U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40871111

Date: DEC. 17, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a plant scientist, 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 Petitioner qualified for classification as a member of the professions holding an advanced degree, but that he had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. We sustained the Petitioner's appeal of SCOPS' decision, but subsequently reopened the matter.

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 withdraw our decision and remand the matter for entry of a new decision consistent with the following analysis.

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:

[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 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

At the time of filing, the Petitioner, who received a Master of Science degree in Plant Sciences in 2022 from [redacted] was working as a graduate research assistant and pursuing his Ph.D. in the Department of Plant Pathology and Microbiology at [redacted] He indicated that his "proposed endeavor is to research plant biotic stresses and develop advanced rapid plant disease diagnostic tools in order to improve disease resistance and enhance crop yield."

In our appellate decision, we agreed with SCOPS' conclusions that the Petitioner is eligible for the underlying EB-2 classification as a member of the professions holding an advanced degree and that his proposed endeavor has both substantial merit and national importance. But we concluded that contrary to SCOPS' decision, the Petitioner had established that he was well positioned to advance his proposed endeavor, and that on balance it would be beneficial to the United States to waive the EB-2 classification's job offer requirements, and thus of a labor certification. Because we sustained the Petitioner's appeal, SCOPS approved the petition. However, per the discussion below, we have determined that our conclusions regarding the second and third prongs of the *Dhanasar* analytical framework should be withdrawn and we are remanding the matter for SCOPS to consider whether to revoke approval of the petition.[3]

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[2] 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 research position to illustrate the capacity in which he intends to work in order to determine whether his proposed endeavor meets the requirements of the *Dhanasar* framework.

[3] The Secretary of Homeland Security "may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition…" Section 205 of the Act, 8 U.S.C. § 1155. By regulation this revocation authority is delegated to any USCIS officer who is authorized to approve an immigrant visa petition. 8 C.F.R. § 205.2(A). USCIS must give the petitioner notice of its intent to revoke the prior approval of the petition and the opportunity to submit evidence in opposition thereto, before proceeding with written notice of revocation. *See* 8 C.F.R. § 205.2(b) and (c). The Board of Immigration Appeals stated the following regarding revocation:

> In *Matter of Estime*, … this Board stated that a notice of intention to revoke a visa petition is properly issued for "good and sufficient cause" where the evidence of record at the time the notice is issued, if unexplained and unrebutted, would warrant a denial of the visa petition based upon the petitioner's failure to meet his burden of proof. The decision to revoke will be sustained where the evidence of record at the time the decision is rendered, including any evidence or explanation submitted by the petitioner in rebuttal to the notice of intention to revoke, would warrant such denial.

Matter of Ho, 19 I&N Dec. 582, 590 (BIA 1988) (quoting *Matter of Estime*, 19 I&N Dec. 450 (BIA 1987)).

A. Well Positioned to Advance the Proposed Endeavor

In the second prong of the *Dhanasar* framework, we focus on whether a petitioner has shown that they are well positioned to advance their proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 890. Factors in making that determination include, but are not limited to, the petitioner's education, skills, knowledge, and record of success in related or similar work; their model or plan for future activities to advance the endeavor; their progress towards achieving their proposed endeavor; and the interest of potential customers, users, or other relevant entities or individuals. *Id.*

The record includes the Petitioner's curriculum vitae, bachelor's degree, master's degree, published and presented work, and peer review service. The Petitioner also offered evidence of articles that cited to his published work, citation metrics, and letters of support discussing his graduate research.

Dr. J-S-, Associate Professor of Plant Pathology and Microbiology at [redacted] explained that the Petitioner's "work in plant breeding and genetics has made substantial breakthroughs in overcoming critical challenges in agriculture, particularly in the areas of disease resistance and yield improvement." In particular, while Dr. J-S- noted that the Petitioner's work on sclerotinia stem rot (SSR) "enhances crop productivity and protects farmers from devastating yield losses," he did not elaborate on the extent to which the Petitioner's specific findings have been utilized in the agricultural industry. Nor has the Petitioner otherwise demonstrated that his research findings constitute a record of success or progress rendering him well positioned to advance his proposed endeavor.

Likewise, Dr. A-L-, Research Geneticist at [redacted] commended the Petitioner's work on SSR, which he claimed is "vital for developing SSR-resistant canola varieties and expediting breeding programs by allowing early-stage selection of resistant germplasms." Regarding the Petitioner's work on pod shattering in canola oil, Dr. A-L- asserted that the Petitioner's findings assist in developing pod-shattering-resistant canola varieties, ensuring higher yields, and simplifying the harvesting process for growers, but he did not offer specific examples of how the Petitioner's work has affected his field, or otherwise shows success or progress at a level that renders him well positioned to advance his proposed endeavor.

In addition, Dr. K-S-S-, Soybean Product Development Scientist at [redacted] stated that the Petitioner's work on plant spacing "supports farmers in optimizing nutrient and water uptake, enabling crops to grow vigorously and produce abundant, high-quality harvests." Dr. K-S-S- claimed that the Petitioner's research promotes food security and stability within the United States and addresses food shortages and disruptions in supply chains, but he did not elaborate specifically on how the Petitioner's specific findings have had such an effect.

Furthermore, Dr. A-R-, Molecular Plant Pathologist at the [redacted] stated that the Petitioner's "groundbreaking research on sclerotinia stem rot and pod shattering in rapeseed reflects a profound grasp of plant pathology and breeding." While Dr. A-R- asserted that the Petitioner's "work is a cornerstone for advancing agricultural sustainability and productivity," the Petitioner has not shown that the level of interest in his specific research is sufficient to demonstrate he is well positioned.

The Petitioner contends that he has coauthored "3 peer-reviewed journal articles (2 of them first-authored) and 2 conference abstracts (1 of them first authored) . . . in authoritative journals, such as *Scientific Reports*, *Fundamental and Applied Agriculture*, and *Archives of Agriculture and Environmental Science*."[4] As it relates to the citation of his work, the Petitioner provided his Google Scholar profiles from January 2024 and, in response to SCOPS' request for evidence (RFE), from July 2024. The most recent profile indicated that his two highest cited articles, entitled [redacted] (2018) received 29 and 1 citation(s), respectively.[5] The Petitioner does not specify how many citations for either article were self-citations by him or his coauthors.

The Petitioner also provided 2024 data from Clarivate Analytics (InCites Essential Science Indicators) regarding baseline citation rates and percentiles by year of publication for the "Agricultural Sciences" research field. The Petitioner contends that his highest cited paper ranked "among the top 10% most cited articles published in the field of Agricultural Sciences for its year of publication." But the Petitioner relies on citation information concerning the larger field of agricultural sciences and compares his citation frequency in plant sciences to that of the larger field. While we acknowledge that plant sciences are part of the larger field of agricultural sciences, the Petitioner has not submitted sufficient evidence confirming that information extrapolated from the larger field applies equally to each subfield within agricultural sciences, including plant sciences. Thus, the Petitioner's comparison of his citation number in his field with information regarding citation in the larger field of agricultural sciences does not sufficiently establish the level of his success or impact in the field of plant sciences.

Additionally, the Petitioner submitted an article in *Scientometrics* written by [redacted] and entitled [redacted] This article presents recommendations for "how to evaluate individual researchers in the natural and life sciences" for purposes of funding and promotion or hiring decisions. The authors state that "publications which are among the 10% most cited publications in their subject area are as a rule called highly cited or excellent" and that "the top 10% based excellence indicator" should be given "the highest weight when comparing the scientific performance of single researchers." While the authors offer proposed methods for bibliometric analysis of research performance, the record does not indicate that their methods have been accepted and implemented by the academic community. Moreover, with respect to citation information from Google Scholar, the authors advise against "using Google Scholar (GS) as a basis for bibliometric analysis. Several studies have pointed out that GS has numerous deficiencies for research evaluation." Moreover, regarding "self-citations," the authors state that "if the question of an evaluation study explicitly means to what extent a scientist has influenced other scientists' work, self-citations should be obviously ignored."

Regardless, citation frequency which is quantitative in nature does not reveal the reasons for the citations, which involve a qualitative analysis. In that regard, the record contains partial copies of

[4] The Petitioner provided information showing the journal ranking and impact factor of *Scientific Reports*. That a publication bears a high journal ranking or impact factor is reflective of the publication's overall citation rate. It does not, however, show the influence of any particular author or otherwise demonstrate how an individual's research represents a record of success in their field.

[5] None of the Petitioner's remaining articles had received any citations as of July 2024.

several articles that cited to the Petitioner's work. These articles include the text of the citation, which the Petitioner asserts highlight the impact of his papers. While we agree with the Petitioner that these citations indicate some degree of interest in his research from his colleagues and peers in the field, this evidence is not sufficient to demonstrate a level of interest or a record of research success that renders him well positioned. The articles in the record cite to his work as an example of research done in the field, but none highlight or comment upon his research in a way that demonstrates he is well positioned to advance the proposed endeavor.

The Petitioner argues on appeal that he has a stronger citation record than Dr. Dhanasar, the petitioner in our *Dhanasar* precedent decision. 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, 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." *Dhanasar*, 26 I&N Dec. at 893.

As it relates to the Petitioner's education, while his master's degree 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.[6] In *Dhanasar*, the record established that 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." *Id.* at 891. We look to a variety of factors in determining whether a petitioner is well positioned to advance his proposed endeavor and education is merely one factor among many that may contribute to such a finding.

The Petitioner also asserts that his graduate work has been funded by organizations such as [redacted] the U.S. Department of Agriculture, the National Science Foundation, and the National Sclerotinia Initiative Non-Assistance Cooperative Agreement. 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." *Id.* at 893, n.11. Here, the record does not show that the Petitioner (rather than one of his professors, for example) was mainly responsible for obtaining funding for their research projects.

Regarding his peer review activity, the Petitioner presented documentation indicating that he reviewed one manuscript for the *Journal of Crop Improvement* in May 2024, but this review post-dates the filing of the petition and does not establish eligibility at the time of filing. *See* 8 C.F.R. § 103.2(b)(1), (12). Nevertheless, the Petitioner has not demonstrated that this single instance of participation in the widespread peer review process renders him well positioned to advance his proposed endeavor.

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[6] "USCIS considers an advanced degree, particularly a Doctor of Philosophy (Ph.D.), in a STEM field tied to the proposed endeavor and related to work furthering a critical and emerging technology or other STEM area important to U.S. competitive or national security, an especially positive factor to be considered along with other evidence for purposes of the assessment under the second prong." *See generally* 6 *USCIS Policy Manual*, F.5(D)(4), https://www.uscis.gov/policy-manual. A degree in and of itself, however, is not a sufficient basis to determine that a person is well positioned to advance the proposed endeavor. *Id.*

In addition, as evidence of his recognition, the Petitioner presented a July 2023 email inviting him to attend a lunch reception with "the [redacted] leadership team." This email stated: "You will have a chance to meet and interact with [redacted] scientists and leaders to learn about careers in the industry, discuss key plant pathology and science topics, and network with fellow graduate students and early career professionals." The Petitioner has not demonstrated, however, that an invitation to attend a luncheon for students and individuals in the early stages of their career shows a record of success in his field or is otherwise an indication that he is well positioned to advance his research endeavor.[7]

Regarding his plans for employment, the Petitioner asserted: "I plan to continue pursuing my proposed endeavor – researching plant biotic stresses and developing advanced rapid plant disease diagnostic tools to improve disease resistance and enhance crop yield – while earning my Ph.D. and as a Postdoctoral Researcher at [redacted]." In response to the RFE, the Petitioner submitted a letter he received from [redacted] offering him an "internship" from May 2023 until August 2023. He also provided a June 2024 letter from the [redacted] offering him a position as a postdoctoral researcher contingent "upon your successful completion of your Ph.D.," but this job offer post-dates the filing of the petition and, thus, cannot be considered. *See* 8 C.F.R. § 103.2(b)(1), (12).

The record demonstrates that the Petitioner has conducted, published, and presented research during his graduate studies, but he has not shown that this work renders him well positioned to advance his proposed endeavor. While we recognize that research must add information to the pool of knowledge in some way 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. *Id.* at 890.

For the above reasons, the Petitioner has not sufficiently demonstrated that his graduate work constitutes a record of success or progress in plant sciences, rendering him well positioned to advance his proposed endeavor and we withdraw our determination to the contrary.

B. Whether on Balance a Waiver is Beneficial to the United States

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. *Id.* at 890-91. In performing this analysis, we may evaluate factors such as: whether, in light of the nature of the

[7] To establish that it would be in the national interest to waive the job offer requirement, a petitioner must go beyond showing their expertise in a particular field. The regulation at 8 C.F.R. § 204.5(k)(2) defines "exceptional ability" as "a degree of expertise significantly above that ordinarily encountered" in a given area of endeavor. By statute, individuals of exceptional ability are generally subject to the job offer/labor certification requirement; they are not exempt by virtue of their exceptional ability. Therefore, whether a given petitioner seeks classification as an individual of exceptional ability, or as a member of the professions holding an advanced degree, that individual cannot qualify for a waiver just by demonstrating a degree of expertise significantly above that ordinarily encountered in their field of expertise. *See Dhanasar*, 26 I&N Dec. at 886 n.3.

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.

The Petitioner's references claimed urgent national interest in his proposed endeavor. For example, Dr. A-L- asserted that due to climate change "there is a critical need to develop elite crop varieties with the capability to thrive in adverse environmental conditions." Dr. A-L- further stated that the Petitioner's research "promotes sustainability by reducing reliance on harmful pesticides, leading to a healthier environment, wildlife protection, and ecosystem conservation." Dr. A-L- also indicated that the Petitioner's work "is at the forefront of sustainable and regenerative agriculture, vital for ensuring plant health, stabilizing the agricultural industry, and overcoming global food security challenges," but did not offer specific examples of how his contributions have affected these initiatives.

Likewise, Dr. A-R- described the Petitioner as a "driving force in the dynamic landscape of plant science, making momentous strides toward resilient, productive, and sustainable agriculture." Dr. A-R- also asserted that the Petitioner's "holistic approach, combining cutting-edge technologies like genome-wide association studies and genomic selection, positions him as a trailblazer in developing climate-resilient crop varieties for the United States." The record, however, does not include supporting evidence to corroborate Dr. A-R-'s claims.

USCIS recognizes the importance of progress in science, technology, engineering, and mathematics (STEM) fields and the essential role that individuals with advanced STEM degrees have in fostering such progress. 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual/. The record shows the Petitioner's proposed endeavor involves biotechnologies (such as genome synthesis) identified on the National Science and Technology Council's Critical and Emerging Technologies List Update. The Petitioner's possession of a master's degree and engagement in work furthering a critical and emerging technology are both positive factors in his case. In addition, the record includes information showing the merits of research aimed at ensuring food security and mitigating the spread of plant disease. We further acknowledge the impracticality of obtaining a labor certification for a graduate student. These factors, however, are insufficient to show that the national interest is better served by a waiver of the job offer and thus the labor certification requirement.

Here, the Petitioner has not presented sufficient evidence to demonstrate that the national interest in his proposed endeavor is sufficiently urgent to warrant forgoing the labor certification process and that the United States would still benefit from his contributions even if other qualified U.S. workers are available. The labor certification process is intended to ensure that the admission of foreign workers will not adversely affect the job opportunities, wages, and working conditions of U.S. workers. Upon review, the evidence in the aggregate falls short of establishing that granting a national interest waiver outweighs the benefits inherent to the labor certification process. For *Dhanasar's* third prong, we assess whether the proposed endeavor and the alien being well positioned to advance that endeavor,

taken together, provide benefits to the nation such that a waiver of the labor certification requirement outweighs the benefits that ordinarily flow from that requirement.[8]

Here, the Petitioner has not sufficiently demonstrated that he is well positioned to advance his proposed endeavor. Nor has the Petitioner demonstrated that his plant sciences contributions supersede the benefits of protecting the domestic labor supply inherent in the labor certification process. Therefore, we withdraw our previous determination to the contrary.

III. CONCLUSION

For the above reasons, we withdraw our prior conclusions regarding the second and third prongs of the *Dhanasar* analysis and are remanding the matter to SCOPS. SCOPS should consider whether (1) the Petitioner has sufficiently demonstrated that he is well positioned to advance his proposed endeavor and offers contributions of such value that, on balance, it would be beneficial to the United States to waive the job offer and labor certification requirements or (2) it should issue a notice of intent to revoke.[9]

ORDER: The appellate decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.

[8] *See generally* 6 *USCIS Policy Manual*, F.5(D)(3), https://www.uscis.gov/policy-manual.

[9] SCOPS should review all evidence in the record, including that submitted in support of the Petitioner's appeal and in response to our motion to reopen.