U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40719593

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 senior SoC researcher and architect, 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 the record did not establish that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

To qualify for the underlying EB-2 visa classification, a petitioner must establish they are an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act. If a petitioner establishes eligibility for the underlying EB-2 classification, they must then demonstrate that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that he did not establish his eligibility under all three prongs of the *Dhanasar* analytical framework. Specifically, although SCOPS found substantial merit in the proposed endeavor, they concluded the Petitioner did not establish that his proposed endeavor has national importance, that he is well-positioned to advance the proposed endeavor, and that, on balance, waiving the job offer requirement would be beneficial to the United States. For the reasons discussed below, we agree with SCOPS that the Petitioner has not established his eligibility for a national interest waiver and will dismiss the appeal.[2]

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.* SCOPS determined that, although the Petitioner established the substantial merit of his proposed endeavor, he did not show its national importance.

The Petitioner states his proposed endeavor is to develop hardware-level threat mitigation protocols with post-quantum cryptography in order to strengthen the resilience of critical infrastructures and the Internet of Things against cyber threats. He stated that his planned research topics include developing advanced security protocols for system-on-chip (SoC) architectures with an emphasis on threat detection and mitigation strategies at the hardware level. He also aims to pursue research in artificial intelligence-driven anomaly detection for SoC systems to enhance their resilience against sophisticated cyberattacks.

Considering the totality of the evidence submitted, the Petitioner has sufficiently shown the substantial merit and national importance of his proposed endeavor. Therefore, we will withdraw SCOPS' determination on the issue of national importance and conclude that the Petitioner meets this prong.

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.* For the reasons discussed below, the evidence supports SCOPS's conclusion that the Petitioner has not established he is well positioned to advance his proposed endeavor.

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

The Petitioner argues on appeal that SCOPS applied a heightened standard of proof and did not adequately consider all the evidence. He highlights his publication and citation records, as well as the recommendation letters in the record, and reasserts that he is well positioned to advance his proposed endeavor. The Petitioner also argues, citing to *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994), that SCOPS' alleged failure to consider all relevant evidence submitted is indicative of an abuse of discretion.

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).

Here, SCOPS considered and evaluated the Petitioner's documentation but found that he did not meet *Dhanasar's* second prong by a preponderance of the evidence. While the Petitioner generally asserts that the evidence is sufficient to satisfy *Dhanasar's* second prong, upon a de novo review of the record, we agree with SCOPS' conclusion that the record does not establish the Petitioner met his burden to show he satisfies this prong.

The record includes documentation including the Petitioner's resume, educational documents, personal statements, excerpts of his conference papers, related citation records and metrics, excerpts citing to his work, support letters, articles, and industry reports.

With regard to his education, skills, knowledge, and record of success, the Petitioner holds a master's of science degree in information security and applied cryptographic engineering. The record also shows that he holds a Ph.D. in engineering science for electrical engineering, which is a positive factor for consideration. However, we note that while his resume indicates that he is currently employed as a senior SoC researcher and architect and has over nine years of experience in the information technology field, his resume does not include detailed descriptions of his duties performed within each job. It is unclear then what activities the Petitioner performed while in these positions and thus whether he has the skills, knowledge, and record of success well positioning him to advance his proposed endeavor.

Additionally, while the Petitioner points to his published articles and claims that his "continuous dissemination ensure[s] that my influence exceeds beyond my direct employer, contributing to the advancement of the entire field and solidifying my position as a key contributor to national cybersecurity efforts," the evidence does not support these claims. Although he asserts that he has an "extensive documented record of authorship," the record shows he has only published five articles between the years 2012 and 2024. Further, the record shows, and the Petitioner admits, that four of

his articles are "conference" articles, which do not appear to have been published outside the conference proceedings or accepted by a journal. The Petitioner points to a letter by [redacted] stating that papers in peer-reviewed conferences are accepted as high-quality scholarly articles and are "arguably *more* prestigious than journal publications." But even putting aside the fact that [redacted] letter was written over a decade ago in 2014 and the articles he cites '[redacted]' and '[redacted]' were also written 15 or more years ago in 1999 and 2009 respectively, the record does not establish how the Petitioner's five articles shows a record of success through, for example, widespread dissemination or otherwise show how his work has influenced the field. *See generally* 6 *USCIS Policy Manual* F.5(D), https://www.uscis.gov/policy-manual.

The Petitioner also points to his citation record to show his claimed influence and record of success. But, as noted above, the record shows he has only published five articles with 27 total citations at the time of filing, despite the first article's publication in 2012. This 2012 article, which was also his highest cited article, had 18 citations. His second highest cited article, which was published in 2017, had six citations. His remaining three articles, including the one published in 2024, each had only one citation. Although he argues that his 2024 paper is now one of the top 10 percent most cited articles in Computer Science after having increased from one citation at the time to filing to six citations after SCOPS' Request for Evidence (RFE), the Petitioner must establish his eligibility at the timing of filing. *See* 8 C.F.R. § 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm'r 1971). The evidence does not show his articles achieved such percentages at the time of filing his initial petition.[3] We further note that, even a strong citation record, the evidence of which is lacking here, is only one factor to be considered among many for purposes of *Dhanasar's* second prong analysis.

In addition, while we acknowledge that the record shows other researchers have cited to his work, this alone is insufficient to support that his articles are as impactful in the field as claimed. The evidence reflects other researchers primarily cited his coauthored papers in a comparative manner as one of many other studies involved in similarly related efforts. As such, they do not sufficiently show the claimed qualitative progress or success in his field that may position him well in carrying out his proposed endeavor. While one article does note the authors used the Petitioner's model in their own work, the record does not contain sufficient evidence to show this generated substantial positive discourse or otherwise resulted in any impacts to the field. The Petitioner has not demonstrated that his publications or citation counts constitute a record of success or a level of interest in his work from relevant parties sufficient to meet *Dhanasar*'s second prong.

The Petitioner also points to recommendation letters in the record. While the letters generally express that the Petitioner's work is helping to advance the field, they do not detail a record of success or progress in his efforts. For example, while Assistant Professor [redacted] letter generally states that the Petitioner's "contributions not only advanced techniques for side-channel attack resistance but also provided a scalable framework for developing secure, efficient devices for real-world applications in data encryption and secure communication systems," he has provided little

[3] We note that, even if we were to consider his increased number of citations after the RFE, the record does not indicate how many citations were self-citations by him or his co-contributors, and so it does not persuasively show an "impressive influence" on the field as claimed.

corroborating evidence to support those broad claims by showing, for example, the Petitioner's work has been implemented or utilized by others in the field.

With regard to a model or plan for future activities, the Petitioner stated that he planned to pursue a position with NVIDIA or a similar employer where he will continue his research into developing advanced security protocols for system-on-chip architectures with an emphasis on threat detection and mitigation strategies at the hardware level. However, he has not shown that his future job and its duties would coincide with his proposed work, such that it would well position him to advance his endeavor.[4] For instance, the Petitioner submitted a job posting for a senior hardware security architect with NVIDIA. But, the duties listed do not correspond to the Petitioner's proposed endeavor and he has not explained how he will advance his proposed endeavor while working for a company where his and his employer's objectives do not align. Although the Petitioner emphasizes that his proposed endeavor is his overarching goal for his research career, that he intends to pursue it regardless of his specific place of employment, and that he is providing his employment plans to confirm his capacity to advance his proposed endeavor through his employment, his lack of specificity as to how he will conduct and advance his research at an unknown employer's company in an undefined position is not sufficient to show he is well positioned to advance his endeavor. Moreover, despite his assertion on appeal, the record does not demonstrate that the Petitioner has continued to pursue projects related to his endeavor during the pendency of the petition as claimed, which limits his ability to show any progress toward achieving the endeavor. *See* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3). Rather, the Petitioner's personal statements simply describe the projects that the Petitioner intends to pursue if he is able to locate employment. This is insufficient to show he has made progress toward advancing his proposed endeavor.

Because the Petitioner has not demonstrated he is well positioned to advance his proposed endeavor under *Dhanasar's* second prong, he has not shown that he is eligible for a national interest waiver. Analysis of his eligibility under *Dhanasar's* third prong, therefore, would serve no meaningful purpose. Consequently, we will reserve those remaining issues and arguments. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

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

[4] 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 on the specific circumstances of the case. However, in this instance, because the Petitioner's own stated intention for advancing his endeavor is within the context of working for NVIDIA or a similar employer, the lack of evidence showing his pursuit of such employment or any specific steps toward achieving this employment, also does not support his claims that he is well positioned to advance his proposed endeavor.

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.