U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42212511

Date: APR. 23, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an industrial engineer, 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 classification's job offer requirement, 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

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

Id.

II. ANALYSIS

SCOPS determined that the Petitioner was a member of the professions holding an advanced degree. Based on the evidence in the record that the Petitioner holds the foreign equivalent of a U.S. doctor of philosophy degree in transportation engineering awarded in 2021, we agree. The issue to be determined on appeal is whether the Petitioner qualifies for a national interest waiver under the analytical framework set forth in *Matter of Dhanasar*.

The Petitioner states that she is an expert in the field of industrial engineering and "a leader in this area through applying advanced artificial intelligence and machine learning for predictive maintenance." She completed her education in China, earning her undergraduate degree in materials engineering, as well as graduate degrees, with a master's degree in engineering management and a doctoral degree in transportation engineering. Following her doctoral program in 2021, she worked as a researcher and assistant professor with multiple U.S. universities.

With the initial filing, the Petitioner stated that her proposed endeavor "is to continue improving intelligent algorithms and extending their applications to reliability issues of industrial equipment and multi-disciplinary systems." The Petitioner stated that she plans to pursue her proposed endeavor through her ongoing and future research in integrating artificial intelligence (AI) and machine learning (ML) in maintenance and reliability engineering.

After reviewing the Petitioner's initial filing, as well as evidence submitted in response to a request for evidence (RFE), SCOPS determined the Petitioner had submitted sufficient evidence to demonstrate that her proposed endeavor has substantial merit and national importance. However, SCOPS concluded the Petitioner did not establish that she is well positioned to advance her proposed endeavor, or that, on balance, waiving the job offer requirement would benefit the United States. SCOPS noted that the record did not demonstrate that the Petitioner's research findings were frequently cited by independent researchers, that she had a record of success advancing research related to her proposed endeavor, or that her work had influenced the field of industrial engineering.

On appeal, the Petitioner asserts that SCOPS did not consider the "totality of circumstances" and improperly applied the *Dhanasar* framework. We disagree with the Petitioner's assessment of SCOPS' decision. To determine whether a petitioner has met their burden under the preponderance of the evidence standard, we consider not only the quantity, but also the quality (including relevance,

[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).

probative value, and credibility) of the evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.; *see also Matter of E-M-*, 20 I&N Dec. 77, 79- 80 (Comm'r 1989). Here, SCOPS acknowledged documents submitted in attempt to demonstrate that the Petitioner is well positioned to advance her proposed endeavor. Based on the record, SCOPS' decision is a reasoned interpretation and consideration of the evidence. The evidence in the record does not support the Petitioner's assertions that her education, skills, knowledge, record of success, and research plan, including progress toward advancing and interest in her research, "strongly support her ability to advance her proposed endeavor."

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.*

With the initial filing, the Petitioner asserted that her proposed endeavor of research in the field of industrial and reliability engineering has substantial merit "because it addresses critical aspects of predictive maintenance, essential for minimizing downtime and reducing costs in the global industry." She further asserted that her proposed endeavor has national importance "as it addresses the pressing challenge of unplanned downtime in the American industrial sector, contributing to increased operational efficiency and safeguarding revenue for U.S.-based companies."

The record includes articles and industry reports discussing the importance of updating industrial maintenance strategies, to include predictive maintenance and AI for reliability, and cost and energy efficiency. The Petitioner asserts that because her endeavor aligns directly with national research priorities, such as U.S. competitiveness, energy, and infrastructure, she established the national importance of her proposed endeavor.

As noted above, SCOPS determined that the record established that the Petitioner's proposed endeavor has both substantial merit and national importance. However, SCOPS provided no discussion or analysis of the evidence in the record in support of this prong of the *Dhanasar* framework in its decision or in the RFE.

As we will discuss below, the Petitioner has not satisfied the requirements of *Dhanasar's* second prong. Therefore, the petition cannot be approved. As such, we will reserve our determination of the Petitioner's eligibility under the first prong and will not address this portion of SCOPS' decision further. *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). This should not be construed as agreement that the Petitioner has satisfied this requirement.

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.*

The record contains a personal statement, a curriculum vitae, educational credentials, recommendation letters, articles and abstracts, citatory evidence, and peer review activity. 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 her proposed research under *Dhanasar*'s second prong.

We acknowledge the Petitioner's education, including her doctoral degree in transportation engineering and her post-doctoral fellowship in industrial engineering at the [redacted] Although the Petitioner's advanced degree in a science, technology, engineering, or mathematics field is a positive factor, it is not a sufficient basis to determine that she is well positioned to advance the proposed endeavor. *See 6 USCIS Policy Manual* F.5(D)(4), https://www.uscis .gov/policymanual. Rather, we look to a variety of factors and education is merely one among many that may contribute to such a determination.

The letters supporting the petition reference the Petitioner's research projects.[2] A letter of support from an associate professor at the [redacted] states that the Petitioner "has advanced the field of industrial engineering in meaningful and substantial ways." The associate professor states that the Petitioner's "record of publications and citations" demonstrate the impact and significance of her work. However, as SCOPS noted in the decision, the letter does not discuss how the Petitioner's research has influenced the field of endeavor to demonstrate the significance of her work and show that her work constitutes a record of success.

On appeal, the Petitioner disagrees with SCOPS' analysis of this letter, stating that the associate professor provided "two specific real-world examples" of the "practical transferability" of the Petitioner's work. While we acknowledge that the letter does describe the Petitioner's research on the successful use of aerial imaging to evaluate public buildings to detect roof leakage, it does not demonstrate that the Petitioner's work is a *record* of success. The letter also states that the Petitioner "applied similar image-based methods in agriculture, aiming to detect agricultural pests and crop disease, as well as conduct crop growth analysis." However, the letter does not mention the research's level of success or influence on the field of reliability and industrial engineering.

In a letter submitted on appeal, a professor, and the Petitioner's advisor at the [redacted] stated that the Petitioner's real-world applications of AI "have advanced the global reliability community and gained wide international recognition." However, beyond mentioning the number of citations to her work, the professor does not offer specific examples indicating the Petitioner's work

[2] While we discuss a sampling of these letters, we have reviewed and considered each one.

has affected the field or otherwise represents a record of success or progress rendering her well positioned to advance the proposed endeavor.

In another letter submitted on appeal, the founder and chief executive officer of a data solutions company analyzes the Petitioner's publications and concludes that she "has distinguished herself from her peers through her preeminent contributions, advancing the field and opening new directions for future exploration." Although the author describes the Petitioner's research as outlined in three of her published articles, he also does not offer specific examples of how the Petitioner's work has affected the field. He does not elaborate on the extent to which the Petitioner's specific findings are being utilized to improve the field of reliability and industrial engineering.

As for the Petitioner's citatory record, she has not shown that a notable number of the citing authors placed unusual reliance on her work, resulting in a significant impact within the field. Citation frequency which is quantitative in nature does not reveal the reasons for 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 her work has impacted or advanced the field of endeavor in such a way that renders her well positioned. Researchers throughout a given field may cite other published works without the cited work being notably influential or serving as a foundational basis for their own work. Even though others within the Petitioner's field may have relied on her research findings within their own work, this is not sufficient to demonstrate that her contributions to the field make her well positioned to advance her proposed endeavor as contemplated by *Dhanasar*. The Petitioner has not established that the number of citations received by her published articles reflect a level of interest in her work from relevant parties sufficient to meet *Dhanasar*'s second prong. Further, 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." *Id.* at 893.

The Petitioner also highlights her participation in government-funded projects, including projects in China and the United States. The Petitioner references a letter from her professor during her doctoral studies, stating that she made "significant contributions" to "two national-level research projects funded by the National Natural Science Foundation of China." The letter further states, "Although she was not listed as a direct recipient of the funding, her work was nevertheless essential to the project execution." The Petitioner also references a letter from her supervising professor during her post-doctoral research fellowship that lists "preparing and submitting grant proposals" among her duties.

In *Dhanasar*, the record established the petitioner "initiated" or was "the primary award contact on several funded grant proposals" and he was "the only listed researcher on many of the grants." *Id.* at 893, Fn.11. While the Petitioner may have played an important role in research and the success of the funded projects, the record does not establish that the Petitioner directed the projects. The record does not show the Petitioner was mainly responsible for obtaining funding for the research projects.

On appeal, the Petitioner states that she submitted a proposal to the [redacted] ([redacted]) "as the sole Principal Investigator, demonstrating her ability to independently lead federally

aligned research efforts." A printout of the Petitioner's account with the [redacted] reflects the submission of a project titled [redacted]…," by [redacted] on [redacted], 2025. However, this submission was after the date of filing this petition in 2024. A petitioner must establish the elements for approval of the petition at the time of filing the original petition. 8 C.F.R. § 103.2(b)(1), (12). A petition cannot be approved at a future date after a petitioner becomes eligible under a new set of facts. *See Matter of Katigbak,* 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). We generally do not "consider facts that come into being only subsequent to the filing of a petition." *Matter of Izummi,* 22 I&N Dec. 169, 176 (Assoc. Comm'r 1998)(citing *Matter of Bardouille,* 18 I&N Dec. 114 (BIA 1981)).

The record demonstrates the Petitioner has conducted and published research while pursuing her education, but she has not shown this work renders her well positioned to advance her proposed research. While we recognize that research must add information to the pool of knowledge in some way in order 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. *Matter of Dhanasar*, 26 I&N Dec. at 890. The Petitioner, however, has not sufficiently demonstrated that her work has served as an impetus for progress in the field or it has generated substantial positive discourse in academic community. Nor does the evidence otherwise show her work constitutes a record of success or progress in advancing her research. As the Petitioner has not demonstrated that she is well positioned to advance her proposed research endeavor, she has not established that she satisfies the second prong of the *Dhanasar* framework.

Because the Petitioner has not established she is well positioned to advance her proposed endeavor as required by the second prong of the *Dhanasar* precedent decision, she has not demonstrated eligibility for a national interest waiver. This basis for denial is dispositive of the Petitioner's appeal, and we decline to reach and hereby reserve the Petitioner's appellate arguments regarding her eligibility under the third prong. *See INS v. Bagamasbad*, 429 U.S. 24 at 25.

III. CONCLUSION

As the Petitioner has not met all of the requisite three prongs set forth in the *Dhanasar* analytical framework, we conclude that she has not established she 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.