U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40638990

Date: JAN. 14, 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 record did not establish that a waiver of the job offer is in the national interest. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

To qualify for the underlying EB-2 visa classification, a petitioner must establish they are an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act.

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

If a petitioner establishes eligibility for the underlying EB-2 classification, they must then demonstrate that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that U.S.

Citizenship and Immigration Services (USCIS) may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner is an electrical and computer engineer whose proposed endeavor is "to continue his research on using state-of-the-art power optimization techniques in order to improve the efficiency, reliability, and sustainability of power systems." SCOPS concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that SCOPS failed to "properly apply the law and to review all of the relevant evidence." Upon review, we conclude that the Petitioner has not established he is eligible for a national interest waiver as a matter of discretion.

A. The Petitioner Qualifies as a Member of the Professions Holding an Advanced Degree

The Petitioner is an electrical and computer engineer. He submitted a diploma and transcripts for his bachelor of science degree in electrical and electronic engineering from the [redacted] in 2016; along with an academic evaluation that states his degree is equivalent to a U.S. bachelor's degree in electrical and electronic engineering.[2] In addition, the Petitioner submitted an employment letter to establish five years of progressive experience in the specialty. SCOPS properly concluded that the employment letter in the record only established three years of progressive experience following his bachelor's degree. On appeal, the Petitioner submits a new employment letter that accounts for an additional three years of experience. Therefore, we conclude that the Petitioner qualifies as a member of the professions holding an advanced degree.

B. The Record Does Not Establish the Proposed Endeavor Has National Importance

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* As stated above, the Petitioner intends "to continue his research on using state-of-the-art power optimization techniques in order to improve the efficiency, reliability, and sustainability of power systems." He states that he will continue his research through his doctorate program; and then as a postdoctoral research fellow. He contends that his research will contribute to "optimizing power transmission and distribution systems and enhancing control mechanisms, ensuring the effective and uninterrupted

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

[2] We note that SCOPS highlighted conflicting information in the record regarding the date of the Petitioner's degree. The record demonstrates that although he obtained his physical degree in 2019, the Petitioner completed all degree requirements in 2016.

operation of power grids while concurrently reducing costs, and publishing original electrical and computer engineering research in peer reviewed journals and conferences." The record includes industry reports and articles about the impact of the energy sector on global emissions and the inefficiency of power sectors. We conclude the Petitioner's proposed endeavor has substantial merit.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. SCOPS determined that the Petitioner established his proposed endeavor's national importance. Upon de novo review, we will withdraw SCOPS' decision on this matter as we conclude that the record does not establish the national importance of the proposed endeavor.

Dhanasar states that an undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Id.* The Petitioner asserts his proposed endeavor of continuing his research in the electrical and computer engineering field will optimize power systems and reduce inefficiencies in the power sector to mitigate environmental impacts. He contends that his proposed endeavor aligns with national and international climate goals, contributes to the reduction of carbon emissions, and promotes sustainable energy. He also states that his proposed endeavor will have economic benefits by reducing electricity costs for consumers and businesses. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the evidence in the record does not support a determination of national or global implications within the electrical and computer engineering field.

The Petitioner asserts that his research aligns with national and international climate goals and contributes to the reduction of carbon emissions and promotes sustainable energy. In support of these statements, the Petitioner submitted letters of recommendation. While the authors discuss the impact of his prior work and how his work has been used by others in his field, this does not demonstrate the prospective impact of the work the Petitioner describes in his proposed endeavor statement. For example, one author states, "[e]nhancing the capabilities of the electric grid is immensely important for the personal and professional pursuits of people around the globe." When the author discusses the importance of enhancing the capabilities of the electric grid in relation to the Petitioner's work, the author discusses a grid management tool that the Petitioner previously worked on and how it improves the resilience of the power grid. As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. While we acknowledge the Petitioner's work and his experience; here, the author's focus is on the importance of the field of the endeavor and the impact of the Petitioner's prior work; not the prospective impact of the Petitioner's proposed endeavor.

First, this letter discusses enhancing the capabilities of the electric grid in general and while we acknowledge the importance of power grid resilience and efficiency; the relevance of the Petitioner's proposed endeavor to important issues does not establish national importance as it does not demonstrate its prospective impact. The relevant question is not the importance of the industry in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* Here, the Petitioner improperly relies upon the importance of the industry as sufficient to establish the national importance of his proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's broader impact on the industry, the

Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

Further, this author and the others in the record focus their letters on the Petitioner's experience in the field; giving examples of projects the Petitioner has previously worked on and their impacts. While we acknowledge the Petitioner's experience in the field; evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890. In addition, the Petitioner highlights that his work has been supported with funding from the U.S. Department of Energy (DOE) and that this funding is further evidence of his proposed endeavor's national importance. Here too, the funding highlighted in the record is not for the Petitioner's proposed endeavor, but for a previous project the Petitioner worked on. And this too does not sufficiently establish the national importance of the proposed endeavor as it is more relevant to *Dhanasar's* prong two analysis. *Id.*

In the initial filing, the Petitioner asserted that "the economic benefits of this proposal are substantial." He submitted evidence that shows electricity costs constituted 11% of household expenditures in 2021. The Petitioner states that "by improving the power system efficiency, his initiative reduces electricity costs for consumers and businesses nationwide," which he asserts "translat[e] into direct economic savings, positively impacting disposable income for households and enhancing the competitiveness of American businesses." In the request for evidence (RFE), SCOPS determined that the Petitioner had not established the proposed endeavor had significant potential to employ U.S. workers or would otherwise offer substantial positive economic effects. In response to the RFE, the Petitioner asserted that USCIS guidance states that "merit may be established without immediate or quantifiable economic impact." While we agree that substantial merit may be established without immediate or quantifiable economic impact, the matter at hand is national importance, not substantial merit. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual. Economic impact is a metric established by *Dhanasar* for determining national importance. *Dhanasar* states that an endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889. As we already determined that the record does not establish the national or global implications of the proposed endeavor; we will review the record for evidence of the proposed endeavor's economic impact.

The Petitioner states that his "work in power system optimization generates significant long-term economic benefits by reducing electricity costs for consumers and businesses, enhancing grid reliability, and decreasing environmental costs associated with energy wastage and greenhouse gas emissions." As stated above, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the record contains evidence of household electricity costs and rising energy costs; however, the record does not establish an economic impact directly attributable to the Petitioner and his specific proposed endeavor. Therefore, the record does not support the Petitioner's assertion that his proposed endeavor will have substantial positive economic effects and therefore does not further establish the national importance of his proposed

endeavor. For the reasons stated above, we withdraw SCOPS' finding of national importance and conclude that the record does not establish the national importance of the Petitioner's proposed endeavor under the *Dhanasar* framework.

C. The Petitioner Has Not Established That He is Well-Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. *Matter of Dhanasar*, 26 I&N Dec. 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.* SCOPS determined that the record did not establish that the Petitioner was well positioned to advance the proposed endeavor and we agree.

We first consider the factors regarding the Petitioner's education, skills, knowledge, and record of success. *Id.* The Petitioner obtained a bachelor's degree in electrical and electronic engineering and states he is pursuing a Ph.D. in electrical and computer engineering at the [redacted] However, we note that the Petitioner does not yet possess a Ph.D. in his field as of the time of filing. We consider an advanced degree, particularly a Ph.D., in a STEM field tied to the proposed endeavor and related to work furthering a critical and emerging technology an especially positive factor to be considered along with other evidence in assessing the second prong. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual.

On appeal the Petitioner asserts that the citation rate of his published work equates to a record of success. He states that one of his papers "has been so heavily cited that it ranked among the top 20% of all papers published in engineering in 2022." Regarding his overall citation record, the Petitioner initially provided evidence from Google Scholar (GS) reflecting 29 citations from 14 articles, with his highest cited articles receiving 12, 9, and 6 citations, respectively. The Petitioner, however, did not specify how many citations were self-citations by him or his co-authors. Furthermore, the Petitioner submitted data from Clarivate Analytics (CA) regarding baseline citation rates and percentiles by year of publication for the engineering field. The Petitioner claimed his citations from articles published in 2022 ranked among the top 20%. The Petitioner did not indicate whether he factored in any self-citations in determining these percentile rankings. Moreover, the documentation from CA states that "[c]itation frequency is highly skewed, with many infrequently cited papers and relatively few highly cited papers. Consequently, citation rates should not be interpreted as representing the central tendency of the distribution." Further, if we were to accept his citation rates as a record of success that is not all that goes into a prong two determination. While we listed Dr. Dhanasar's "publications and other published 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, expertise, and experience 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." *Matter of Dhanasar*, 26 I&N Dec. at 893.

The next factors applicable to the second prong of the *Dhanasar* framework are the petitioner's model or plan for future activities and any progress toward achieving the proposed endeavor. *Matter of*

Dhanasar, 26 I&N Dec. at 890. The Petitioner's proposed endeavor includes a plan to take a position as a postdoctoral research fellow to continue his research. He contends that he has already received a post-doctoral research position from the [redacted]. However, the evidence in the record does not support this statement as the letter the Petitioner highlights does not offer employment. The letter states that they "would be pleased to consider hiring [the Petitioner] . . .if an opportunity arises and [the University] secure[s] the necessary funding." The letter further states that the professor looks "forward to discussing potential opportunities if they become available." While the author of this letter describes the Petitioner's "strong background" and details the position of a postdoctoral research fellow; the letter does not establish the Petitioner's assertion that he has received a position as the letter demonstrates there was no position or funding available at the time the letter was written. We therefore conclude that the evidence in the record related to the Petitioner's model or plan for future activities and his progress towards achieving the proposed endeavor does not support a finding that the Petitioner is well-positioned to advance it.

The final factor enumerated in *Matter of Dhanasar* relates to evidence of interest from potential customers, users, investors, or other relevant entities or individuals. *Id.* Here, we similarly conclude that the evidence in the record does not weigh in favor of demonstrating that the Petitioner is well-positioned to advance the endeavor. In support of this factor, the Petitioner contends that his research has been supported by grants from the DOE. However, we conclude that this assertion is not sufficiently established by the record. In support of this claim, the Petitioner submitted copies of publications he co-authored while working towards his degree at the [redacted] which indicate in the acknowledgements section that the research was supported by grants or awards from this agency. However, the record does not establish the parameters of these grant awards; for example, the record does not show whether the Petitioner applied for and received this funding for his research. By contrast, in *Dhanasar*, we noted that the petitioner had received "consistent" government funding of research projects in which he played a "significant" role, specifically that he initiated or was the primary award contact on several funded grant proposals and was the only listed researcher on many of the grants. *Id.* at 893, Fn. 11. Here, we are unable to tell the Petitioner's role, if any, in obtaining this funding, and therefore whether this funding indicates any interest from relevant agencies in the Petitioner pursuing the proposed endeavor. The evidence in the record regarding the Petitioner's funding from U.S. government agencies does not appear to be similar in kind to the funding received by the petitioner in *Matter of Dhanasar*.

Not every individual who has conducted original research, published findings, and provided peer review service will be found to be well-positioned to advance their proposed endeavor. Rather, we must examine the factors set forth in *Matter of Dhanasar* to determine whether, for instance, the individual's education, skills, and record of success, their model or plan for future activities, their progress towards achieving the proposed endeavor, and the generation of interest among relevant parties supports such a finding. *Id.* at 890. In considering the record in totality, we conclude that the Petitioner has not established that he is well-positioned to advance the proposed endeavor, and thus, he has not established that he satisfies the second prong of the *Dhanasar* framework.

While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner does not meet the first or second prongs of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve,

remaining *Dhanasar* prong. *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).

III. CONCLUSION

The Petitioner has not met the requisite first or second prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion.

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.