U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40462728

Date: DEC. 11, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a biomedical science 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, concluding that the Petitioner did not establish that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The matter is now before us on appeal. 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act. Once a petitioner demonstrates eligibility for the underlying classification, the petitioner must then establish eligibility for a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so. *Matter of Dhanasar,* 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that 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 to be discretionary in nature).

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

Id.

II. ANALYSIS

SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The record supports that conclusion. The remaining issue 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. Upon de novo review, 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

SCOPS determined that while the Petitioner's proposed endeavor has substantial merit, he did not establish his proposed endeavor is of national importance. For the reasons discussed below, we conclude that the Petitioner has established his proposed endeavor has substantial merit and is of national importance.

The first prong of *Dhanasar*, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, sciences, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

The Petitioner is currently pursuing his Ph.D. in chemical and biomolecular engineering at [redacted] in Maryland. He intends to continue his research work as a postdoctoral researcher with the aim of understanding key molecular pathways and biomarkers associated with colorectal cancer pathogenesis in order to advance diagnostic and therapeutic strategies for early cancer detection and treatment. Specifically, his research would focus on the molecular basis of nucleolar morphologies in human colorectal cancer and the mechanisms of cancer-associated microenvironment adaptation in the human colon epithelium.

The Petitioner submitted probative letters of support from experts in his field describing in meaningful detail the Petitioner's research work, his proposed endeavor, and its potential prospective impact on colorectal cancer and the field of biomedical science. The letters describe how his research explores the molecular mechanisms linking inflammation and genomic instability to colorectal disease progression. His colleagues explain that the Petitioner's research addresses a need to understand the role of abnormal chromosome numbers in early cancer development by focusing on identifying how aneuploid cells bypass the immune system and facilitate cancer development. In addition, they explain how research investigating inflammation-associated fibroblasts helps identify primary factors for fibroblasts disrupting the colon epithelial barrier function, thereby triggering inflammation and tissue

[2] To qualify for the underlying EB-2 classification as an advanced degree professional, the Petitioner submitted his diploma and academic transcripts indicating he earned a Master of Science in Engineering in chemical and biomolecular engineering from [redacted] in Maryland in 2022.

damage. By having a better understanding of molecular mechanisms and cellular processes in early colorectal cancer, his colleagues explain that the Petitioner's research has the potential to advance early colorectal cancer development, mitigation strategies, and targeted therapeutic options.

Moreover, the Petitioner's endeavor has the potential to advance a critical and emerging technology field, biomedical engineering. USCIS recognizes the importance of progress in science, technology, engineering, and mathematics, especially in focused critical and emerging technologies important to U.S. competitiveness or national security. *See generally* 6 *USCIS Policy Manual,* F.5(D)(5), https://www.uscis.gov/policymanual.

Accordingly, we withdraw SCOPS' determination as to the first prong of the *Dhanasar* framework and conclude that the Petitioner has satisfied with material, relevant, and probative evidence both the substantial merit and national importance of his proposed endeavor.

B. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the Petitioner. 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. *Matter of Dhanasar*, 26 I&N Dec. at 890. SCOPS determined that, after consideration of these factors, the evidence submitted did not establish that the Petitioner is well positioned to advance the proposed endeavor. Upon de novo review, we agree with SCOPS that the Petitioner does not meet the second prong of *Dhanasar*.

On appeal, the Petitioner asserts that SCOPS' decision contains erroneous conclusions of law and fact and does not reflect consideration of the submitted evidence. Citing *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994), the Petitioner claims SCOPS abused its discretion by disregarding evidence and applying a standard of proof higher than preponderance of the evidence. He maintains the evidence demonstrates by a preponderance of the evidence that he is well positioned to advance his proposed endeavor as required under *Dhanasar*. To establish the Petitioner is well positioned to advance his proposed endeavor, the record includes his curriculum vitae, academic credentials, and published articles co-authored by the Petitioner. He also offered evidence of articles that cited to his published work, his Google Scholar citation record, documentation relating to the impact factor of research publications, a letter verifying his membership with American Association for Cancer Research, and reference letters discussing his research projects.[3]

The standard of proof in this proceeding is a preponderance of evidence, meaning that a petitioner must show that what is claimed is "more likely than not" or "probably" true. *Matter of Chawathe*, 25 I&N Dec. at 375-76. To determine whether a petitioner has met the burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.*; *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not

[3] While we do not discuss each piece of evidence in the record individually, we have reviewed and considered each one.

be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *aff'd Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); *Kazemzadeh v. US. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *United States v. Teixeira*, 62 F.4th 10, 25 (1st Cir. 2023) (concluding a trier of fact "need not articulate its conclusions as to every jot and tittle of evidence in making a determination").

Based on the record, SCOPS' decision is a reasoned interpretation and consideration of the evidence. As pointed out by the Petitioner, we acknowledge that SCOPS' decision includes language which is not appropriate as a factor when analyzing evidence for *Dhanasar's* second prong. Specifically, the decision states that the Petitioner's recommendation letters do not substantiate he "is an acclaimed researcher and operating at the top of his field." Being an acclaimed researcher and operating at the top of the field is not a factor considered when determining whether a petitioner is well positioned to advance the proposed endeavor. However, this error was, at most, harmless and does not affect the basis for the Director's decision. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 350 n.5 (BIA 2021) (stating that error is harmless where there is no reason to believe that remand might lead to a different outcome based on the error (citation omitted)). After considering the totality of the circumstances, we conclude that the Petitioner has not demonstrated by a preponderance of the evidence that he is well positioned to advance the proposed endeavor, as discussed below.

As noted above, the Petitioner plans to continue scientific research in colorectal cancer. Specifically, he proposes to work as a postdoctoral researcher focused on the molecular basis of nucleolar morphologies in human colorectal cancer and the mechanisms of cancer-associated microenvironment adaptation in the human colon epithelium. The Petitioner emphasizes that his education, expertise, record of success, influence in his field, and future plans have positioned him well to advance his proposed endeavor.

He claims that his academic success is evidenced by receipt of a bachelor of science in pharmacy from [redacted] in China and a master of science in chemical and biomolecular engineering from [redacted]. While the Petitioner and his colleagues indicate he earned a bachelor of science in pharmacy, he has not provided evidence of the degree. We acknowledge him having earned a master of science in chemical and biomolecular engineering and his current pursuit of a Ph.D. in chemical and biomolecular engineering at [redacted]. While the Petitioner's education renders him eligible for the underlying EB-2 visa classification, he has not shown that his academic accomplishments by themselves are sufficient to demonstrate that he is well positioned to advance his proposed endeavor.

In *Dhanasar*, the petitioner held multiple graduate degrees, including "two master of science degrees, in mechanical engineering and applied physics, as well as a Ph.D. in engineering." *Matter of Dhanasar*, 26 I&N Dec. at 891. We look to a variety of factors in determining whether a petitioner is well positioned to advance their proposed endeavor and education, is merely one factor among many that may contribute to such a finding. *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(2). Moreover, while the Petitioner claims his advanced degree in a science, technology, engineering, or mathematics field and his proposed endeavor focus on critical and emerging technologies or other

areas important to U.S. competitiveness or national security, such degree in and of itself is not a sufficient basis to determine that he is well positioned to advance his endeavor. *See id.* at F.5(D)(4).

To advance his proposed endeavor, the Petitioner indicates that he intends to pursue a postdoctoral researcher position for a university, such as [redacted].[4] His current Ph.D. advisor at [redacted] provided a letter indicating she "would like to hire" the Petitioner as a postdoctoral researcher in her laboratory following his Ph.D. completion. His advisor, however, does not indicate that the Petitioner would be conducting research to advance his proposed research. Moreover, his advisor states that the Petitioner is "on track to timely complete his Ph.D.," but she and other evidence in the record do not indicate when the Petitioner expects to complete his Ph.D. and continue his work pursuing his proposed endeavor. Without sufficient evidence demonstrating the means or financial support to undertake his proposed colorectal cancer research in the United States, the Petitioner has not shown that his plan for future activities renders him well positioned to advance his proposed endeavor.

The Petitioner asserts that his colleagues' letters of recommendation, publication of his scientific research articles, and independent citation to and applications of his research by others in his field show his skills, knowledge, and professional success in his field. The Petitioner has conducted research in his field in China and in the United States, as evidenced with scientific articles and letters of recommendation. However, the record does not demonstrate the significance of his role in the research projects, that his involvement in the research helped advance his proposed endeavor, or that they make him well positioned to advance his proposed endeavor. *See id.* at F.5(D)(2).

For instance, two articles coauthored by the Petitioner relate to research he conducted while at the [redacted] at [redacted]. The Petitioner emphasizes the high impact factor of the publication, *Advanced Synthesis & Catalysis*, which published his article entitled, "[redacted]." In addition, the Petitioner provided a letter from a professor of chemistry at the [redacted] in India who referenced the Petitioner's research in their own research work on the subject and discusses how the Petitioner's "development of metal-free compound synthesis reaction generates important progress in the sustainability of drug development." However, while the articles, including the one in *Advanced Synthesis & Catalysis*, are among the Petitioner's most highly cited, he has not specified how his previous research at [redacted], which explored bond formations under metal-free conditions, is relevant to his proposed research in colorectal cancer.

The Petitioner also emphasizes the high impact factor and ranking of the journal, *Science Advance*, which published another article he co-authored entitled, "[redacted]." Having a high impact factor of 11.7 and ranking seven in biomedical science by Google Scholar, the Petitioner claims his article's publication in *Science Advance*, a "highly distinguished journal in his field," demonstrates relevance to the significance of his research and the interest of those at the top of his field in his proposed

[4] As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for him to have a job offer from a specific employer. However, we will consider information about his prospective research positions to illustrate the capacity in which he intends to work in order to determine whether his proposed endeavor meets the requirements of the *Dhanasar* analytical framework.

endeavor. In addition, he asserts the article should be considered highly cited with six citations in 2024, thereby being one of the top 10 percent most cited articles published in 2024 in the category of biology and biochemistry. The Petitioner provides evidence that this article he co-authored with 15 others had six citations in 2024 with a citation rate higher than the average rate of 1.01 in the category of biology and biochemistry in 2024, and that *Science Advance* has a high impact factor and ranking in life sciences and earth sciences. The record, however, does not indicate the significance of the Petitioner's role in the research which he coauthored with 15 others or that his work on the research influenced his field. Moreover, the Petitioner has not explained the reason for using the category of life sciences and earth sciences, rather than another category more closely related to his field of biomedical science, when considering the high impact factor of the *Science Advance* publication.

The Petitioner coauthored two additional articles related to his research on aneuploidy, one in 2024 and the other in 2023. While the record indicates the articles relate to his proposed endeavor, both articles are not highly cited, each having only one citation. Moreover, the record does not indicate the significance of the Petitioner's role in the research he coauthored with 11 others or that his work on the research influences his field.

With respect to the Petitioner's research relating to molecular mechanisms linking inflammation and genomic instability to colorectal disease progression, a letter from , Director of the at , confirms having collaborated with the Petitioner on prior research which " ," explained that "[the Petitioner's] ," and that the Petitioner " ," indicates the Petitioner's "work provides important insights into the molecular mechanisms linking inflammation and genomic instability to colorectal disease progression" and "was vital to developing therapies for colorectal diseases such as inflammatory bowel disease and colorectal cancer."

, another colleague who previously worked with the Petitioner, similarly discusses the Petitioner's investigation of how IAFs are connected with progression and drug-resistant behaviors of inflammatory bowel disease. maintains that the Petitioner's research "model led to the discovery of a unique mechanism by which IAFs promote [inflammatory bowel disease]" and "his conclusions also demonstrated a novel therapeutic avenue for mitigating inflammation-associated epithelial injury." An independent advisory opinion from another colleague, , assistant professor in systems biology at in United Kingdom, has not collaborated with the Petitioner, but summarized his research relating to the impact of inflammation and aneuploidy. states that the Petitioner's findings provide "crucial evidence linking aneuploidy to early colorectal cancer development, addressing a critical gap in our understanding of how tumours arise at the cellular level" and "offer practical benefits for treating colorectal diseases . . . ." However, , and and other evidence in the record do not offer examples of how the Petitioner's in vitro research model and findings have been implemented, utilized, or applauded in the biomedical science field. While the record shows that the Petitioner participated in

the research projects and coauthored articles, the Petitioner has not demonstrated that his work on the research has influenced his field or his record of success in his field.

Likewise, a recommendation letter from the Petitioner's Ph.D. advisor similarly outlines the Petitioner's work stating his research "addresses the critical need to understand the role of abnormal chromone numbers (aneuploidy) in early cancer development" and that his "contributions advance our understanding of the initial stages of colon cancer" and "contributes substantially to the understanding of colorectal disease and cancer mechanisms, providing critical insights to develop early detection and prevention strategies." Another letter from [redacted], assistant professor at [redacted], who is a member of the Petitioner's Ph.D. thesis committee, describes the Petitioner's research on the molecular mechanisms underlying inflammation and chromosomal instability in colorectal cancer, as well as his research related to the development of a metal-free, hypervalent iodine-mediated cascade reaction to synthesize structurally complex molecules relevant to drug development. [redacted] indicated that the Petitioner's "findings not only deepen our understanding of colorectal disease progression but also offer actionable insights into preventative and therapeutic strategies." He states that the Petitioner's "research is clearly aligned with national public health priorities" related to colorectal cancer and has "real-world impact" by "informing early detection tools, non-invasive therapies, and biomarker-driven interventions, all of which are essential to advancing precision public health."

Although the letters show that the professors value the Petitioner's research work and express interest in having the Petitioner continue as a researcher, the letters do not detail how the Petitioner's research findings have had an impact in the biomedical science field, assist others in the field, or otherwise reflect a record of success or progress showing he is well-positioned to advance the proposed endeavor. *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(3).

The Petitioner emphasizes that his prior research received funding, submitting the article he coauthored entitled, [redacted]." The article includes an acknowledgement section, which includes the statement, "This work was supported by Takeda Development Center American Inc. #137883." However, the article does not identify who among the 16 authors was primarily responsible for securing the funding for the research project. Moreover, we note that the article's acknowledgement also includes information about author contributions, including conceptualization, methodology, investigation, and funding acquisition. The acknowledgement indicates that the Petitioner's contribution is limited to investigation, while other coauthors are named as contributors to conceptualization, methodology, and funding acquisition. In *Dhanasar*, the record established that the petitioner "initiated" or was "the primary award contact on several funded grant proposals" and that he was "the only listed researcher on many of the grants." *Matter of Dhanasar*, 26 I&N Dec. at 893, n.11. Here, the record does not show that the Petitioner, rather than another coauthor, was mainly responsible for obtaining funding for the research project.

The Petitioner also emphasizes being a member of the American Association for Cancer Research (AACR), an organization dedicated to cancer research. While the Petitioner claims his membership shows his prestige in the biomedical science and cancer research fields, he has not shown how being an AACR member demonstrates a record of success in his field, generation of interest of his endeavor among others in his field, or otherwise being well positioned to advance the endeavor.

The record demonstrates that the Petitioner has conducted and published research, but he has not shown that this work renders him well positioned to advance his proposed colorectal cancer research. While we recognize that research adds 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. We examine 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 support such a finding. *Id.* at 890. In *Dhanasar*, we found "[t]he petitioner's education, experience, and expertise 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.

Here, the Petitioner has not demonstrated that his education, research, and published articles have assisted to progress colorectal cancer pathogenesis, or that the articles he coauthored have generated substantial positive discourse to understand key molecular pathways and biomarkers associated with colorectal cancer pathogenesis in order to advance diagnostic and therapeutic strategies for early cancer detection and treatment. Nor does the evidence show that his research has been frequently cited by independent researchers or otherwise constitutes a record of success or progress in advancing research relating to his proposed endeavor.

For these reasons, the Petitioner has not demonstrated that he satisfies the second prong of the *Dhanasar* framework.

C. Balancing Factors to Determine Waiver's Benefit to the United States

Because the documentation in the record does not sufficiently establish that the Petitioner is well positioned to advance the proposed endeavor as required by the second prong of the *Dhanasar* precedent decision, he has not demonstrated eligibility for a national interest waiver. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding his eligibility under the third prong of the *Dhanasar* framework. *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

The Petitioner has not established eligibility for the underlying EB-2 immigrant classification. He,

therefore, has not met his burden to establish eligibility for the immigration benefit sought. The appeal will be dismissed for the above stated reasons.

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.