U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41003310

Date: AUG. 21, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a physician 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).

USCIS denied the petition, concluding that the record did not establish that a waiver of the job offer requirement is 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.

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

II. ANALYSIS

USCIS determined that the Petitioner qualifies for the EB-2 classification as an advanced degree professional. Based on the evidence in the record that the Petitioner has obtained the foreign equivalent of a first professional degree in medicine, we agree. The issue on appeal is whether the Petitioner has established that a waiver of the job offer requirement, and thus of a labor certification, would be in the national interest under the analytical framework set forth in *Matter of Dhanasar*.

USCIS found that the Petitioner established both the substantial merit and the national importance of the proposed endeavor. However, USCIS found that the Petitioner did not establish that she is well-positioned to advance the proposed endeavor, or that, on balance, a waiver of the job offer requirement would benefit the United States. Based on our de novo review of the record, we agree with USCIS that the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Matter of Dhanasar*. Specifically, we agree that the Petitioner has not sufficiently demonstrated that she is well-positioned to advance the proposed endeavor as required by the second *Dhanasar* prong, and we will dismiss the appeal on that basis.

The Petitioner's proposed endeavor is to continue researching cancer treatment strategies by identifying therapeutic targets in cancer cells, developing and improving immunotherapy strategies, and optimizing radio-oncology techniques in order to improve patient outcomes. The Petitioner states that her planned research topics include investigating cancer signaling pathways and conducting translational research in cancer immunotherapy and radio-oncology. At the time of filing, the Petitioner claimed to be earning a master's degree in cancer and cell biology from the [redacted] She states that upon completing her degree, she intends to pursue a position as a medical resident.

On appeal, the Petitioner claims that USCIS made various errors in analyzing the second prong. For example, the Petitioner claims that USCIS erred by treating evidence of receipt of funding as required, erred by finding that the record does not show the Petitioner's impact or influence on the field, and erred by dismissing the letters of support without sufficient analysis. The Petitioner also claims that USCIS misunderstood the evidence relating to citation frequency statistics and their significance. Overall, the Petitioner asserts that USCIS used a heightened standard, improperly dismissed much of the evidence submitted, and that the record establishes that she is well-positioned to advance the proposed endeavor.

While the first prong of the *Dhanasar* framework focuses on the specific endeavor, the second prong shifts the focus from the proposed endeavor to the individual and whether they are well-positioned to advance it. *Id.* at 890. In determining whether a petitioner is well-positioned to advance their proposed endeavor, we consider factors including but not limited to: the individual's 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.*

We first consider the Petitioner's education, skills, knowledge, and record of success in related or similar efforts. The record shows that the Petitioner has obtained the equivalent of a first professional degree in medicine. Additionally, the Petitioner asserts that her graduate work in cancer and cell biology at the [redacted] has contributed to her knowledge and skills in cancer research. Finally, the Petitioner contends that her record of success in related or similar efforts is demonstrated in her publication history and citation record. She claims that her work has been influential to the field because it has been published in "notable journals" and highly cited, specifically claiming that ten of her papers are ranked in the top 10% most cited in the field in their publication years.

We conclude that the record does not sufficiently demonstrate the Petitioner's skills, knowledge, and record of success in related or similar efforts. Regarding the Petitioner's education, although we agree that the Petitioner's degree in medicine is a positive factor, we note that the record lacks evidence regarding the Petitioner's claimed master's degree program in cancer and cell biology at the [redacted] Although some of her support letters are from professors who claim to have worked with or supervised the Petitioner, the record does not contain documentary evidence of the Petitioner's admission to or enrollment in a master's degree program at the [redacted] A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without official academic records, such as a master's degree transcript, the Petitioner has not provided sufficient evidence or information about this program to establish that it has furthered her skills and knowledge in the field.

The Petitioner heavily emphasizes her citation record and claims that her work is highly cited in her field, both before USCIS and on appeal. Additionally, she claims that USCIS misunderstood the citation statistics provided. For several reasons, however, we conclude that the evidence in the record regarding the Petitioner's authorship of articles does not sufficiently demonstrate a record of success in related or similar efforts to the proposed endeavor.

First, the Petitioner's most cited works, and the ones which the Petitioner claims demonstrate her record of success in the field, are review articles or meta-analyses in which the Petitioner is listed as one of numerous co-authors. For example, in the article which has received the most citations on the Petitioner's Google Scholar (GS) page, the Petitioner is the sixth-listed of ten authors in a meta-analysis of studies on particular gene variations and lung cancer risk. The abstract of the article states that "[a] total of 23 studies…were identified" for review," which were "gathered by retrieving PubMed, Web of Science, Embase, Wan Fang, and CNKI." The abstract concludes that the studies did not show the variants' association with lung cancer but that "well-designed large case-control studies with different ethnicities are recommended." The article which has received the second-most citations on her GS page is a review article on the use of artificial intelligence (AI) in breast cancer detection and treatment, in which the Petitioner is the eighth-listed of twelve authors. The abstract of the article states that it "offers a thorough analysis of previous academic studies on the use of AI in breast cancer." However, it appears to be a narrative article in nature, in that it does not provide a stated methodology or explain the protocols of the review. The articles, therefore, primarily demonstrate the Petitioner's involvement in summarizing the research of others. They do not demonstrate that the Petitioner has conducted her own original, primary research and published findings of that research. The Petitioner has not established that citations to these review articles reflect positive discourse around, or adoption of, her work, nor has she demonstrated that by

summarizing the work of others, she herself has influenced the field of endeavor. *See* 6 *USCIS Policy Manual* F.5(D)(3), http://www.uscis.gov/policy-manual.

Second, the record does not sufficiently demonstrate the Petitioner's specific contributions to be these articles. As noted above, the Petitioner is listed as one of numerous authors in these works, and the record does not provide context to clarify the Petitioner's role in conducting these reviews or writing these articles. Although the Petitioner provided numerous letters of support, it does not appear that the writers of the letters were collaborators in these works. Some of the letter writers discuss the Petitioner's review articles, but the writers do not appear to have been involved in those reviews. Instead, they summarize the articles, and in some cases summarize other papers that have cited to those articles. For example, Professor [redacted] at the [redacted] describes the review article on gene variants and lung cancer risk and describes another paper which cited to this article. Based on this, Professor [redacted] claims that the Petitioner's work is valuable and important to the field. However, Professor [redacted] does not offer insight into the Petitioner's specific contributions to the article and does not provide specifics that would establish how this review work has been important to the field. Although the Petitioner's GS page reflects that she has been credited as a co-author of numerous articles in a short period of time, specifically 28 articles in 2024 alone, the record lacks sufficient probative, credible evidence that would establish the specifics of the Petitioner's contributions to this number of articles and therefore demonstrate positive discourse around or adoption of the Petitioner's work. *See* 6 *USCIS Policy Manual, supra.*

Some of the letter writers do describe collaborating with the Petitioner on research projects. For example, Professor [redacted] at the [redacted] claims that the Petitioner, under Professor [redacted] supervision, investigated the role of epithelial-mesenchymal transition (EMT) in mediating radiotherapy resistance in head and neck cancers. However, the record does not establish whether these research projects resulted in publication, and the projects do not appear to be connected to the works for which the Petitioner claims to be "highly cited" in the field. The record does not contain other documentary evidence that would establish whether those research projects were successful or otherwise impactful in the field.

Finally, we note that some of the cited articles listed on the GS page do not relate to cancer research. For example, two of the Petitioner's most cited articles relate to respiratory system disorders in newborns and childhood obesity. The record does not establish how these works reflect success in a "related or similar effort" to the proposed endeavor. Overall, because the evidence in the record shows that 1) the Petitioner primarily has been cited for reviewing the work of others, 2) it does not demonstrate that she has been highly cited for her own primary research, 3) the record does not sufficiently detail the Petitioner's contributions to the review articles, and 4) the articles include topics that appear unrelated to her proposed endeavor, we conclude that the evidence in the record regarding the Petitioner's publication history and citation record does not credibly demonstrate a record of success in related or similar efforts to the proposed endeavor.

The next factors applicable to the second prong of the *Dhanasar* framework are the petitioner's model or plan for future activities and any progress toward achieving the proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 890. The Petitioner contends that she has demonstrated that these factors weigh in support of her being well-positioned to advance the proposed endeavor based upon her

personal statements. The Petitioner also claims that the evidence that her previously published research has continued to accumulate citations demonstrates her continued progress.

In the Petitioner's initial statement, she stated that upon completion of her degree, she intended to pursue a position as a medical resident at Weill Cornell Medicine – Memorial Sloan Kettering Cancer and that she was interested in investigating cancer signaling pathways and conducting translational research in cancer immunotherapy and radio-oncology. In response to USCIS' request for evidence, she described past and ongoing research projects that she was involved in, such as improving radiotherapy to investigate the activation of EMT through different signaling pathways. The Petitioner claimed to be submitting this research for publication. She did not describe specific employment plans or funding sources, but stated that she will "engage in employment opportunities that are aligned with the goals of [her] proposed endeavor," that her ability to pursue her proposed endeavor "is in no way limited to any one employer or role," and that her proposed endeavor is "not contingent on [her] employment but is nevertheless fully compatible and complementary to my personal career goals."

First, we disagree that continued citations to the Petitioner's prior research work constitutes the Petitioner's own progress, particularly where, as discussed above, the Petitioner's cited works represent review articles rather than original research and with numerous co-authors, the record does not sufficiently demonstrate the Petitioner's contributions to the field. Second, while the Petitioner claims that she will pursue her endeavor regardless of her employment and that it is not "contingent" on her employment, we conclude that the record does not sufficiently demonstrate these claims. The Petitioner did not provide evidence, other than her statement, that would demonstrate the feasibility of her plans and her ability to pursue her proposed endeavor.

The Petitioner seeks a national interest waiver of the job offer requirement; therefore, evidence of an offer of employment is not a requirement for approval, nor is the lack of a job offer a negative factor in analyzing the evidence, depending on the specific circumstances of the case. However, in this instance, the Petitioner's plan for progressing her proposed endeavor appears to require seeking employment opportunities, and the Petitioner has not provided sufficient documentary evidence related to any such specific opportunities. A petitioner must also support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. In the case of a petitioner who does not intend to be self-employed, USCIS considers a job offer or communications with prospective employers, while not required, relevant to demonstrate the circumstances or capacity in which the person intends to carry out the endeavor and the feasibility of that plan. *See generally* 6 *USCIS Policy Manual, supra*. We therefore conclude that the evidence in the record related to the Petitioner's model or plan for future activities and her progress towards achieving the proposed endeavor does not support the finding that the Petitioner is well-positioned to advance it.

The final factor enumerated in *Matter of Dhanasar* relates to evidence of interest from potential customers, users, investors, or other relevant entities or individuals. *Matter of Dhanasar*, 26 I&N Dec. at 890. Here, we similarly conclude that the evidence in the record does not weigh in favor of demonstrating that the Petitioner is well-positioned to advance the endeavor. The Petitioner claims that her achievements have attracted the interest of relevant parties because she published articles and been cited. For the same reasons discussed above, we conclude that the record does not show interest from relevant entities based upon her citation record.

Additionally, the Petitioner did not provide evidence of having received support or funding to conduct her research in the past, or evidence of interest from potential funders or other feasible plans for funding in the future. By contrast, in *Matter of 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. *Matter of Dhanasar*, 26 I&N Dec. at 893, Fn. 11. Here, the Petitioner has not provided evidence that would demonstrate this type of interest in the Petitioner pursuing the proposed endeavor. The Petitioner claims on appeal that evidence of funding or other relevant non-monetary support is not a "strict requirement," and that USCIS erred in considering this factor. We acknowledge that evidence of funding is not a requirement; nevertheless, it is a relevant consideration in whether a petitioner is well-positioned to advance their endeavor, and here it is one that weighs against such a finding for the Petitioner. For these reasons, we conclude that the record does not sufficiently demonstrate interest from potential customers, users, investors, or other relevant entities or individuals. *Id.*

Not every individual who has conducted research and published findings will be found to be well-positioned to advance their proposed endeavor. Rather, we must examine the factors set forth in *Matter of Dhanasar* to determine whether, for instance, the individual's education, skills, and record of success, their model or plan for future activities, their progress towards achieving the proposed endeavor, and the generation of interest among relevant parties supports such a finding. *Id.* at 890. In considering the record in totality, we conclude that the Petitioner has not established that she is well-positioned to advance the endeavor.

Because the Petitioner has not met the requisite second *Dhanasar* prong, we conclude that she has not established that she is eligible for a national interest waiver. We reserve our opinion regarding whether the record satisfies the first or third *Dhanasar* prongs. *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).

III. CONCLUSION

The Petitioner has not met the requisite second prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner 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.