U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40777056

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 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 a postdoctoral associate at [redacted].[3] He stated that his "proposed endeavor is to develop advanced power grid optimization methods used to manage secure and cost-effective grid operation in order to enhance renewable energy integration, mitigate grid violations, and optimize algorithm development." The Petitioner further indicated that his "work includes studying renewable energy uncertainty representation, integration, and state estimation for Power Electronic Power Distribution System (PEPDS) multi-rate analysis and optimization. I am additionally investigating large scale system transmission line overload mitigation as well as steady state computation, power systems stability, and grid enhancement."

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.* We agree with SCOPS' determination that the Petitioner's endeavor has substantial merit.

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 provided information about the benefits of integrating renewable energy sources into electrical grids. He also presented letters of support discussing how his undertaking helps contribute to advancements in power systems technologies. In addition, the Petitioner submitted documentation indicating that the benefit of his proposed research offers broader implications in the power engineering field, as the results are disseminated to others in the field through electrical engineering journals and conferences. As the

[2] The Petitioner received doctoral degree in Electrical Engineering from [redacted] in China in 2018.

[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.

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.* For the reasons explained below, we withdraw SCOPS' conclusion that the Petitioner meets *Dhanasar's* second prong.

The record includes documentation of the Petitioner's curriculum vitae, doctoral degree, published and presented work, two U.S. patents, and peer review service. The Petitioner also offered evidence of articles that cited to his published work, citation metrics, and letters of support discussing his research.

In letters supporting the petition, the Petitioner's references discussed his research projects involving power systems. For example, Dr. X-W-, an associate professor at [redacted], asserted that the Petitioner "investigated the issue of multiple power flows and switching" and proposed "a novel method that uses flow calculations and real-world analytics to adjust system behavior." While Dr. X-W- indicated the Petitioner's work helps "operators understand the state of power grids," 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. H-D-C-, a professor at [redacted] stated that he and the Petitioner collaborated on several projects and "introduced the [redacted] method, which offers a computationally efficient way to model renewable energy uncertainty while preserving real-world forecast patterns." Likewise, Dr. Y-L-, an assistant professor at [redacted], indicated that the Petitioner "introduced a novel and impactful method known as [redacted]. The approach involves taking the larger problem of dataset sizes and categorizing them into smaller, more manageable parts." Dr. Y-L- further asserted that by applying the Petitioner and Dr. H-D-C-'s method, "scholars can use fewer resources to make faster calculations," 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.

Regarding the Petitioner's research aimed at managing transmission line overloads, Dr. J-Z-, a professor at [redacted] indicated that the Petitioner's "tests on small and large system showed that his method, which used a detailed AC power flow model, was significantly faster than traditional branch and bound method, making it highly suitable for real-time grid management." Dr. J-Z- additionally wrote that he and others cited the Petitioner's research paper on this topic, 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 published in some of the most prestigious outlets in his field" such as *IEEE Transactions on Smart Grids*, *IEEE Transactions on Power Systems*, *International Journal of Electrical Power & Energy Systems*, and *IEEE Transactions on Circuits and Systems II: Express Briefs*. He presented Google Scholar rankings for these publications based on their h5-index. For example, *IEEE Transactions on Smart Grids* and *IEEE Transactions on Power Systems* ranked first and third, respectively, in power engineering. 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.

As it relates to the citation of his work, the Petitioner provided his Google Scholar profiles from January 2025 and, in response to SCOPS' request for evidence (RFE), from May 2025. The most recent profile indicated that his four highest cited articles, entitled [redacted] (2021), [redacted] (2017), [redacted] (2023), and [redacted] (2022) each received 27, 15, 11, and 11 citations, respectively.[4]

The Petitioner also provided 2025 data from Clarivate Analytics (InCites Essential Science Indicators) regarding baseline citation rates and percentiles by year of publication for the "Engineering" research field. The Petitioner contends that his 2021 paper, entitled "Power flow matching-based topology identification of medium-voltage distribution networks via AMI measurements" ranked among "the top 20% most-cited articles published in 2021 in Engineering" based on the 23 citations it had received as of January 2025. Likewise, he asserts that his 2023 paper, entitled "On the accuracy of power flow and load margin calculation caused by incorrect logical PV/PQ switching: Analytics and improved methods" is "one of the top 20% most-cited articles published in 2023 in Engineering" based on its eight citations as of January 2025. But the Petitioner relies on citation information concerning the larger field of engineering and compares his citation frequency in power engineering to that of the larger field. While we acknowledge that power engineering is part of the larger field of engineering, the Petitioner has not submitted sufficient evidence confirming that information extrapolated from the larger field applies equally to each subfield within engineering, including power engineering. Thus, the Petitioner's comparison of his citation number in his field with information regarding citation in the larger field of engineering does not sufficiently establish the level of his success or impact in the field of power engineering.

Additionally, the Petitioner submitted an article in *Scientometrics* written by [redacted] and [redacted] entitled "How to evaluate individual researchers working in the natural and life sciences meaningfully? A proposal of methods based on percentiles of citations." 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

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

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."

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 or in their introduction section as part of an overview of current research, but none highlight or comment upon his research in a way that demonstrates he is well positioned to advance the proposed endeavor.

As it relates to the Petitioner's education, while his doctoral 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 record includes evidence that the Petitioner, Dr. H-D-C-, and other members of their team have coauthored two U.S. patents. While a patent recognizes the originality of an idea, it does not by itself demonstrate that the inventor is well positioned to advance their endeavor. Rather, the significance of the innovation must be determined on a case-by-case basis. Here, the record does not include supporting evidence showing the significance of these two patents. For instance, the Petitioner has not demonstrated in what way his invention has affected the power engineering field or otherwise shows a record of success or progress rendering him well positioned to advance his proposed endeavor.

Regarding his peer review activity, the Petitioner presented documentation indicating that he reviewed manuscripts for *IEEE Transactions on Power Systems*, *IET Renewable Power Generation*, and

[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.*

International Journal of Electrical Power and Energy Systems. 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 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 power engineering 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.

C. Whether on Balance a Waiver is Beneficial to the United States

The third prong requires a petitioner to demonstrate that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. *Id.* at 890-91. In performing this analysis, we may evaluate factors such as: whether, in light of the nature of the individual's qualifications or the proposed endeavor, it would be impractical either for them to secure a job offer or to obtain a labor certification; whether, even assuming that other qualified U.S. workers are available, the United States would still benefit from their contributions; and whether the national interest in their contributions is sufficiently urgent to warrant forgoing the labor certification process. *Id.* In each case, the factor(s) considered must, taken together, establish that on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. *Id.* at 891.

In denying the petition, SCOPS' decision stated:

> The self-petitioner has not demonstrated that he presents benefits to the United States through his proposed endeavor that outweigh those inherent in the labor certification process. In addition, the self-petitioner has not shown that he offers contributions of such value that, overall, they would benefit the nation even if other qualified U.S. workers were available.

[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.

On appeal, the Petitioner argues that "the evidence convincingly shows that it would be impractical for [him] to obtain a labor certification, that the national interest in his research is so urgent as to warrant a waiver of the requirement for a labor certification, and that his research offers benefits of such value to the nation that a waiver is warranted even if other qualified domestic workers were available." We acknowledge the impracticality of obtaining a labor certification for a postdoctoral researcher.

In addition, the Petitioner asserts that "his research has been deeply impactful on his research peers, American electrical industry and the repeated appearance of his work in articles produced by other scientists further illustrates the demand for his talents." He claims that his "citation statistics coupled with the particular highlights of his work demonstrate the enormous value he represents to the research community and electrical industry of the United States."

For *Dhanasar's* third prong, we assess whether the proposed endeavor and the individual being well positioned to advance that endeavor, taken together, provide benefits to the nation such that a waiver of the labor certification requirement outweighs the benefits that ordinarily flow from that requirement.[7] Here, the Petitioner has not demonstrated that he is well positioned to advance the proposed endeavor or that his power engineering contributions supersede the benefits of protecting the domestic labor supply inherent in the labor certification process.

While the record includes information about the benefits of integrating renewable energy sources into electrical grids, this documentation is insufficient to show that the national interest is better served by a waiver of the job offer and thus the labor certification requirement. The labor certification process is intended to ensure that the admission of foreign workers will not adversely affect the job opportunities, wages, and working conditions of U.S. workers. We acknowledge the inapplicability of labor certification, the Petitioner's doctoral degree in a STEM field (electrical engineering), his graduate and postdoctoral research experience, and his findings relating to power engineering. The evidence in the aggregate, however, is not sufficient to demonstrate that a national interest waiver outweighs the benefits inherent to the labor certification process.

The Petitioner has not shown that he offers contributions of such value that, on balance, it would be beneficial to the United States to waive the job offer and labor certification requirements even assuming that other qualified U.S. workers are available.

III. CONCLUSION

As the Petitioner has not met the requisite second and third prongs 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.

[7] *See generally* 6 *USCIS Policy Manual*, F.5(D)(3), https://www.uscis.gov/policy-manual.

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.