OUTSTANDING RESEARCHER OR PROFESSOR

EMPLOYMENT-BASED PETITION FOR CHANGE OF STATUS TO LEGAL PERMANENT RESIDENT (LPR), FORM I-140 PETITION FOR ALIEN WORKER- EB-1 CATEGORY

Definitions: Petitioner- Montana State University
Beneficiary- Foreign Worker

The Outstanding Professor or Researcher petition is an employer-sponsored petition for scientists who are recognized internationally as outstanding in their field. The approval of this petition is based on a set of factors including the significance of the scientist’s research, the number of peer-reviewed articles published by the scientist, whether the scientist has been asked to serve as a judge of other researchers’ work (as a reviewer of manuscripts or grant proposals, for example), and the number of awards received, among other factors. Generally speaking, Outstanding Researcher petitions are easier to win than Alien of Extraordinary Ability petitions.

Outstanding professors and researchers are recognized internationally for their outstanding academic achievements in a particular field. In addition, an outstanding professor or researcher must have at least three years experience in teaching or research in that academic area, and enter the U.S. in a tenure-track teaching or comparable research position at a university or other institution of higher education. The position being offered must be considered “permanent” in that there are funds available for the foreseeable future. Evidence that the professor or researcher is recognized as outstanding in the academic field must include documentation of at least two of the following:

CRITERIA

1. **Awards**

   Receipt of internationally recognized major prizes or awards for outstanding achievement with documentary evidence of the status of the awards and the criteria of the award.

2. **Memberships**

   Memberships in associations that require their members to demonstrate outstanding achievements—not just a membership that is open to anyone willing to pay the fee. Documentary evidence must be submitted about the organization verifying that it is reputable and internationally recognized. This can be in the form of a hard copy of the publication with a letter from the editor or an internationally recognized researcher who can speak to the merit of membership in the particular association.

3. **Citations**

   Published material in internationally recognized professional publications or other major media written by others about the beneficiary’s work in the academic field. Documentary evidence establishing the significance of the publication should be included. The article must be primarily written about the beneficiary and his/her work.

4. **Judging Other’s Work**

   Reviewer of the work of others, either on a panel or individually, in the same or allied academic field. Should show that the beneficiary has been asked on a regular basis to serve in this status if possible. Documentary evidence showing that the organization requesting the review is internationally recognized. This may be a document from a peer or other scholar.

5. **Original scientific or scholarly contributions to the academic field**

   Reference letters from, if possible, internationally recognized peers, colleagues and supervisors—past and present may be included. Opinions presented in letters are fine but documentary evidence should also be included—this could be in the form of (for example) an article and picture of an invention or other contribution. This evidence should address the significance of each contribution to the field.
6. **Publications**

Authorship of scholarly books or articles (in scholarly journals with international circulation) in the field. Copies of publications should be included as well as a chronological list of the publications. Also, documentary evidence about the validity of the journals should be included. This could be in the form of letters from editors or colleagues in the field.

In addition to the above mentioned criteria, the petitioner (MSU) will be responsible for obtaining the following documents:

1. Letter from Supervisor
2. Letter from Head of Department
3. Letter from Dean of College
4. Letter from Sally O’Neill- Office of International Programs

These letters will address the 3-year requirement of prior training, the permanence issue and the internationally recognized status of the beneficiary.

The beneficiary should provide the following documents in addition to whatever criteria is provided:

1. Copy of Faculty Handbook that covers the type of appointment offered to the beneficiary.
2. Copy of Annual Contract offering employment issued at the time by the appropriate hiring authority. Information must include title and terms and conditions of position offered. If the beneficiary has changed positions since initial hire, previous contracts must also be included.
Request for Evidence

If you receive a Request for Evidence (RFE), after your petition is submitted, it means that USCIS needs more information from you before they can determine whether you qualify for Outstanding Researcher/Professor status.

Sometimes RFE’s are quite simple and easy to respond to, and other times they are very complicated. If you do receive an RFE, you can either have OIP help you with responding or you can hire an attorney—depending on how complicated it appears to be. OIP has attorney information if you choose to hire one.

A FEW TIPS

In addition to submitting information concerning the scientist's research, publications, and awards, each of these three petitions requires the researcher to submit a set of letters of recommendation from fellow scientists attesting to the petitioner's scientific achievements. It is important that these letters be skillfully written to address the criteria that are of most importance to the reviewing immigration officer. But in addition to what each letter says, whom the letter is from is often just as important.

For example, letters from scientists who do not know the petitioner personally, but only through the scientist's publications or conference presentations, are seen as more credible than letters from a scientist's close colleagues. Letters from close colleagues are helpful, but letters from scientists who have not worked with the petitioner significantly improve the chances of approval. As a result, as foreign-born researchers make their way through their studies and research, it's a good idea for them to keep track of (and keep in contact with) researchers with whom they have discussed their work, e.g., at various scientific conferences. Contacts with researchers in foreign countries are also important, as they can help prove the scientist's international reputation. Likewise, it helps to keep a list of researchers who have commented positively about, or have shown significant interest in, the scientist's work. When it comes time to request a letter of recommendation, these contacts could be of significant value.

Additionally, immigration officials have a tendency to give greater credibility to letters that are written by researchers at government labs or agencies. As a result, graduate-level and postdoctoral researchers should keep track of people they know who work at such facilities.

As noted above, participating as a judge of the work of fellow researchers can play a significant role in the approval of these petitions, especially Alien of Extraordinary Ability and Outstanding Researcher petitions. One way to satisfy this criterion is to review articles submitted to academic journals. Foreign-born scientists could contact editors of journals that have accepted their publications and volunteer to review submitted articles. Similarly, volunteering to review abstracts submitted for presentations at scientific conferences also is an excellent way to serve as the judge of other researchers' work.