U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42195225

Date: APR. 22, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a chemist and postdoctoral researcher, 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 record did not establish that a waiver of the required job offer, and thus of a 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;
- The individual is well-positioned to advance their proposed endeavor; and

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner proposes to "develop high-performance materials and novel synthetic methods for diverse applications in energy conversion and storage in order to address the growing challenges of the energy crisis, carbon emissions, and environmental pollution." SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The sole issue to be determined 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. For the reasons 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

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of 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.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* At the time of filing, the Petitioner was employed as a postdoctoral researcher at [redacted]. He stated that he intends to continue his research on "developing high-performance materials and novel synthetic methods for diverse applications in energy conversion and storage." Specifically, he plans to "design and synthesize novel materials, develop rapid synthesis methods, and conduct comprehensive evaluations of material performance and environmental impact." He also indicated that he will "publish original chemistry research in peer-reviewed journals." SCOPS found that the Petitioner's proposed endeavor has both substantial merit and national importance. We agree with SCOPS that the Petitioner meets *Dhanasar*'s first prong.

B. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. *Matter of Dhanasar*, 26 I&N Dec. 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.*

In denying the petition, SCOPS concluded that the Petitioner did not demonstrate eligibility for a national interest waiver because he did not establish that he is well positioned to advance the proposed endeavor and that, on balance, it would be beneficial to the United States to waive the requirements

[2] The Petitioner earned a Doctor of Philosophy degree (Ph.D.) in chemistry from the [redacted] in 2023.

of a job offer and thus of a labor certification. On appeal, the Petitioner contends that SCOPS mischaracterized, diminished, or ignored "much of the evidence on record." The Petitioner further contends that SCOPS imposed "novel evidentiary requirements" and "an arbitrary and unreasonably heightened standard."

Upon de novo review, we conclude that the Petitioner has not demonstrated that he is well positioned to advance his specific proposed endeavor.

The Petitioner maintains that his "education, skills, and knowledge; record of success in related efforts; interest of relevant individuals; progress toward achieving the proposed endeavor; and plan for future activity in the field have positioned him well to advance" his proposed endeavor. The record includes documentation of the Petitioner's curriculum vitae, academic transcripts, personal statement, peer-reviewed journal articles, and Google Scholar citation record. The Petitioner also offered evidence of articles that cited to his published work, citation metrics, independent advisory opinions, letters of support, and industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

We acknowledge that the Petitioner holds an advanced degree in a science, technology, engineering, or mathematics (STEM) field which is tied to his proposed endeavor of developing "high-performance materials and novel synthetic methods for diverse applications in energy conversion and storage." We further recognize the Petitioner's assertion that his work falls within a critical and emerging technology area, and we again acknowledge the importance of progress in STEM fields and the role of individuals with advanced STEM degrees. Individuals with advanced STEM degrees particularly those holding a Ph.D., play key role in fostering progress, especially in areas vital to U.S. competitiveness and national security.[3] *See generally* 6 *USCIS Policy Manual* at F.5(D)(2), https://www.uscis.gov/policymanual. We therefore agree with the Petitioner that we consider his Ph.D. in a STEM field tied to his proposed endeavor to be an especially positive factor for establishing the second *Dhanasar* prong.

However, a degree, in and of itself, is not a basis to determine that a person is well positioned to advance the proposed endeavor. *Id.* When evaluated in the context of the full record, the Petitioner has not shown that he is well positioned to advance his proposed endeavor as contemplated by *Dhanasar*. In addition to education, we look at a variety of factors in determining whether a petitioner is well positioned to advance their proposed endeavor, and education is one factor among many that may contribute to such a finding. *Id.* In *Dhanasar*, the petitioner held three advanced degrees, including a Ph.D., tied to his proposed research which had significant implications for U.S. national security and competitiveness. To determine whether the petitioner was well positioned to continue to advance his proposed endeavor, we also favorably considered the significance of his research which had been corroborated by evidence as having peer and government interest; the significance of his role in his research projects; consistent funding from government agencies of his research projects; and his position with a U.S. university where he intended to conduct his proposed research work. *Dhanasar,* 26 I&N Dec. at 892-93. Here, while we recognize the Petitioner's advanced degree and the general

[3] "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 competitiveness or national security, an especially positive factor to be considered along with other evidence for purposes of the assessment under the second prong."

alignment of his academic background with his proposed research, an advanced degree and a record of publications are not, on their own, sufficient to demonstrate that the Petitioner is particularly well positioned to advance the proposed endeavor.

The Petitioner asserts that his research has resulted in 43 peer-reviewed journal articles, 10 of which list him as first-authored, and that these papers have been published in top journals within his field. He claims that his "publications have been cited a total of 1,363 times" at the time of filing. He also states that he has published in 26 "highly ranked peer-reviewed journals" and that other researchers have relied on his work to advance their own investigation. He further asserts that he has authored five papers "that rank among the top 1%, 11 papers that rank among the top 10%," as well as "11 papers that rank among the top 20% most-cited articles" within the field of chemistry for "their respective years of publication." However, the Petitioner did not indicate whether he factored in any self-citations in determining his percentile ranking.

The Petitioner also submitted data from Clarivate Analytics (CA) regarding baseline citation rates and percentiles by year of publication for different research fields, including chemistry. The documentation from CA cautions that "[c]itation frequency is highly skewed, with many infrequently cited papers and relatively few highly cited papers. Consequently, citation rates should not be interpreted as representing the central tendency of the distribution." We agree. The fact 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.

While we agree with the Petitioner that the citations, independent advisory opinions, and recommendation letters indicate some degree of interest in his research from his colleagues and peers in the field, this evidence alone is insufficient to demonstrate a level of interest or a record of research success that renders him well positioned. The Petitioner's citation record must be weighed alongside other qualitative indicators of impact and influence. Further, citation frequency, which may include self-citations, is quantitative in nature and does not reveal the reasons for the citations, which involve a qualitative analysis. The Petitioner therefore has not demonstrated that the number of citations received by his published journals and articles, in and of themselves, reflect a record of success in similar efforts to meet *Dhanasar's* second prong. Moreover, 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, expertise, and experience 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.

The record includes independent advisory opinions and letters of support discussing the Petitioner's research projects, including his work on single-atom catalysts related to different energy conversion reactions, the development of high-performance electrocatalysts for water electrolysters, and the degradation of pollutants in wastewater. The authors describe how other researchers have relied on the Petitioner's work and affirm his contributions to the field. However, while these letters are supportive in tone and positive factors, they generally lack specific and concrete examples demonstrating how the Petitioner's work has been adopted, applied in practical settings, or has

influenced his field besides being referenced in other researcher's work. The record also lacks evidence that the Petitioner's work has resulted in real-world applications or influenced academic or industry practices.

The Petitioner asserts that he has received funding from the [redacted]. However, the record lacks sufficient detail regarding the Petitioner's special role or responsibilities in securing funds from the [redacted], including whether he was the primary award recipient or principal investigator. While the record shows that the Petitioner participated in projects that received funding, it cannot be concluded that these awards are indicative of his individual merit or his capacity to independently advance significant research endeavors. By contrast, in *Dhanasar*, we noted that the petitioner had received "consistent" government funding of research projects in which he played a "significant" role, specifically that he initiated or was the primary award contact on several funded grant proposals and was the only listed researcher on many of the grants. *Id.* at 893, Fn. 11. Here, although the Petitioner's involvement in funded researches is favorable, the evidence submitted does not sufficiently demonstrate that the Petitioner is well positioned to independently secure funding or lead the advancement of his proposed endeavor.

The record demonstrates that the Petitioner has conducted, published, and presented research, but he has not shown that this work renders him well positioned to advance his proposed research. 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. Based on our de novo review, the record is insufficient to demonstrate that the Petitioner is well positioned to advance his proposed endeavor. In considering the record in totality, we, therefore, conclude that the Petitioner has not established that he is well positioned to advance the proposed endeavor.

C. Whether on Balance a Waiver is Beneficial

The third prong requires a petitioner to demonstrate that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. *Matter of Dhanasar*, 26 I&N Dec. 884. However, as the Petitioner has not established that he meets the second prong of the *Dhanasar* framework, the Petitioner has not shown that he is eligible for and otherwise merits a national interest waiver, and we therefore reserve the Petitioner's arguments with respect to this issue. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

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.

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.