U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40794683

Date: JAN. 22, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a senior manager of data science, 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).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the required job offer, and thus of a 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;
- 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

The Petitioner proposes to "develop multivariate temporal models using artificial intelligence (AI) to capture interactions in complicated systems in order to forecast future events in high-dimensional dynamic systems, such as gene regulatory networks, and socioeconomic environments." 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. For the reasons 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

In denying the petition, SCOPS found that the Petitioner's proposed endeavor has substantial merit and that she is well positioned to advance her endeavor. SCOPS determined, however, that the Petitioner did not establish the proposed endeavor's national importance, and that, on balance, it would benefit the United States to waive the job offer requirement. On appeal, the Petitioner asserts that SCOPS failed to properly evaluate all evidence.

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.*

The Petitioner states that she is currently employed by [redacted] and intends to continue her research on the development of "multivariate temporal models using AI to capture interactions in complicated systems in order to forecast future events in high-dimensional dynamic systems, such as gene regulatory networks, and socioeconomic environments." She explains that her endeavor is of substantial merit and national importance and relevant to "employing AI tools and temporal models for more accurate data-driven predictions for genetic modeling and financial planning." She further states that her work aims to facilitate "genetic research breakthroughs" and reduce "the financial impact of various diseases associated with alterations in gene regulatory network such as neuropsychiatric disorders and substance use disorders." She also notes that her work is "intended for broad dissemination through peer-reviewed publications, open-source code repositories, and conference presentations."

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the [petitioner] proposes to undertake." *Id.* at 889. In *Dhanasar*, we further noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for

[2] The Petitioner earned a Doctor of Philosophy degree (Ph.D.) in biostatistics from the [redacted] in 2024.

example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n 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." *Id.* at 890.

With respect to the first *Dhanasar* prong, SCOPS acknowledged the substantial merit of the Petitioner's proposed endeavor, but concluded that it did not rise to the level of national importance. Upon review, we disagree and withdraw SCOPS' determination that the Petitioner did not establish the national importance of her proposed endeavor under *Dhanasar's* first prong. As evidence that her proposed research in AI, particularly in statistical modeling, is of substantial merit and national importance, the Petitioner submitted documentation including a personal statement outlining the endeavor and future plans, peer-reviewed journal and conference articles, citation records, and relevant industry reports and articles. The Petitioner also provided probative letters of support from experts in the field describing the Petitioner's proposed endeavor and past research projects. Moreover, the Petitioner presented evidence indicating the dissemination of her research to others in the field through scientific journal articles and that her endeavor has the potential to advance a critical and emerging technology field. USCIS recognizes the importance of progress in science, technology, engineering, and mathematics, especially in focused critical and emerging technologies important to U.S. competitiveness or national security. *See generally* 6 *USCIS Policy Manual,* F.5(D)(2), https://www.uscis.gov/policymanual.

Based on the evidence in the record, the Petitioner has demonstrated both the substantial merit and national importance of her proposed research, and thus has established that she meets the first prong of the *Dhanasar* framework. However, to the extent that the Petitioner's endeavor involves her employment as a senior manager of data science at [redacted] we do not agree that this work is of national importance, as the record does not show that the benefits of this work would result in broader implications beyond the benefits to her employer. In *Dhanasar*, we discussed how teaching would not impact the field of education more broadly in a manner which rises to national importance. *Dhanasar,* 26 I&N Dec. at 893. By extension, activities which only benefit the Petitioner's employer would not rise to a level of national importance.

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.*

In denying the petition, although SCOPS determined that the Petitioner was well positioned to advance the proposed endeavor, SCOPS concluded that the Petitioner did not 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.

On appeal, the Petitioner argues, citing to *Buletini v. INS*, 860 F. Supp. 1222, 1226 (E.D. Mich. 1994), that SCOPS failed to consider all the relevant evidence. With respect to the standard of proof in this matter, a petitioner must establish that they meet each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-76. In other words, a petitioner must show that what they claim is "more likely than not" or "probably" true. *Id.* at 376. To determine whether a petitioner has met their burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.* The court in *Buletini* did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor does it suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *See, e.g.*, *Villegas Sanchez v. Garland*, 990 F.3d 1173, 1183 (9th Cir. 2021).

Upon de novo review, we conclude that the Petitioner has not demonstrated that she is well positioned to advance the proposed endeavor. We, therefore, withdraw SCOPS' finding that the Petitioner is well positioned to advance her proposed endeavor.

As previously mentioned, the Petitioner submitted academic records, evidence of peer-reviewed journal articles, Google Scholar citation record, independent advisory opinions, letters of support, and industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner states that she intends to continue her research endeavor at [redacted]. Specifically, she indicates that she plans to analyze "high-dimensional customer profile data and use it for customer behavior prediction," employ "advanced statistical tools for modeling customer responses," and use "AI tools for examining the relationship between customer behavior and economic fluctuations." She also states that she plans to collaborate with two researchers from the [redacted] and one from the [redacted] to "develop a molecular circadian rhythm model using temporal genetics data that incorporates self-correcting systems to account for time measurement errors and provide more robust estimations." She asserts that, although her proposed research is distinct from her current employment, information regarding her position at [redacted] is provided to "confirm [her] capacity to advance the proposed endeavor in [her] current employment." At the same time, the Petitioner indicates that she plans to continue her employment at [redacted] "for the foreseeable future." However, the record does not sufficiently establish how the Petitioner would pursue her endeavor independently outside the scope of her current role. Additionally, the Petitioner has not sufficiently demonstrated how she would pursue her proposed research endeavor while simultaneously collaborating with other researchers on a different project and maintaining full-time employment.

The Petitioner asserts her "education, experience, expertise, documented record of success, influence in her field, and her future plan have altogether well positioned her to" to advance her proposed endeavor. We acknowledge that the Petitioner holds an advanced degree in a science, technology, engineering, or mathematics (STEM) field which is tied to her proposed endeavor of developing "multivariate temporal models using AI." We further recognize the Petitioner's assertion that her work falls within a critical and emerging technology area, and we again 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 Ph.D., play key role in fostering progress, especially in areas vital to U.S. competitiveness and national security.[3] *See generally* 6 *USCIS Policy Manual* at F.5(D)(2), https://www.uscis.gov/policymanual. We therefore agree with the Petitioner that we consider her Ph.D. in a STEM field tied to her proposed endeavor to be an especially positive factor for establishing the second *Dhanasar* prong.

However, a degree, in and of itself, is not a basis to determine that a person is well positioned to advance the proposed endeavor. *Id.* When evaluated in the context of the full record, the Petitioner has not shown that she is well positioned to advance her proposed endeavor as contemplated by *Dhanasar*. 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.* In *Dhanasar*, the petitioner held three advanced degrees, including a Ph.D., tied to his proposed research which had significant implications for U.S. national security and competitiveness. To determine whether the petitioner was well positioned to continue to advance his proposed endeavor, we also favorably considered the significance of his research which had been corroborated by evidence as having peer and government interest; the significance of his role in his research projects; consistent funding from government agencies of his research projects; and his position with a U.S. university where he intended to conduct his proposed research work. *Dhanasar,* 26 I&N Dec. at 892-93. Here, while we recognize the Petitioner's advanced degree and the general alignment of her academic background with her proposed research, an advanced degree and a record of publications are not, on their own, sufficient to demonstrate that the Petitioner is particularly well positioned to advance the proposed endeavor.

The Petitioner states that due to her "knowledge and expertise in high-dimensional time series data analysis," she has been invited to serve as a peer reviewer for an authoritative journal in her field and that she has completed two reviews to date. She highlights her academic credentials, published articles, citation history, expert opinion and support letters, the publications of her research in what she characterizes as authoritative venues, and her stated future research plans. She asserts that these accomplishments collectively demonstrate that she is well positioned to advance her proposed endeavor. The Petitioner places particular emphasis on her publication records and citation metrics, noting that she has authored 16 peer-reviewed journal articles, including five first-authored and co-first-authored papers and two first-authored abstracts. She further asserts that these works have been published in top journals in her field and had received a total of 362 citations at the time of filing. While the Petitioner's publications have been cited, citation metrics alone are not determinative of the Petitioner's ability to advance the proposed endeavor in the future. Here, the record lacks evidence that the Petitioner's work has resulted in real-world applications or influenced academic or industry practices. There is also insufficient information that the Petitioner's prior research has been implemented or has influenced her field.

Moreover, the fact 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

[3] "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 competitiveness or national security, an especially positive factor to be considered along with other evidence for purposes of the assessment under the second prong."

or otherwise demonstrate how an individual's research represents a record of success in their field. Similarly, although citation data can suggest peer acknowledgement, the Petitioner did not disclose the number of self-citations or those made by co-authors, which limits the ability to assess the objectivity and the breadth of the impact. Also, citation frequency, which may include self-citations, is quantitative in nature and does not reveal the reasons for the citations, which involve a qualitative analysis.

While we agree with the Petitioner that the citations, independent advisory opinions, and recommendation letters indicate some degree of interest in her research from her 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 her well positioned. The Petitioner's citation record must be weighed alongside other qualitative indicators of impact and influence. The Petitioner therefore has not demonstrated that the number of citations received by her published journals and articles, in and of themselves, reflect a record of success in similar efforts to meet *Dhanasar's* second prong.

Further, 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." *Dhanasar,* 26 I&N Dec. at 893.

In support of her petition, the Petitioner submitted expert opinion and recommendation letters that describe her academic achievements, technical skills, and contributions to the scientific community. The authors discuss her prior research projects, including understanding circadian rhythm mechanisms and developing modern analytical methods for real-world temporal data. Some authors declare that her work is "vital for the development of statistical models and analytical tools that support a broad range of health applications." While these letters are generally supportive and positive factors, they do not offer sufficient, detailed, and concrete examples of how the Petitioner's work has been adopted, applied in practical settings, or changed the course of other research efforts. The authors also do not provide sufficient evidence that the Petitioner's research has been widely accepted or used within her field beyond having been cited by others in their published work.

The record also includes a letter from [redacted] describing the Petitioner's research abilities within the company. [redacted] asserts that the insights generated from the Petitioner's research have "broader applications and influence across the wider financial services and risk management communities," in addition to advancing the company's "strategic financial objectives." The company further claims that it supports active "knowledge-sharing activities such as publishing research papers and presenting findings at prominent industry conferences." The company also claims that 50% of the Petitioner's responsibilities "are devoted to research-related tasks." While we acknowledge the letter, the evidence does not establish that the Petitioner's research endeavor is independent of her employment. It is also unclear how much time the Petitioner plans to devote towards her proposed research endeavor versus her responsibilities as a senior manager of data science at Amex.

The Petitioner affirms that her endeavor involves continuing her research on "developing multivariate temporal models using AI to capture interactions in complicated systems in order to forecast future events in high-dimensional dynamic systems, such as gene regulatory networks, and socioeconomic environments." However, the Petitioner has not sufficiently demonstrated that there is sufficient interest in her future research projects. For instances, the record does not indicate that she has participated in externally funded research projects, served as a primary or principal investigator on a funded project, or secured independent funding for a research project. 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, the evidence submitted does not sufficiently demonstrate that the Petitioner is well positioned to independently secure funding or lead the advancement of her proposed endeavor.

The record demonstrates that the Petitioner has conducted and published research, but she has not shown that this work renders her well positioned to advance her proposed research 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. Based on our de novo review, the record is insufficient to demonstrate that the Petitioner is well positioned to advance her proposed endeavor. In considering the record in totality, we, therefore, conclude that the Petitioner has not established that she is well positioned to advance the proposed endeavor.

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. *Dhanasar,* 26 I&N Dec. at 884. However, as the Petitioner has not established that she meets the second prong of the *Dhanasar* framework, the Petitioner has not shown that she is eligible for and otherwise merits a national interest waiver, and we therefore reserve the Petitioner's arguments with respect to this issue. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established the national importance of her proposed endeavor, and she does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that she is eligible for or merits a waiver of the job offer and labor certification requirements in the national interest 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.