U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40989600

Date: FEB. 25, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a post-doctoral neurodevelopment and neurological disease treatment 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 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 he or she is 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 qualified as a member of the professions holding an advanced degree. The sole issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus of a labor certification, would be in the national interest.

At the time of filing, the Petitioner was conducting neurodevelopment and neurological disease treatment research as a postdoctoral scholar at [redacted] The Petitioner proposed to endeavor to research SATB2-Associated Syndrome (SAS) by introducing SAS mutations into mouse models through clustered regularly interspaced short palindromic repeats (CRISPR) based iGONAD technology. The Petitioner also proposed to extend her work to further study related neurodevelopmental disorders caused by point mutations or intragenetic rearrangement of genes in genome such as Rett syndrome or Fragile X syndrome.

For the reasons discussed below, we conclude the Petitioner's endeavor is substantially meritorious and nationally important. But the evidence in the record does not adequately demonstrate that the Petitioner is well positioned to advance her proposed endeavor. So, we conclude that 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

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. As stated above, the endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, sciences, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Dhanasar*, 26 I&N Dec. at 889.

SCOPS determined that the Petitioner provided sufficient evidence to establish the substantially meritorious nature of their proposed endeavor. But SCOPS concluded the Petitioner's endeavor was not nationally important because the evidence did not demonstrate "a significant potential to employ U.S. workers or [describe] other substantial positive economic effects, particularly in an economically depressed area as the [Petitioner] continues her employment with [redacted] as a postdoctoral scholar."

But in *Dhanasar* we did not require endeavors to demonstrate a significant potential to employ U.S. workers or other substantial positive economic effects particularly in economically depressed areas. We only stated that endeavors that feature those attributes could, for instance, be understood to have national importance. The potential prospective impact of undertakings or endeavors could demonstrate impact on a level of national importance because of national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or

medical advances. And broader implications of a proposed endeavor, national and/or international, can also inform us of the proposed endeavor's national importance. Broader implications are not necessarily viewed solely through a geographical lens. Broader implications can reach beyond a particular proposed endeavor's geographical locus and focus. The relevant inquiry is whether the broader implications apply beyond just narrowly conferring the proposed endeavor's benefit.

SCOPS noted that the Petitioner submitted multiple articles, studies, and reports to support her claim of eligibility under *Dhanasar's* first prong. And SCOPS indicated that the Petitioner claimed economic prosperity and national security as benefits of her endeavor along with how the application of neuroscience can improve the physical well-being and health of Americans. But the Petitioner's detailed statement of her endeavor described her research and its potential prospective impact on neurodevelopment and neurological disease treatment. Further examination of the evidence the Petitioner submitted uncovered that the Petitioner proposed to research the molecular mechanisms underlying SAS with an aim to develop targeted therapies for it and expanding her research to related neurodevelopmental disorders. And the Petitioner submitted probative letters of support from experts in her field of neurodevelopmental disorders and neurological disease treatment at various accredited national and international institutions of higher education which meaningfully described the neurodevelopment and neurological disease treatment work described in the Petitioner's proposed endeavor and its potential prospective impact on how neuronal networks precisely control movement and behavior. Other letters further discussed how uncovering cellular mechanisms driving neurodevelopmental disorders through the proposed endeavor could support the development of targeted therapies. Additionally, the Petitioner submitted documentation demonstrating broader implications on the field from her proposed research, as the results of it were and are intended to continue to be disseminated to others in the field through academic journals in the field. The Petitioner's assertions are supported by material, relevant, and probative evidence demonstrating both the substantial merit and national importance of her proposed research. So, whilst we agree with the Director's conclusion that the Petitioner demonstrated its substantial merit, we disagree with the Director's conclusion regarding the national importance of the Petitioner's proposed endeavor and withdraw it. We conclude the Petitioner has demonstrated the national importance of her proposed endeavor under the first prong of the *Dhanasar* framework.[2]

B. Well Positioned To Advance The Proposed Endeavor

In determining whether a petitioner meets *Dhanasar's* second prong, "we consider factors including, but not limited to: the individual's 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.* at 890.

The record includes two versions of the Petitioner's personal statement, her curriculum vitae, academic records (including her Ph.D. in biology), published and presented work, and peer review. In addition, the Petitioner provided her Google Scholar profile, documentation of articles that citied to her research

[2] The Petitioner's petition support letter identifies "mentoring and training the next generation of scientists" as a "key aspect" of her proposed endeavor. This is akin to teaching. But the benefit of someone's teaching is generally only directly beneficial to the students being taught and not the wider population. In *Dhanasar* we discussed how teaching would not impact a field broadly in a manner which rises to national importance. *Id* at 893.

findings, articles supporting the merits of neurodevelopment and neurological disease treatment research, and personal letters of support.[3]

We note that the Petitioner earned a Ph.D. in biology and was participating in a postdoctoral fellowship at the [redacted] at the time of filing the underlying petition. We note that 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 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/policy-manual. But the Petitioner has not adequately demonstrated that her academic accomplishments by themselves are sufficient to demonstrate that she is well positioned to advance her proposed endeavor. 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.

Regarding the Petitioner's invitations to serve and service as a peer reviewer, she submitted several emails acknowledging her peer review service from editorial boards for several journals. The record also contains a copy of a webpage on elsevier.com discussing how it relies on the peer review process to uphold the quality and validity of individual articles and peer review's value as a form of scientific evaluation. The record does not indicate how the Petitioner's participation in a peer review process for Elsevier published journals or others represented a record of success in her field or is otherwise an indication that she is well-positioned to advance her proposed endeavor.

The record demonstrates that the Petitioner has conducted research and published her conclusions in scholarly articles in academic journals. And the Petitioner has submitted several personal letters of support describing her past and present research and its potential positive outcomes. But the Petitioner has not demonstrated that this research work renders her well positioned to advance her proposed endeavor. Whilst 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 support such a finding. *Id.* at 890. The Petitioner here, however, has not sufficiently demonstrated that her published and presented work has served as an impetus for progress in neurodevelopmental and neurological disease treatment research.

The Petitioner contends that she "has published in top journals in her field and her work is highly cited." The record contains a Google Scholar profile which reflects the Petitioner authored or co-authored seven articles between 2009 and 2021. Three articles she co-authored between 2009 and 2018 account for over half of her total citations, or 271 out of 456 citations. The next highest cited paper the Petitioner authored or co-authored was in 2011. The Petitioner provided Elsevier's citation and abstract database, Scopus, to aver that the Petitioner "has multiple publications that are highly cited compared to others in her field." Specifically, the Petitioner discussed the "Field-Weighted Citation Impact (FCWI)" of two articles the Petitioner authored or co-authored in 2009 and 2021. The

[3] Whilst we may not discuss every document submitted, we have reviewed and considered each one.

Petitioner contends that demonstrating her total rate of citation is high relative to others in the field indicates her high overall standing to demonstrate that she is among the small percentage at the top of her field.[4] But, an individual's claim to some high stature in his or her field, without more, is not probative to the question of how well positioned he or she may be to advance his or her proposed endeavor. In *Dhanasar*, we stated we consider an individual's 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" to determine how well-positioned the individual is to advance his or her proposed endeavor. *Id.* at 890.

The Petitioner asserts that her proposed endeavor has received funding from the [redacted] The record contains a copy of a "Trainee and Mentor Program Compact" issued to the Petitioner from the [redacted]. But the "compact" describes that the "[redacted] fellowship is a funding source only" and that it is to "request initiation of [her] fellowship." Or, in other words, the "compact" describes the Petitioner's funding source for her post-doctoral training. So, the compact does not demonstrate an interest in her proposed endeavor or highlight future progress in achieving its objectives such that it could establish how well-positioned the Petitioner is to advance her proposed endeavor.

The Petitioner submitted eight letters of recommendation into the record.[5] The letters generally discuss the Petitioner's past and/or current research. For example [redacted] assistant professor, brain and mind research institute, [redacted] stated the Petitioner "completed research on neuronal regeneration after brain ischemia-hypoxia injury." [redacted] also stated that the Petitioner's current "research focuses on the impact of cerebral cortex development on its functions, particularly exploring the mechanisms by which different mutations of the *SATB2* gene influence individual development." And [redacted], assistant research professor, [redacted], stated that whilst he has not "cited her articles [he is] familiar with her research" and states her research has "provide[d] many potential candidate IncRNAs genes related to brain neural development." Additionally, [redacted] distinguished professor, [redacted] described the Petitioner's work in his research group in the areas of "gene expression and epigenetic modifications regulating brain development." Also, [redacted] a professor and colleague of the Petitioner at the [redacted] describes the Petitioner's and his joint "research in the area of cerebral cortex development" and describes her skills, knowledge, and prior research success. [redacted] professor, [redacted], [redacted] principal investigator, [redacted], and [redacted] associate professor, [redacted] largely stated in their individual letters that they have cited to the Petitioner's work and summarize the Petitioner's research projects and findings.

[4] The Petitioner also referenced a non-precedent issued by us in a separate and unrelated case to additionally support her claim under the second prong of *Dhanasar*. We note that however that non-precedent decisions do not bind USCIS in future adjudications. *See* 8 C.F.R. § 103.3(c) (providing that only precedential decisions are "binding on all [USCIS] employees in the administration of the Act"). Non-precedent decisions apply existing law and policy to the specific facts of the individual case and may be distinguishable based on the evidence in the record of proceedings, the issues considered, and applicable law and policy.

[5] Whilst we discuss and summarize a sampling of the contents of the eight letters the Petitioner submitted, we have reviewed and considered each one during our adjudication of this appeal.

So, as stated above, the letters the Petitioner submitted into the record serve as summaries describing the Petitioner's past and/or current research, credit her with certain published research observations, and in some cases have cited her work. But the letters do not elaborate on how the Petitioner's research observations support how well she is positioned to advance her proposed endeavor. Or in other words, the Petitioner's letters do not demonstrate that her research findings constitute a record of success or progress rendering her well positioned to advance her proposed endeavor. Nor do the summaries adequately highlight how the Petitioner's research, research observations, and citations to her work support her progress towards achieving her proposed endeavor or any interest in her proposed endeavor at a level that describes how well positioned she is to advance it.

III. CONCLUSION

For the aforementioned reasons, the Petitioner has not satisfied the second prong of the *Dhanasar* analytical framework. Because the evidence in the record does not establish that she is well positioned to advance her proposed endeavor as required by the second prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated her eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding her eligibility under the third prong outlined in *Dhanasar*. *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).

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.