U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40701270

Date: DEC. 18, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an electrical engineer, seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this classification. *See* 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 record did not establish a waiver of the required job offer, and thus of the 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

If petitioners establish 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 petitioners demonstrate that:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance the proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

[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).

II. NATIONAL INTEREST WAIVER

At initial filing, the Petitioner provided a statement indicating:

> My proposed endeavor is to develop computer-aided design tools for advanced integrated circuit (IC) packaging design in order to enhance digital and communication IC development. To progress this endeavor, I will utilize my extensive experience with advanced IC packaging design and automation algorithm development. My work will be circulated in the field through my peer-reviewed publications in journals, conference papers, and patents.
>
> For the foreseeable future, I plan to continue pursuing my proposed endeavor as an IC packaging engineer at [redacted] I began my position as an IC packaging engineer in January of 2023 and plan to continue in this position for the foreseeable future. . . .
>
> . . . .
>
> I want to emphasize that my proposed endeavor is distinct from my position of employment. However, I am providing my employment information to confirm my commitment and capacity to advance the proposed endeavor in my employment. This position with [redacted] serves as my chief opportunity to pursue my proposed endeavor at this time.

In response to a request for evidence, the Petitioner submitted and updated statement claiming that "[m]y proposed endeavor is to develop computer-aided design (CAD) tools for [IC] packaging design in order to enhance digital and communication IC development. These tools will accelerate innovation across sectors that rely on high-performance semiconductor devices, including telecommunications, cloud computing, autonomous systems, and defense." The Petitioner then asserts "to develop two complementary toolsets": 1. Automation Tools for Package Design: Design Rule Checking and Optimization, and 2. Multi-Physics Simulation Integration for Communication IC Co-Design.

SCOPS determined that the Petitioner did not establish eligibility for any of the three prongs under the *Dhanasar* framework. The second prong shifts the focus from the proposed endeavor to the Petitioner in order to determine whether the individual is well-positioned to advance the proposed endeavor. *Dhanasar*, 26 I&N Dec. at 890. Here, the Petitioner did not demonstrate that he is well-positioned to do so.

Initially, as indicated above, the Petitioner claimed that he would be pursuing his proposed endeavor in the "foreseeable future" while employed at [redacted] However, the Petitioner's updated statement makes no mention of this. In addition, the Petitioner provided an employment letter from C-Z-, manager at [redacted] The letter is not on [redacted] letterhead and does not contain an email or phone number for C-Z-; therefore, the letter lacks probative value. Regardless, the letter briefly lists the Petitioner's three "key research responsibilities" and four "significant technical contributions." The letter does not specifically discuss the Petitioner's proposed endeavor, including the two purported complementary toolsets. Accordingly, the Petitioner did not show how he would pursue his proposed

endeavor while being employed at [redacted] The record does not reflect [redacted] support for the Petitioner's specific, proposed endeavor rather than a broadly asserted letter. Thus, the Petitioner did not establish his ability to pursue his endeavor at [redacted], and that he is well-positioned to advance it.

Notwithstanding the above, the record contains his curriculum vitae, educational credentials, reference letters, journal articles and conference papers, citatory evidence, and funding documentation. For the reasons discussed below, the record supports the Director's determination that the evidence is insufficient to demonstrate that the Petitioner is well-positioned to advance his proposed research under *Dhanasar*'s second prong.

The Petitioner possesses a doctor of philosophy in electrical engineering from [redacted] USCIS considers an advanced degree, particularly a Ph.D. in a Science, Technology, Engineering, and Mathematics (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. competitiveness or national security, an especially positive factor to be considered along with other evidence for purposes of the assessment under the second prong. *See* 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policymanual. However, a degree in and of itself is not a basis to determine that a person is well-positioned to advance the proposed endeavor. *Id.* Although the Petitioner's Ph.D. degree in engineering is an especially positive factor, the totality of the evidence in the record, as discussed below, does not show that he is well-positioned to advance his proposed endeavor. Furthermore, 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 record contains three recommendation letters referencing the Petitioner's graduate research. Overall, the letters provide descriptions of the Petitioner's various research projects; however, in further explaining the implementation or impact of his work, the letters make broad claims, such as his "research has a significant real-world impact" (D-K-), "invaluable contributions have greatly enhanced the reliability and safety of harnesses used in vehicles and aircraft" (M-S-), and "combined approach paved the way for [electromagnetic interference] reduction strategies in modern electronics" (C-H-). The letters do not further elaborate and sufficiently explain how the Petitioner's work has been utilized in the field. Moreover, the lack of specificity in the letters do not show how his work has affected the field or industry demonstrating a history of accomplishment, well-positioning himself to advance his proposed endeavor. Furthermore, while the letters discuss his past research, the Petitioner did not show how the letters relate to his proposed endeaver.

The record also includes samples of partial articles that cited to the Petitioner's co-authored work. Based on these excerpts, the authors reference the Petitioner's research as background material for their own findings, and these limited articles do not represent a level of his success in the field. The articles do not distinguish or highlight the Petitioner's work from the other cited papers.

Regarding his overall citation record, the Petitioner initially provided evidence from Google Scholar (GS) reflecting 122 citations from 17 articles, with his highest cited articles receiving 40, 15, and 13

citations, respectively. The Petitioner, however, did not specify how many citations were self-citations by him or his co-authors. Furthermore, the Petitioner submitted data from Clarivate Analytics (CA) regarding baseline citation rates and percentiles by year of publication for the computer science field The Petitioner claimed his citations from articles published in 2020 ranked among the top 10% with a baseline citation rate of 16.88. The Petitioner did not indicate whether he factored in any self-citations in determining these percentile rankings. Moreover, the documentation from CA states that "[c]itation frequency is highly skewed, with many infrequently cited papers and relatively few highly cited papers. Consequently, citation rates should not be interpreted as representing the central tendency of the distribution." Regardless, the Petitioner has not established that the number of citations received by his published articles and conference papers reflect a level of interest in his work from relevant parties sufficient to meet *Dhanasar*'s second prong. Further, 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, expertise, and experience 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.

The Petitioner also highlighted articles indicating that the research was funded in part by a U.S. National Science Foundation (NSF) Grant." However, the record does not contain copies of the research grants showing the Petitioner as a named grant recipient. In *Dhanasar*, the record established the petitioner "initiated" or was "the primary award contact on several funded grant proposals" and he was "the only listed researcher on many of the grants." *Id.* at 893, n.11. Here, the record does not show the Petitioner was mainly responsible for obtaining funding for the research projects.

The record demonstrates the Petitioner has conducted and published research while pursuing his education, but he has not shown that this work renders him well-positioned to advance his proposed research. While we recognize that research must add 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 his 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. The Petitioner, however, has not sufficiently demonstrated his published work has served as an impetus for progress in the field or it has generated substantial positive discourse in the industry. Nor does the evidence otherwise show his work constitutes a record of success or progress in advancing his research.

III. CONCLUSION

Because the documentation in the record does not establish the Petitioner is well-positioned to advance his proposed endeavor as required by the second prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of the Petitioner's

eligibility under the first and third prongs outlined in *Dhanasar*, therefore, would serve no meaningful purpose.[2]

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude the Petitioner has not demonstrated eligibility for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

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.

[2] *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).