U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40777060

Date: JAN. 20, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner, an aerospace engineer and robotics researcher, 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 requirement 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.

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

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies for the EB-2 classification as an advanced degree professional, based upon obtaining a master's degree in aerospace engineering from the [redacted] The issue on appeal is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, is in the national interest.

At the time of filing, the Petitioner stated that he was a graduate research assistant at the [redacted] where he was pursuing a Ph.D. in aerospace engineering.[2] The Petitioner stated that his research assistant position included "conducting experiments and collaborating with faculty on research to develop autonomous decision-making algorithms for robotic systems operating in unknown environments with resource constraints." He discussed several of his research projects and stated that the research findings would be published "in leading robotics journals, such as [redacted] and the [redacted] and presented at prestigious robotics conferences such as the [redacted] in the near future."

Regarding his proposed endeavor, the Petitioner stated that he plans to "develop robust adaptive autonomous decision-making algorithms for complex robotic systems operating under resource constraints in challenging and unknown environments in order to accelerate industrial innovation, bolster space exploration, enhance logistics capabilities, and improve workforce safety." He also stated that his research "advances the theoretical foundations of artificial intelligence and robotics by developing novel frameworks for resource-constrained decision-making, adaptive manipulation under uncertainty, and continual learning in dynamic environments." And he added that his algorithms offer "both long-term American leadership in AI and robotics research and short-term solutions to pressing economic and security threats."

Upon de novo review and for the reasons discussed below, we withdraw SCOPS' findings regarding the first and second *Dhanasar* prongs and we affirm SCOPS' conclusion as to the third prong. Therefore, we agree with SCOPS' conclusion that the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Matter of Dhanasar*.

A. Substantial Merit and National Importance

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of 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.*

[2] As the Petitioner is applying for a waiver of the job offer requirement, a job offer from a specific employer is not required. However, we note that, while the Petitioner's listed the research assistant position in his résumé, he did not provide corroborating evidence of such employment.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* Based upon the evidence that the Petitioner intends to pursue an endeavor that relates to advancing an area of science and technology, we agree with SCOPS' determination that the Petitioner's endeavor has substantial merit.

However, we withdraw SCOPS' adverse determination that the Petitioner did not establish the national importance of his proposed endeavor under *Dhanasar's* first prong. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The Petitioner states that his research on "designing versatile autonomous decision-making algorithms" is nationally important because of its role "in optimizing the efficiency and workflows of U.S. sectors, including automotives, electronics, and manufacturing." As evidence that his proposed research endeavor has national importance, the Petitioner presented information about automation in manufacturing as well as artificial intelligence and robotics. He also provided documentation explaining how his proposed research may offer broader implications to U.S. defense and for the manufacturing industry, as the results would be disseminated to others in the field through scientific journals and 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 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 of Science degree, published and presented work, and peer review service. The Petitioner also offered evidence of articles that cited to his published work and citation metrics. However, while the Petitioner provided a personal statement in which he discussed his research at the [redacted] the record contains no evidence, such as letters of support from colleagues or superiors, corroborating his claims regarding his past or proposed research.

In his response to a request for evidence (RFE), the Petitioner argued that "[i]t is self-evident that someone possessing sufficient skills to secure employment as a researcher would be able to advance research in that same field." We disagree. As stated in *Matter of Dhanasar*, a petitioner must go beyond showing the individual's 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 his field of expertise. As such, the Petitioner's experience, while certainly relevant to this discussion, is not sufficient to establish that the Petitioner is well positioned to advance his proposed endeavor.

The Petitioner also highlighted "the prestigious nature" of the journals that published his research findings, such as [redacted] However, a publication's high journal ranking or impact factor is reflective of the publication's overall citation rate, but neither shows the influence of any particular author nor otherwise demonstrates how an individual's research represents a record of success in their field. Further, the Petitioner has not established that his co-authorship of papers that were published in these publications – none of which received more than five citations according to the Petitioner's Google Scholar profile from June 2025 – automatically demonstrates his record of research success or otherwise renders him well positioned.

That said, the Petitioner's Google Scholar profile from June 2025, which he submitted in the RFE response, indicates that his three highest cited articles – entitled [redacted] – received 20, 8, and 8 citations, respectively. And none of the Petitioner's remaining coauthored articles had received more than six citations as of June 2025. We further noted that the Petitioner did not specify how many citations for each of these individual articles were self-citations by him or his coauthors.

The Petitioner also provided May 2025 data from Clarivate Analytics (InCites Essential Science Indicators) regarding baseline citation rates and percentiles by year of publication for different research fields. However, the Petitioner relies on citation information concerning the larger field of "engineering" and compares his citation frequency in robotics to that of the larger field. While robotics may be 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. Thus, the Petitioner's comparison of the citation number in his field with information regarding citation in the larger field of engineering does not sufficiently establish his level of success or impact in the field of robotics. Likewise, the Petitioner's reliance on citation statistics sourced from OpenAlex is similarly misplaced as the Petitioner has not shown how OpenAlex calculates the percentile figures and how these figures represent independent citations. Regardless, the Petitioner has not established that the number of citations received by his published articles reflect a level of interest in his work from relevant parties sufficient to meet *Dhanasar's* second prong. Further, while we agree that the citations indicate some degree of interest in his research from colleagues and peers in the field, this evidence alone is insufficient to demonstrate a level of interest or a record of research success that renders him well positioned.

In fact, the Petitioner relies primarily on his educational credentials and published research to establish that he is well positioned to advance his endeavor, to the exclusion of other corroborating evidence. For instance, in response to SCOPS' RFE the Petitioner provided a personal statement where he referred to his "current role as an [redacted]" and stated that his "daily responsibilities are deeply enmeshed with cutting-edge research and development." He also provided a list of his claimed job duties, claiming that his duties "directly fuel and concretize

my proposed endeavor." However, the Petitioner did not provide a letter from the stated employer to corroborate these claims or verify the Petitioner's position and duties with the listed employer. The Petitioner also provided no recommendation letters from colleagues or peers in the field indicating interest in his research. The Petitioner must support its assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

As previously noted, the Petitioner has maintained that he possesses the education, skills, and knowledge necessary to advance the proposed endeavor. We acknowledge that the Petitioner holds an advanced degree in a science, technology, engineering, or mathematics (STEM) field which is tied to his proposed research. We also recognize that the Petitioner's work falls within a critical and emerging technology area, and we acknowledge the importance of progress in STEM fields and the role of individuals with advanced STEM degrees. Individuals with advanced STEM degrees, particularly those holding a PhD, play a key role in fostering progress, especially in areas vital to U.S. competitiveness and national security.[3] To that end, we note that the Petitioner had not yet earned a PhD at the time this petition was.[4] *See* 8 C.F.R. § 103.2(b)(1) (requiring that eligibility for an immigration benefit be established at the time of filing); *see also Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). Regardless, a degree in and of itself, is not a basis to determine that a person is well positioned to advance the proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 890.

As stated earlier, in addition to education, we look at a variety of factors in determining whether a petitioner is well positioned to advance their proposed endeavor and education is one factor among many that may contribute to such a finding. *Id.* For instance, in *Dhanasar*, the petitioner held three advanced degrees, including a PhD, tied to his proposed research which had significant implications for U.S. national security and competitiveness. That petitioner also supplemented the record with other probative evidence, including letters of support from experts in the relevant research field who discussed the proposed research "in detail and attest[ed] to his expertise in the field." *Id*. at 892. As previously noted, the Petitioner in this instance did not have a PhD at the time of filing and he offered no letters of support from his listed employer or from experts in the field discussing either the proposed endeavor or the Petitioner's expertise in the field of robotics and automation. *See Matter of Chawathe*, 25 I&N Dec. at 376.

In addition, the Petitioner has repeatedly stated that his doctoral research has attracted U.S. government interest and was funded by National Aeronautics and Space Administration (NASA) and the Defense Advanced Research Projects Agency (DARPA), an agency within the U.S. Department of Defense. However, neither the Petitioner's personal statement nor informational materials about NASA and the U.S. Department of Defense, which the Petitioner provided in response to the RFE, serves as sufficient corroborating evidence to support his claim. 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. Regarding the Petitioner's research, the record does not show that the Petitioner (rather than his professor) was

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[3] "USCIS considers an advanced degree, particularly a doctor of philosophy (PhD.), 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 competitiveness 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, supra*, at F.5(D)(2).

[4] The record shows that the petition was filed in February 2025. On appeal, the Petitioner provided a degree certificate showing that he obtained a PhD in aerospace engineering from the [redacted] in May 2025.

mainly responsible for obtaining funding for their research at the [redacted]

In sum, the record demonstrates that the Petitioner has conducted, published, and presented research during his graduate studies, but he has not shown that this work renders him well positioned to advance his proposed research. 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 graduate work constitutes a record of success or progress in robotics and automation research rendering him well positioned to advance the proposed endeavor.

As the Petitioner has not demonstrated that he is well positioned to advance the 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

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, when 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 stated: "The provided evidence is insufficient to show that . . . [the Petitioner] presents benefits to the United States through his proposed endeavor that outweigh those inherent in the labor certification process. In addition, the 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."

On appeal, argues that SCOPS "impose[d] novel evidentiary requirements while focusing on absent evidence instead of the documents submitted" and he points to SCOPS' observation about the lack of support "letters from interested government agencies or quasi-governmental entities in the United States explaining how granting the waiver may outweigh the benefits of the job offer and labor certification requirement . . ." We disagree with the Petitioner's assessment. SCOPS ultimately concluded that the Petitioner "has not shown an urgent national interest" in his contributions. That conclusion was based on the record's overall lack of evidence and was not based on the lack of a specific type of evidence, such as, for example, "letters from interested government agencies or quasi-

governmental entities." SCOPS' mention that this type of evidence was not included in the record is merely offered as an example and was not listed as a required form of evidence.

In addition, the Petitioner argues that he has "proven him[self] to be an influential leader in this extremely important area of research" and that "he has been highly successful in his career conducting research in robotics." The Petitioner, however, does not specifically explain 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] Further, the Petitioner has maintained: "[W]hile I engage in my employment opportunities that are aligned with the goals of my proposed endeavor, my ability to pursue my proposed endeavor is in no way limited to any one employer or role." This statement indicates the Petitioner's intention to continue to conduct research while he is employed at [redacted] This information undermines the Petitioner's arguments regarding "the impracticality of obtaining labor certification."

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.[6] Here, the Petitioner has not demonstrated that he is well positioned to advance the proposed endeavor or that his contributions in robotics and automation supersede the benefits of protecting the domestic labor supply inherent in the labor certification process.

While the record includes information about the benefits of the Petitioner's research, 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 master's degree in a STEM field (aerospace engineering) as well as his research experience. 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

[5] The Petitioner's résumé states that worked as a graduate research assistant at the [redacted] from August 2022 to January 2024 and again from "Jan 2025 – Present." The résumé also shows that the Petitioner first assumed a position with [redacted] as an "applied scientist co-op" from February to December 2024, and in response to the RFE, the Petitioner included a personal statement, dated June 6, 2025, where he referred to his "current role as an Applied Scientist at [redacted]"

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

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.