U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37599899

Date: AUG. 7, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a postdoctoral medical 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).

SCOPS denied the petition. SCOPS determined that the Petitioner qualifies as a member of the professions holding an advanced degree. However, SCOPS concluded that the record does not establish that a waiver of the job offer requirement, 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;

[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 the proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner described the proposed endeavor as a plan to continue her postdoctoral medical research at a hospital and a medical school. Her research has "focused on advancing our understanding of the prognosis and treatment of peritoneal carcinomatosis derived from appendiceal and ovarian tumors [and] studying the role of cytoreduction (the reduction of tumor size through surgery), coupled with hyperthermic chemotherapy (CRS/HIPEC)." The Petitioner elaborated that her active research projects include, but are not limited to, studying "the knowledge gap surrounding the role of zinc deficiency during lung injury and sepsis/ARDS, elucidating the intricate relationship between circulating zinc levels and sepsis-related acute respiratory distress syndrome (ARDS)." The Petitioner also described the significance of her particular research endeavors, based on preclinical studies indicating a correlation between lower zinc levels and increased lung injury, warranting further understanding.

In addition to determining that the Petitioner qualifies for second preference classification as a member of the professions holding an advanced degree, SCOPS also concluded that the proposed endeavor has substantial merit. We agree with these determinations. However, SCOPS determined that the record does not establish that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; that the Petitioner is well-positioned to advance the proposed endeavor, as required by the second *Dhanasar* prong; and 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, as contemplated by the third *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90.

For the reasons discussed below, we conclude that the proposed endeavor has both substantial merit and national importance, as required by the first *Dhanasar* prong; however, the record does not establish that the Petitioner is well-positioned to advance the proposed endeavor, as required by the second *Dhanasar* prong. *See id.* Because the record does not satisfy the second *Dhanasar* prong, which is dispositive, we reserve our opinion regarding whether it would be beneficial to the United States to waive the requirements of a job offer and, thus, of a labor certification, as contemplated by the third *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90; *see also INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

A. National Importance

In determining whether the proposed endeavor has national importance, we focus on "the specific endeavor that the foreign national proposes to undertake" and consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n endeavor that has significant potential to employ U.S. workers or has other substantial

positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890. Additionally, we recognize the importance of progress in science, technology, engineering, and mathematics (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.[2]

SCOPS determined the Petitioner's proposed endeavor does not have national importance, essentially, because she had not established how her prospective research "would operate on such a large scale, and sufficiently affect or advance the field or industry more broadly (or have wider implications in the field), . . . improve or resolve a national shortage, create hundreds of jobs, produce an impact rising to the level of national importance, or trigger substantial positive economic impacts."

Upon de novo review, we determine that, contrary to SCOPS' conclusions, the record establishes the proposed endeavor has national importance, as required in part by the first *Dhanasar* prong. More specifically, the record establishes that postdoctoral medical research to which the Petitioner has contributed has had national or even global implications within the fields of medical research and the practice of medicine through the type of medical advances specifically contemplated by the first *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889. Based on the record, the Petitioner's prospective endeavor will, more likely than not, have national importance. *See id.*; *see also* Matter *of Chawathe*, 25 I&N Dec. at 376 (describing petitioners' burden of proof as establishing a claim is "more likely than not" true). Therefore, we withdraw SCOPS' conclusion to the contrary.

B. Well-Positioned to Advance the Proposed Endeavor

The second *Dhanasar* prong shifts the focus from the proposed endeavor to the individual pursuing it. To determine whether an individual is well-positioned to advance the proposed endeavor, we consider factors including, but not limited to: 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. *See Matter of Dhanasar*, 26 I&N Dec. at 890.

The Petitioner submitted information regarding her education, including her foreign Doctor of Medicine degree and a probative academic evaluation. We consider the Petitioner's Doctor of Medicine degree in a STEM field tied to her proposed endeavor to be an especially positive factor for establishing the second *Dhanasar* prong.[3] *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policymanual. However, when considered with other evidence in the record, the Petitioner has not shown that she is well-positioned to advance her proposed endeavor as contemplated by *Dhanasar*.

2 We acknowledge that the Petitioner has an advanced degree in a STEM field.

3 The academic evaluation determines the Petitioner's foreign Doctor of Medicine degree is "equivalent of a Doctor of Medicine [d]egree from an accredited US college or university." *See* 8 C.F.R. § 204.5(k)(2) (defining an "advanced degree," in relevant part, as "any United States academic or professional degree or a foreign equivalent degree above that of a baccalaureate").

The record contains information regarding prior research to which the Petitioner has contributed, including publication and citation information. The Petitioner also submitted personal statements describing her plan for future activities, and letters of recommendation from other medical researchers.

SCOPS acknowledged the information in the record; however, SCOPS observed that the record indicates the Petitioner's prior research activities were collaborative and that she often was not among the top authors credited for the research findings. SCOPS also noted that the record provides limited information regarding her research funding. Based on those and similar issues, SCOPS concluded that the record does not establish the Petitioner is well-positioned to advance the proposed endeavor.

On appeal, the Petitioner reasserts that her education, skills, and knowledge demonstrate she is well-positioned to advance the proposed endeavor. She also restates that her personal statements regarding her research projects indicate the proposed endeavor entails "extensions of her current and previous work—therefore clearly showing that her previous work would show that she is well-positioned." She also reasserts that the letters of recommendation establish she is well-positioned to advance the proposed endeavor, having "played a critical role in much of her research . . . listed as first author on four of her publications."

The Petitioner has not established that she is well-positioned to advance the proposed endeavor for several reasons. First, the record does not establish how the Petitioner's proposed endeavor would be funded. In *Dhanasar*, we highlighted that "the sustained interest of and funding from government entities . . . position [that petitioner] well to continue to advance his proposed endeavor of hypersonic technology research." *See Matter of Dhanasar*, 26 I&N Dec. at 892-93. In contrast, in this case the record does not establish funding from any particular source for the prospective research the Petitioner proposes to conduct as her proposed endeavor. The lack of prospective funding provides little support for determining the proposed endeavor has the level of interest of potential customers, users, investors, or other relevant entities or individuals that would make the Petitioner well-positioned to advance the proposed endeavor.

Second, although the Petitioner submitted personal statements that describe her prior research and indicate that she intends to continue conducting similar research, her personal statements provide few details regarding how she plans to accomplish her general objectives. For example, neither the Petitioner's personal statements nor the remainder of the record establish when the Petitioner anticipates securing funding, conducting certain phases of research, preparing information for publication, and other details about the proposed research that forms the type of model or plan for future activities contemplated by the second *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 890. Without more, the Petitioner's generalized intention to contribute to research similar to research that she has already conducted does not present a strong indication of a model or plan for future activities.

Third, we acknowledge that the Petitioner's academic history and prior research are relevant to the proposed endeavor. However, as SCOPS addressed, the record provides insufficient information regarding her record of success in related or similar efforts. The Petitioner provides information regarding nine research articles she authored or co-authored, published between 2019 and 2024; however, the record does not establish the significance of authoring or co-authoring nine publications in a five-year period, as compared to other medical researchers. For example, the record establishes

that some of the Petitioner's co-authors have 248 published articles with 6,238 citations, and 73 published articles with 452 citations, respectively, albeit in unspecified date ranges. Additionally, as SCOPS observed, the Petitioner's role in many of those research articles appears attenuated, as she is listed as the fourth, sixth (twice), seventh, 10th, and 11th credited researcher for six of them. Although the Petitioner asserts on appeal that she was the first credited researcher for four articles, the record establishes she was the first credited researcher for only three of the articles she listed on her curriculum vitae. Similarly, the record establishes the Petitioner was the first credited researcher for only two of five conference presentations.

The record contains citation information for the Petitioner's articles, which she asserts is from Google Scholar; however, the one-page document itself does not indicate what its source is, which casts doubt on whether it is what the Petitioner purports it to be. *See, e.g., Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988). Beyond the issue of whether the citation information is from Google Scholar, it provides little support for the conclusion that the Petitioner's citation rate positions her well to advance her proposed endeavor. For example, among the three articles for which the Petitioner is the first credited author, those articles received 16, eight, and zero citations between 2019 and the time the Petitioner filed the Form I-140, Immigrant Petition for Alien Workers, in 2024. Most of the Petitioner's citations are for two articles for which she is not among the first three credited authors. The record does not clarify whether some or all of the citations are self-citations or citations by the co-authors of the Petitioner's articles, rather than from unaffiliated researchers not already familiar with the articles' findings. Moreover, the record does not contextualize the citations the Petitioner received, to indicate whether citing researchers deem those articles favorably or otherwise. Pursuant to the USCIS Policy Manual, documentation demonstrating a strong citation history of a petitioner's work or excerpts of published articles showing positive discourse around, or adoption of, the petitioner's work are types of evidence that may demonstrate that a petitioner is well positioned to advance a proposed endeavor. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policymanual. Here, the Petitioner has not demonstrated that her citation record or discourse around or adoption of her published works reflect a record of success sufficient to meet *Dhanasar*'s second prong.

Finally, we acknowledge that the Petitioner submitted letters of recommendation from other medical researchers. However, the letters of recommendation generally indicate that the Petitioner has performed a support role in much of her research projects and activities. Relatedly, as noted above, the three articles for which the Petitioner was a credited researcher received few or no citations at the time she filed the Form I-140, which does not demonstrate much success in similar efforts, or interest from other relevant individuals. *See Matter of Dhanasar*, 26 I&N Dec. at 890. Although the letters of recommendation support the conclusion that the Petitioner has assisted—and is likely to continue assisting—other researchers in their research projects, they do not support the conclusion that the Petitioner is well-positioned to advance the proposed endeavor.

Considering the totality of circumstances, the Petitioner has not demonstrated by a preponderance of the evidence that she is well-positioned to advance her proposed endeavor; thus, she has not established that she satisfies the second prong of the *Dhanasar* framework.

III. CONCLUSION

As the record does not establish the Petitioner is well-positioned to advance the proposed endeavor, we conclude that the Petitioner has not established eligibility 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.