U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42091410

Date: APR. 02, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner qualified for classification as a member of the professions holding an advanced degree, but that he had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

To qualify for the underlying EB-2 visa classification, a petitioner must establish they are an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act.

If a petitioner establishes eligibility for the underlying EB-2 classification, they must then demonstrate that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that:

- The proposed endeavor has both substantial merit and national importance;

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

- The individual is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS concluded that the Petitioner qualified as a member of the professions holding an advanced degree, but that he had not satisfied any of the three prongs set forth in the *Dhanasar* precedent decision.[2] The sole issue to be determined therefore is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

At the time of filing, the Petitioner was working as a camera algorithm engineer for [redacted][3] He indicated that his "proposed endeavor is to use advanced deep learning and machine learning models in order to create efficient, safe, and well-performing artificial intelligence (AI) pipelines, allowing AI models to be safely and efficiently deployed in more real-world scenarios and contribute to human well-being." The Petitioner further stated:

> For the foreseeable future, I plan to continue pursuing my proposed endeavor as a camera algorithm engineer at [redacted]. I began my position of camera algorithm engineer in January of 2024 and plan to continue in this position for the foreseeable future.
>
> . . . .
>
> As a camera algorithm engineer, my work includes the use and design of AI models and algorithms to improve the camera and provide high-quality photos and videos. One major research project is about reducing the power and latency of an AI model while maintaining the model performance so that it can be efficiently deployed in a camera where resources are usually limited. I will also work on how to allow the camera to safely and reliably produce high-quality photos and videos. My current responsibilities are relevant to my proposed endeavor because, in these projects, I work on efficient, safe, and well-performing AI models and deploy them in cameras to allow people to have better cameras and more convenience in their lives.
>
> I am also advancing my proposed endeavor through my research with [Dr. B-M-] at [redacted]'s Department of Statistics, [Dr. D-X-] at [redacted]'s Department of Computer Science, and [Dr. R-Z-] of [redacted]'s

[2] The Petitioner received a Ph.D. in Statistics from [redacted] in December 2023.

[3] On his Form ETA-9089, Appendix A: Foreign Worker Information, the Petitioner indicated that his "Job Duties" in this capacity include: "Conduct research in the area of efficient AI and Safe AI. Use advanced deep learning and machine learning models to create efficient, safe, and well-performing AI pipelines, allowing AI models to be safely and efficiently deployed in more real-world scenarios and contribute to human well-being. Design AI models and algorithms to improve the camera and provide high-quality photos and videos. Study how to reduce the power and latency of an AI model while maintaining the model performance so that it can be efficiently deployed in a camera where resources are usually limited." As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for him to have a job offer from a specific employer. However, we will consider information about his position to illustrate the capacity in which he intends to work in order to determine whether his proposed endeavor meets the requirements of the *Dhanasar* framework.

> Department of Computer Science. Our current research focuses on improving AI efficiency and AI safety in both computer vision and natural language processing. We work on designing a novel training pipeline to get a safe, sparse deep neural network so that the AI model has good properties in both efficiency and safety. Also, we develop an accelerated inference pipeline for a large generative model so that it has enhanced efficiency. Through these projects, I continue developing AI models with efficiency, safety, and good performance, contributing to the wide and positive deployment of AI models in humans' daily lives.

In response to SCOPS' request for evidence (RFE), the Petitioner asserted that he planned "to continue [his] research on efficient and safe deep learning and machine learning models aimed at building reliable AI systems for diverse resource-constrained scenarios and safety-critical settings." He outlined "three research projects" which he claimed he planned to undertake: [redacted]," [redacted]," and "[redacted]" Regarding his "Plans for Long-Term Employment," the Petitioner stated:

> My long-term career goal is to design efficient and secure camera algorithm systems that enable people to capture and preserve life's most precious moments while ensuring a consistently reliable user experience. . . . Furthermore, by integrating modern data mining techniques to meet the growing demands of camera systems, my research helps build a new generation of intelligent, resource-efficient edge AI platforms.

As discussed below, we conclude the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

A. Substantial Merit and National Importance of the Proposed Endeavor

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* We agree with SCOPS' determination that the Petitioner's proposed endeavor has substantial merit.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We withdraw SCOPS' conclusion that the Petitioner did not establish the national importance of his proposed endeavor under *Dhanasar's* first prong. As evidence that his proposed research has substantial merit and national importance, the Petitioner presented information about the benefits of AI and machine learning in business. He also provided letters of support discussing how his undertaking helps contribute to advancements in AI. Additionally, the Petitioner submitted documentation indicating that the benefit of his proposed research offers broader implications in the field of AI, as the results are disseminated to others in the field through scientific journals and conferences. As the Petitioner has demonstrated both the substantial merit and national importance of his proposed research, he has established that he meets the first prong of the *Dhanasar* framework.

B. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. *Id.* at 890. To determine whether they are well positioned to advance the proposed endeavor, we consider factors including, but not limited to: their education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Id.*

The record includes documentation of the Petitioner's curriculum vitae, doctoral degree, published and presented work, peer review service, and funding sources. The Petitioner also offered evidence of articles that cited to his published work, citation metrics, and letters of support discussing his graduate research.

The Petitioner contends on appeal that SCOPS did not correctly evaluate evidence in the record, and that this evidence establishes he is well positioned to advance the proposed endeavor. The Petitioner further argues that SCOPS did not properly analyze his published and presented work, citation evidence, letters of support, education, peer review service, and research funding.[4] For the reasons discussed below, the record supports SCOPS' determination that the evidence is insufficient to demonstrate that the Petitioner is well positioned to advance his proposed endeavor under the second prong of the *Dhanasar* analytical framework.

In letters supporting the petition, the Petitioner's references discussed his graduate research projects involving machine learning modeling. For example, Dr. B-M-, a professor at [redacted] and the Petitioner's Ph.D. advisor, stated that they "formulated a Bayesian hierarchical model to integrate global COVID-19 data and identified country-level risk factors" and "built an autonomous experimental design framework that outperformed Gaussian Process-based methods." Dr. B-M- further asserted that the Petitioner "found that his built-in uncertainty quantification improves the prediction of COVID-19 trajectories and that his model provided actionable insights for health experts," but he did not elaborate on the extent to which the Petitioner's specific findings have been utilized for public health monitoring. Nor has the Petitioner otherwise demonstrated that his research findings constitute a record of success or progress rendering him well positioned to advance his proposed endeavor.

In addition, Dr. D-X-, an assistant professor at [redacted], indicated that the Petitioner "introduced [redacted], which is a modular paradigm that separates reasoning from tool-based observations. [The Petitioner] built it to minimize the number of tokens used, addressing computation and cost issues directly."[5] While Dr. D-X- stated that the Petitioner's "system enabled instruction fine-tuning to improve performance across benchmarks and promote efficient, scalable augmented language model (ALM) development," he did not offer specific

[4] In his appeal brief, the Petitioner states that SCOPS erred in requiring him to show his "work has made original contributions of major significance to the field." We agree with the Petitioner that there is no such requirement under *Dhanasar's* second prong and acknowledge that SCOPS' decision contains some problematic language. SCOPS' error in this regard, however, is not so significant as to undermine the remaining reasons for denial.

[5] Dr. D-X- has coauthored multiple research papers with Dr. B-M- and the Petitioner.

examples of how the Petitioner's work has affected the field, or otherwise shows success or progress at a level that renders him well positioned to advance his proposed endeavor.

Furthermore, Dr. M-J-B-, a professor at [redacted], asserted that the Petitioner is "making meaningful strides toward a fully autonomous experimental design framework based on Bayesian Optimization (BO). He integrated two advanced surrogate models, Bayesian multivariate adaptive regression splines and Bayesian additive regression trees." Dr. M-J-B- further indicated that the Petitioner "evaluated the models' robustness and determined that the BO framework enhanced the efficiency of exploring design spaces. . . . These advancements validate [the Petitioner's] approach and lay critical groundwork for future breakthroughs in domain-adaptive machine learning." Dr. M-J-B- additionally wrote that he and others have cited the Petitioner's research paper on this topic in their own work, but the Petitioner has not shown that this level of interest in his work or his record of success in research is sufficient to demonstrate he is well positioned.

The Petitioner states on appeal that his research papers "have been featured in prestigious journals and presented at world-class conferences," such as *npj Computational Materials*, *Scientific Reports*, *Heliyon*, the [redacted], and the [redacted]. He provided documentation indicating the impact factor of the journals as well as Google Scholar information listing the conferences as top-ranked in categories such as "[redacted]" and "[redacted]." That a publication bears a high journal ranking or impact factor is reflective of the publication's overall citation rate. It does not, however, show the influence of any particular author or otherwise demonstrate how an individual's research represents a record of success in their field.

As it relates to the citation of his work, the Petitioner presented his Google Scholar profiles from June 2024 and, in response to SCOPS' RFE, from October 2025. The most recent profile indicated that his five highest cited articles, entitled [redacted]" (2020), [redacted]" (2021), [redacted]" (2023), [redacted]" (2023), and "[redacted]" (2023) each received 139, 131, 118, 89, and 21 citations, respectively.[6]

The Petitioner also provided 2025 data from Clarivate Analytics (InCites Essential Science Indicators) regarding baseline citation rates and percentiles by year of publication for the "Computer Science" research field. The Petitioner contends that "nine of his papers ranked among the top 10% of the most-cited papers in Computer Science in their respective years of publication, including two reaching the top 1% of this category." Here, the Petitioner relies on citation information concerning the larger field of computer science and compares his citation frequency in AI and machine learning to that of the larger field. While we acknowledge that AI and machine learning are part of the larger field of computer science, the Petitioner has not submitted sufficient evidence confirming that information extrapolated from the larger field applies equally to each subfield within computer science, including AI and machine learning. Thus, the Petitioner's comparison of his citation number in his field with

[6] None of the Petitioner's remaining articles had received more than 16 citations as of October 2025.

information regarding citation in the larger field of computer science does not sufficiently establish the level of his success or impact in the field of machine learning.

Additionally, the Petitioner submitted an article in *Scientometrics* written by [redacted] and [redacted], entitled "[redacted]? A proposal of methods based on percentiles of citations." This article presents recommendations for "how to evaluate individual researchers in the natural and life sciences" for purposes of funding and promotion or hiring decisions. The authors state that "publications which are among the 10% most cited publications in their subject area are as a rule called highly cited or excellent" and that "the top 10% based excellence indicator" should be given "the highest weight when comparing the scientific performance of single researchers." While the authors offer proposed methods for bibliometric analysis of research performance, the record does not indicate that their methods have been accepted and implemented by the academic community. Moreover, with respect to citation information from Google Scholar, the authors advise against "using Google Scholar (GS) as a basis for bibliometric analysis. Several studies have pointed out that GS has numerous deficiencies for research evaluation."

The Petitioner's RFE response included OpenAlex author metrics which he claims compare his citation impact to that of other researchers in the field of "Computer science." Again, the Petitioner relies on citation information concerning the larger field of computer science and compares his citation frequency in AI and machine learning to that of the larger field, but he has not shown that information extrapolated from the larger field applies equally to each subfield within computer science, including AI and machine learning. Regardless, citation frequency which is quantitative in nature does not reveal the reasons for the citations, which involve a qualitative analysis. In other words, a high citation number might show that others in the field have noticed the Petitioner's work, but it does not confirm that his work has impacted or advanced the field of in such a way that renders him well positioned.

Regarding a qualitative analysis of the citations to the Petitioner's work, the record contains partial copies of articles that cited to his papers (including his paper, entitled "[redacted]," for example). These articles include the text of the citation, which the Petitioner asserts highlight the impact of his papers. While we agree with the Petitioner that these citations indicate some degree of interest in his research from his colleagues and peers in the field, this evidence is not sufficient to demonstrate a level of interest or a record of research success that renders him well positioned. The articles in the record cite to his work as an example of research done in the field or in their introduction section as part of an overview of current research, but none highlight or comment upon his research in a way that demonstrates he is well positioned to advance the proposed endeavor.

The Petitioner argues that he has a stronger citation record than Dr. Dhanasar, the petitioner in our *Dhanasar* precedent decision. While we listed Dr. Dhanasar's "publications and other published materials that cite his work" among the documents he presented, our determination that he was well positioned under the second prong was not based on his citation record. Rather, in our precedent decision we found "[t]he petitioner's education, experience, and expertise in his field, the significance of his role in research projects, as well as the sustained interest of and funding from government entities such as NASA and AFRL, position him well to continue to advance his proposed endeavor of hypersonic technology research." *Dhanasar*, 26 I&N Dec. at 893.

As it relates to the Petitioner's education, while his Ph.D. renders him eligible for the underlying EB-2 visa classification, he has not shown that his academic accomplishments by themselves are sufficient to demonstrate that he is well positioned to advance his proposed endeavor.[7] In *Dhanasar*, the record established that the petitioner held multiple graduate degrees including "two master of science degrees, in mechanical engineering and applied physics, as well as a Ph.D. in engineering." *Id.* at 891. We look to a variety of factors in determining whether a petitioner is well positioned to advance his proposed endeavor and education is merely one factor among many that may contribute to such a finding.

The Petitioner also asserts that he has received support for his work from "major funding sources." In support of his claim, the Petitioner submits research papers he coauthored with Dr. D-X-, Dr. B-M-, and others which include an acknowledgement noting their work was supported by organizations such as the National Science Foundation, the National Cancer Institute, the Semiconductor Research Corporation, Cisco, Deloitte, the Commonwealth Cyber Initiative, and 4-VA. In *Dhanasar*, the record established that the petitioner "initiated" or was "the primary award contact on several funded grant proposals" and that he was "the only listed researcher on many of the grants." *Id.* at 893, n.11. Here, the record does not show that the Petitioner (rather than his professor) was mainly responsible for obtaining funding for their research projects.

With respect to his peer review activity, the Petitioner presented documentation indicating that he reviewed manuscripts for *Journal of Data Science*, *Trials*, *Qeios*, and *Neural Networks* as well as for conferences such as [redacted], and [redacted]. He has not demonstrated, however, that his participation in the widespread peer review process represents a record of success in his field or that it is otherwise an indication that he is well positioned to advance his research endeavor.[8]

Regarding the Petitioner's future plans, his initial statement asserted that he intended to advance his proposed endeavor through "research with [Dr. B-M-] at [redacted]'s Department of Statistics, [Dr. D-X] at [redacted]'s Department of Computer Science, and [Dr. R-Z-] of [redacted]'s Department of Computer Science," but he does not elaborate on how their future AI research projects will be funded. Nor do the letters from Dr. B-M- and Dr. D-X- identify the specific research projects they plan to undertake in collaboration with the Petitioner. In

[7] "USCIS considers an advanced degree, particularly a Doctor of Philosophy (Ph.D.), in a STEM field tied to the proposed endeavor and related to work furthering a critical and emerging technology or other STEM area important to U.S. competitive or national security, an especially positive factor to be considered along with other evidence for purposes of the assessment under the second prong." *See generally* 6 *USCIS Policy Manual*, F.5(D)(4), https://www.uscis.gov/policy-manual. A degree in and of itself, however, is not a sufficient basis to determine that a person is well positioned to advance the proposed endeavor. *Id.*

[8] To establish that it would be in the national interest to waive the job offer requirement, a petitioner must go beyond showing their expertise in a particular field. The regulation at 8 C.F.R. § 204.5(k)(2) defines "exceptional ability" as "a degree of expertise significantly above that ordinarily encountered" in a given area of endeavor. By statute, individuals of exceptional ability are generally subject to the job offer/labor certification requirement; they are not exempt by virtue of their exceptional ability. Therefore, whether a given petitioner seeks classification as an individual of exceptional ability, or as a member of the professions holding an advanced degree, that individual cannot qualify for a waiver just by demonstrating a degree of expertise significantly above that ordinarily encountered in their field of expertise. *See Dhanasar*, 26 I&N Dec. at 886 n.3.

addition, the record does not include a letter from Dr. R-Z- corroborating the Petitioner's claim or identifying their collaborative research projects. Unsupported assertions and speculation have no evidentiary value and are insufficient to establish a filing party has satisfied their burden of proof. *See Matter of Mariscal-Hernandez*, 28 I&N Dec. 666, 673 (BIA 2022).

The Petitioner also initially claimed that "[f]or the foreseeable future," he planned to continue "pursuing my proposed endeavor as a camera algorithm engineer at ." However, the Petitioner's updated statement provided in response to SCOPS' RFE does not explain how he plans to undertake his proposed research projects relating to " ," " ," and " " through his work as a camera software engineer at .

The Petitioner's RFE response included an "Employment Letter" from Dr. H-C-, Image and Video Processing Manager at , stating:

> [The Petitioner] holds a research-focused position, with approximately 30% of his time dedicated to advancing algorithms, which plays an essential role in every aspect of his work. His work involves developing and optimizing machine learning and deep learning algorithms for image and video processing and enhancement and algorithm acceleration. Through these efforts, [the Petitioner] contributes to innovations that produce high-quality photos and videos.

The "Employment Letter" from Dr. H-C- is not on 's letterhead and does not include the company's logo, physical address, or phone number. Further, the letter only briefly mentions the Petitioner's work dedicated to algorithm development and does not discuss his specific research projects relating to his proposed endeavor of using advanced deep learning and machine learning models in order to create efficient, safe, and well-performing AI pipelines. Accordingly, the Petitioner has not demonstrated how he would pursue his proposed endeavor while employed at [9] The record does not show 's support for the Petitioner's specific proposed endeavor rather than a broadly asserted letter. Thus, the Petitioner has not sufficiently established his ability to pursue his endeavor at and that he is well-positioned to advance it.

The record demonstrates that the Petitioner has conducted, published, and presented research relating to his graduate studies at , but he has not shown that this work renders him well positioned to advance his proposed endeavor. While we recognize that research must add information to the pool of knowledge in some way to be accepted for publication, presentation, funding, or academic credit, not every individual who has performed original research will be found to be well positioned to advance their proposed endeavor. Rather, we examine the factors set forth in *Dhanasar* to determine whether, for instance, the individual's progress towards achieving the goals of the proposed research, record of success in similar efforts, or generation of interest among relevant parties supports such a finding. *Id.* at 890. The Petitioner, however, has not sufficiently demonstrated that his graduate work constitutes a record of success or progress in AI research rendering him well positioned to advance his proposed endeavor. As the Petitioner has not demonstrated that he is well

[9] None of the Petitioner's research publications list his affiliation with

positioned to advance his proposed research endeavor, he has not established that he satisfies the second prong of the *Dhanasar* framework.

III. CONCLUSION

Because the documentation in the record does not establish that the Petitioner is well positioned to advance the proposed endeavor as required by the second prong of the *Dhanasar* precedent decision, he has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding his eligibility under the third prong outlined in *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

As the Petitioner has not met the requisite second prong of the *Dhanasar* analytical framework, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.