U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40776849

Date: FEB. 13, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a forecasting and data analysis 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).

Service Center Operations (SCOPS) denied the petition, concluding that although the Petitioner qualified for classification as a member of the professions holding an advanced degree, he did not establish that 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

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;

[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 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

SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree, and we agree with this conclusion.[2] SCOPS further determined the Petitioner established the first prong of *Dhanasar*, or that his proposed endeavor had substantial merit and national importance. Therefore, the remaining issues to be determined are whether the Petitioner established the second and third prongs of *Dhanasar*, namely whether he is well positioned to advance his proposed endeavor and whether, on balance, waiving requirement of a job offer, and thus a labor certification, would benefit the United States.

At the time of filing, the Petitioner stated he worked for the [redacted] as a scientist (Staff- Level III). The Petitioner indicated that his proposed endeavor is to develop and implement advanced forecasting models to predict renewable energy output from solar farms and wind turbines, along with research related to electricity demand and transmission line capacity. He asserted this endeavor would "ensure a stable and efficient energy supply while minimizing environmental impact and supporting a resilient power grid."

As discussed below, we conclude the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

A. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. *Id.* 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 and concluding the Petitioner did not demonstrate he was well positioned to advance his proposed endeavor, SCOPS discussed a support letter provided by an associate professor of electrical engineering and computer science at [redacted] SCOPS reasoned that this, and other support letters, did not provide specific examples of how the Petitioner's work influenced his field beyond adding to the general pool of knowledge. SCOPS stated that submitted support letters did not discuss the Petitioner's specific achievements or his record of success in the field to demonstrate he is well positioned to advance his endeavor. SCOPS further emphasized that the record did not include evidence of interest from U.S. government agencies or quasi-government entities as well as relevant information from them on how well positioned the Petitioner is to advance his endeavor. SCOPS also indicated that the Petitioner's published works were not frequently cited by

[2] The Petitioner received a Ph.D. in electrical and computer engineering (2024) from [redacted]

other researchers to constitute a record of success, noting he used citation averages applicable to engineering in general, as opposed to power system operation or a more specifically applicable field. In addition, SCOPS noted that the Petitioner did not show he owned any patents, nor did he present published articles or media reports featuring his achievements and work, or evidence of any awards, grants, or investments he received to support his work.

On appeal, the Petitioner contends that SCOPS erred in concluding the Petitioner did not provide specific examples of how his work influenced his field. The Petitioner points to a letter from Dr. J-Z, an "IET [Institute of Engineering and Technology] Fellow" at the [redacted] indicating that he and his team leveraged the results of one of the Petitioner's published works to "develop probabilistic models that adapted energy predictions for various weather concerns." Dr. J-Z- also stated that the Petitioner's work on predicting solar irradiance "revealed key insights for the development of robust solar forecasting approaches." Likewise, the Petitioner states that SCOPS was mistaken that he did not submit letters from government entities providing information about how he is well positioned to advance his endeavor. The Petitioner emphasizes a letter from Dr. H-H, the Director of the [redacted] at the [redacted] "th[redacted] in the United States and a quasi-governmental entity."

The Petitioner further asserts that these two support letters and the other evidence provided in response to the request for evidence (RFE) reflect, contrary to SCOPS' determination, how his work can be distinguished from others in his field. The Petitioner indicated that his research was foundational in inspiring a research team from China's [redacted] and the [redacted]. He pointed to this team's article [redacted] published in 2023, stating this "led to critical advancements in solar irradiance forecasting." Similarly, the Petitioner states that his work was also cited by a research group from South Korea's [redacted] who "used [the Petitioner's] work to help them develop an enhanced stacking ensemble model for driver emotion classification" leading to "key improvements in ensemble learning." The Petitioner also highlights how his work played a significant role in a research team from India's [redacted] to "help design an advanced machine-learning model that predicts solar irradiance accurately." The Petitioner asserts that these examples of the use of his published scholarly work demonstrates that his proposed endeavor has been utilized in the field of power system operation and served as an impetus for progress.

The Petitioner further contends SCOPS erred in concluding that his scholarly works were not frequently cited. The Petitioner asserts that one of his scholarly works was among the top 20% most cited articles in his field the year it was published. The Petitioner states that comparing his citation rate to the greater field of engineering, a larger set of authors and articles, better highlights its impact as compared to the smaller field of power system operation. The Petitioner states that his citation record demonstrates his record of success when considered along with the "several letters of recommendation from fellow experts."

The Petitioner's contention that he has a record of success centers on his five published scholarly article, in particular, two articles he published related to solar irradiance forecast modeling. The published works most emphasized by the Petitioner include [redacted] (2022), receiving 19 citations the date

the petition was filed, and [redacted] (2021) with six citations.[3] However, the Petitioner does not specify how many citations to each of these articles were self-citations by him or his coauthors. Further, as discussed by SCOPS, the Petitioner relies on citation information related to the larger field of engineering to assert its significance in the field of power systems operation. While we acknowledge that power systems operation is part of the larger field of engineering, the Petitioner has not submitted sufficient evidence confirming that information extrapolated from the larger field of engineering applies equally to each subfield, including power systems operation. Thus, the Petitioner's comparison of his citation numbers in his field with information regarding citations in the larger field of engineering does not sufficiently establish the level of his success or impact in the field of power systems engineering. Despite SCOPS directly discussing this issue in the denial, the Petitioner provides no direct evidence as to the claimed significance of his citations within his specific field. Further, the level of citations to these two claimed critical works appears rather modest, without evidence to the contrary, and he has not sufficiently established how citation to them reflects a record of success in his field.

The Petitioner further emphasizes a letter from Dr. J-Z- at the [redacted] who points to the Petitioner's work on improving the accuracy of weather forecasting models in estimating solar generation output indicating how it "advanced a novel uncertainty quantification caused by sudden and extreme weather" and "revealed key insights for the development of robust solar forecasting approaches." Again, Dr. J-Z's assertions as to the impact of the Petitioner's work are based on his two scholarly works related to solar irradiance forecasting, which as we have discussed, have not been shown to have significant citation numbers. Further, the Petitioner provided a published article from Dr. J-Z- [redacted] (2025) which only cited to the Petitioner's scholarly work on solar irradiance forecasting once, amongst at least 127 other citations. It is not clear from this evidence how the Petitioner's scholarly works on solar irradiance, although notable, were foundational to the work of Dr. J-Z- or otherwise represent a record of success in the field. For instance, Dr. J-Z- did not detail the "key insights" from the Petitioner that inspired his work nor did he sufficiently describe how this advanced the field.

While we agree with the Petitioner that his 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. Further, the articles in the record that cite to his work appear to do so as an example of research done in the field or as part of an introduction section reviewing current research, but none highlight or comment upon his research in a way that demonstrate the influence or success of his work as necessary to reflect that he is well positioned to advance his proposed endeavor.

The Petitioner otherwise provided little other evidence of how his work on solar irradiance forecasting, although cited by others in recent years, represents a significant level of interest or a record of success. For instance, the Petitioner stated that his work was critical in advancing the work of three other research teams at [redacted] South Korea's [redacted] and India's [redacted] However, notably, the record includes little documentary evidence to corroborate that the Petitioner's

[3] The citation numbers submitted by the Petitioner were from Google Scholar.

work was key in advancing the work of these research teams, and this impact appears unlikely given the limited citations to his scholarly works on solar irradiance forecasting. The Petitioner did not submit support letters from key members of these teams discussing how his work advanced their work. In fact, the asserted impact on the research team at [redacted] in South Korea appears related to them using "[the Petitioner's] work to help them develop an enhanced stacking ensemble model for driver emotion classification" leading to "key improvements in ensemble learning." Therefore, one of the Petitioner's claimed accomplishments in his field is not related to his asserted expertise in solar irradiance forecasting, but another apparent topic of research in which he has no published materials. In sum, the Petitioner did not submit sufficient supporting evidence to substantiate that his research and his published materials had a significant influence on three international research teams as claimed. The Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

In addition, as discussed by SCOPS, the Petitioner did not provide sufficient evidence of interest from U.S. government agencies or quasi-government entities reflecting relevant information on how well positioned the Petitioner is to advance his endeavor. The Petitioner points to a letter from Dr. H-H-, the [redacted] and asserts this reflects interest from a quasi-government entity. Dr. H-H- stated that he is familiar with the work of the Petitioner in exploring "the role of DLR [dynamic line rating] in enhancing power systems operations." However, this letter does not reflect specific interest from the [redacted] in advancing, implementing, or supporting the Petitioner's work, but only indicates a fellow colleague's familiarity and admiration for his research.

For instance, Dr. H-H- did not sufficiently articulate what impact the Petitioner's research in DLR would have on the [redacted] or why it would be of specific interest to them. It is also noteworthy that Dr. H-H- refers to the Petitioner's work on DLR, and not to his research in solar irradiance forecasting, the research most emphasized by the Petitioner as his asserted record of success. The submitted evidence shows that the Petitioner published two articles[4] on DLR, but according to citation data submitted by the Petitioner, the former article was cited only three times while the latter has never been cited. Notably, the Petitioner also did not submit evidence to establish that he was granted any awards, grants, or investments to support his work in solar irradiance forecasting or DLR. As such, it appears unlikely based on the evidence submitted that this work has gained significant interest from U.S. government agencies or quasi-government entities and contributed to the Petitioner being well positioned to advance his DLR research. Likewise, the Petitioner submitted little evidence to support a conclusion that his research in solar irradiance forecasting received significant interest from U.S. government agencies or quasi-government entities, or that it received awards, grants, or investments in support.

As it relates to the Petitioner's education, while his doctorate degree renders him eligible for the underlying EB-2 visa classification, he has not shown that his academic accomplishments by

[4] These articles were [redacted] (2023 [redacted] (2024)."

themselves are sufficient to demonstrate that he is well positioned to advance his proposed endeavor.[5] 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. However, we look at a variety of factors in determining whether a petitioner is well positioned to advance their proposed endeavor, education is merely one factor among many that may contribute to such a finding.

The record demonstrates that the Petitioner has conducted, published, and presented research during his career, but he has not shown that this work renders him well positioned to advance his proposed research. While we recognize that research adds information to the pool of knowledge in some way to be accepted for publication, presentation, 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. The Petitioner, however, has not sufficiently demonstrated that his work constitutes a record of success or progress in power system operations rendering him well positioned to advance his proposed endeavor. As such, the Petitioner has not established that he satisfies the second prong of the *Dhanasar* framework.

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 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.

In denying the petition, SCOPS indicated that the Petitioner's support letters lacked specific and detailed information related to his accomplishments necessary to waive the requirements of the job offer, and thus the labor certification. SCOPS stated that the Petitioner, as noted, did not establish interest from U.S. government agencies or quasi-governmental entities to demonstrate the urgency of his proposed endeavor or how it would benefit the United States sufficiently to waive the labor certification requirement. SCOPS also determined that the Petitioner did not provide sufficient

[5] "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.*

evidence of his contributions to outweigh the benefits of the labor certification process, and evidence to reflect that this process would restrict his ability to work in his field and disseminate his knowledge.

On appeal, the Petitioner asserts the evidence reflects that his research is the subject of critically urgent national interests related to the environmental well-being, energy needs, and economic prosperity of the United States. He contends that the preponderance of the evidence shows that he would be an enormous asset to the scientific community of the United States, even if other qualified domestic workers were available, and it is evident that it would be beneficial to the United States to waive the requirements of a job offer and thus a labor certification in the instant case.

For *Dhanasar's* third prong, we assess whether the proposed endeavor and the individual 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.[6] Here, the Petitioner has not demonstrated that he is well positioned to advance the proposed endeavor or that his power system operation contributions supersede the benefits of protecting the domestic labor supply inherent in the labor certification process.

While the record includes information about the benefits of his research aimed at power system operation, including potential innovations in solar irradiance forecasting, this documentation is insufficient to show that the national interest is better served by a waiver of the job offer and thus the labor certification requirement. 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. We acknowledge the Petitioner's doctorate degree in a STEM [science, technology, engineering, and mathematics] field, research experience, and findings relating to power systems. The evidence in the aggregate, however, is not sufficient to demonstrate that a national interest waiver outweighs the benefits inherent to the labor certification process.

The Petitioner has not shown that he 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 even assuming that other qualified U.S. workers are available.

III. CONCLUSION

As the Petitioner has not met the requisite second and third prongs of the *Dhanasar* analytical framework, we conclude that he has not established he is eligible 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

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

may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.