U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41001729

Date: FEB. 19, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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. 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

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

Id.

II. ANALYSIS

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.

At the time of filing, the Petitioner was working as a research and development manager at [redacted] of China. He indicated that his "proposed endeavor is to develop and implement advanced artificial intelligence (AI) and machine learning solutions for insurance risk assessment, claims processing, and information systems in order to enhance the efficiency, accuracy, and security of the United States insurance industry while reducing costs and improving customer service delivery." The Petitioner further stated:

> I intend to pursue a position as a lead software engineer in the United States. . . . My planned research topics include developing next-generation artificial intelligence and machine learning solutions for comprehensive insurance risk assessment, predictive analytics, and automated decision-making systems that can transform policy underwriting, claims processing, and insurance evaluation across multiple insurance lines.

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. Substantial Merit and National Importance of the Proposed Endeavor

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* We agree with SCOPS' determination that the Petitioner's endeavor has substantial merit.

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[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).

[2] The Petitioner received a bachelor's degree in software engineering from [redacted] in China in 2014. Based on his foreign equivalent to a U.S. bachelor's degree and five years of progressive post-baccalaureate experience in the specialty, the Petitioner has the equivalent of a master's degree. *See* 8 C.F.R. § 204.5(k)(2).

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We 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 has substantial merit and national importance, the Petitioner provided information about the benefits of using machine learning to improve risk assessment in the insurance industry. He also presented letters of support discussing how his undertaking helps contribute to advancements in AI-driven insurance risk assessment and predictive modeling. In addition, the Petitioner submitted documentation indicating that the benefit of his proposed research offers broader implications in the field, as the results are disseminated to others in the field through both engineering and financial journals. As the Petitioner has demonstrated both the substantial merit and national importance of his proposed research, he has established that he meets the first prong of the *Dhanasar* framework.

B. Well Positioned to Advance the Proposed Endeavor

The second prong of *Dhanasar* 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.* For the reasons explained below, we withdraw SCOPS' conclusion that the Petitioner meets *Dhanasar's* second prong.

The record includes documentation of the Petitioner's curriculum vitae, bachelor's degree, published work, and IEEE membership. The Petitioner also offered evidence of articles that cited to his published work, citation metrics, and letters of support discussing his research.

In letters supporting the petition, the Petitioner's references discussed his research projects involving AI-driven analytical systems. For example, Dr. S-J-, an associate professor at [redacted], indicated that the Petitioner "designed an actuarial transformer model that incorporated self-attention mechanisms to analyze intricate relationships among policyholder features." While Dr. S-J- asserted that the Petitioner's actuarial transformer model "achieved a unique balance of predictive precision and interpretability," he did not elaborate on the extent to which the Petitioner's specific model has been utilized in the insurance industry. Nor has the Petitioner otherwise demonstrated that his work constitutes a record of success or progress rendering him well positioned to advance his proposed endeavor.

Dr. J-L-, a quantitative researcher at [redacted], stated that the Petitioner "developed enterprise-scale AI systems that employed spatial graph neural networks (GNNs) to enhance prediction precision. His use of spatial GNNs also enabled the system to capture intricate spatial dependencies, significantly improving prediction quality across diverse sectors, including retail and logistics." Dr. J-L- further indicated that the Petitioner's "model offered substantial improvements in demand forecasting, especially with regard to computational efficiency and predictive performance," but 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, J-Y-, a quantitative market risk analyst at [redacted], wrote that the Petitioner "created a novel Actuarial Transformer (AT) model that incorporates self-attention mechanisms to more effectively capture complex relationships between policyholder features" and that his work "combined transformer-based deep learning with tree-based methods to establish a hybrid architecture that successfully captures complex interactions between different policyholder features." Likewise, X-W-, a product support manager at Google, asserted that the Petitioner's novel AT model "successfully applies AI capabilities for insurance risk assessment, laying the groundwork for more accurate and transparent insurance practices," but the Petitioner has not shown that the level of interest in his AT model or his record of success in research is sufficient to demonstrate he is well positioned.

The Petitioner contends that his "research has been repeatedly featured in notable journals in his field, including [redacted]." He presented Google Scholar rankings for these publications based on their h5-index indicating that [redacted] ranked first in "Engineering & Computer Science," [redacted] ranked fifth in "Physics & Mathematics," and [redacted] ranked eighth in "Engineering & Computer Science." 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.

As it relates to the citation of his work, the Petitioner provided his Google Scholar profile from February 2025 indicating that his four highest cited co-authored articles, entitled '[redacted]' (2024), '[redacted]' (2024), '[redacted]' (2024), and '[redacted]' (2024) each received 24, 24, 21, and 6 citations, respectively.[3]

The Petitioner also provided October 2024 data from Clarivate Analytics (InCites Essential Science Indicators) regarding baseline citation rates and percentiles by year of publication for the "Computer Science" research field. The Petitioner contends that all four of the preceding articles "had received enough citations to rank among at least the top 10% most-cited articles in his field for their years of publication, with three rising to the top 1%" based on the number of citations they had received as of February 2025. The Petitioner did not indicate whether he factored in any self-citations in determining these percentile rankings. In addition, because the Petitioner has not shown that the October 2024 Clarivate Analytics data is contemporaneous with the Petitioner's February 2025 Google Scholar information, he has demonstrated that the former provides a proper analysis of his citation record.[4] Moreover, the documentation from Clarivate Analytics 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."

Furthermore, the Petitioner relies on citation information concerning the larger field of "Computer Science" and compares his citation frequency in AI and machine learning to that of the larger field. While we acknowledge that AI and machine learning are part of the larger field of computer science,

[3] None of the Petitioner's remaining articles had received citations as of February 2025.

[4] An October 2024 webpage accompanying the Clarivate Analytics information states that its citation "data is updated six times a year" (every two months).

the Petitioner has not submitted sufficient evidence confirming that information extrapolated from the larger field applies equally to each subfield within computer science, including AI and machine learning. Thus, the Petitioner's comparison of his citation number in his field with information regarding citation in the larger field of computer science does not sufficiently establish the level of his success or impact in the field of AI and machine learning.

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 several articles that cited to the Petitioner's work (including his paper, entitled [redacted]" for example). 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 or in their introduction section as part of an overview of current research, but none highlight or comment upon his research in a way that demonstrates he is well positioned to advance the proposed endeavor.

As it relates to the Petitioner's education, while his bachelor's degree and subsequent progressive experience in his specialty render 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.[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. 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.

Regarding his IEEE membership, the Petitioner presented documentation from the IEEE identifying him "as a member in good standing through December 2025, denoting a personal and professional commitment to the advancement of technology." He has not demonstrated, however, that his IEEE membership category represents a record of success in his field or that it is otherwise an indication that he is well positioned to advance his research endeavor.[6]

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[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.*

[6] 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.

The record demonstrates that the Petitioner has conducted research and published his work starting in 2024, 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. The Petitioner, however, has not sufficiently demonstrated that his work constitutes a record of success or progress in software engineering, AI, or machine learning rendering him well positioned to advance his proposed endeavor. As the Petitioner has not demonstrated that he is well positioned to advance his proposed research endeavor, he has not established that he satisfies the second prong of the *Dhanasar* framework.

C. 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' decision stated that the Petitioner had not established "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."

Regarding his plans, the Petitioner stated that he was considering employment in the United States "as a lead software engineer position at [redacted] or similar major insurance providers." He further explained that he "plans to hold a position that is narrowly tailored to his unique skill set related to developing and implementing advanced artificial intelligence machine learning solutions for insurance risk assessment, claims processing, and information systems." The Petitioner, however, did not specifically explain why a U.S. insurance provider is unable to file a labor certification on his behalf.

On appeal, the Petitioner argues that "[t]he urgency of the national interest in [his] proposed endeavor is manifest and significant given the significance of the insurance industry to the national economy and the major issues this industry faces in terms of fraud and inefficiencies, among others." He also contends that "the evidence of record establishes that the benefits stemming from his research are so significant that it would still be beneficial to waive the labor certification even if other qualified domestic workers were available." The Petitioner asserts that "[h]e holds an advanced degree directly related to his proposed endeavor and his specific background affords him with skills that are particularly applicable to developing and implementing advanced artificial intelligence and machine

learning solutions for insurance risk assessment, claims processing, and information systems to enhance the efficiency, accuracy, and security of the United States insurance industry." The record, however, does not support the Petitioner's claim that "he holds an advanced degree."[7] Rather, based on his foreign equivalent to a U.S. bachelor's degree and five years of progressive post-baccalaureate experience in the specialty, the Petitioner has what is considered the equivalent of a master's degree. *See* 8 C.F.R. § 204.5(k)(2).

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.[8] Here, the Petitioner has not demonstrated that he is well positioned to advance the proposed endeavor or that his AI or machine learning 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 research aimed at machine learning and AI-driven insurance risk assessment and predictive modeling, 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 research experience and work relating to AI and machine learning. 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 may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.

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[7] The Petitioner has presented only a bachelor's degree in software engineering from [redacted].

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