U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43616122

Date: JULY 7, 2026

Appeal of U.S. Citizenship and Immigration Services Decision

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

The Petitioner 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 that is attached to this classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

U.S. Citizenship and Immigration Services (USCIS) denied the petition, concluding although the Petitioner qualified as an advanced degree professional, he 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(K)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

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 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.

Id.

II. ANALYSIS

The Petitioner proposes to continue to work as a bioengineer. He explains that "[b]y integrating traditional mechanical engineering with molecular biology, the petitioner will be focusing on innovative solutions such as precision medicine, advanced drug discovery, and cellular therapies." The Petitioner also explains that he intends to continue in his "current job or equivalent as long as the position allows" him to continue his endeavor.

A. EB-2 Classification

The Petitioner submitted his U.S. master's degree in bioengineering, along with his academic transcripts. USCIS determined the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether he qualifies for and merits a waiver of the job offer requirement in the national interest.

B. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* 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.* We agree with USCIS' determination that the Petitioner's endeavor has substantial merit.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We withdraw USCIS' determination that the Petitioner did not establish the national importance of his proposed endeavor under *Dhanasar's* first prong. As evidence that his proposed endeavor has substantial merit and national importance, the Petitioner provided information about the benefits of research aimed at microfluidics in the healthcare industry. He also presented letters of support discussing how his undertaking helps contribute to advancements in microfluidic technologies. In addition, the Petitioner submitted documentation indicating that the benefit of his proposed research offers broader implications in the U.S. healthcare system, as the results are 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.

[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).

C. 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 explained below, we withdraw USCIS' conclusion that the Petitioner meets *Dhanasar's* second prong.

The record includes documentation of the Petitioner's curriculum vitae, master's degree and transcript, published and presented work, and approved patents and patent applications. The Petitioner also offered his citation history and letters of support discussing his research.

Here, the record shows that the Petitioner earned a master's degree in bioengineering from [redacted] in 2020, but he does not have a doctor of philosophy (Ph.D.) degree. While we look at a variety of factors in determining whether a petitioner is well positioned to advance his proposed endeavor, USCIS considers a Ph.D. degree, an especially positive factor to be considered along with other evidence. *See 6 USCIS Policy Manual* F.5(D)(3). Notably, in *Matter of Dhanasar*, the record established that the petitioner held multiple graduate degrees including "two master of science degrees, in mechanical engineering and applied physics, as well as a Ph.D. in engineering." *Matter of Dhanasar*, 26 I&N Dec. at 891.

The next factors applicable to the second prong of the *Dhanasar* framework are a model or plan for future activities and any progress towards achieving the proposed endeavor. *Id.* at 890. The Petitioner explained that "[b]uilding on his current contributions at [redacted], where he develops and optimizes microfluidic platforms for high-throughput analysis, he intends to further refine and expand this [*sic*] technologies." He also asserted that through his current employment at [redacted], "he is currently leading the development of the spatial multiomics sequencing project, a core component of their platform, which aims to enhance the spatial mapping of well images to their corresponding transcriptomes and scale up production."

In support, the Petitioner submitted a letter from his employer. K-V- explains the Petitioner's work in microfluidic devices and how his innovations "have significantly streamlined the operational workflow, reducing time and hundreds of thousands of dollars associated with R&D costs" and that "[t]his results in the largest-scale drug screening and cell analysis platform giving our company a massive advantage in advancing medicines and biological knowledge." K-V- also highlights that the Petitioner leads its engineering integration efforts with molecular biology, including integrating an mRNA sequencing method within their microfluidic devices. K-V- further explains that this "technology opens many avenues for complicated disease therapies, drug discovery, diagnostics, and biomolecular-level AI data set generation for the future public." Moreover, K-V- asserts that the Petitioner's "ongoing and planned work has the potential to impact the broader U.S. healthcare system dramatically." While K-V- stated that the Petitioner's "innovative methods in optimizing the bead allocation process led to a 20x increase in the throughput and a 95% increase in the reliability of our screening capabilities, accelerating the development of novel therapeutics and partnerships with other leading pharmaceutical companies," he does not elaborate on the extent to which the specific findings are being utilized in the industry. Nor has the Petitioner otherwise demonstrated that his research findings constitute a record of success or progress rendering him well positioned to advance his proposed endeavor. The *USCIS Policy Manual* identifies

evidence of whether the person's work has influenced the field of endeavor as relevant evidence that may demonstrate a petitioner is well-positioned to advance his proposed endeavor. *See 6 USCIS Policy Manual* F.5(D)(3) (providing, as guidance, many examples of evidence that may demonstrate a person is well-positioned to advance their proposed endeavor).

We have also considered the Petitioner's support letters, but they do not adequately show how the Petitioner's research has influenced the field of endeavor, to demonstrate the significance of his work and show that his work constitutes a record of success. For example, the letter from S-M-, an associate professor at [redacted] states that the Petitioner's microfluidic technology "plays a vital role in the advancement of precision medicine" and therefore the Petitioner's "contributions are not only transformative in biotechnology but also crucial for national interests in healthcare innovation and economic development." He further states that the Petitioner's "contribution to advancements in tech-bio platforms and cellular therapies has the potential to significantly impact millions of patients by expediting treatment time, lowering costs, and enhancing treatment efficacy." Moreover, the letter from R-C- of [redacted] states the Petitioner's professional tenure with his employer "has been marked by his profound contributions to the enhancement of microfluidic platforms used in cell analysis and drug discovery" and that "[h]is efforts not only enhance the functionality of these devices by also ensure their adaptability and efficiency in real-world medical applications." Further, the letter from W-A-G-H-, the former Vice President of Platform Technologies at [redacted] states that the Petitioner's contributions "were technically significant and innovative, leading to substantial improvements in our platform's efficiency and effectiveness." He further explains that the Petitioner's "development of a creative automated system for loading beads into picowells lead to a 40% improvement in the efficiency of this process, making significant savings in time and costs." But, beyond these generalized assertions, none of the authors further elaborate on or sufficiently explain how the Petitioner's work has influenced the field or industry or otherwise show success or progress at a level that renders him well positioned to advance his proposed endeavor.

The record also includes two patent applications and an approved patent that shows the Petitioner, along with several others, as inventors and the Petitioner's employer as the assignee. While a patent recognizes the originality of an idea, it does not by itself demonstrate that the inventor is well positioned to advance their endeavor. Rather, the significance of the innovation must be determined on a case-by-case basis. Here, the record does not include supporting evidence showing the significance of the approved patent to the microfluidics field.

Moreover, the Petitioner provided a copy of his dissertation and his one peer-reviewed journal article where he was the second author. In addition, he provided his Google Scholar profile evidencing that his one peer-reviewed journal article has been cited 41 times. The Petitioner did not provide context for his citation rate to demonstrate it amounts to a strong citation history or that it has generated interest among others in the field. *See generally* 6 *USCIS Policy Manual* at F.5(D)(3). Further, 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.

Finally, we conclude that the record does not sufficiently establish the interest of potential customers, users, investors, or other relevant entities or individuals. *Id.* The Petitioner asserted that his technology with his employer "has attracted substantial funding and recognition from lead investors." However, the record does not reflect that the Petitioner was named as a grant recipient or otherwise show that the

Petitioner, as opposed to his employer for example, has received any funding for his research proposals or future projects. 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. He also "initiated" or was "the primary award contact on several funded grant proposals," and he was "the only listed researcher on many of the grants." *Id.* at 893, n.11.

The record demonstrates that the Petitioner has conducted, published, and presented research during his career, 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. Further, while we acknowledge that the Petitioner has a master's degree in bioengineering, he has not established that he has a Ph.D., which, as previously noted, is an especially positive factor to be considered along with other evidence. Moreover, the record shows that he's a relatively young professional with limited experience in the microfluidic field. Further, the record does not contain sufficient evidence establishing the Petitioner's record of success in related or similar efforts, his progress toward achieving the endeavor, or interest from potential investors or other relevant entities. In *Matter of Dhanasar*, 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. . ., position him well to continue to advance his proposed endeavor of hypersonic technology research." *Id.* at 893. Here, however, in considering the record in totality, we conclude that the Petitioner has not established that he is well-positioned to advance the proposed endeavor.

Because the documentation in the record does not establish that the Petitioner is well-positioned to advance the proposed endeavor as required by the second prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve our opinion regarding his eligibility under the third *Dhanasar* prong. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

The Petitioner has not met the requisite second prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established he is eligible for or otherwise merits a national interest waiver 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.