U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40779215

Date: JAN. 08, 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.

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 an Applied Scientist II for [redacted][3] He stated that his "proposed endeavor is to develop state-of-the-art deep learning and large language models (LLMs) to enhance automation in data analysis, information extraction, and virtual assistant technologies for businesses leveraging artificial intelligence (AI) systems." The Petitioner further indicated that his "work includes developing bedrock guardrails for identifying harmful and ungrounded content in the responses of LLMs, optimizing solution quality through LLM-based synthetic data generation, and improving model latency through inference optimization." He asserted that his work is also aimed at "reducing hallucinations produced by LLMs through training time mitigation approaches across different training stages." Additionally, the Petitioner stated that he is "designing a downstream task evaluation pipeline for LLM development to ensure accurate performance assessment of AI-driven applications and to facilitate continuous improvement."

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.

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 presented information about the technological benefits of AI research and development. He also provided letters of support discussing how his undertaking helps contribute to advancements in machine learning and AI. Additionally, the Petitioner submitted documentation indicating that the benefit of his proposed

[2] The Petitioner received a Master of Science degree in Engineering from [redacted] in 2022.

[3] As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for him to have a job offer from a specific employer. However, we will consider information about his research position to illustrate the capacity in which he intends to work in order to determine whether his proposed endeavor meets the requirements of the *Dhanasar* framework.

research offers broader implications in the field, as the results are disseminated to others in the field through scientific conferences. 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.*

The record includes documentation of the Petitioner's curriculum vitae, master's degree, conference papers, and peer review service. The Petitioner also offered evidence of articles that cited to his presented work, citation metrics, and letters of support from colleagues discussing his research.

The Petitioner contends on appeal that SCOPS did not correctly evaluate evidence in the record, and that this evidence establishes he is well positioned to advance the proposed endeavor. The Petitioner further argues that SCOPS did not properly analyze his 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 his proposed endeavor under the second prong of the *Dhanasar* analytical framework.

In letters supporting the petition, the Petitioner's references discussed his research projects involving machine learning and AI. For example, Dr. D-R-, a professor at [redacted], asserted that the Petitioner "studied complex event identification to improve document summarization by connecting dispersed text events" and that "his contextual information-based event detection system outperformed previous standards." While Dr. D-R- indicated the Petitioner "also showed that identifying complicated events increases crucial argument extraction by removing extraneous material," he did not elaborate on the extent to which the Petitioner's specific findings have been utilized in the industry. Nor has the Petitioner otherwise demonstrated that his research findings constitute a record of success or progress rendering him well positioned to advance his proposed endeavor.

In addition, Dr. L-H-, an assistant professor at [redacted], indicated that the Petitioner "applied inverse reinforcement learning, a method that refines model performance through a dynamically adjusted reward system" and that "his method jointly trained both the generation model and a composite reward function, which helps the system to continuously adapt and improve its output." Dr. L-H- further stated that the Petitioner's work "showed that inverse reinforcement learning improved table-to-text generation" and that "his approach outperformed existing models by producing structured data conversions that are more precise and more natural and readable," 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.

Furthermore, Dr. Y-D-, an assistant professor at [redacted], asserted that the Petitioner developed "a new method to reliably generate accurate, informative, and fluent text with AI systems." Likewise, Dr. M-R-, a professor at [redacted], indicated that the Petitioner "successfully achieved the first application of the inverse reinforcement learning framework in table-to-text generation tasks." Both Dr. Y-D- and Dr. M-R- additionally wrote that they have cited the Petitioner's research paper on inverse reinforcement learning for table-to-text generation in their own work, but the Petitioner has not shown that this level of interest in his work or his record of success in research is sufficient to demonstrate he is well positioned.

The Petitioner contends that his research has been "featured in some of the top conferences in his field," including the [redacted]. He presented Google Scholar rankings for these conferences based on their h5-index. For example, the [redacted] and the [redacted] ranked [redacted] and [redacted], respectively, in computational linguistics and the [redacted] ranked [redacted] in AI. That a conference publication bears a high ranking 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 profiles from April 2025 and, in response to SCOPS' request for evidence (RFE), from July 2025. The most recent profile indicated that his four highest cited articles, entitled "[redacted]" (2021), "[redacted]" (2024), "[redacted]" (2024), and "[redacted]" (2022) each received 17, 10, 5, and 4 citations, respectively.[4] Without statistical evidence or other objective metrics comparing the number of citations received by the Petitioner's articles with others in his field, he has not demonstrated his work has garnered interest at a level consistent with being well positioned to advance his proposed research endeavor.

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, but none highlight or comment upon his research in a way that demonstrates he is well positioned to advance the proposed endeavor.

The Petitioner argues that he has a stronger citation record than Dr. Dhanasar, the petitioner in our *Dhanasar* precedent decision. While we listed Dr. Dhanasar's "publications and other published

[4] None of the Petitioner's remaining articles had received more than three citations as of July 2025.

materials that cite his work" among the documents he presented, our determination that he was well positioned under the second prong was not based on his citation record. Rather, in our precedent decision we found "[t]he petitioner's education, experience, and expertise in his field, the significance of his role in research projects, as well as the sustained interest of and funding from government entities such as NASA and AFRL, position him well to continue to advance his proposed endeavor of hypersonic technology research." *Dhanasar*, 26 I&N Dec. at 893.

As it relates to the Petitioner's education, while his master's degree renders 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.

The Petitioner also asserts that he has received support for his work from "major funding sources." In support of his claim, the Petitioner submits a research paper that he coauthored with Dr. D-R- and others in which the "Acknowledgements" section noted that their work was supported by the U.S. Defense Advanced Research Projects Agency and Intelligence Advanced Research Projects Activity. 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 his professors) was mainly responsible for obtaining funding for their research project.

Regarding his peer review activity, the Petitioner presented documentation indicating that he reviewed four manuscripts for the [redacted] and three manuscripts for the [redacted]. He has not demonstrated, however, that his occasional participation in the widespread peer review process 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]

The record demonstrates that the Petitioner has conducted, published, and presented research during his graduate studies and while at [redacted], but he has not shown that this work renders him well

[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.

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 machine learning and AI research 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.

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, he 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 his 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).

As the Petitioner has not met the requisite second prong 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.