U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41179244

Date: JUL. 31, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) 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 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 that the Petitioner qualified for classification as a member of the professions holding an advanced degree, but that she 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 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

[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

USCIS concluded that the Petitioner qualified as a member of the professions holding an advanced degree, but that she had not satisfied the second and third prongs set forth in the *Dhanasar* precedent decision.[2] The sole issue to be determined therefore 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.

At the time of filing, the Petitioner was working as a lecturer at [redacted] in Iran. She indicated that her "proposed endeavor is to develop statistical/probabilistic methods and models to analyze a community's capacity to absorb and recover from earthquakes in order to enable effective planning for future risk-mitigation and immediate response strategies." The Petitioner further stated:

> I intend to pursue a position as a researcher in the United States. . . . My planned research topics include developing probabilistic metamodels that estimate multiple engineering demand parameters of infrastructures, especially the building structures, subjected to the earthquake hazard. I will utilize these metamodels to study the performance of a community in the immediate aftermath of an earthquake event and during the recovery phase.

In response to USCIS' request for evidence (RFE), the Petitioner asserted that her proposed endeavor is aimed at "advancing the resilience of key infrastructure in the United States by developing and implementing advanced statistical and probabilistic models." She explained that her "research in the field of earthquake engineering focuses on creating risk- and recovery-oriented surrogate metamodels and city-scale Monte Carlo simulation platforms aimed at optimizing post-earthquake recovery timelines and resource allocation." The Petitioner also stated that she planned to conduct "building-level risk and recovery analyses to support recovery-based seismic design and planning in the United States" and to develop a "city-scale seismic recovery simulation platform" tailored for U.S. cities. Additionally, the Petitioner noted that she received a visiting scholar invitation from [redacted] to pursue earthquake engineering research at their institution.[3]

As discussed below, we conclude the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

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[2] The Petitioner presented an educational evaluation indicating that her Doctor of Philosophy degree from [redacted] (2020) in Iran is the foreign equivalent of U.S. Ph.D. in Civil Engineering.

[3] The Petitioner's RFE response included a letter addressed to her from Dr. M-R-, an associate professor at [redacted] who stated: "I am pleased to invite you to join us as a Visiting Scholar at [redacted] for our research project titled [redacted]'" As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for her to have a job offer from a specific employer. However, we will consider information about her research position to illustrate the capacity in which she intends to work in order to determine whether her proposed endeavor meets the requirements of the *Dhanasar* framework.

A. Substantial Merit and National Importance of the Proposed Endeavor

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

The record includes the Petitioner's curriculum vitae, doctoral degree, published and presented work, and peer review service. She also offered evidence of articles that cited to her work, citation metrics, and letters of support discussing her research projects. USCIS considered this evidence and determined that the Petitioner had not established that she is well positioned to advance her proposed endeavor.

The Petitioner contends on appeal that USCIS did not correctly evaluate evidence in the record, and that this evidence establishes she is well positioned to advance the proposed endeavor. The Petitioner further argues that USCIS did not properly analyze her published and presented work, citation evidence, letters of support, education, and peer review service. For the reasons discussed below, the record supports USCIS' determination that the evidence is insufficient to demonstrate that the Petitioner is well positioned to advance her proposed endeavor under the second prong of the *Dhanasar* analytical framework.

In letters supporting the petition, the Petitioner's references discussed her earthquake engineering research projects. For example, regarding the Petitioner's work on metamodel development for the probabilistic prediction of the multiple engineering demand parameters of structures, Dr. F-Z-, a professor at the [redacted] stated that the Petitioner "developed two metamodeling frameworks for estimating engineering demand parameters in seismic risk assessments." Dr. F-Z- further explained: "The first, a Bayesian regression-based surrogate single-degree-of-freedom model, predicts the probability distribution of roof drift ratios in multistory buildings. Additionally, her multivariate Bayesian regression framework predicts the joint probability distribution of inter-story drift ratios in multistory buildings." While Dr. F-Z- asserted that "[t]hese metamodels work in tandem to address the computational challenges of assessing risk for multiple buildings by efficiently estimating demand parameters," he did not elaborate on the extent to which the Petitioner's specific metamodeling frameworks have been utilized in her field or the construction industry. Nor has the Petitioner otherwise demonstrated that her research findings constitute a record of success or progress rendering her well positioned to advance the proposed endeavor.

In addition, with respect to the Petitioner's research involving "probabilistic approaches to accounting for soil-structure interactions (SSIs) in the seismic design of building structures," Dr. Z-B-, a senior data scientist with Seagen (a biotechnology company), stated that the Petitioner "developed a state-of-the-art probabilistic approach that neatly incorporates SSI into seismic design" and that "[t]his approach introduces an SSI response modification factor that aligns the collapse capacity of flexible-base structures with fixed-base ones." Dr. Z-B- further asserted that the Petitioner's "research on new probabilistic approaches to accounting for SSIs in the seismic design of building structures has yielded key tools and techniques for understanding and addressing the deleterious effects of SSIs on a range of civil structures," but he did not offer specific examples of how the Petitioner's work has affected the field, or otherwise shows success or progress at a level that renders her well positioned to advance her proposed endeavor.

Furthermore, Dr. M-M-, an associate professor at [redacted], indicated that the Petitioner served "as 'Project Manager' of the 'Development of the Urban Risk Modeling Tool for [redacted]' and as a 'Key Team Member' of the 'Risk and Resilience of Infrastructure project.'" Dr. M-M- also stated that the Petitioner "contributed to controlling the results and authoring the project's technical reports," but the Petitioner has not demonstrated that the level of interest in her work on this project or her record of success in research is sufficient to demonstrate that she is well positioned.

The Petitioner contends on appeal that her research "articles have been featured in top outlets in her field, including *Engineering Structures* (impact factor 5.5, ranked third in Structural Engineering and fourth in Civil Engineering by Google Scholar) and *Journal of Structural Engineering* (impact factor 4.1, ranked tenth in Structural Engineering by Google Scholar)." She presented information about these journals listing their impact factor and Google Scholar Metrics showing their h5-index rankings. That a publication bears a high journal ranking or impact factor is reflective of the publication's overall citation rate. It does not, however, indicate the influence of any particular author or otherwise demonstrate how an individual's research represents a record of success in their field.

As it relates to the citation of her work, the Petitioner presented her Google Scholar profiles from November 2023 and, in response to USCIS' RFE, from June 2025. The most recent profile indicated that her three highest cited articles entitled '[redacted]' (2020), '[redacted]' (2020), and '[redacted]' (2022) each received 39, 22, and 1 citation(s), respectively.[4]

The Petitioner also provided 2025 data from Clarivate Analytics (InCites Essential Science Indicators) regarding baseline citation rates and percentiles by year of publication for the "Engineering" research field. The Petitioner contends that "one of her original publications ranked among the top 20% of the most cited articles in Engineering in 2020." Here, the Petitioner relies on citation information concerning the larger field of engineering and compares her citation frequency in earthquake engineering to that of the larger field. While we acknowledge that earthquake engineering is part of the larger field of engineering, the Petitioner has not submitted sufficient evidence confirming that

[4] None of the Petitioner's remaining articles had received any citations as of June 2025.

information extrapolated from the larger field applies equally to each subfield within engineering, including earthquake engineering. Thus, the Petitioner's comparison of her citation number in her field with information regarding citation in the larger field of engineering does not sufficiently establish the level of her success or impact in the field of earthquake engineering.

Additionally, the Petitioner submitted an article in *Scientometrics* written by Lutz Bornmann and Werner Marx, entitled "How to evaluate individual researchers working in the natural and life sciences meaningfully? A proposal of methods based on percentiles of citations." This article presents recommendations for "how to evaluate individual researchers in the natural and life sciences" for purposes of funding and promotion or hiring decisions. The authors state that "publications which are among the 10% most cited publications in their subject area are as a rule called highly cited or excellent" and that "the top 10% based excellence indicator" should be given "the highest weight when comparing the scientific performance of single researchers." While the authors offer proposed methods for bibliometric analysis of research performance, the record does not indicate that their methods have been accepted and implemented by the academic community. Moreover, with respect to citation information from Google Scholar, the authors advise against "using Google Scholar (GS) as a basis for bibliometric analysis. Several studies have pointed out that GS has numerous deficiencies for research evaluation."

The Petitioner's RFE response included OpenAlex author metrics which she claims compares her citation impact to that of other researchers in the field of earthquake engineering. According to these metrics, her Google Scholar record of 8 publications and 60 citations placed her at the 96.62 citation percentile for "in-field author citation impact for publications between 2017-2025" and at the 99.94 percentile for "in-field author research productivity for publications between 2017-2025."

While we acknowledge the percentile rankings, we note several issues that diminish the probative value of the OpenAlex data. First, the authors of the aforementioned *Scientometrics* article indicate that Google Scholar "has numerous deficiencies for research evaluation." Second, the Petitioner did not submit material explaining the method by which OpenAlex calculated the figures she presented. This means we have no method of verifying the information the Petitioner provided, which significantly diminishes its value. In evaluating the evidence, the truth is to be determined not by the quantity of evidence alone but by its quality. *See Matter of Chawathe*, 25 I&N Dec. at 376 (quoting *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989)). Further, the OpenAlex percentiles were based on the Petitioner's Google Scholar publication and citation record from June 2025 rather than the information she provided from Google Scholar at the time of filing in November 2023. The regulation at 8 C.F.R. § 103.2(b)(1) states that a petitioner must establish that they are "eligible for the requested benefit at the time of filing the benefit request." In addition, the regulation at 8 C.F.R. § 103.2(b)(12) provides that "[a] benefit request shall be denied where evidence submitted in response to a request for evidence does not establish filing eligibility at the time the benefit request was filed." *See also Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971).

Nevertheless, citation frequency which is quantitative in nature does not reveal the reasons for the 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 her work has impacted or advanced the field of in such a way that renders her well positioned. Regarding a qualitative analysis of the citations to the Petitioner's work, the record contains partial copies of

articles that cited to her papers (including her paper, entitled '[redacted]" for example). These articles include the text of the citation, which the Petitioner asserts highlight the impact of her papers. While we agree with the Petitioner that these citations indicate some degree of interest in her research from her colleagues and peers in the field, this evidence is not sufficient to demonstrate a level of interest or a record of research success that renders her well positioned. The articles in the record cite to her work as an example of research done in the field or in their introduction section as part of an overview of current research, but none highlight or comment upon her research in a way that demonstrates she is well positioned to advance the proposed endeavor.

The Petitioner argues on appeal that she has a stronger citation record than Dr. Dhanasar, the petitioner in our *Dhanasar* precedent decision. 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, experience, and expertise 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.

As it relates to the Petitioner's education, while her Ph.D. renders her eligible for the underlying EB-2 visa classification, she has not shown that her academic accomplishments by themselves are sufficient to demonstrate that she is well positioned to advance the proposed endeavor.[5] In *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." *Id.* at 891. We look to a variety of factors in determining whether a petitioner is well positioned to advance their proposed endeavor and education is merely one factor among many that may contribute to such a finding.

With respect to her peer review activity, the Petitioner presented documentation indicating that she reviewed manuscripts for *International Journal of Structural Engineering* and *Iranian Journal of Science and Technology, Transactions of Civil Engineering*. She has not demonstrated, however, that her participation in the widespread peer review process represents a record of success in her field or that it is otherwise an indication that she is well positioned to advance her research endeavor.[6]

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[5] "USCIS considers an advanced degree, particularly a Doctor of Philosophy (Ph.D.), in a STEM field tied to the proposed endeavor and related to work furthering a critical and emerging technology or other STEM area important to U.S. competitive or national security, an especially positive factor to be considered along with other evidence for purposes of the assessment under the second prong." *See generally* 6 *USCIS Policy Manual*, F.5(D)(4), https://www.uscis.gov/policy-manual. A degree in and of itself, however, is not a sufficient basis to determine that a person is well positioned to advance the proposed endeavor. *Id.*

[6] To establish that it would be in the national interest to waive the job offer requirement, a petitioner must go beyond showing their expertise in a particular field. The regulation at 8 C.F.R. § 204.5(k)(2) defines "exceptional ability" as "a degree of expertise significantly above that ordinarily encountered" in a given area of endeavor. By statute, individuals of exceptional ability are generally subject to the job offer/labor certification requirement; they are not exempt by virtue of their exceptional ability. Therefore, whether a given petitioner seeks classification as an individual of exceptional ability, or as a member of the professions holding an advanced degree, that individual cannot qualify for a waiver just by demonstrating a degree of expertise significantly above that ordinarily encountered in their field of expertise. *See Dhanasar*, 26 I&N Dec. at 886 n.3.

The record demonstrates that the Petitioner has conducted, published, and presented research relating to earthquake engineering, but she has not shown that this work renders her well positioned to advance her proposed endeavor. 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. The Petitioner, however, has not sufficiently demonstrated that her work constitutes a record of success or progress in earthquake engineering research rendering her well positioned to advance her proposed endeavor. As the Petitioner has not demonstrated that she is well positioned to advance her proposed research endeavor, she has not established that she satisfies the second prong of the *Dhanasar* framework.

III. CONCLUSION

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* precedent decision, she 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 the appellate arguments regarding her eligibility under the third prong outlined in *Dhanasar*. *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).

As the Petitioner has not met the requisite second prong of the *Dhanasar* analytical framework, we conclude that she has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

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.