U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43194276

Date: JULY 30, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a graduate student in chemical engineering, 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).

USCIS 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

The Service Center Operations (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 the *Dhanasar* analytical framework. Specifically, SCOPS determined that, while the Petitioner had shown the substantial merit of his proposed endeavor and that he is well positioned to advance it, he had not demonstrated its national importance or that, on balance, it would be beneficial to the United States to waive the job offer requirements.

For the reasons discussed below, we conclude that the evidence supports the Petitioner met the first prong but did not establish that he is well positioned to advance his proposed endeavor under the second prong. Therefore, we will withdraw SCOPS' findings regarding these prongs. However, we affirm SCOPS' conclusion that the Petitioner has not satisfied the third prong and, therefore, cannot establish his eligibility for a national interest waiver. As such, we 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*.

The Petitioner stated that his proposed endeavor is to "design covalent organic frameworks (COFs) and photocatalyst complexes with optimal surface, photoadsorption, and electrotransfer properties in order to improve per- and poly-fluoroalkyl substances (PFAS) adsorption and degradation for water purification." Upon review and considering the totality of the evidence submitted, the Petitioner has sufficiently shown the substantial merit and national importance of his proposed endeavor. Therefore, we conclude that the Petitioner meets this prong and will withdraw SCOPS' determination on this issue.

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*.

SCOPS found that the Petitioner met this prong, but they provided no analysis to support their conclusion. On appeal, the Petitioner highlights his educational history and experience and reiterates his record of publications, citation history, and federal funding for his past research projects. He

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety including the Petitioner's evidence submitted on appeal.

asserts that the evidence submitted demonstrates he is well positioned to advance his proposed endeavor. But upon our de novo review of the record, we conclude that the evidence does not establish the Petitioner has met his burden to show he satisfies this prong.

With regard to his education, skills, knowledge, and record of success, the Petitioner holds a master's degree in chemistry and is currently pursuing a Ph.D. in chemical engineering. While the Petitioner's advanced degree in a STEM field is a positive factor, it is not a sufficient basis in itself to determine that he is well positioned to advance the proposed endeavor. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual. We look to a variety of factors and education is merely one among many that may contribute to such a determination.

The Petitioner also contends that he has established a "considerable record of success" as evidenced by his journal articles published in "highly ranked outlets" and conference abstracts.[3] However, the fact that 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 sufficiently demonstrate how an individual's research represents a record of success in their field. The Petitioner's publication and citation record do not demonstrate that his work has had an "impressive influence" on the field as claimed. The record shows that, at the time of filing, he had published four co-authored papers between the years 2019 to 2023 with a total of 111 citations. The highest cited article received 68 citations, the second highest cited article received 24 citations, and the third highest cited article received 19 citations. At the time of his response to SCOPS' Request for Evidence (RFE), his citation count had increased to 116 total citations, with the highest cited article receiving 68 citations, the second highest cited article receiving 26 citations, and the third highest cited article receiving 22 citations.

The Petitioner argues that his citations for one article were in the top 10% most cited articles published in 2023 and another article was in the top 20% most cited articles published in 2019 for the materials science category. However, the record does not indicate how many citations were self-citations by him or his co-contributors, and the Petitioner does not indicate whether he factored in any self-citations in determining these percentile rankings. Additionally, we note that citation frequency which is quantitative in nature does not reveal the reasons for citations, which involve a qualitative analysis. In other words, a high citation number might show that others in the field have noticed the Petitioner's work, but it does not confirm that his work has impacted or advanced the field of endeavor in such a way that renders him well positioned. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(4) (noting that, while the second prong considers "documentation demonstrating a strong citation history of the person's work," it also looks to "excerpts of published articles showing positive discourse around, or adoption of, the person's work," as well as "evidence that the person's work has influenced the field of endeavor").

Here, despite the number of citations, the Petitioner has not demonstrated through sufficient documentation in the record that his research has influenced the field of endeavor, to demonstrate the significance of his work and to show that his work constitutes a record of success or a level of interest in his work from relevant parties sufficient to meet *Dhanasar's* second prong. And while we

[3] Although the Petitioner claims to have authored five conference abstracts, it appears that the abstracts are based on two papers. Four of the abstracts were based on one article but presented at four conferences.

acknowledge that the Petitioner's articles have been cited by others, they primarily cite the Petitioner's co-authored papers in a comparative manner as one of many studies involved in similarly related efforts. This is not sufficient to demonstrate that he has made contributions of major significance within the field.

We have also considered the Petitioner's recommendation letters, but they do not adequately show how the Petitioner's undergraduate and graduate research have influenced the field of endeavor to demonstrate the significance of his work and show that it constitutes a record of success. Overall, the letters provide general descriptions of the Petitioner's various research projects and praise the Petitioner's knowledge and skills. However, the letters do not further elaborate on or sufficiently explain how the Petitioner's work has been utilized in the field or otherwise constitutes a record of success beyond having been cited by others in their published works. Moreover, the lack of specificity in the letters do not show how his work has affected the field or industry demonstrating a history of accomplishment, well positioning himself to advance his proposed endeavor.

For instance, Dr. [redacted], an assistant professor at The [redacted], described the use of the Petitioner's research in his own work. He claims he benefited from the Petitioner's research because the professor's research was "directly built on [the Petitioner's] detailed experimental protocols and insights into supercapacitive swing adsorption of CO2." He also contends that "many of our peers have referred to his work" and that the Petitioner "has had a remarkable impact in the field of materials science." Beyond these assertions, however, he does not offer specific examples of how the Petitioner's work has been implemented, utilized, or applauded in the field beyond these review articles, or otherwise represents a record of success or progress rendering the Petitioner well positioned to advance his proposed endeavor.

Regarding the Petitioner's model or plan for future activities, progress toward achieving the proposed endeavor, and interest of potential customers, users, investors, or other relevant entities, we similarly conclude that the evidence in the record does not demonstrate that the Petitioner is well positioned to advance the endeavor. While the Petitioner stated that he expected to graduate from his Ph.D. program "sometime before the end of 2026," he also indicated that the "exact time" would be determined by his research progress. It is uncertain then when he will complete his Ph.D. program. Additionally, while the Petitioner outlined his future plans taking place *after* the completion of his Ph.D. program, these proposed activities continued to change throughout the pendency of the petition.

For example, in his proposed endeavor statement dated February 14, 2025, the Petitioner stated that upon completion of his Ph.D., he "intend[ed] to pursue a position as a research and development scientist at Evonik Industries" where his planned research topics included "catalyst development projects such as plasticizer research, as well as catalyst support materials projects that involve porous materials." Later, in his July 25, 2025, statement, the Petitioner stated that he would pursue a position as a researcher, *such as* a research and development scientist at Evonik Industries, and that "[his] attempts and choices would not be limited to Evonik Industries." He claimed his future research plans would be "primarily focused on designing 2D functional COFs from molecular perspectives and for various applications." But, then he stated in his December 17, 2025, statement that he planned to continue conducting research on COF design and applications as a research and development scientist in the industry *or* as a postdoctoral researcher. He outlined two "future plans" wherein he stated he was "particularly interested in joining Prof. [redacted] group at [redacted]" and in

"designing COF electronic materials with optimal morphology and crystallinity at DuPont/DuPont Electronics (Qnity)." In light of his changing statements, the Petitioner's plans for future activities and how he will carry out that endeavor are unclear. And although the Petitioner emphasizes that his proposed endeavor is his overarching goal and that he intends to pursue it regardless of his specific employment setting, his shifting plans as to how he plans to execute his endeavor does not support that he is well positioned to advance his endeavor.[4] *See generally* 6 *USCIS Policy Manual, supra,* at F.5(D)(3) (providing that for petitioners who do not intend to be self-employed, we consider a job offer or communications with prospective employers, while not required, to be relevant to demonstrate the circumstances or capacity in which the person intends to carry out the endeavor and the feasibility of that plan). Moreover, we again note that the Petitioner's future plans in how he will carry out the endeavor appear to be contingent on obtaining his Ph.D., for which he has no certain completion date. The Petitioner has not established that, as a student, he is well positioned to engage in activities for which he has not yet obtained the necessary credentials and qualifications.

The Petitioner also claims that his research has drawn "considerable funding" from entities including the National Institutes of Health, the National Science Foundation, the Pennsylvania Department of Community & Economic Development, the Pennsylvania Infrastructure Technology Alliance, and the National Natural Science Foundation of China, among others. He claims this this is further evidence of "considerable interest in his work on the part of these important institutions." But, the evidence does not reflect that the Petitioner was named as a grant recipient or otherwise shows that the Petitioner, as opposed to his university or advisor, 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 Petitioner also points to his other accomplishments, such as a poster award from [redacted], a reference to his co-authored paper on the [redacted] website, and his presentation of a paper at the Graduate Student Award session of the [redacted] Annual Meeting as evidence of the interest of parties in his research. But he has not explained, and the evidence does not show, how these documents establish his research has influenced the field or represents or a level of interest in his work from relevant parties beyond this limited audience sufficient to meet *Dhanasar's* second prong.

While the record demonstrates that the Petitioner has conducted and published research while pursuing his education and has been invited to present his research, the Petitioner 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 in order 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. The Petitioner, however, has not

[4] We note, however, that the overall statement related to the specific proposed endeavor and the research topics to be carried out adhere to the originally stated field of endeavor in relation to prong one.

sufficiently demonstrated that his published and presented work has served as an impetus for progress in the field or that it has generated substantial positive discourse in the industry. Nor does the evidence otherwise show that his work constitutes a record of success or progress in advancing his research. In considering the record in totality, the Petitioner has not met his burden to show he is well positioned to advance his proposed endeavor under *Dhanasar's* second prong, and we will withdraw SCOPS' finding to the contrary.

C. Whether, on Balance, Waiving the Job Offer Requirement Would Benefit the United States

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. at 890-91. In performing this analysis, we may evaluate factors such as: whether, in light of the nature of the individual's qualifications or the proposed endeavor, it would be impractical either for them to secure a job offer or to obtain a labor certification; whether, even assuming that other qualified U.S. workers are available, the United States would still benefit from their contributions; and whether the national interest in their contributions is sufficiently urgent to warrant forgoing the labor certification process. *Id.* In each case, the factor(s) considered must, taken together, establish 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. *Id.* at 891.

On appeal, the Petitioner asserts that SCOPS' analysis was conclusory with no specific mention of the evidence. He argues that the record shows it would be impractical for him to obtain a labor certification, that the national interest in his endeavor is sufficiently urgent to waive the labor certification, and that, on balance, it would be beneficial to the United States to waive the requirement for a labor certification in this case.

Upon review, we agree with SCOPS' conclusion that the Petitioner has not established his eligibility under this prong. Although the evidence indicates that the proposed endeavor has national importance, the Petitioner has not established that the national interest in his contributions is sufficiently urgent to warrant forgoing the labor certification process. As stated above, the Petitioner has not demonstrated that he is well positioned to advance his proposed endeavor under *Dhanasar's* second prong. In particular, the Petitioner has not clearly articulated his future plans, shown he has received any funding for his research, or demonstrated that his specific proposed endeavor has otherwise garnered the interest of potential customers, users, investors, or other relevant entities or individuals sufficient to meet this prong. And while the record includes information about the negative impacts of PFAS on individuals and the environment, this information is insufficient to show that the national interest is better served by a waiver of the job offer and thus the labor certification requirement. The labor certification process is intended to ensure that the admission of foreign workers will not adversely affect the job opportunities, wages, and working conditions of U.S. workers. Although we acknowledge the Petitioner's master's degree in a STEM field, and his undergraduate and graduate research experience, the evidence in the aggregate is not sufficient to show that a national interest waiver outweighs the benefits inherent to the labor certification process. The Petitioner has not shown and the record before us does not show at this time that he offers contributions of such value that, on balance, it would be beneficial to the United States to waive the job offer and labor certification requirements even assuming that other qualified U.S. workers are available.

III. CONCLUSION

As the Petitioner has not met the requisite second and third prongs 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.

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.