

Interim Decision #1362

MATTER OF MICHIGAN STATE UNIVERSITY

In VISA PETITION Proceedings

DET-N-1605

*Decided by Acting Regional Commissioner June 14, 1963*

A distinguished scholar coming to a university to teach (70% of time) and do research in mathematics for an academic year is eligible for nonimmigrant status under section 101(a) (15) (H) (i), Immigration and Nationality Act, since the position is not permanent in nature; the courses to be taught, although listed in the university catalogue under an open number for credit purposes, are special seminars which are taught only by distinguished visiting professors or other qualified personnel and are not a permanent part of the curriculum.

This is a petition to import for a temporary period under section 101(a) (15) (H) (i) of the Immigration and Nationality Act, a distinguished scholar to teach and do research in mathematics for the 1963-1964 school year. The petition was denied by the District Director on the grounds that the beneficiary will be teaching a full load of courses that are listed in the University Catalogue, and the position is therefore permanent in nature.<sup>1</sup> The petition is before this office on appeal from that decision.

The beneficiary, according to the petition, is to teach and do research in mathematics for the 1963-1964 school term. The courses to be taught by the beneficiary are listed in the catalogue of the institution under an open number, for credit purposes, and are given when there is a demand or when a visiting professor is available. The beneficiary will teach for about seventy per cent of his time, the remainder will be on research.

The petitioner stated in his brief on appeal that the beneficiary would teach courses which are special and temporary in nature, which could legitimately be called Special Seminars; that the courses are listed under open number in the catalogue in order that the student may benefit creditwise. Only distinguished visiting professors or staff members with special ability give courses under this number.

<sup>1</sup> *Matter of M—S—H—*, 8 I. & N. Dec. 460.

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It is concluded that the petitioner seeks the services of the beneficiary to do research and to teach a special seminar in mathematics. This is a course that is not a permanent part of the curricula. It is given occasionally by visiting professors or other qualified personnel to advanced students in mathematics. The appeal will be sustained.

**ORDER:** It is ordered that the appeal in the above cited case be and the same is hereby sustained.