U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40779142

Date: JAN. 07, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a researcher in artificial intelligence, seeks employment-based second preference (EB-2) permanent 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 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*.

Exceptional ability means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business. 8 C.F.R. § 204.5(k)(2). A petitioner must initially submit documentation that satisfies at least three of six categories of evidence. 8 C.F.R. § 204.5(k)(3)(ii)(A)-(F).[1] Meeting at least three criteria, however, does not, in and of itself, establish eligibility for this classification. *See*

[1] If these types of evidence do not readily apply to the individual's occupation, a petitioner may submit comparable evidence to establish their eligibility. 8 C.F.R. § 204.5(k)(3)(iii).

generally 6 USCIS Policy Manual F.5(B)(2), https://www.uscis.gov/policy-manual. If a petitioner does so, we will then conduct a final merits determination to decide whether the evidence in its totality shows that they are recognized as having the requisite degree of expertise and will substantially benefit the national economy, cultural or educational interests, or welfare of the United States. 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,[2] 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

We will first address whether the Petitioner has established that a waiver of the job offer requirement, and thus of the labor certification, would be in the national interest.

SCOPS concluded that the Petitioner's substantially meritorious proposed endeavor did not rise to a level of national importance as required by the first prong of *Dhanasar*. SCOPS also determined that the Petitioner was well positioned to advance his proposed endeavor. And SCOPS concluded that on balance of applicable factors, a waiver of the requirement of a job offer, and thus a labor certification, would not be beneficial to the national interest.

The Petitioner asserts SCOPS abused its discretion, citing *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994) in support. He states on appeal that the evidence he submitted in the record prior to and at appeal demonstrates that he meets all three prongs under the *Dhanasar* framework and merits a discretionary waiver of the job offer, and thus the labor certification, in the national interest.

A. The Proposed Endeavor

In Part 5 and Part 6 of the initial petition, the Petitioner described his endeavor as a "Researcher in Artificial Intelligence" anticipating an upcoming change of employment to "Applied Scientist II" at [redacted] planning to "[d]evelop state-of-the-art deep learning models for link prediction on graph structure data in order to advance diverse application in knowledge retrieval-based large language models." As further described in a statement he submitted in response to SCOPS' request for evidence (RFE), the Petitioner expressed that his endeavor would advance "various applications that serves the

[2] *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).

interests, security, economy, and job creation of the United States." Specifically, he stated the applications include "user-content embedding optimization for social media platforms via link prediction," "knowledge graph link prediction for the detection of fraud and money laundering in financial systems", and "product-customer link matching to improve recommendation systems on e-commerce platforms." The Petitioner highlighted four "research projects" to describe his current and future work describing "[u]ser-content embedding optimization for social media platforms via link prediction," "[k]nowledge graph link completion to enhance retrieval-augmented large language models (LLMs)," "[t]ransactional link prediction for the detection of fraud and money laundering in financial systems," and "[p]roduct-customer link matching to improve recommendation systems on e-commerce platforms."

The Petitioner states that whilst he may enjoy "engage[ment] in employment opportunities that are aligned with the goals of [his] proposed endeavor" at employers like [redacted], [redacted] and [redacted], his "proposed endeavor is [the] overarching goal of [his] research career, and it will not change regardless of where [he is] employed." The Petitioner stated that either of the jobs he intended to occupy as he prosecuted his proposed endeavor, at [redacted] or at [redacted], required him to devote "60% [of his time] dedicated to conducting research on advanced graph-based deep learning models for link prediction, 20% focused on applying these models to public datasets and publishing research papers in top-tier international AI conference, [and] 20% centered on fine-tuning these models for internal datasets and business applications at [redacted] and [redacted]."

B. The Proposed Endeavor's Substantial Merit and National Importance

At the time of filing, the Petitioner submitted his signed statement describing his proposed endeavor and future plans, academic credentials, copies of articles published in scholarly publications and evidence of citations to the work, evidence describing the Petitioner's peer review activities, documents supporting the Petitioner's bibliometric assertions, other government policy and industry articles and reports, and a copy of our precedent decision *Matter of Dhanasar*. In response to the request for evidence (RFE), the Petitioner submitted a recommendation letter from [redacted], department of computer science, [redacted], updated signed statement describing his proposed endeavor and future plans that provided more detail about his endeavor's subject matter, as well as additional copies of articles published in scholarly publications and evidence of citations to the work, new documents supporting the Petitioner's bibliometric assertions, evidence describing the Petitioner's participation in peer review activities, job offer letters from [redacted] and [redacted], and other government policy and industry articles and reports.

The issue on appeal is whether the Petitioner established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. SCOPS determined that whilst the Petitioner met the second prong of the *Dhanasar* analytical framework, he did not demonstrate meeting the first and third *Dhanasar* prongs. On appeal, the Petitioner asserts that SCOPS abused its discretion by failing to consider the totality of the evidence and making incorrect conclusions of law and statements of the facts in analyzing the evidence. In particular, the Petitioner claims that SCOPS erroneously conflated his proposed endeavor with his employment. He maintains that his personal statements clearly explain that his proposed endeavor is to conduct research work which would be separate from his employment at [redacted] and subsequently [redacted].

Based on evidence in the record, he asserts his proposed endeavor is of national importance. We disagree with the Petitioner's assessment of SCOPS' decision. Upon de novo review, we agree with SCOPS' determination that the Petitioner did not establish the national importance of his proposed endeavor under *Dhanasar's* first prong.[3]

As stated earlier, the Petitioner asserts SCOPS abused its discretion, citing *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994) in support. The court in *Buletini* contemplates examination of the quality of the evidence presented to determine whether it establishes a petitioner's eligibility. To determine whether a petitioner has met his or her burden under the preponderance of the evidence standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.; *see also Matter of E-M-*, 20 I&N Dec. 77, 79- 80 (Comm'r 1989). Based on the record, SCOPS' decision is a reasoned interpretation and consideration of the evidence.[4] SCOPS' decision summarizes the Petitioner's proposed research work as his intended endeavor, acknowledges documents submitted, and weighed the evidence but determined that the evidence lacked probative value. *See Matter of Chawathe*, 25 I&N Dec. at 376. The proposed endeavor, as described, and the evidence in the record do not support the Petitioner's assertions that the potential impact of his endeavor would have national or even global impact on his field or broader implications rising to a level of national importance.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that a petitioner 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. In determining national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* An endeavor is more specific than a general occupation and should include details of the types of work a petitioner intends to undertake and describe specific projects and goals. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual.

As stated above, the Petitioner described his endeavor in Part 5 and Part 6 of the initial petition as a "Researcher in Artificial Intelligence" anticipating an upcoming change of employment to "Applied Scientist II" at [redacted] planning to "[d]evelop state-of-the-art deep learning models for link prediction on graph structure data in order to advance diverse application in knowledge retrieval-based large language models." He also expressed that his endeavor would advance "various applications that serves the interests, security, economy, and job creation of the United States" including those such incorporating such things as "user-content embedding optimization for social media platforms via link prediction," "knowledge graph link prediction for the detection of fraud and money laundering in financial systems", and "product-customer link matching to improve recommendation systems on e-commerce platforms." And he highlighted four "research projects" to describe his current and future work describing "[u]ser-content embedding optimization for social media platforms via link prediction," "[k]knowledge graph link completion to enhance retrieval-augmented large language

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

[4] *See, e.g., Ren v. USCIS*, 60 F.4th 89, 97 (4th Cir. 2023) ("[S]o long as [USCIS] has given reasoned consideration to the petition, and made adequate findings, we will not require that it address specifically each claim the petitioner made or each piece of evidence the petitioner presented." (cleaned up)); *Osuchukwu v. INS*, 744 F.2d 1136, 1142-43 (5th Cir. 1984) ("[The Board of Immigration Appeals] has no duty to write an exegesis on every contention").

models (LLMs)," "[t]ransactional link prediction for the detection of fraud and money laundering in financial systems," and "[p]roduct-customer link matching to improve recommendation systems on e-commerce platforms."

Though he stressed that his proposed endeavor was not reliant on employment with any entity, the Petitioner did describe that the conduit he proposed utilizing to house and facilitate his endeavor was employment in private industry or in academia in the future. And the Petitioner described his employment duties as "developing graph-based deep learning models to enhance recommendation system performance among [redacted] advertisement projects" which is substantially identical to how he described his proposed endeavor.

But the descriptions of the four current and/or future research projects the Petitioner was or would conduct in order to describe his proposed endeavor in greater detail did not contain adequately specific details or documentation to support his claim that the benefits anticipated to emanate from his proposed endeavor could extend beyond his employer to nationally or even globally impact his field or broadly implicate nationally important matters in other fields or industries. The Petitioner mainly relies on his statements, without corroborating evidence, to characterize his proposed research work as valuable for advancing his field. He has not provided sufficient evidence to support his claims that his proposed research projects performed as he prosecuted his employment duties at [redacted], another unanticipated future employer, or any other employment conduit he chose to advance his proposed endeavor would have national or even global impact or implicate matters in his field more broadly at a level commensurate with those of national importance.

Whilst his initial statement in combination with his updated statement provides more details of his intended projects, the record lacks evidence supporting his claims about his proposed endeavor and the place it occupies in matters rising to a level of national importance through national or even global impact on the field or through its broader implications. Instead, it appears that the main benefits of the proposed endeavor will flow to the employer, such as [redacted], or other unanticipated future employer benefitting from the employment duties the Petitioner identifies are the conduit to his performance of his proposed endeavor. We note that benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a petitioner's endeavor has national importance. *See generally* 6 *USCIS Policy Manual*, F.5(D)(3), https://www.uscis.gov/policy-manual. We stated in *Dhanasar* that "we consider [a proposed endeavor's] potential prospective impact." As described above, that potential prospective impact is diminished when benefits from an endeavor flow to a specific employer or are otherwise narrowly described without demonstrating national, or even global, impact or broader implications rising to a level of national importance.

The Petitioner stated he expects that his research work will be published in scholarly articles and presented at conferences. But the Petitioner has not detailed or established his plans for dissemination with supporting evidence. And whilst the Petitioner has provided a rough sketch of his job expectations with the employment he expects to serve as a conduit or host of his proposed endeavor, the job offer letters accompanying the petition do not contain a job description that would support the Petitioner's assertions. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. As the Petitioner has not done so here, he

has not sufficiently established that his proposed endeavor in the United States will have national importance under the first *Dhanasar* prong.

The Petitioner makes claims, without corroborating evidence, that his research would impact national government policies and advance his field of artificial intelligence. But in evaluating national importance we are not concerned with the importance of the field; we are evaluating the specific proposed endeavor. Simply proposing an endeavor adjacent to an area of substantial merit or special concern to the United States does not render such an endeavor nationally important as a default.

Moreover, the Petitioner has not sufficiently supported his claims of the potential prospective impact of his intended research work. As stated above, his statement provides general summaries of research goals. But a petitioner must support assertions with relevant, probative, and credible evidence. *Id.* The Petitioner has not done so here. Instead, much of the evidence in the record focuses on describing nuances in his field. For example, the Petitioner submitted several articles describing the importance of large language models. Although these articles contributed to demonstrating the importance of the field within which the Petitioner occupies space, the articles do not demonstrate the national importance of the Petitioner's specific work. Or in other words, whilst this may demonstrate the substantial merit of the proposed endeavor it does not support or demonstrate the potential prospective impact nationally, or even globally, or through broader implications rising to a level of national importance. The record does not sufficiently demonstrate how the articles relate to the specific endeavor the Petitioner intends to undertake and how the articles support the national, or even global, impact the proposed endeavor will exert or identify any broader implications sprouting forth from the proposed endeavor in a manner elevating to a level of national importance.

The Petitioner notes that his proposed endeavor is supported by "U.S. institution grants." In support, the Petitioner submitted a copy of a scholarly article purportedly published in [redacted] 2022. The acknowledgments sections in the article noted the work was partially supported by a Defense Advanced Research Projects Agency (DARPA) grant and partially by a grant award under the Department of War's Basic Research Office. But the record does not indicate details about the grant funding, such as the purpose, amount, mission, or even the recipient such that we could evaluate the Petitioner's claims that the funding reflected the national importance of his proposed endeavor due to its national, or even global, impact or broader implications rising to a level of national importance. Or in other words the record does not demonstrate the purpose or interest behind the granting of the funding, nor does the record indicate the funding supported the Petitioner's proposed endeavor or otherwise demonstrated an interest in the work the Petitioner proposed to undertake as part of his proposed endeavor.

And the Petitioner contends that SCOPS erroneously concluded that the letters and his statements contained in the record have not detailed or established his plans to introduce the claimed novel and innovative advancements which may be disseminated to or adopted by others operating in the field or industry. But the letters mainly provide general summaries of his previous research projects without mentioning or describing his proposed endeavor and the claimed novel and innovative advancements he asserted nationally, or even globally impact the field of artificial intelligence or have other broader implications elevating to a level of national importance.

In sum, the record does not contain relevant, probative, or material evidence establishing the Petitioner's proposed endeavor has potential positive impact either through national or even global impact to the field or broader implications rising to a level of national importance. So, we conclude that the Petitioner has not established that his proposed endeavor is of national importance.

C. Well-Positioned to Advance the Proposed Endeavor

Since the Petitioner did not demonstrate the national importance of his proposed endeavor, the resolution of that issue by itself requires dismissal of his appeal. But since SCOPS' decision made specific conclusions about the Petitioner's eligibility under *Dhanasar's* second prong, we will discuss whether the Petitioner is well positioned to advance the proposed endeavor.

We disagree with SCOPS' conclusion that the Petitioner has demonstrated that he is well positioned to advance his proposed endeavor under the *Dhanasar* analytical framework's second prong and will withdraw it. In evaluating whether a petitioner is well positioned to advance their proposed endeavor under *Dhanasar's* second prong, we review: (A) a petitioner's education, skill, knowledge, and record of success in related or similar efforts; (B) a petitioner's model or plan for future activities related to the proposed endeavor that the individual developed, or played a significant role in developing; (C) any progress towards achieving the proposed endeavor; and (D) the interest or support garnered by the individual from potential customers, users, investor, or other relevant entities or persons.

As stated above, a petitioner's burden of proof comprises both the initial burden of production, as well as the ultimate burden of persuasion. *Y-B-*, 21 I&N Dec. at 1142 n.3. The record contains evidence of the Petitioner's education and presentations of academic work related to his field of endeavor individually and as a group. But simply having education, skills, and/or knowledge in isolation do not place a petitioner in a position to advance their proposed endeavor. This is only one factor amongst many factors which are evaluated together to determine how well positioned a petitioner is to advance a proposed endeavor.

And, whilst we acknowledge the Petitioner's record of publication and citation history, we conclude that the Petitioner has not consistently documented how he intends to pursue his proposed research activities. Moreover, he has not demonstrated that he has made progress towards achieving the specific proposed endeavor or has established interest in his future research.

In fact, aside from the Petitioner's own statements, the record does not contain sufficient documentation supporting his plans for his proposed endeavor. Whilst the letter from [redacted], for example, speaks effusively of the Petitioner's skill and work and the importance of his field, it does not adequately explain how this would serve to position him well to advance the specific endeavor that he has proposed.

And as discussed above, the Petitioner stated that he has received "U.S. institution grants" in support of his research, but he has not shown that he was primarily responsible for securing the funding for the research projects. In contrast, Dr. Dhanasar provided evidence that he "initiated" or "was the primary award contact on several funded grant proposals" and that he was "the only listed research on many of the grants." *Dhanasar* at 893, n.11.

We recognize that research must add information to the pool of knowledge in some way in order to be accepted for publication, presentation, funding, or academic credit, but 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. *Matter of Dhanasar*, 26 I&N Dec. at 890. And whilst the Petitioner has stated that his employment is separate from his endeavor but that his employment requires him to advance his endeavor by, for example, publishing scholarly articles, the overwhelming majority of the publications that he is credited with were published whilst he was completing his undergraduate or graduate studies. 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.

So the Petitioner has not demonstrated with material, relevant, and probative evidence that he is well-positioned to advance his proposed endeavor.

D. Categorical Eligibility for Employment Based Second Preference

Upon a de novo review of the record, we will withdraw the Director's conclusion that the Petitioner demonstrated that he was an advanced degree professional eligible for classification as an employment based second preference permanent immigrant.

The Director determined that the Petitioner qualifies as a member of the professions holding an advanced degree. The record contains a copy of the Petitioner's bachelor's of electronic and electric engineering from [redacted] with transcript. The record also contains a credential evaluation equating the Petitioner's single source degree to bachelor of science in computer science and engineering from a United States institution of higher education. The Educational Database for Global Education (EDGE), maintained by the American Association of Collegiate Registrars and Admissions Officers (AACRAO), reflects that baccalaureate degrees earned after a course of study at an accredited institution of higher education in China are the single source equivalent to a United States bachelor's degree.

But the work experience letter contained in the record is not sufficient to evaluate whether the Petitioner has gained at least five years of progressively responsible post-baccalaureate work experience in the specialty. The Petitioner submitted a letter from the [redacted] that stated the Petitioner "conduct[ed] research as a Ph.D. student in the Department of Computer Science" from August 2019 to December 2024 and also "worked as a teaching assistant" in the same department.

But, the U.S. Department of Labor Form ETA-9089, Application for Permanent Employer Certification – Appendix A Foreign Worker Information the Petitioner submitted stated the Petitioner worked for three specific periods of time – May 2024 to August 2024, May 2023 to August 2023, and May 2022 to August 2022. These periods of time cumulatively amount to less than five years of post-baccalaureate work experience. These periods of time also conflict with the representation that the Petitioner's period of work experience on the form for that his work experience with the [redacted] spanned a period from August 2019 to December 2024. We further note

that the Petitioner's employment with [redacted] was part-time and not full-time employment. The record does not demonstrate how the Petitioner's part-time employment for any of the periods specified could be sufficiently progressive post-baccalaureate experience to conclude the Petitioner is a professional who has earned an advanced degree.

And the record contained insufficient evidence to evaluate the Petitioner's eligibility for EB-2 classification as an individual of exceptional ability. So, as stated above, we withdraw SCOPS' conclusion that the Petitioner demonstrated his categorical eligibility for EB-2 permanent immigrant classification. The Petitioner should be prepared to address their categorical eligibility for EB-2 classification in any future proceedings requiring a petitioner to demonstrate eligibility as an advanced degree professional or individual of exceptional ability.[5]

III. CONCLUSION

Because the Petitioner has not met the requisite first or second prong of the *Dhanasar* analytical framework, we conclude that he does not merit a favorable exercise of discretion to waive the requirement of a job offer, and therefore a labor certification. We further withdraw SCOPS' conclusion that the Petitioner established that he was an advanced degree professional eligible for classification as an immigrant in the EB-2 category. We reserve the issue of whether the Petitioner demonstrated eligibility under the remaining prong of the *Dhanasar* analytical framework respecting whether, on balance of applicable factors, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. *See INS v Bagamasbad*, 429 U.S. at 25 and *Matter of L-A-C-*, 26 I&N Dec. at 526 n.7.

In immigrant petition proceedings, it is the Petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has not met that burden.

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.

[5] As the resolution of the issues pertaining to the Petitioner's eligibility for a waiver of the job offer requirement, and thus of a labor certification, under the *Dhanasar* analytical framework are dispositive of this appeal, further investigation and analysis of the Petitioner's categorical eligibility for EB-2 classification by issuing a request for evidence would serve no legal purpose.