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# AAO Sustains Appeal in EB-1 Outstanding Researcher Case

## AAO Sustains Appeal in EB-1 Outstanding Researcher Case <sup>[1]</sup>

Submitted by Chief Editor on Jan 6th 2012

Petitioner is a university that sought to employ the beneficiary permanently in the United States as an Assistant Professor of Clinical Biostatistics. In this respect, the university sought to classify the beneficiary as an outstanding researcher pursuant to section 203(b)(1)(B) of the INA. USCIS initially denied the petition on the grounds that the beneficiary had not achieved the outstanding level of achievement required for being classified as an outstanding researcher.

In addition to fulfilling the requirements listed in the INA, the regulations list six criteria, of which the beneficiary must submit evidence qualifying under at least two, in order to meet the standard of outstanding researcher. Applying the two-part test first applied in *Kazarian v. USCIS*, the AAO held that the evidence satisfied two of the six eligibility requirements listed in the regulations, and that the evidence submitted was sufficient to distinguish the beneficiary in his field so as to qualify him as an outstanding researcher.

### **Team Notes:**

to

### **Agency:**

AAO <sup>[2]</sup>

### **Green Card:**

EB1 Green Card <sup>[3]</sup>

Outstanding Researcher, Professor <sup>[4]</sup>

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