U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41623887

Date: APR. 29, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a research 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* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish the Petitioner was eligible for a national interest waiver. 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, petitioners 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 petitioners establish eligibility for the underlying EB-2 visa 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.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner received his doctorate degree in mechanical engineering in 2021 from the [redacted]. After graduating, he began working as a postdoctoral research associate at the [redacted] and then [redacted] until 2023. He was approved for H-1B status in July 2023, and according to the Petitioner, he is currently working at the [redacted], which he states is operated by his employer [redacted].

SCOPS properly determined the Petitioner met the underlying requirements for EB-2 classification as an advanced degree professional. The remaining issue is whether he has established he merits a discretionary waiver of the job offer requirement "in the national interest."

A. Substantial Merit and National Importance

SCOPS found that the Petitioner established the substantial merit of his proposed endeavor but not its national importance. We conclude the Petitioner has demonstrated both the substantial merit and the national importance of his proposed endeavor and has met *Dhanasar's* first prong.

The Petitioner's proposed endeavor is to, through his role as a research engineer at the [redacted][2] continue his research on modeling, developing, and optimizing Heating, Ventilating, Air Conditioning, and Refrigeration (HVAC&R) systems to bolster the energy efficiency of buildings in order to reduce greenhouse gas emissions. In response to SCOPS' request for evidence, the Petitioner specified that he will develop Large Language Model (LLM)-based tools to automate and validate HVAC control logic; advance sensor technologies for improved refrigerant leak detection and safety in systems utilizing natural refrigerants, and design cost-effective thermal management solutions for Battery Energy Storage Systems (BESS).

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. In the underlying record, the Petitioner submitted two recommendation letters, both dated December 2023, from his thesis advisor, the co-director of the Center for Environmental Energy Engineering at the [redacted], and the head of mechanical engineering at [redacted]. These authors, holding senior positions in

[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); *see generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual.

[2] The Petitioner's personal statement, dated November 2023, also states that this proposed endeavor is distinct from his position of employment.

academia, describe the importance of HVAC system innovations in addressing energy inefficiency and contributing to areas of renewable energy and machine learning, which directly benefits the U.S. by advancing sustainable building practices, reducing greenhouse gas emissions, and enhancing energy security. The Petitioner also included a July 2025 letter from a former technology manager and program analyst at the [redacted] ([redacted]) who explains that the Petitioner's research in enhancing HVAC equipment has the potential to lower utility costs and energy grid burdens, enhancing our national security and accelerating U.S. industrial innovations. The Petitioner also submitted corroborating articles showing the [redacted]'s interest in building control measures as it relates to energy consumption. The Petitioner further explains that his research would be disseminated to others through professional journals and conferences and would have potentially broader implications in the field.

On appeal, the Petitioner also asserts that his proposed endeavor involves innovating building systems and energy technologies and has Artificial Intelligence (AI)-driven engineering applications, thereby advancing Science, Technology, Engineering, or Mathematics (STEM) technologies, which is of immense value to the United States. We agree that USCIS recognizes the importance of progress in STEM fields and the essential role of persons with advanced STEM degrees in fostering this progress, especially in STEM areas important to U.S. competitiveness. *See generally* 6 USCIS Policy Manual F.5(D)(4), https://www.uscis.gov/policymanual.

Looking at the evidence in its totality, the Petitioner has sufficiently demonstrated by a preponderance of the evidence that his proposed endeavor of researching, modeling, developing, and optimizing HVAC&R systems to bolster energy efficiency is of national importance.

B. Well Positioned to Advance the Proposed Endeavor

SCOPS also concluded, without any analysis, that the Petitioner was well-positioned to advance his proposed endeavor, meeting the requirements of *Dhanasar's* second prong. We disagree and withdraw SCOPS determination to the contrary.

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 petitioners are well positioned to advance their 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 Petitioner's education, skills, and knowledge are positive factors in support of his position to advance the proposed endeavor. *Id.* The Petitioner has demonstrated that he holds a doctorate degree in mechanical engineering from the [redacted]. However, a degree is but one factor we consider in determining whether a person is well positioned to advance the proposed endeavor. *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(3) (providing, as guidance, that we look to a variety of factors and education is merely one among many that may contribute to whether an individual is well-positioned to advance their proposed endeavor). In support of his knowledge and skills, the Petitioner highlights his work as a peer reviewer, claiming that only the most highly esteemed researchers in the field are invited to evaluate the work of their peers. However, the

Petitioner does not submit the requirements he had to meet to become a reviewer to support these statements and the Petitioner's evidence does not corroborate such claimed expertise.

We also consider whether the Petitioner has had a record of success in related or similar efforts or made any progress towards achieving the proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 890. The Petitioner submitted recommendation letters as supporting his record of success. In *Dhanasar*, we considered favorably that the petitioner provided letters authored by established experts in the field who described the petitioner's research in detail and attested to the petitioner's expertise in the field. *Matter of Dhanasar*, 26 I&N Dec. at 892. Here, the Petitioner's recommendation letters discuss his experience. For example, his thesis advisor discusses his work in designing HVAC systems, developing and testing thermoelectric system prototypes, and developing physics-based and data-driven models. However, the Petitioner's advisor does not provide corroboration for the Petitioner's claimed expertise. Nor does his advisor highlight his achievements or provide details on how his work has influenced the field. Rather, the advisor summarily states that the Petitioner's research advanced the field of mechanical engineering and revolutionized the field through innovative research technologies, without providing sufficient detail explaining how he advanced or revolutionized the field to demonstrate the significance of the Petitioner's past research or work or progress in his proposed endeavor. In another recommendation letter, the professor at [redacted] claims that he relied on the Petitioner's research findings in the development of his own methodology but does not explain what findings he relied upon and whether the Petitioner's work has been adopted by the field such that he would be well positioned to advance the proposed endeavor. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3) (providing, as guidance, that letters from experts in the person's field should describe the person's past achievements and provide *specific examples* of how the person is well positioned to advance the proposed endeavor) (emphasis added).

In further support of his record of success, the Petitioner also provided abstracts of ten peer-reviewed journal articles he has first-authored, two he co-authored, and a book chapter he first authored. He claims two of his articles were in journals ranked second and ninth in thermal sciences. He provides a Google Scholar printout for thermal sciences, but the printout does not contain an explanation of the methodology of the ranking system or what the value assigned to the journals represent. He also provided his Google Scholar profile evidencing his articles have been cited 120 times. He claims one of his articles is ranked among the top 10% cited across all of engineering. However, the Petitioner does not submit evidence demonstrating that the baseline citation rates from engineering apply similarly to his field. Further, the Petitioner did not provide context for his citation rate to demonstrate it amounts to a strong citation history or that it has generated interest among others in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3). Moreover, 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 also submitted abstracts and parts of articles citing his studies. However, the articles cite data compiled in his study, and/or summarize the findings of his study in a sentence or two without more discussion. Beyond having been cited by others in their published works, the articles do not demonstrate positive discourse around, or adoption of, the Petitioner's work by others in the field to establish a record of success or progress towards achieving his proposed endeavor. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3) (providing, as guidance, a petitioner may establish he is well-positioned by including evidence such as excerpts of published articles showing positive

discourse around, or adoption of, the person's work, or achievements in the field or how the person's work is being used).

We also consider a petitioner's model or plan for future activities and the interest of potential customers, users, investors, or other relevant entities or individuals in assessing whether a petitioner is well positioned to advance his proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 890; *see generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3) (providing, as guidance, the business plan should be detailed and include relevant supporting evidence when appropriate). Here, the Petitioner stated in his personal statement dated July 2025 that he intends to continue his research at the [redacted] and publish his findings. However, he has not provided documentary evidence establishing his ability to continue his current employment. *See id* at F.5(D)(5) (providing, as guidance, documentation reflecting feasible plans for financial support may demonstrate an individual is well-positioned to advance their endeavor). Moreover, the record does not contain evidence that his work at the [redacted] will align with his proposed endeavor to demonstrate he is well-positioned to advance the endeavor.

The Petitioner's statement also claims his proposed endeavor is distinct from his employment. However, he has not demonstrated how he would advance the proposed endeavor without his employment at [redacted]. For example, he has not established that he has received any funding for his proposed endeavor. The funding for the Petitioner's past research by the DOE, for instance, was awarded to the Petitioner's prior and current employer. By contrast, in *Dhanasar*, we noted that the petitioner had received "consistent" government funding of research projects in which he played a "significant" role. *Matter of Dhanasar*, 26 I&N Dec. at 892. Specifically, we noted 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. The record does not similarly support the Petitioner's prospective future funding. As a result, the Petitioner has not met his burden to demonstrate feasible plans for financial support.

In considering the record in totality, we 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. at 890-91. In performing this analysis, we may evaluate factors such as: whether, in light of the nature of the individual's qualifications or the proposed endeavor, it would be impractical either for them to secure a job offer or to obtain a labor certification; whether, even assuming that other qualified U.S. workers are available, the United States would still benefit from their contributions; and whether the national interest in their contributions is sufficiently urgent to warrant forgoing the labor certification process. *Id.* In each case, the factor(s) considered must, taken together, establish 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. *Id.* at 891.

Here, the Petitioner claims that he is eligible for a waiver due to his federally funded research, his peer reviewed publications, his presentations of his research, his recommendation letters, the importance

of his field, his current research, and the impracticality of labor certification. However, as the Petitioner has not established that he is well positioned to advance his proposed endeavor as required by the second prong of the *Dhanasar* framework, he is not eligible for a national interest waiver and further discussion of the balancing factors under the third prong would serve no meaningful purpose. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3) (providing, as guidance, officers proceed with the analysis of the third prong after determining the petitioner met the first two prongs). We will therefore reserve the Petitioner's arguments regarding SCOPS' determination that he also did not establish eligibility for a national interest waiver under *Dhanasar's* third prong. *See INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions 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

The Petitioner has not established his eligibility for a national interest waiver.

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.