

## Outstanding Researchers EB1 Category Requirements and Conditions

Classification as an Outstanding Researcher requires that the candidate meet the following base criteria:

- Recognition internationally as outstanding in a specific academic field. This requirement must normally be evidenced by **two or more** of the following documentation:
  1. Documentation of the candidate's receipt of **major international** prizes or awards for outstanding achievement in the academic field;
  2. Documentation of the candidate's membership in associations in the academic field which **require** outstanding achievements of their members;
  3. Published material in professional publications **written by others** about the candidate's work in the field;
  4. Evidence of a candidate's participation, on a panel or individually, as the **judge** of the work of others in the same or allied academic field;
  5. Evidence of the candidate's **original** scientific or scholarly research contributions to the academic field;
  6. Evidence of the candidate's authorship of **scholarly books or articles** in scholarly journals with international circulation.

**AND**

- At least **three years** of research in the field (research experience gained while working on an advanced degree generally may **not** be counted toward this requirement);

**AND**

- The offer of a tenured or tenure track or a comparable research position;

**OR**

- The offer of a research position having no fixed term and in which the employee will ordinarily have an expectation of permanent employment;

**OR**

- The offer of a comparable research position with a private employer if the employer has at least three full-time researchers and documented accomplishments in the research field.

As to the first requirement - recognition internationally as outstanding in a specific academic field – the CIS has stated that the types of evidence listed in the regulations serve only as guidelines for the adjudicator and the petitioner (the company hiring the alien). Ultimately the evidence must establish that the candidate is a researcher who is internationally recognized as outstanding. Merely presenting evidence which relates to two of the listed criteria does not necessarily mean that the petition will be approved.

**Strong** Documentation of the candidate's recognition as "outstanding" include:

1. Peer-reviewed presentations and symposia;
2. Peer-reviewed articles in scholarly journals;
3. Testimony from other scholars on the candidates outstanding contributions;
4. A number of entries in a citation index citing the candidate's work as authoritative;
5. Participation by the candidate as a reviewer from a peer-reviewed scholarly journal.

**Weak** documentation of the candidates recognition as "outstanding" include:

1. A book published by a "vanity press";
2. A footnoted reference to the candidate's work without evaluation;
3. An unevaluated listing in a subject matter index;
4. A negative or neutral review of the candidates work.

As to the type of employment position offered (i.e. tenure or comparable), the rules interpret a "comparable" research position at a university to be a tenured or tenure-track position. Researchers at universities are rarely in tenured or tenure-track positions, however unless they are also professors who are also engaged in research. The CIS expanded the definition of "comparable" research, therefore, to also include a research position having no fixed term and in which the employee will ordinarily have an expectation of permanent employment. The rules provide no guidance regarding how a private employer may demonstrate accomplishments in the field. Some obvious options include patents or articles by employees in recognized journals in the academic field. The CIS has stated that it is the employer, and not just the researchers, that must have achieved documented accomplishments. In doing so, the CIS rejected a suggestion that it should allow a start-up private research organization to petition for a research if its principal researchers have achieved documented accomplishments in the field.

With regard to demonstrating that the candidate has the requisite credentials, the rules require that the candidate submit letters from current or former employers with the petition, documenting at least three years' experience in research in the field. Research toward a degree requirement may not be counted in documenting the three-year period, even though many researchers undertake their most significant work as part of their Ph.D. thesis, often in conjunction with a leading expert in the field.