U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40002263

Date: JAN. 28, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a machine learning scientist, 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* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

SCOPS denied the Form I-140, Immigrant Petition for Alien Workers (national interest waiver), concluding that the Petitioner 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 visa 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
- On balance, waiving the job offer requirement would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner obtained a master of science degree in computational biology from [redacted] in May 2017 and a doctor of philosophy in quantitative and computational biosciences from [redacted] in July 2023. SCOPS determined the Petitioner established he has an advanced degree and qualifies for the underlying EB-2 visa classification. We agree. The remaining issue is whether he has established he merits a discretionary waiver of the job offer requirement "in the national interest."

SCOPS determined the Petitioner did not establish any of *Dhanasar's* prongs. We agree. While the Petitioner's proposed endeavor has substantial merit, he did not establish its national importance to demonstrate *Dhanasar's* first prong. The Petitioner also did not demonstrate that he is well-positioned to advance his proposed endeavor, and consequently has not demonstrated he merits a discrestionary waiver of the job offer requirement. We therefore reserve our analysis of *Dhanasar's* third prong. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *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).

A. Substantial Merit and National Importance

According to the Petitioner's statement dated April 2024, he intends to develop and apply novel bioinformatics algorithms and predictive models for exploring biological and biomedical domains to study genetic inheritances, early disease detection, and precision medicine. According to his March 2025 statement submitted in response to SCOPS' request for evidence, the Petitioner adds that his experience as a software engineer in machine learning at [redacted] provides him "with access to state-of-the-art artificial intelligence (Al) techniques, such as large language models" which he plans to "leverage for developing cutting-edge predictive tools that facilitate fundamental biomedical discoveries and enhance precision medicine applications." He describes three projects on which he intends to focus. One is to use the artificial intelligence models that he engages with at [redacted] to analyze large-scale genomic datasets of rare disease patients. In a second project, he will use his experience building AI-powered chatbots at [redacted] to develop a reliable virtual doctor assistant. His third project has him collaborating with his doctoral mentor and lab members to develop novel bioinformatics

[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).

algorithms to analyze how immune cells interact with tumor cells within breast cancer tissues in both spatial and temporal dimensions.

On appeal, the Petitioner re-emphasizes his research, citations to his research, support letters and background materials related to his proposed endeavor, such as articles about bioinformatics and predictive models.

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.* Here, the Petitioner has demonstrated through his articles and background material that his endeavor falls within one or more of the areas contemplated by *Dhanasar.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We look for broader implications" of the proposed endeavor and explained that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* at 890. 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.*

Two of the Petitioner's projects have him pursing his endeavor through his employment at [redacted] The Petitioner included a letter from his employer dated March 2025, corroborating his work as a software engineer, but makes no representations with respect to his proposed endeavor or the research he describes pursuing. Moreover, [redacted] is a private company, and the Petitioner has not met his burden in establishing how any internal research discoveries would be made publicly available rather than maintained as proprietary information. Further, to the extent he intends to use [redacted] models and AI-powered chatbots to advance his proposed endeavor, he also has not demonstrated that his employer would allow such use of its technology outside the scope of his employment. As a result, the Petitioner has not provided sufficient detail or documentation to support his claims that these projects would have the potential to extend beyond his employer and broadly impact the field of bioinformatics or other fields and industries.

The Petitioner's March 2025 statement also explained that he intends to collaborate with his doctoral mentor and lab members to develop novel bioinformatics algorithms analyzing how immune cells interact with tumor cells within breast cancer tissues. He asserts that because this research would be disseminated to others in the field through journals and conferences, it would have broader implications. As research has the potential to impact the field, details about the Petitioner's research are important for determining the potential prospective impact of the proposed endeavor. As noted above, in *Dhanasar*, we held that a petitioner must identify "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889; *see generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual (providing, as guidance, an endeavor is more specific than a general occupation and should include details of the types of work a petitioner intends to undertake and describe specific projects and goals). Here, the Petitioner does not provide sufficient detail regarding the proposed research, which is particularly critical in light of his full-time employment with [redacted] For example, he does not discuss when or where he will perform this research or how he will obtain

the necessary equipment and specimens to perform the research, including breast cancer tissue. Nor does he elaborate on his proposed collaboration with his doctoral mentor and lab members or provide any documentation of their interest in working with him. Without more, we cannot conclude that the Petitioner has provided sufficient detail describing his proposed research for us to determine the potential prospective impact of the endeavor.

For all the above reasons, the Petitioner has not established by a preponderance of the evidence that his proposed endeavor will have broader implications in the field, or substantial positive economic effects, particularly in an economically depressed area, to demonstrate its national importance and that he meets the requirements of *Dhanasar's* first prong.

B. Well Positioned to Advance the Proposed Endeavor

To determine whether a petitioner is well positioned to advance the proposed endeavor, we consider factors including, but not limited to: the petitioner's 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. *Matter of Dhanasar*, 26 I&N Dec. at 890. On appeal, the Petitioner highlights evidence in support of this prong, including his degrees, peer review work, letters in support, published articles, citation history, notable citations to his studies, and his plan of proposed work.[2]

As noted, the Petitioner's education, skills, and knowledge are positive factors in support of his position to advance the proposed endeavor. *Id.* at 890. The Petitioner has demonstrated that he holds a U.S. doctoral degree in quantitative and computational biosciences, which relates to his proposed research. However, a degree is one factor we consider in determining whether a person is well positioned to advance the proposed endeavor. *See generally* 6 *USCIS Policy Manual, supra,* at F.5(D)(3) (providing, as guidance, education is merely one of many factors that may contribute to whether an individual is well-positioned to advance their proposed endeavor). Further, the Petitioner claims he was invited to review the work of others because of his knowledge and expertise. However, the Petitioner does not provide evidence to corroborate why he was selected as a peer reviewer, he does not explain how his review work relates to his proposed endeavor and how the work demonstrates he is well positioned to advance his proposed endeavor.

We also consider evidence of the Petitioner's record of success in related or similar efforts and any progress towards achieving the proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 890. On appeal, the Petitioner asserts his seven peer-reviewed journal articles, his citation rate, and notable citations demonstrate his record of success and influence in the field. He provided his Google Scholar profile evidencing his articles have been cited 99 times. However, he does not discuss the significance of the number of studies he published or provide context for how being cited 99 times equates to a record of success or progress in achieving his proposed endeavor. The Petitioner states he authored two papers that rank among the top 10% and two papers that rank among the top 20% most-cited articles across the entire field of biology and biochemistry for their respective years of publication. However, the Petitioner does not submit evidence demonstrating that the baseline citation rates from

[2] While we may not mention all the evidence submitted for this prong, we have reviewed the record in its entirety and discuss the evidence relevant to our analysis.

biology and biochemistry apply similarly to the computational bioscience or machine learning field, which is his claimed research area. Moreover, 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. Further, we recognize the Petitioner's research must add information to the pool of knowledge in some way in order to be accepted for publication, presentation, funding, or academic credit. However, not every individual who has performed original research will be found to be well positioned to advance his 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.

Here, the articles the Petitioner submitted as notable citations to his studies only list the Petitioner's work in string citations with other studies, at most noting the Petitioner's study in a sentence or two without more discussion. Beyond having been cited by others in their published works, the articles do not demonstrate how the Petitioner's work is being used by others in the field to establish a record of success or progress towards achieving his proposed endeavor. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3) (providing, as guidance, a petitioner may establish he is well-positioned by including evidence such as excerpts of published articles showing positive discourse around, or adoption of, the person's work, or achievements in the field or how the person's work is being used). The Petitioner has not shown that his published work has served as an impetus for progress in the computational bioscience field, influenced the field, or has generated positive discourse around or adoption of the Petitioner's research to demonstrate that his work constitutes a record of success or progress in researching, developing, and applying novel bioinformatics algorithms and predictive models to study genetic inheritances, early disease detection, and precision medicine.

The Petitioner further asserts that his support letters speak to his influence in the field and record of success. Letters may be persuasive when they are from experts in the person's field who have first-hand knowledge of the person's achievements, describe those achievements, provide specific examples of how the person is well positioned to advance the person's endeavor, and are supported by other independent evidence. *See id.* We reviewed the letters and note that while they speak to his knowledge and skills, they do not demonstrate he is well positioned to advance his proposed endeavor. For example, he submits a January 2025 letter by an associate professor at [redacted] a mentor and co-author to one of his studies, who discusses, for example, the Petitioner's use of novel tools, innovative approaches, and claims the Petitioner made significant contributions to the development and application of advanced AI approaches for analyzing large-scale biological data. However, he does not provide details of how the Petitioner's contributions have been significant, such as specific examples of how the Petitioner's use of novel tools has impacted the field and created discourse among others in the field. Similarly, the Petitioner also submitted a January 2025 letter from his doctoral advisor and associate professor at [redacted] who states the Petitioner's most notable accomplishment has been the development of a "toolkit for multi-omics data analysis" which has "facilitated the nuanced exploration of gene regulatory elements and spatial-aware gene-gene and cell-cell interactions." However, the author here also does not explain how the Petitioner's accomplishment has "facilitated" the work of others to demonstrate a record of success or progress toward achieving his proposed endeavor. While the authors make statements reflecting the Petitioner's use of novel technology, the record does not contain evidence of the Petitioner's development of, for example, patents, trademarks, or copyrights, articles or media coverage about the

Petitioner's achievements or current work in the field. Nor is there evidence of how his work is being used in the field. The letters, without corroboration, are therefore not sufficiently persuasive to demonstrate the Petitioner is well positioned to advance his proposed endeavor.

We will also consider a petitioner's model or plan for future activities and the interest of potential customers, users, investors, or other relevant entities or individuals in assessing whether a petitioner is well positioned to advance his proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 890. Here, the Petitioner submitted a statement in response to the RFE explaining research projects he intends to continue pursuing. According to the Petitioner, he co-authored and published his findings in April 2024 on one of his projects, which involves research in rare disease diagnosis through AI. He included the abstract of the article and claims the findings have been "widely adopted by clinicians." However, his submission of an online write-up discussing the findings of the study, and a published paper citing to his study do not support his statement that his findings have been widely adopted. He also described another research project aimed at unraveling the spatial and temporal cell-cell interactions in breast cancer tissues through the development of advanced bioinformatics and claimed the results of which have been peer reviewed and will be published in January 2025. The record demonstrates that the Petitioner's research for these two projects was accomplished while he was pursuing his doctoral degree. The Petitioner does not provide a plan as to how he intends to continue his research in these two areas or in his larger proposed endeavor. He did not include evidence of prospective or potential customers, users, investors, or other relevant entities reflecting feasible plans for financial support to demonstrate he is well positioned to advance the proposed endeavor. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3) (providing, as guidance, the business plan should be detailed and include relevant supporting evidence when appropriate). Without such evidence, the Petitioner has not demonstrated that he currently has the ability to pursue his proposed endeavor. *See id.* (providing, as guidance, documentation reflecting feasible plans for financial support, that the person has received investment from U.S. investors, or awards or grants may demonstrate an individual is well-positioned to advance their endeavor). By contrast, in *Dhanasar*, we noted that the petitioner had received "consistent" government funding of research projects in which he played a "significant" role. *Matter of Dhanasar*, 26 I&N Dec. at 892. Specifically, we noted 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. The record does not similarly support the Petitioner's prospective future funding and interest to advance his endeavor.[3]

On appeal, the Petitioner relies on *Buletini v. INS*, 850 F. Supp. 1222 (E.D. Mich. 1994) to assert SCOPS abused its discretion by insufficiently analyzing all the evidence. However, the *Buletini* decision does not suggest that it would be an abuse of discretion if USCIS does not provide individualized analysis for each piece of evidence. Moreover, SCOPS' decision did discuss the evidence directly relating to the Petitioner's past experience, such as his publications in the field and letters in support and provided an explanation as to why this evidence did not sufficiently establish that he is well positioned to advance his proposed endeavor. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence

[3] The Petitioner claimed in the record below and on appeal that he was funded by the National Institute of Health (NIH). However, the record evidences that one of the Petitioner's co-authors in one of his studies was funded by the NIH, not the Petitioner.

the Petitioner presents. *See Ren v. USCIS*, 60 F.4th 89, 97 (4th Cir. 2023); *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009).

The Petitioner further asserts SCOPS mischaracterized, diminished, or ignored the evidence in the record, and did not properly apply the preponderance of the evidence standard applicable to these proceedings. However, based on our de novo review, we disagree. Looking at the record as a whole, while the Petitioner provided evidence of his education and knowledge, his evidence does not sufficiently demonstrate, for example, a record of success, interest of potential investors, progress towards achieving his proposed endeavor, or a plan describing feasible plans for financial support so he can continue his proposed work. We therefore conclude that the Petitioner has not met his burden in establishing he is well positioned to advance his proposed endeavor by a preponderance of the evidence.

III. CONCLUSION

The Petitioner has not demonstrated he is eligible for a national interest waiver.

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.