MATTER OF HSUEH

In Visa Petition Proceedings

A-12291717

Decided by District Director February 24, 1966

Since a physicist is a member of the professions within the meaning of sections 101(a)(32) and 203(a)(3), Immigration and Nationality Act, as amended by P.L. 89-236, visa petition is approved to accord beneficiary, a qualified physicist, third preference classification.

Discussion: The petition was filed to accord the beneficiary a third preference classification as a member of the professions based on his qualifications as a physicist. The beneficiary is a male, native and citizen of China, married, age 29, presently residing in Baltimore, Maryland, with his wife.

The beneficiary received a bachelor of science degree in 1959 from Tunghai University, Taichung, Taiwan, and a master of arts degree in physics in June 1963 from Dartmouth College, Hanover, New Hampshire. He served as a teaching fellow in the Physics Department, Polytechnic Institute of Brooklyn, Brooklyn, New York, from September 1963 to November 1965. He has been employed as a physicist by Westinghouse Electric Corporation, Baltimore, Maryland, from December 1965 to date. The beneficiary intends to engage in his profession in the United States as a physicist.

A certification pursuant to section 212(a)(14) of the Act, as amended, has been issued by the Department of Labor.

Physicists are listed among professional occupations under code 0-35.73 in the Dictionary of Occupational Titles, volume II, second edition, prepared by the United States Department of Labor. In the third edition of the above publication, physicists are listed under professional, technical, and managerial occupations, codes 023.081 and .088. Occupations in this physical scientist group are concerned with the investigation of the laws of matter and energy and their applications to problems in such fields as science, engineering, medicine, and production. The Occupational Outlook Handbook, 1966-67

edition, of the United States Department of Labor, states that a bachelor's degree with a major in physics is the minimum entrance requirement for young people seeking careers as physicists; that physicists with master's degrees are able to qualify for many research jobs in private industry, educational institutions, and government; and that a doctor's degree is required for high-level college and university teaching positions. The average (median) annual salary for physicists was $12,000 in 1964, according to the National Science Foundation's National Register of Scientific and Technical Personnel.

From the foregoing it has been established that the beneficiary is a qualified physicist and as such is a member of the professions within the meaning of sections 101(a)(32) and 203(a)(3) of the Act, as amended.

ORDER: It is ordered that the petition be approved and the beneficiary accorded third preference under section 203(a)(3) of the Immigration and Nationality Act, as amended.