MATTER OF KU

In Visa Petition Proceedings

A-12920131

Decided by District Director September 19, 1966

Since beneficiary, who has a master of science degree in mathematics, is a qualified mathematician and as such is a member of the professions within the meaning of section 101(a)(32) of the Immigration and Nationality Act, as amended by Public Law 89-236, he is eligible for preference classification as a mathematician under section 203(a)(3) of the Act, as amended.

Discussion: The petition was filed to accord the beneficiary third preference classification as a member of the professions based upon his qualifications as a mathematician.

The petitioner is a thirty-two-year-old married male, a native and citizen of China. On September 2, 1966, he filed a petition to classify himself as a member of the professions, entitled to preference under section 203(a)(3) of the Immigration and Nationality Act, as amended, which provides for immigrant visas to be made available "to qualified immigrants who are members of the professions, or who, because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States." The beneficiary was awarded a bachelor of science degree in mathematics by Taiwan Normal University, Taipei, Taiwan, in July 1960 and a master of science degree in mathematics by Tulane University, New Orleans, Louisiana, in May 1964. He was employed as a research assistant in mathematics from July 19, 1960 to September 1, 1962 by the Institute of Mathematics, Taipei, Taiwan. He has been engaged as a teaching assistant in mathematics by Tulane University since September 1962. The beneficiary is presently a candidate for a doctor of philosophy degree in mathematics at Tulane University and intends to engage in his profession in the United States as a mathematician.

The occupation of mathematician falls within the category of vocations for which the Department of Labor has issued a blanket certification pursuant to 29 CFR Part 60.2. The blanket certification is to the effect that persons whose education or experience is equivalent to the baccalaureate degree conferred by accredited United States colleges and universities in certain listed specialties, one of which is mathematics, are considered to be engaged in an occupation for which there are not sufficient qualified persons available in the United States and that the employment of such qualified persons will not adversely affect the wages and working conditions of workers in the United States similarly employed.

Section 101(a)(32) of the Act, as amended, provides that: "The term 'profession' shall include but not be limited to architects, engineers, lawyers, physicians, and teachers in elementary or secondary schools, colleges, academies, or seminaries."

The beneficiary's vocation, that of mathematician, is not specifically named in section 101(a)(32) of the Act as a profession. However, the Dictionary of Occupational Titles 1965, Volume II, Third Edition, published by the United States Department of Labor, places mathematicians, Code 020.088, within the mathematics, physical sciences, and related research group of occupations and indicates, at page 468, that "a bachelor's degree in the appropriate subject matter, such as mathematics, astronomy, and geography, is the minimum educational requirement for entrance into this type of work. For the more responsible research positions an advanced degree is necessary. A Ph.D. is usually essential for entrance into astronomy. Workers in pure mathematics seldom require training in a particular field, but those in applied mathematics must acquire knowledge of the field in which mathematics is used."

The high degree of education required for entry into the field of mathematics is comparable to the degree of education required for the specific professions named in section 101(a)(32), *supra*. Accordingly, it is concluded that the applicant as a mathematician is a qualified member of the professions.

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.