachelor’s degree (2005) and a master’s degree (2007) in Sociology from [REDACTED] in Armenia. She served as a lecturer in the Department of Sociology at [REDACTED] from 2009 until 2023.³ The Beneficiary is presently a Ph.D. student and graduate teaching assistant at the petitioning university.

A. Evidentiary Criteria

The Director determined 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 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.⁴ As she 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,⁵ that the beneficiary’s achievements are sufficient to demonstrate that they have been internationally recognized as outstanding in the academic field. *See* section 203(b)(1)(B)(i) of the Act; 8 C.F.R.

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>.

² 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).

³ In 2013, the Beneficiary received a grant from the U.S. Agency for International Development through [REDACTED] to participate in a semester-in-residence program at [REDACTED] attending courses and educational seminars.

⁴ On appeal, the Petitioner argues the Beneficiary also satisfies the published material criterion at 8 C.F.R. § 204.5(i)(3)(i)(C). Because the Petitioner has already shown the Beneficiary fulfills the minimum requirement of at least two criteria, we will evaluate the published material relating to her work as part of the totality of the evidence in the context of the final merits determination.

⁵ 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. 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).

§ 204.5(i)(3)(i). In this matter, we agree with the Director that the Petitioner has not shown the Beneficiary's eligibility.⁶

On appeal, the Petitioner submits 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 this immigrant visa classification's high standards. It contends that the Director did not properly analyze the Beneficiary's research projects, media coverage, published and presented work, citation evidence, course material (such as syllabi), workshops, grant funding, letters of support, and peer review service.

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 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 USCIS policy pertaining to the requested immigrant visa classification.

As it pertains to published material written by others about the Beneficiary's work, the Petitioner presented articles in *Gitutyun*, [redacted] *Newsroom*, *Aravot*, *Armenpress.am*, *Aysor.am*, *Irates*, *Kamoblog.tv*, *Past.am*, and [redacted] *Newsletter* discussing topics such as her two books, her travel to other universities for educational collaboration and lectures, and research projects. While these articles indicate that the Beneficiary's work has received some media attention in Armenia and at [redacted] where she participated in a semester-in-residence, the Petitioner has not shown that this level of news coverage rises to the level of international recognition. Nor are the articles sufficient to demonstrate that her authorship, lectures, and other research activity are internationally recognized as outstanding in the academic field. For example, a [redacted] 2023 letter in *Aravot* discusses the Beneficiary's plans to pursue a doctoral degree at the petitioning university, but the Petitioner has not shown that her present level of education and standing in her academic field demonstrates her recognition as outstanding at the international level.

Regarding the Beneficiary's participation as a judge of the work of others, the Petitioner submitted documentation indicating that she has reviewed three articles for [redacted] (the bulletin of [redacted]).⁷ Further, as documentation she served on [redacted] Faculty of Sociology "Final Certification Committees" for master's thesis defenses, the Petitioner provided four "Orders" from [redacted] administrators forming these committees and listing the Beneficiary among their members, but the Petitioner did not offer evidence of the Beneficiary's actual participation as a judge on these committees from [redacted] identifying the specific master's theses she reviewed. Regardless, the Petitioner has not demonstrated that her review of [redacted] articles and theses reviews for [redacted] her alma mater and employer, signifies that she is internationally recognized as outstanding.

⁶ In the final merits analysis, the Director's decision discussed all the Petitioner's evidence together in its entirety and explained why that evidence was insufficient to demonstrate the Beneficiary's recognition as outstanding at the international level.

⁷ The record does not include evidence of this publication's journal ranking or its standing in the sociology field.

The Petitioner also offered a letter from an associate professor at [redacted] in Armenia and supporting evidence indicating that the Beneficiary reviewed five master's theses defended by [redacted] students.

In addition, the Petitioner provided an April 2023 letter from Dr. J-O-, the President of the European [redacted] stating that the Beneficiary supported the European Conference on [redacted] 2022 as an "event organizer as well as serving as a reviewer and being included in the editorial committee." Dr. J-O- indicated that the Beneficiary "was responsible for the selection and evaluation of papers (she has reviewed more than 20 papers from faculties and doctoral students at European universities, among which only 5 papers selected to be presented during the conference) submitted for the [redacted] 2022 conference and acted as a chair for a session," entitled "Science and Environment Education." In his June 2023 letter, Dr. J-O- asserted that [redacted] committee members "are carefully selected based on their recognition and influence" and that "[a]ll [redacted] committee members are internationally recognized specialists, known for their contributions to academia and scholarly research." He further contended that the Beneficiary was "selected to the editorial committee of [redacted] 2022 because of her recognition as a leading expert in sociological research with vast experience in reviewing internationally circulated collection of scholarly articles [redacted]"

An evaluation of the significance of the Beneficiary's judging experience is appropriate to determine if the aforementioned evidence is indicative of the outstanding achievement required for this classification.⁸ With respect to the Beneficiary's review of manuscripts for [redacted] and [redacted] in many scientific and academic fields, peer review is a routine part of the process through which articles or theses are selected for publication, conference presentation, or graduation. Participation in the peer review process does not automatically demonstrate that an individual is internationally recognized as outstanding in her academic field. Here, the Petitioner has not established that the level of the Beneficiary's participation as a reviewer of conference papers, [redacted] manuscripts, and master's theses is indicative of or consistent with being recognized internationally as outstanding in her academic area.⁹

Regarding Dr. J-O-'s assertions relating to the Beneficiary's involvement with [redacted] merely repeating the language of the statute or regulations does not satisfy a petitioner's burden of proof. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F.2d 41 (2d Cir. 1990). The Petitioner did not offer evidence to corroborate Dr. J-O-'s claim that the Beneficiary reviewed "20 papers" for [redacted]. Nor did Dr. J-O- point to official documentation from [redacted] identifying its specific requirements for selection of committee members. Further, the record does not show [redacted] reputation or ranking relative to other conferences in the academic field or indicate that the particular session chaired by the Beneficiary rendered her internationally recognized as outstanding in the field of sociology. Reviewing manuscripts for journals or conferences, chairing conference sessions, and serving on thesis evaluation committees that select their reviewers based on

⁸ 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).

⁹ For example, the record does not contain supporting evidence demonstrating that the specific organizations that invited the Beneficiary to serve as a reviewer reserve their invitations for researchers who are recognized internationally as outstanding in the academic field.

subject matter expertise does 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.

At issue here is the extent to which the Beneficiary's review of conference papers, manuscripts, and master's theses have required, reflected, or resulted in her being recognized internationally as outstanding in her field. As discussed, the Petitioner did not present documentation indicating the aforementioned organizations' specific requirements for selection of their reviewers. Therefore, although the record shows that the Beneficiary has reviewed others' work, this evidence does not demonstrate how her review activity compares to or differentiates her from her peers in the field. Similarly, the record does not show that the Beneficiary has received any international recognition for her service as a thesis or manuscript reviewer. Without this or other evidence differentiating her from others in her field, the Petitioner has not established how the Beneficiary's peer review experience contributes to establishing that she is internationally recognized as outstanding in her academic field. 8 C.F.R. § 204.5(i)(3)(i).

With respect to the Beneficiary's research contributions, the record includes letters of support discussing her projects at [REDACTED]

[REDACTED]¹⁰ For example, Dr. E-L-, a professor at [REDACTED] indicated that he and the Beneficiary worked on "a comparative analysis on the example of [REDACTED] and [REDACTED] within the perspectives of gender inequalities in higher education system in the European Union and in post-Soviet countries." Dr. E-L- also noted that he has taken "advantage of two syllabi (Gender and Communication, Social Construction of Gender) designed and developed by [the Beneficiary] at [REDACTED] and "incorporated several topics . . . from her syllabus to my Gender and Policy course," but he did not provides specific examples indicating that the Beneficiary's syllabi have affected the academic field beyond [REDACTED] and her other affiliated institutions, or have otherwise risen to the level of a contribution that is recognized internationally as outstanding.

Likewise, Dr. M-M-V-, a senior lecturer at [REDACTED] stated that during her semester-in-residence, the Beneficiary "conducted assessment research . . . to elaborate the best teaching methodology and best exercises in practice for her courses; she observed a number of my classes in person as well as evaluating online course content; she also designed syllabi for two new courses – "Gender and Communication" and "Social Construction of Gender." Dr. M-M-V- further indicated that they continued their collaboration after the Beneficiary returned to [REDACTED] but she did explain how the Beneficiary's work at [REDACTED] has affected the field in a substantial way that signifies international recognition or outstanding achievement in the academic field.

In addition, Dr. P-S-, a professor at [REDACTED] asserted that the Beneficiary received a research grant and "spent two months at [REDACTED]" Dr. P-S- indicated that she and the Beneficiary "conducted sociological study (monitoring of advertising campaigns, content analysis etc.)" relating to "representation of women in the media," "gender-sensitive news," and "development of gender-neutral policy." While Dr. P-S- also stated that the Beneficiary "taught seminars to my Bachelor of

¹⁰ While we discuss a sampling of the letters of support, we have reviewed and considered each one.

Arts students” and “held workshops for [redacted] faculty members on Armenian Mass Media Peculiarities and Media Research Methods in general,” she did not provide specific examples indicating that the Beneficiary’s work has had a meaningful impact in the academic field or has otherwise risen to the level of a contribution that is recognized internationally as outstanding.

The Petitioner argues that the letters of support from the Beneficiary’s colleagues “show international recognition for her contributions to the field.” The letters 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 she selected, as substantially influential or otherwise indicative of international recognition.

Regarding the Beneficiary’s authorship of scholarly books and articles, the Petitioner submitted her two books, as well as her articles in publications such as [redacted] *Noravank, Modern Problems of Political Science and International Relations*, and *Orenk ev Irakanutyun*. The Petitioner did not submit evidence showing the ranking of the aforementioned journals relative to other publications in her academic field. Regardless, 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 books or articles can be an indicator to determine the impact and recognition that her work has had on the field and whether her books and articles demonstrate that she is internationally recognized as outstanding in the academic field.¹¹

The Petitioner’s appellate submission includes the Beneficiary’s Google Scholar profile showing that ten of her research articles had received five cumulative citations. This Google Scholar information also indicated that the Beneficiary’s highest cited article, entitled [redacted] [redacted] (2010), received 5 citations, and that her remaining nine articles received no citations. The Petitioner does not offer comparative statistics showing the significance of this level of citation within the Beneficiary’s academic field. While the Petitioner provided evidence that the Beneficiary’s work has received a few other citations not included in her Google Scholar profile, it has not demonstrated that the Beneficiary’s publication and citation record signifies that she is internationally recognized as outstanding her field. Without statistical evidence or other objective metrics comparing the number of citations received by the Beneficiary’s articles with others in her 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. The Petitioner has not shown that the number of citations received by the Beneficiary’s published and presented work (including her two books) is sufficient to demonstrate a level of attention commensurate with being recognized internationally in her field.¹² See section 203(b)(1)(B)(i) of the Act.

The record includes evidence showing that the Beneficiary participated in panels, lectures, workshops, and academic exchange programs at various universities such as [redacted]

¹¹ 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).

¹² We acknowledge that a few of the Beneficiary’s publications have received some media attention in Armenia, but the Petitioner has not shown that this level of news coverage rises to the level of international recognition in the academic field.

[REDACTED] The Petitioner did not, for example, provide evidence from the institutions 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 institutions' academic programs and in events such as the [REDACTED] demonstrates that her work was shared with others in her field, but without documenting the broader impact of her presented research and educational material on the academic field, such evidence is not sufficient to show that her work is recognized internationally as outstanding in the academic field.

Furthermore, the record includes documentation showing that the Beneficiary received honorary certificates from [REDACTED] and [REDACTED] but the Petitioner has not demonstrated that these Armenian institutional honors are indicative international recognition in the academic field. Nor has the Petitioner established that these honors demonstrate the Beneficiary's recognition as outstanding at the international level in her field.¹³

In addition, the Petitioner submitted information indicating that she participated in academic exchange programs funded by organizations such as USAID and the "Academic Swiss Caucasus Net" at [REDACTED]. With regard to the Beneficiary's participation in such programs, we note that a substantial amount of academic and research programs are funded by grants from a variety of public and private sources. The past achievements of the recipients are a factor in such programs because the funding institution has to be assured that the individual is capable of performing research in the proposed collaboration. Nevertheless, the Petitioner has not demonstrated that the Beneficiary's receipt of funding for these programs required outstanding research achievements or otherwise rendered her internationally recognized as outstanding in the academic field.

Although the evidence indicates that the Beneficiary is a skilled sociology researcher seeking to continue her education and serve as a teaching assistant at the petitioning university, the Petitioner has not shown that she 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, including evidence of her published and presented research, citation record, peer review service, lectures, university collaborations, course material development, academic and research funding, and institutional honors, as well as the opinions of her colleagues in the field, we conclude that this documentation does not sufficiently establish that she 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.

¹³ Further, the Petitioner has not shown that the Beneficiary's honors rise to the level of "major prizes or awards for outstanding achievement in the academic field." *See* 8 C.F.R § 204.5(i)(3)(i)(A).

ORDER: The appeal is dismissed.