U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40777557

Date: JAN. 15, 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 "Engineer in Training" at [redacted][3] He indicated that his "proposed endeavor is to use advanced structural reliability analysis and machine learning models to establish safe and economically efficient operational guidelines for truck platoons on bridges in order to enhance national freight movement." The Petitioner further stated that his "current research focuses on calibrating live load rating factors for steel and prestressed I-girder bridges under truck platoons, which will help bridge owners determine safe load postings for platoons." He also asserted that he planned "to reexamine the Service III limit state, traditionally based on engineering judgment, for prestressed concrete bridges using mechanistic approaches to better understand the performance of girders under repeated platoon travels."

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 endeavor has substantial merit and national importance, the Petitioner provided information about the benefits of research aimed at maintaining safe bridges and truck platooning. He also presented letters of support discussing how his undertaking helps contribute to advancements in transportation technologies. In addition, the Petitioner submitted documentation indicating that the benefit of his proposed research offers broader implications in the civil engineering field, as the results are disseminated to others in the field through journals and conferences. As the Petitioner has

[2] The Petitioner received a Ph.D. in Civil Engineering from [redacted] in December 2023.

[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 engineering 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.

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, Ph.D., published and presented work, research funding, student poster competition award, and peer reviewer status. 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 structural reliability and truck platooning.[4] For example, Dr. D-L-, a professor at [redacted], asserted that the Petitioner "developed a novel framework that employs structural reliability analysis to evaluate truck platooning effects on bridges." While Dr. D-L- indicated the Petitioner's work helps "bridge owners determine bridge conditions and develop and implement safe operational guidelines for truck platoons," he did not elaborate on the extent to which the Petitioner's specific findings have been utilized in the transportation 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. A-N-, a professor at [redacted], stated that the Petitioner studied "the impact of truck platooning on bridge infrastructure" and "proposed targeted reliability indices and developed nuanced guidelines for platoon operations, bridging crucial knowledge gaps in transportation engineering." Likewise, Dr. X-F-, a professor at [redacted], asserted that the Petitioner's "methodology provided a robust framework for integrating truck platooning into bridge and transportation management and enhancing structural robustness assessment," but he and Dr. A-N- 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. M-E-, an assistant research professor at [redacted], indicated that the Petitioner "developed a framework to determine the maximum amount that platoon permit loads could be safely increased under strict operational controls." Similarly, Dr. C-Y-, an assistant professor at [redacted], stated that the Petitioner "designed a reliability-based framework to compare the safe loading limits for platoon vehicles" and "determined that platooned trucks were capable of operating at or above the Federal Bridge Formula B Legal Limit." Dr. M-E- and Dr. C-Y- additionally

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

wrote that they have cited the Petitioner's work in their research publications, 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 "prestigious journals" have published his findings, including [redacted] He presented information about these two journals from their publishers, but this information is insufficient to support his claim regarding their "prestigious" status or standing. *See Braga v. Poulos*, No. CV 06-5105 SJO FMOX, 2007 WL 9229758, at *7 (C.D. Cal. July 6, 2007), *aff'd*, 317 F. App'x 680 (9th Cir. 2009) (finding self-serving assertions on the cover of a magazine insufficient to show the status or standing of a publication). Regardless, 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 February 2025 and, in response to SCOPS' request for evidence (RFE), from June 2025. The most recent profile indicated that his two highest cited articles, entitled "[redacted]" (2025) and "[redacted]" (2021) each received 12 and 10 citations, respectively. None of the Petitioner's remaining articles had received more than four citations as of June 2025.

The Petitioner also submitted 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 2025 paper, entitled "[redacted]" ranked among "the top 0.1% most cited articles published in 2025 in Engineering" based on the 12 citations it had received as of June 2025. But the Petitioner relies on citation information concerning the larger field of engineering and compares his citation frequency in civil engineering to that of the larger field. While we acknowledge that civil 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 civil 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 civil engineering.

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 Ph.D. 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 research papers that he coauthored with Dr. D-L- and others in which the "Acknowledgements" section noted that their work was supported by the Nebraska Department of Transportation or the National Natural Science Foundation of China. 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 was "listed as a reviewer in the [redacted]" in 2022, but he did not provide evidence showing the papers he reviewed. He also provided evidence that he was one of three recipients of a [redacted] at the 2023 [redacted]. The Petitioner, however, has not demonstrated that his [redacted] and listing as a [redacted] reviewer represent a record of success in his field or that they are 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

[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.

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 civil 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 Petitioner failed to submit evidence . . . that they present benefits to the United States through their proposed endeavor. In addition, the petitioner has not shown that they offer contributions of such value that, overall, they would benefit the nation even if other qualified U.S. workers were available."

On appeal, the Petitioner argues that "waiving the labor certification requirement is critical to U.S. interests." He claims that obtaining a labor certification is impractical because his "research requires the ability to collaborate flexibly with multiple federal and state agencies (such as the Department of Transportation and the Federal Highway Administration), academic institutions, and industry partners, without being constrained by a single employer." The Petitioner, however, does not specifically explain how his position at [redacted] prevents him from engaging in such research collaborations or why his employer is unable to file a labor certification on his behalf. The record indicates that the Petitioner has maintained his research collaboration with [redacted] (for example) and continued to publish his research since joining [redacted] in April 2024. Further, his appellate submission specifically states that "he will continue to conduct research at [redacted]." This information undermines his arguments regarding "the impracticality of obtaining labor certification."

In addition, the Petitioner points to the benefits of his research contributions to the United States and to the urgent national interest in his contributions. He asserts that he "possesses considerable experience and expertise in civil engineering" and that he has offered "a viable plan for continuing his career."

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 civil 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 research aimed at maintaining safe bridges and truck platooning, 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 Petitioner's doctoral degree in a STEM field (civil engineering), research experience, and findings relating to structural reliability and truck platooning. 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.

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.

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