U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40794654

Date: JAN. 23, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a research and development engineer, 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 state-of-the-art materials science approaches in order to substantially improve the durability and protective capacity of high-performance textiles." 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

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.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The Petitioner seeks to continue his research into development of "high-quality textile materials that are superhydrophobic and self-healing in order to improve materials' performance, durability, and resilience under diverse environmental conditions," as well as publish original functional textiles research in peer-reviewed journals and conferences. SCOPS found that the Petitioner's proposed endeavor has both substantial merit and national importance.

Based on the evidence in the record, we agree with SCOPS' conclusion that the Petitioner's proposed endeavor relating to his prospective research is both substantially meritorious and nationally important. However, to the extent that the Petitioner's proposed endeavor involves his prospective employment, we do not agree that the employment is of national importance. In *Dhanasar*, we discussed how teaching would not impact the field of education more broadly in a manner which rises to national importance. *Id.* 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.*

[2] The Petitioner earned a master's degree in textiles, merchandising, and fashion design from the [redacted] South Korea in 2019.

In denying the petition, SCOPS concluded that the Petitioner did not demonstrate eligibility for a national interest waiver because he did not establish that he is well positioned to advance the proposed endeavor and 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 asserts that SCOPS abused its discretion by failing to properly evaluate the submitted evidence under the correct standard of proof and subjected the Petitioner to "a wholly unfair review process."

The Petitioner also argues, citing to *Buletini v. INS*, 860 F. Supp. 1222, 1226 (E.D. Mich. 1994), that SCOPS failed to consider all the relevant evidence and to properly review the totality of the 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).

The Petitioner contends that a preponderance of the evidence establishes that he possesses the "education, skills, knowledge, and record of success in related or similar efforts to demonstrate that he is well positioned to advance the proposed endeavor." He explains that his master's degree in textiles, merchandising, and fashion design allowed him to work in textiles and materials science field, including as a production engineer and material engineer for multiple companies. The record includes documentation of the Petitioner's curriculum vitae, academic transcripts, peer-reviewed journal articles, and Google Scholar citation record. The Petitioner also offered evidence of articles that cited to his published work, independent advisory opinions, letters of support, and relevant industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner maintains 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 work to develop "state-of-the-art materials science approaches for textile characterization and lifecycle assessment in order to substantially improve the durability and protective capacity of high-performance textiles." We further recognize the Petitioner's assertion that his 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. *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 his master's degree in a STEM field tied to his 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 he is well positioned to advance his 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. *Matter of Dhanasar,* 26 I&N Dec. at 892-93. Here, while we recognize the Petitioner's advanced degree and the general alignment of his academic background with his 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 record includes independent advisory opinions and recommendation letters that commend the Petitioner's skills as a material developer and colorist and acknowledge his contributions to the field of functional textile research. Specifically, the authors describe the Petitioner's prior research projects in superhydrophobic textiles, including his work leveraging octadecylamine and hexadecyltrimethoxysilane as hydrophobic agents to produce superhydrophobic cotton surfaces. The authors further note that other researchers have found the Petitioner's findings "critical and groundbreaking," have used his research, referenced his investigations, and have relied upon his research in advancing textile investigations. However, while these letters are supportive in tone and positive factors, they generally lack specific and concrete examples demonstrating how the Petitioner's work has been adopted, applied in practical settings, or changed the course of other research efforts. The record also lacks evidence that the Petitioner's work has resulted in real-world applications or influenced academic or industry practices. Additionally, there is insufficient information that the Petitioner's prior research has been implemented or has influenced his field besides being referenced in other researcher's work.

The Petitioner claims that his research has resulted in two first-authored peer-reviewed journal articles, and that these papers have been published in top journals within his field, [redacted] and [redacted] He states that he has received a total of 24 citations, at the time of filing. The Petitioner also asserts that he has accumulated more citations than Dr. Dhanasar at the time of filing the petition. While citation data can suggest peer acknowledgement, the Petitioner did not sufficiently explain 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. 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 or otherwise demonstrate how an individual's research represents a record of success in their field.

While we agree with the Petitioner that the citations and recommendation letters indicate some degree of interest in his research from his 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. 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 his published articles, in and of themselves, reflect a record of success in similar efforts to meet *Dhanasar's* second prong.

Moreover, 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.

The Petitioner asserts that he has received funding from National Research Foundation of Korea and [redacted] in support of his prior research. However, the record lacks sufficient detail regarding the Petitioner's special role or responsibilities in securing these funds, including whether he was the primary award recipient or principal investigator. Likewise, it is unclear how the Petitioner obtained the research fund from [redacted], and whether the funding was granted as part of his employment or solely for internal research projects. Furthermore, while the record shows that the Petitioner participated in projects that received funding, without clear documentation of his contributions to the funding process, it cannot be concluded that these awards are indicative of his individual merit or his capacity to independently advance significant research endeavors. 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, although the Petitioner's involvement in funded researches is favorable, the evidence submitted does not sufficiently demonstrate that the Petitioner is well positioned to independently secure funding or lead the advancement of his proposed endeavor.

In the initial petition, the Petitioner indicated his intent to pursue a position as a research and material development engineer at [redacted] or similar employer. In response to SCOPS' request for evidence, the Petitioner stated that he plans to design "advanced military uniforms" in order to "ensure the protection and safety of soldiers across extreme and difficult environmental conditions." He further explained that to advance these research goals, he will secure a "research-oriented role with academic institutions, national labs such as [redacted], or federally supported organizations like [redacted]." However, the Petitioner has not provided evidence of an employment offer from [redacted] academic institutions, or any national labs. Additionally, although the Petitioner stated that he would pursue collaborative research roles with academic institutions and apply for research projects, the record does not contain documentation demonstrating interest in offering him a research position. The fact that the Petitioner does not currently have such a position weighs against demonstrating either a specific model or plan for future activities or progress toward achieving the endeavor. The Petitioner seeks a national interest waiver of the job offer requirement.

Therefore, an offer of employment is not a requirement for approval, nor do we consider the lack of a job offer a negative factor in analyzing the evidence, depending upon the specific circumstances of the case.

However, in this instance, the Petitioner's own stated intention for advancing his endeavor requires an offer of employment, and he has not provided documentary evidence of pursuing this employment or any specific steps taken toward achieving employment. By contrast, the petitioner in *Matter of Dhanasar* was already employed as a postdoctoral research associate at a university, was performing research and development related to his proposed endeavor at this university and intended to continue to do so. *Id.* at 891. While a job offer or the existence of funding is not specifically required, we are not precluded from considering the lack of such evidence as a factor in this analysis, particularly given that funding is critical to the Petitioner's research-based endeavor. *Id.* at 890. Also, in cases such as this one, where the Petitioner does not intend to be self-employed, a job offer or communications with prospective employers, while not required, may be relevant to demonstrate the circumstances or capacity in which the person intends to carry out the endeavor and the feasibility of that plan.[3]

The record demonstrates that the Petitioner has conducted and published research, 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. In considering the record in totality, particularly the fact that the Petitioner has not demonstrated the ability to pursue his proposed endeavor in the United States through an offer of employment, a statement of interest, or other potential funding that would allow the Petitioner to pursue his endeavor, we conclude that the Petitioner has not established that he 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. *Matter of Dhanasar*, 26 I&N Dec. 884. However, as the Petitioner has not established that he meets the second prong of the *Dhanasar* framework, the Petitioner has not shown that he 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

As the Petitioner has not met the requisite second prong of the *Dhanasar* analytical framework, we find that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion.

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[3] *See generally* 6 *USCIS Policy Manual*, *supra*, at 5.F.(D)(1).

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.