U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40812344

Date: JAN. 07, 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 she 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.

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 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 Hematology-Oncology Fellow at [redacted].[3] She stated that "[a]s an expert in the field of internal medicine, with a focus on hematology-oncology, [her] proposed endeavor is to continue her research on identifying, investigating, and highlighting the interplay of various comorbidities affecting cancer outcomes to design targeted interventions for improving the care of medically complex cancer patients in the United States." The Petitioner further indicated:

> Upon the completion of my current position, I will begin a position as a hematology-oncology physician at [redacted] Arkansas. . . . My planned research topics include studying the role of medical comorbidities in cancer and the long-term effects of cancer chemotherapy through database analysis. In this role, I will also provide patient care and teach medical students as well as residents.

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.* SCOPS determined the Petitioner's proposed endeavor has substantial merit. We agree.

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[2] The Petitioner received a Bachelor of Medicine and Bachelor of Surgery (MBBS) from [redacted] (India) in 2018.

[3] On her Form ETA-9089, Appendix A: Foreign Worker Information, she listed her "job duties" in this capacity: "Conduct comprehensive patient assessments and perform diagnostic tests to evaluate various cancers and blood disorders. Design and implement research protocols to investigate novel therapies and their efficacy in treating specific malignancies. . . . I analyze data from clinical trials, collaborate with multidisciplinary teams, and present findings at academic conferences as well as peer-reviewed journal articles. Engage in patient education and support, ensuring that individuals and families are informed about treatment options and expected outcomes." As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for her to have a job offer from a specific employer. However, we will consider information about her position to illustrate the capacity in which she intends to work in order to determine whether her proposed endeavor meets the requirements of the *Dhanasar* framework.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* With respect to the Petitioner's patient care and teaching duties at either [redacted] or [redacted] while these endeavors have substantial merit, the record does not establish that her clinical work and instructional duties would impact the field of cancer research or U.S. public health more broadly, as opposed to being limited to the patients she serves and to the medical students and residents under her tutelage. Accordingly, without sufficient documentary evidence of their broader impact, the Petitioner's clinical and teaching activities do not meet the "national importance" element of the first prong of the *Dhanasar* framework. Similarly, in *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893.

While SCOPS concluded that the Petitioner had not demonstrated that her patient care and teaching duties were of national importance, it determined that her proposed cancer research had national importance. We agree. For example, the Petitioner submitted documentation indicating that the benefit of her proposed research offers broader implications for the fields of hematology and oncology, as the results are disseminated to others in these fields through medical journals and conferences. As the Petitioner has demonstrated both the substantial merit and national importance of her proposed research, she has established that she meets the first prong of the *Dhanasar* framework.

B. 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.*

The record includes documentation of the Petitioner's curriculum vitae, medical diploma and transcript, professional certifications, membership in the Global Burden of Disease (GBD) Collaborator Network, published and presented work, and peer review service. The Petitioner also offered evidence of articles that cited to her published work, citation metrics, and letters of support discussing her research.

The Petitioner contends on appeal that SCOPS did not correctly evaluate evidence in the record, and that this evidence establishes she is well positioned to advance the proposed endeavor. The Petitioner further argues that SCOPS did not properly analyze her published and presented work, citation evidence, letters of support, education, research funding, and peer review service. For the reasons discussed below, the record supports SCOPS' determination that the evidence is insufficient to demonstrate that the Petitioner is well positioned to advance her proposed endeavor under the second prong of the *Dhanasar* analytical framework.

In letters supporting the petition, the Petitioner's references discussed her research projects involving hematology and oncology.[4] For example, Dr. G-V-B-, a professor at [redacted] asserted that the Petitioner investigated "cancers traditionally underexplored in humans, presenting effective treatment strategies to enhance patient care." While Dr. G-V-B- stated that the Petitioner's "work with essential thrombocythemia underscores the proficiency of genetic testing, elevating the standard of care and informing data-based public health approaches," he does not elaborate on the extent to which the Petitioner's specific findings are being utilized to improve treatment strategies or public health approaches. Nor has the Petitioner otherwise demonstrated that her research findings constitute a record of success or progress rendering her well positioned to advance her proposed endeavor.

In addition, Dr. K-N-, an associate professor at [redacted] Irvine, indicated that the Petitioner "assessed non-Hodgkin lymphoma risks in patients with autoimmune diseases by analyzing medical information from the National Inpatient Sample" and "highlighted that patients with autoimmune disorders had higher non-Hodgkin lymphoma risks." Dr. K-N- further stated that the Petitioner "established various characteristics that increase these risks, such as previous chemotherapy or radiation interventions, familial lymphoid malignancy history, and age," but Dr. K-N- does not offer specific examples of how the Petitioner's work has affected cancer treatments, improved therapeutic effectiveness, or otherwise shows success or progress at a level that renders her well positioned to advance the proposed endeavor.

Furthermore, Dr. S-G-, a professor at [redacted] asserted that the Petitioner "conducted a retrospective observational study examining stage III lung cancer and completed a detailed survival analysis." Dr. S-G- additionally wrote that the Petitioner's study "established that patients receiving durvalumab protocols between 30 and 60 days following chemoradiotherapy treatments had a reduced overall survival rate compared to patients starting interventions within 30 days." While Dr. S-G- contends that the Petitioner's "work will provide insight into treatment failure and will help build on the paradigm to improve treatment in the future," the Petitioner has not shown that the level of interest in her findings or her record of success is sufficient to demonstrate she is well positioned to advance her research endeavor.

The Petitioner contends that she has coauthored "14 peer-reviewed journal articles, 42 peer-reviewed abstracts, and one textbook chapter" and that her articles were in "prestigious journals" such as *Journal of Clinical Oncology*, *Blood*, and *Journal of American College of Cardiology*."[5] As it relates to the citation of her work, the Petitioner provided her Google Scholar profiles from February 2025 and, in response to SCOPS' request for evidence (RFE), from June 2025. The most recent profile indicated that her five highest cited articles, entitled [redacted] (2023), [redacted] (2018), [redacted] (2022), [redacted] (2024), and [redacted]

[4] While we discuss a sampling of these letters, we have reviewed and considered each one.

[5] For example, the Petitioner provided information showing the journal ranking and impact factor of *Journal of Clinical Oncology*. 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.

[redacted]" (2024) each received 767, 22, 7, 5, and 4 citations, respectively.[6] The Petitioner does not specify how many citations for each of these individual articles were self-citations by her or her coauthors.

The Petitioner also provided 2024 data from Clarivate Analytics (InCites Essential Science Indicators) regarding baseline citation rates and percentiles by year of publication for the "Clinical Medicine" research field. The Petitioner contends that her 2023 paper, entitled [redacted] ranked among "the top 0.01% most-cited articles published in 2023 in Clinical Medicine" based on the 767 citations it has received.[7] Likewise, she asserts that her 2024 paper, entitled [redacted]" is "one of the top 10% most-cited articles published in 2024 in Clinical Medicine" based on its four citations. But the Petitioner relies on citation information concerning the larger field of clinical medicine and compares her citation frequency in hematology and oncology to that of the larger field. While we acknowledge that hematology and oncology are part of the larger field of clinical medicine, the Petitioner has not submitted sufficient evidence confirming that information extrapolated from the larger field applies equally to each subfield within clinical medicine, including hematology and oncology. Thus, the Petitioner's comparison of her citation number in her field with information regarding citation in the larger field of clinical medicine does not sufficiently establish the level of her success or impact in the fields of hematology and oncology.

Additionally, the Petitioner submitted an article in *Scientometrics* written by [redacted] entitled [redacted]." This article presents recommendations for "how to evaluate individual researchers in the natural and life sciences" for purposes of funding and promotion or hiring decisions. The authors state that "publications which are among the 10% most cited publications in their subject area are as a rule called highly cited or excellent" and that "the top 10% based excellence indicator" should be given "the highest weight when comparing the scientific performance of single researchers." While the authors offer proposed methods for bibliometric analysis of research performance, the record does not indicate that their methods have been accepted and implemented by the academic community. Moreover, with respect to citation information from Google Scholar, the authors advise against "using Google Scholar (GS) as a basis for bibliometric analysis. Several studies have pointed out that GS has numerous deficiencies for research evaluation." Moreover, regarding "self-citations," the authors state that "if the question of an evaluation study explicitly means to what extent a scientist has influenced other scientists' work, self-citations should be obviously ignored."

The Petitioner's RFE response included OpenAlex author metrics which she claims compare her citation impact to that of other researchers in the field of "Medicine." Again, the Petitioner relies on citation information concerning the larger field of medicine and compares her citation frequency in hematology and oncology to that of the larger field, but she has not shown that information extrapolated from the larger field applies equally to each subfield within medicine, including

[6] None of the Petitioner's remaining articles had received more than two citations as of June 2025.

[7] The Petitioner was listed as one of more than one thousand coauthors of this paper and has not demonstrated that she was among its lead authors or was otherwise a significant contributor to the paper relative to its numerous other coauthors.

hematology and oncology. Regardless, citation frequency which is quantitative in nature does not reveal the reasons for the citations, which involve a qualitative analysis. In other words, a high citation number might show that others in the field have noticed the Petitioner's work, but it does not confirm that her work has impacted or advanced the field of in such a way that renders her well positioned.[8]

Regarding a qualitative analysis of the citations to the Petitioner's work, the record contains partial copies of several articles that cited to her papers (including her paper, entitled [redacted]' for example). These articles include the text of the citation, which the Petitioner asserts highlight the impact of her papers. While we agree with the Petitioner that these citations indicate some degree of interest in her research from her 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 her well positioned. The articles in the record cite to her 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 her research in a way that demonstrates she is well positioned to advance the proposed endeavor.

As it relates to the Petitioner's education, while her MBBS degree renders her eligible for the underlying EB-2 visa classification, she has not shown that her academic accomplishments by themselves are sufficient to demonstrate that she is well positioned to advance her proposed endeavor.[9] 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 their proposed endeavor and education is merely one factor among many that may contribute to such a finding.

The Petitioner also asserts that she has received support for her work from "major funding sources." In support of her claim, she submits her 2023 paper, entitled [redacted]" in which the authors noted that their work was supported by both the Gates Foundation and the American College of Cardiology Foundation. In *Dhanasar*, the record established that the petitioner "initiated" or was "the primary award contact on several funded grant proposals" and that he was "the only listed researcher on many of the grants." *Id.* at 893, n.11. Here, the record does not show that the Petitioner (rather than one of her professors, for example) was mainly responsible for obtaining funding for their research projects.

With respect to her peer review activity, the Petitioner presented documentation indicating that she reviewed manuscripts for *American Journal of Case Reports*, *Current Problems in Cancer: Case Reports*, *Medical Science Monitor*, *Medical Reports*, *Journal of Community Hospital Internal Medicine Perspectives*, *BMC Cancer*, *BMC Public Health*, *ACG Case Reports Journal*, *Gynecology*

[8] With respect to the Petitioner's only highly cited paper, entitled [redacted] we again note that she was listed as one of its more than one thousand coauthors and she has not demonstrated that she significantly contributed to this paper in a way distinguishing her from the numerous other coauthors.

[9] "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.*

and Pelvic Medicine, *BMJ Case Reports*, and *Journal of Community Hospital Internal Medicine Perspectives*. She has not demonstrated, however, that the level and frequency of her participation in the widespread peer review process represents a record of success in her field or that it is otherwise an indication that she is well positioned to advance her research endeavor. Nor has she demonstrated that her membership in the GBD Collaborator Network rises to the level of rendering her well positioned to advance the proposed endeavor.[10]

Regarding the Petitioner's plans to work at [redacted] her RFE response included a May 2025 letter from that employer stating that the majority of her duties involve "direct patient care" and not hematology-oncology research. Specifically, the letter indicates that the Petitioner was allotted only "a 0.5 day of protected time for research each week." As the evidence indicates that she stands to devote only a small percentage of time to her proposed research, the Petitioner has not demonstrated that she is well positioned to advance her proposed endeavor.

The record demonstrates that the Petitioner has conducted, published, and presented research during her medical training, but she has not shown that this work renders her well positioned to advance her 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 her work constitutes a record of success or progress in hematology-oncology research rendering her well positioned to advance her proposed endeavor. As the Petitioner has not demonstrated that she is well positioned to advance her proposed research endeavor, she has not established that she satisfies the second prong of the *Dhanasar* framework.

III. CONCLUSION

Because the documentation in the record does not establish that the Petitioner is well positioned to advance the proposed endeavor as required by the second prong of the *Dhanasar* precedent decision, she has not demonstrated 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) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

[10] 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.

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