

I-140 Petition: Outstanding Professors & Researchers

The "Outstanding Professors and Researchers" immigrant visa category is exempt from the labor certification process with the U.S. Department of Labor in which the market is tested by conducting advertising / recruitment efforts to determine whether qualified U.S. workers are available.

When a Professor or Researcher qualifies, the employer must petition U.S. Citizenship and Immigration Services (USCIS) to be classified as an Outstanding Professor or Outstanding Researcher. UC International Services **will not** assist international employees with an outstanding petition. However, instructions on the process are given as a courtesy in this document.

To qualify, professors or researchers must document that they:

- are recognized internationally as outstanding in a specific academic area,
- have at least 3 years of experience in teaching and/or research, and
- are offered a tenured or tenure-track teaching position or a permanent research position.

At UC, the titles of Postdoctoral Fellow or a "Visiting" appointment are considered temporary and do not qualify as "permanent" positions. Research positions funded by grants must have the expectation of continued funding. In field guidance memos issued by USCIS, there is acknowledgement that many research positions are funded by grant money received on a yearly basis and it is noted that if the employer demonstrates the intent to continue to seek funding and a reasonable expectation that funding will continue (such as demonstrated prior renewals for extended long-term research projects) such employment can be considered "permanent."

1. Evidence that the Professor or Researcher is Recognized Internationally as Outstanding in the Academic Field Specified in the Petition Established by Documentation of *at Least Two of the Following Categories.*

While evidence in all of the categories listed below is not required, documentation on fulfilling more than two of the categories greatly strengthens the application and makes approval much more likely.

- A. Receipt of Major Honors and Awards for Outstanding Achievement in the Academic Field (submit photocopies only).** Only national or international awards are acceptable. Provide information on the reputation of the organization granting the award, the significance of the award, and the criteria for selection.
- B. Memberships in Professional Associations in the Academic Field Which Require Outstanding Achievement for Membership.** Please document requirements for or limitations on membership.
- C. Evidence of Published Material Written by Others about the Scholar's Work.** Include photocopies of the cover page and page(s) where the foreign national's name appears. Citation indexes may be submitted, but will not, by themselves, be given much

consideration. The publication should discuss or analyze the foreign national’s work, not merely reference it briefly. Please note that USCIS generally finds that the fact that the foreign national’s work has been cited demonstrates that other scientists have found the work useful; however, a scientist does not earn international recognition simply on the basis of providing useful, valid results.

D. Evidence of Judging the Work of Others, Individually or via Participation on a Panel.

Submit photocopies of letters requesting the foreign national’s review of publications/presentations, evidence of supervision of Ph.D. students, documentation of decisions on work to be done in lab, etc.

E. Original Scientific or Scholarly Research Contributions to the Field. These may be documented through the letters of recommendation, (see #2 below) as well as evidence of patents or copyrights, gene registration, etc.

F. Evidence of Authorship of Scholarly Books, Articles in Scholarly Journals with International Circulations in the Academic Field. Submit a complete list of all publications. Include photocopies of cover pages of publications, particularly those where scholar’s name is listed first. Provide documented information about the journal to help indicate the importance of the publication.

2. Letters of Recommendation

The foreign national must obtain multiple letters of recommendation (at least 6) from recognized experts in their academic field. The majority of these letters should be from outside the University of Cincinnati and preferably from international sources. The letters should evidence the foreign national’s international recognition as outstanding in their field and original scientific or scholarly research contributions. The letters should state that the foreign national is outstanding and in what way(s).

Format:	USCIS, Nebraska Service Center, To Whom It May Concern
Content:	Description of recommender’s relationship to the foreign national; Description of foreign national’s outstanding academic/research contributions with emphasis on original contributions in the academic field.

Attach a copy of the C.V. or resume of the recommender as well.

The likelihood of USCIS approval of an outstanding professor/researcher petition is increased when the following evidence is provided:

- Recommendation letters attesting to the foreign national's international recognition resulting from his/her contributions to the field provided by experts in the field, other than collaborators or immediate colleagues of the foreign national. i.e., evidence that the foreign national's work has attracted significant notice outside of his/her own circle of instructors and collaborators
- Recommendation letters from independent researchers explaining how the foreign national's work has influenced the independent researcher's work
- Recommendation letters confirming that the foreign national's work has attracted attention on its merits in the field and not as a result of its direct ties to the petitioner or author of the recommendation letter
- Recommendation letters explaining why the foreign national's work or research is more significant than the work of others

3. Documentation of at least three years of experience in teaching and/or research if not evident from other documentation provided in response to Numbers 1 or 2.

In addition to the documentation substantiating that the foreign national is an internationally recognized outstanding professor/researcher, it must be established that the foreign national has three years of research or teaching experience in the academic field. If the experience was gained while pursuing the degree required for the position, that experience must be proven to be outstanding as well.

Experience in teaching or research while working on an advanced degree will only be acceptable if the alien has acquired the degree, and if the teaching duties were such that he or she had full responsibility for the class taught or if the research conducted toward the degree has been recognized within the academic field as outstanding.

The regulations specify that evidence of teaching and/or research experience shall be in the form of letter(s) from current or former employer(s) and shall include the name, address, and title of the writer, and a specific description of the duties performed by the foreign national.

4. Employment Offer Letter and Qualification Summary Letter (A and B below)

The Dean or Vice President of the hiring department should write a formal offer letter to the foreign national. A sample letter is provided at the end of this document.

The Department Head should also write a letter about the foreign national's qualifications for USCIS. The following chart describes what information should be included in such a letter:

Address to:	U.S. Citizenship and Immigration Services, Nebraska Service Center, Lincoln, NE
From:	Department Head
Content:	<ul style="list-style-type: none"> ▪ Request for First Preference status as outstanding professor/researcher ▪ Description of foreign national's internationally recognized outstanding teaching and/or research ▪ Description of foreign national's employment experience

5. Documentation from applicant in addition to above

- Curriculum vitae, including a list of presentations with related documentation about conferences, etc.
- Highest academic degree (Submit photocopy only). If documentation is not in English, provide a certified English translation. Certification for INS purposes is a simple matter of the translator providing the following statement:

I, _____ hereby certify that I am competent to translate from the _____ language into English, and the attached is an accurate translation of the original _____ document. (Birth, marriage, or other) Name, Address and telephone of translator.

- Check made payable to Department of Homeland Security for \$580.00

Sample Employment Letter

Date
Name
Address

Dear Dr. XX

This letter serves to confirm that on XXX you were offered and accepted the permanent position of _____ with University of Cincinnati in the Department of XX, College of XX.

In determining that your position is "permanent" as indicated above, the University of Cincinnati complies with the Department of Homeland Security's regulatory definition which states, **[Select appropriate category]** with respect to outstanding professors, permanent means the employment is "a tenured or tenure-track teaching position" [8 CFR §204.5(i)(3)(iii)(A)]. **OR** with respect to outstanding researchers, "permanent means either tenured, tenure-track, or for a term of indefinite or unlimited duration, and in which the employee will ordinarily have an expectation of continued employment unless there is good cause for termination" [8 CFR §204.5(i)(2)]. I have hiring authority for this department and can therefore verify the above.

Your current salary is XXX. In addition to the base salary, you receive fringe benefits, which include eligibility to participate in the University's retirement and life and health insurance programs.

In your position, your duties as an independent researcher consist of performing experiments, data analysis, writing scientific papers and presenting data at scientific meetings. [or some similar statement of what the duties are] **OR** In your position as a Professor, you will teach courses at the graduate / undergraduate level(s) in the field of _____.

Sincerely,

Name
Title

I, XX, hereby acknowledge the above terms of appointment in effect since xx

Name
Title

date