U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40533891

Date: FEB. 02, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a machine learning 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).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the required job offer, 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;
- 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.

Id.

II. ANALYSIS

The petitioner proposes to "develop state-of-the-art machine learning approaches to build safe and fair intelligent algorithms for autonomous and recommendation systems applications." SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The sole issue to be determined 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. For the reasons discussed below, we conclude 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

In denying the petition, SCOPS found that the Petitioner's proposed endeavor has substantial merit and that he is well positioned to advance his endeavor. SCOPS determined, however, that the Petitioner did not establish the proposed endeavor's national importance, and that, on balance, it would benefit the United States to waive the job offer requirement. On appeal, the Petitioner asserts that SCOPS ignored and mischaracterized the evidence. Specifically, the Petitioner contends that SCOPS failed to properly evaluate the submitted evidence under the correct standard of proof.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.*

The Petitioner states that he intends to continue his research on "developing state-of-the-art machine learning approaches for building safe and fair intelligent algorithms in order to enable applications in and beyond autonomous systems and recommendation systems." He asserts that his proposed endeavor is relevant to "reducing socioeconomic burden and prevalence associated with motor vehicle crashes, improving healthcare infrastructure, and improving public safety and well-being." He further explains that he plans to continue publishing "original artificial intelligence research in peer-reviewed publications in journals and conference proceedings."

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the [petitioner] proposes to undertake." *Id.* at 889. In *Dhanasar*, we further 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

[2] The Petitioner earned a Doctor of Philosophy degree (Ph.D.) in electrical and computer engineering from the [redacted] in 2023.

positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890.

With respect to the first *Dhanasar* prong, SCOPS acknowledged the substantial merit of the Petitioner's proposed endeavor, but concluded that it did not rise to the level of national importance. Upon review, we disagree and withdraw SCOPS' determination that the Petitioner did not establish the national importance of his proposed endeavor under *Dhanasar's* first prong. As evidence that his proposed research in the field of artificial intelligence (AI) has substantial merit and national importance, the Petitioner presented documentation including a personal statement describing the proposed endeavor and future plans, peer-reviewed journal and conference articles, citation records, and industry reports and articles. The Petitioner also provided probative letters of support from experts in the field describing the Petitioner's proposed endeavor, past research, and contributions to the field of AI. Moreover, the Petitioner presented evidence indicating the dissemination of his research to others in the field through scientific journal articles and that his endeavor has the potential to advance a critical and emerging technology field. 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)(2), https://www.uscis.gov/policymanual.

Based on the evidence in the record, the Petitioner has demonstrated both the substantial merit and national importance of his proposed research endeavor, and thus has established that he meets the first prong of the *Dhanasar* framework. However, to the extent that the Petitioner's endeavor involves his employment as a machine learning engineer at [redacted], we do not agree that this work is of national importance, as the record does not show that the benefits of this work would result in broader implications beyond the benefits to his employer. In *Dhanasar*, we discussed how teaching would not impact the field of education more broadly in a manner which rises to national importance. *Dhanasar,* 26 I&N Dec. at 893. By extension, activities which only benefit the Petitioner's employer would not rise to a level of national importance.

B. Well Positioned to Advance the Proposed Endeavor

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

In denying the petition, although SCOPS determined that the Petitioner was well positioned to advance the proposed endeavor, SCOPS concluded that the Petitioner did not 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.

On appeal, the Petitioner contends that SCOPS mischaracterized, diminished, or ignored the evidence. The Petitioner further contends that SCOPS failed to apply the proper standard of proof. Upon de novo review, we conclude that the Petitioner has not demonstrated that he is well positioned to advance

the proposed endeavor. We, therefore, withdraw SCOPS' finding that the Petitioner is well positioned to advance his proposed endeavor.

As previously mentioned, the Petitioner submitted academic records, evidence of peer-reviewed journal and conference articles, Google Scholar citation record, independent advisory opinions, letters of support, and industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

At the time of filing the petition, the Petitioner was employed as a machine learning engineer at [redacted] In describing his proposed endeavor, he stated that he intends to "develop accurate, fair, and privacy-preserving machine learning algorithms and models for e-commerce recommendations to help users find what they need conveniently, increase the sellers' income, and improve the efficiency of American business, while ensuring safety, fairness, and privacy protection." He explained, that at [redacted] his research is promoted at the national level through the company's "promotion of employee paper presentations and publications," as well as through "the company's industry leadership in the machine learning and recommendation system domains through its company publications." The Petitioner emphasized that his proposed endeavor is distinct from his employment and stated that the information regarding his employment was provided to "confirm his commitment and capacity to advance his proposed endeavor." In response to SCOPS' request for evidence, the Petitioner clarified that he has since joined [redacted] as a machine learning engineer.

The Petitioner explained that his work at [redacted] "directly addresses" the demand for advanced expertise in the AI field " through foundational research in large-model architectures." He further stated that he intends to continue disseminating the outcomes of his continued work. Again, while the Petitioner emphasizes that his proposed endeavor is distinct from his employment and affirms that he is providing information on his employment to "confirm" his "commitment and capacity" to pursue his proposed endeavor, he has not provided evidence of progress toward achieving the specific goals of his proposed endeavor or a detailed plan outlining how future research activities will be carried out. Moreover, although the Petitioner submitted an updated statement describing his proposed endeavor, he has not provided a sufficient explanation of how he will independently carry out his proposed research activities apart from his role at [redacted] It is also unclear how much time the Petitioner plans to devote towards research versus his responsibilities as a machine learning engineer at [redacted]

The Petitioner declares that his "education, experience, and expertise in his field, the significance of his contributions, and his past record of success position him well to advance his proposed endeavor." We acknowledge that the Petitioner holds an advanced degree in a science, technology, engineering, or mathematics (STEM) field which is tied to his proposed endeavor of "developing state-of-the-art machine learning approaches for building safe and fair intelligent algorithms." We further recognize the Petitioner's assertion that his work falls within a critical and emerging technology area, and we again acknowledge the importance of progress in STEM fields and the role of individuals with advanced STEM degrees. Individuals with advanced STEM degrees particularly those holding a Ph.D., play key role in fostering progress, especially in areas vital to U.S. competitiveness and national security.[3] *See generally* 6 *USCIS Policy Manual* at F.5(D)(2), https://www.uscis.gov/policymanual.

[3] "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

We therefore agree with the Petitioner that we consider his Ph.D. in a STEM field tied to his proposed endeavor to be an especially positive factor for establishing the second *Dhanasar* prong.

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.* When evaluated in the context of the full record, the Petitioner has not shown that he is well positioned to advance his proposed endeavor as contemplated by *Dhanasar*. In addition to education, we look at a variety of factors in determining whether a petitioner is well positioned to advance their proposed endeavor, and education is one factor among many that may contribute to such a finding. *Id.* In *Dhanasar*, the petitioner held three advanced degrees, including a Ph.D., tied to his proposed research which had significant implications for U.S. national security and competitiveness. To determine whether the petitioner was well positioned to continue to advance his proposed endeavor, we also favorably considered the significance of his research which had been corroborated by evidence as having peer and government interest; the significance of his role in his research projects; consistent funding from government agencies of his research projects; and his position with a U.S. university where he intended to conduct his proposed research work. *Matter of Dhanasar,* 26 I&N Dec. at 892-93. Here, while we recognize the Petitioner's advanced degree and the general alignment of his academic background with his proposed research, an advanced degree and a record of publications are not, on their own, sufficient to demonstrate that the Petitioner is particularly well positioned to advance the proposed endeavor.

The Petitioner states that due to his "knowledge and expertise in AI," he has been regularly invited to conduct peer review for authoritative conferences and journals in his field. He states that he has completed "at least 21 reviews to date." The Petitioner highlights his academic credentials, published articles, citation history, expert opinion and support letters, the publications of his research in what he considers to be authoritative venues, and future research plans. He also asserts that these accomplishments collectively demonstrate that he is well positioned to advance his proposed endeavor. The Petitioner places particular emphasis on the citation of his nine peer-reviewed conference articles, four peer-reviewed journal articles, one first-authored accepted conference article, and four preprints.

The Petitioner further states that his papers have been published in top journals and conferences in his field, noting that his publications had received 948 citations at the time of filing the petition. He also states that at least 10 of his papers are among "the most highly cited" in the field of computer science for their years of publication. While the Petitioner's publications have received citations, citation metrics alone are not determinative of his ability to advance the proposed research endeavor in the future. In this case, the record lacks sufficient evidence demonstrating that the Petitioner's research has been implemented or has influenced his field beyond being referenced or relied upon by others in their research publications.

Moreover, while citation data can suggest peer acknowledgement, the Petitioner did not sufficiently explain the number of self-citations or those made by co-authors, which limits the ability to assess the objectivity and the breadth of the impact. Also, citation frequency, which may include self-citations, is quantitative in nature and does not reveal the reasons for the citations, which involve a qualitative analysis. Similarly, the fact a publication bears a high journal ranking or impact factor is reflective of

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competitiveness or national security, an especially positive factor to be considered along with other evidence for purposes of the assessment under the second prong."

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.

While we agree with the Petitioner that the citations and recommendation letters indicate some degree of interest in his research from his colleagues and peers in the field, this evidence alone is insufficient to demonstrate a level of interest or a record of research success that renders him well positioned. The Petitioner's citation record must be weighed alongside other qualitative indicators of impact and influence. The Petitioner therefore has not demonstrated that the number of citations received by his published articles, in and of themselves, reflect a record of success in similar efforts to meet *Dhanasar's* second prong.

Furthermore, 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." *Dhanasar,* 26 I&N Dec. at 893.

The Petitioner maintains that he has proven expertise in the field of AI. In support of his petition, the Petitioner submitted independent advisory opinions and recommendation letters describing the Petitioner's academic achievements, research expertise, and his contributions to the field of AI. In particular, the authors highlight the Petitioner's prior research projects, including his research on enhancing the safety of autonomous systems, framework for constructing inverse perception contracts, and enhancing the safety and reliability of computer vision systems. The authors also note that the Petitioner's research has influenced other scholars in the field, with some stating that they have drawn on his work to advance their own research.

The Petitioner also submitted a letter from [redacted] outlining his job duties and explaining how his research advances [redacted] objectives. The author provides a detailed discussion of the Petitioner's membership on [redacted] modern recommendation systems team and states that the Petitioner's current research will focus on "the development of [redacted], the world's largest recommender system to date," with an emphasis on "improving the core attention mechanism's architecture and computational efficiency, as well as enhancing algorithmic fairness."

While these letters are generally supportive and positive factors, they, collectively, do not sufficiently explain the specific nature of the Petitioner's proposed research endeavor and how he is well positioned to advance it, particularly independently of his job duties. Moreover, the letters do not offer sufficient, detailed, and concrete examples of how the Petitioner's work has been adopted, applied in practical settings, or changed the course of other research efforts. The authors also do not provide sufficient evidence that the Petitioner's prior research projects have been widely accepted or used within his field beyond having been cited by others in their published work. Although the Petitioner's work seeks to address technical challenges in AI, his proposed research activities appear to directly overlap with his job responsibilities at [redacted] Accordingly, the Petitioner has not sufficiently demonstrated that he is well positioned to advance his proposed research endeavor.

The Petitioner also asserts that his research has been supported with funding from the United States Army Research Laboratory, the National Science Foundation, the Defense Advanced Research Projects Agency, the National Security Agency, the National Science Foundation Formal Methods in the Field, and the National Science Agency Science of Security. However, the record lacks sufficient detail regarding the Petitioner's special role or responsibilities in securing these funds, including whether he was the primary award recipient or principal investigator. Furthermore, while the record shows that the Petitioner participated in projects that received funding, without clear documentation of his contributions to the funding process, it cannot be concluded that these awards are indicative of his individual merit or his capacity to independently advance significant research endeavors. By contrast, in *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. *Id.* at 893, Fn. 11. Here, although the Petitioner's involvement in funded researches is favorable, the evidence submitted does not sufficiently demonstrate that the Petitioner is well positioned to independently secure funding or lead the advancement of his proposed 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 research. 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. In considering the record in totality, the Petitioner has not sufficiently demonstrated that his past publications and his current employment will allow him to continue to advance his proposed research as described in the record. Accordingly, we conclude that the Petitioner has not established that he is well positioned to advance the proposed endeavor.

C. Whether on Balance a Waiver is Beneficial

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. *Matter of Dhanasar*, 26 I&N Dec. 884. However, as the Petitioner has not established that he meets the second prong of the *Dhanasar* framework, the Petitioner has not shown that he is eligible for and otherwise merits a national interest waiver, and we therefore reserve the Petitioner's arguments with respect to this issue. *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

As the Petitioner has not met the requisite second prong of the *Dhanasar* analytical framework, we find that he has not established he 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.