U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37717470

Date: JUN. 13, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

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

SCOPS denied the petition, concluding the Petitioner did not qualify as a member of the professions holding an advanced degree. SCOPS also determined that the record did not establish the Petitioner's eligibility for the requested national interest waiver. The matter is now before us on appeal. 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 doctoral degree is customarily required for the specialty, the alien must possess a U.S. doctorate or a foreign equivalent 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 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.

Id.

II. ADVANCED DEGREE

The Petitioner indicated that she received a Ph.D. in materials physics and chemistry from [redacted] based in China in 2016. The Petitioner asserted that this was the foreign equivalent of a U.S. doctorate degree thereby qualifying her as a member of the professions holding an advanced degree.

In denying the petition, SCOPS concluded that translations of the Petitioner's foreign doctoral degree were insufficient and pointed to perceived inconsistencies in her claimed employment as a researcher and assistant professor both in the United States and abroad. SCOPS further determined that the Petitioner provided documentation related to her asserted foreign doctorate degree reflecting differing seals, leaving doubt as to the reliability and sufficiency of this documentation. In sum, t SCOPS concluded the Petitioner did not sufficiently establish that she was a member of the professions holding an advanced degree.

On appeal, the Petitioner contends she provided a bilingual version of her foreign doctorate degree issued by her university in China and asserts that no translation of this document was required. The Petitioner contends that SCOPS misinterpreted perceived discrepancies related to her work experience and university seals on submitted diploma and transcript documentation.

Upon review, we conclude the Petitioner submitted sufficient documentation to substantiate that she more likely than not holds a Ph.D. from a Chinese university that is the foreign equivalent of a U.S. doctorate degree. The Electronic Database for Global Education (EDGE) indicates that a "Doctor's Degree Certificate" represents attainment of a level of education comparable to a doctorate degree in the United States and is awarded following four to six years of undergraduate study, two to three years of master's level education, and three to five towards a doctorate.[2] As discussed by the Petitioner, she submitted a bilingual version of a "Certificate of Doctoral Degree" from Wuhan University issued in June 2016 and a record of her transcript reflecting the coursework she completed to earn this degree abroad, including two years of master's degree coursework and three years of doctoral research. The

[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).

[2] Federal courts consider EDGE to be a reliable source of information about foreign credentials equivalencies. EDGE was created by the American Association of Collegiate Registrars and Admissions Officers (AACRAO), a non-profit, voluntary group of more than 11,000 higher-education professionals representing about 2,600 institutions in more than 40 countries. *See* AACRAO, "Who We Are," https://www.aacrao.org/who-we-are (last visited June 15, 2025); *see also, e.g., Viraj, LLC v. U.S. Att'y Gen.*, 578 Fed. Appx. 907, 910 (11th Cir. 2014) (describing EDGE as "a respected source of information").

Petitioner provided a credible foreign educational equivalency document stating that she completed the U.S. doctoral equivalent of a Ph.D. in materials physics and chemistry. Likewise, the Petitioner submitted scholarly articles she co-authored listing her as a doctor, as well as several reference letters and requests for peer review from colleagues addressing her as a doctor. The Petitioner also provided employment letters from U.S. universities stating that she had been employed as a postdoctoral fellow as well as documentation reflecting that she received a postdoctoral grant. Therefore, we conclude that the Petitioner sufficiently established that she more likely than not holds the foreign equivalent of a U.S. doctorate degree; and therefore, that she is a member of the professions holding an advanced degree.

III. NATIONAL INTEREST WAIVER

The Petitioner stated that her proposed endeavor was to "design, synthesize, and evaluate biomimetic nanomembranes for targeted drug delivery in order to enhance treatment outcomes for cancer and neurodegenerative diseases." The Petitioner indicated she would continue as a postdoctoral fellow at [redacted] where she would collaborate with a principal investigator and fellow researchers. She explained that in addition to her research she was tasked with preparing research findings for publication in peer-reviewed journals and presenting findings at scientific conferences.

A. Substantial Merit and National Importance of the Proposed Endeavor

In denying the petition, SCOPS acknowledged the substantial merit of the Petitioner's proposed endeavor but concluded that she did not establish its national importance. Specifically, SCOPS stated that although USCIS recognized the importance of science, technology, engineering, and mathematics (STEM) fields, merely working in one did not demonstrate the national importance. SCOPS emphasized that the Petitioner submitted an Occupational Outlook Handbook (OOH) printout related to postsecondary teachers, while asserting that she would work in the United States as a research scientist. SCOPS further indicated that the articles provided by the Petitioner did not establish how her research would be in the national interest of the United States. SCOPS also emphasized that the Petitioner did not submit letters from interested U.S. government agencies establishing that her proposed endeavor would advance a critical and emerging technology or that her research would be important to maintaining U.S. technological prominence.

The Petitioner asserts on appeal that there is no ambiguity as to her intentions in the United States; namely, that she would work as a research scientist at a major academic research center while working as an assistant professor. She contends that these are not incompatible or mutually exclusive pursuits. The Petitioner states that she has demonstrated the national importance of her proposed endeavor asserting it would have potentially broad implications in the advancement of critical and emerging technology in a STEM field that it would contribute to the U.S. achieving or maintaining technology leadership or peer status.

The evidence submitted by the Petitioner reflects her research involving designing, synthesizing, and evaluating biometric nanomembranes for targeted drug delivery to enhance treatment outcomes for cancer and neurodegenerative diseases, technology that is identified as critical and emerging by the

National Science and Technology Council (NSTC). The Petitioner submitted documentation reflecting that she co-authored more than 40 articles disseminating research findings throughout the field that were substantially cited by her peers. The Petitioner further submitted evidence indicating that she worked at [redacted] as a postdoctoral researcher. The Petitioner further submitted several support letters from fellow researchers from other educational institutions commending her work and asserting its national importance. Therefore, the Petitioner has sufficiently demonstrated that her research could potentially have broad implications in helping the United States remain ahead of strategic competitors or current and potential adversaries in her field. *See* 6 USCIS Policy Manual F.5(D)(2). We therefore withdraw SCOPS' conclusion that the Petitioner did not establish the national importance of her proposed endeavor.

B. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. *Matter of Dhanasar*, 26 I&N Dec. 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 concluded the Petitioner did not sufficiently establish that she was well-positioned to advance her proposed endeavor. SCOPS reasoned she did not demonstrate that her published work served as an impetus for progress in the field, generated substantial positive discourse, or constituted a record of success. SCOPS stated that recommendation letters provided by the Petitioner did not establish how her methodologies differed or improved on those already available in the United States. SCOPS also noted certain perceived discrepancies in the Petitioner's experience and emphasized that she only received an email about potential employment at [redacted] rather than an actual job offer to continue her research.

On appeal, the Petitioner asserts she published over 40 peer-reviewed articles in leading journals in the field and that her work is widely cited. The Petitioner contends that SCOPS improperly required her to demonstrate that her work had influence on her field to establish she was well-positioned to advance the proposed endeavor. The Petitioner states that the citation rate of her work is more than the majority of articles published in the entire materials sciences field, reflecting her progress in advancing her endeavor. The Petitioner asserts that her personal statement laying out her plans, her citation record showing interest in her research, previous funding and letters of interest she received, and the testimony of experts demonstrates, in total, that she is presently advancing, and would continue to advance, her proposed endeavor.

While we acknowledge the Petitioner's record of publication and citation history, we conclude that the Petitioner has not consistently documented how she intends to pursue her proposed research activities and whether she has sufficient future interest in her research. While we acknowledge that the Petitioner's Ph.D. in a STEM field is an especially positive factor for consideration, the Petitioner has not demonstrated that her academic accomplishments are sufficient in and of themselves to demonstrate she is well-positioned to advance his proposed endeavor. Rather, we must look to a

variety of factors and education is merely one among many that may contribute to our determination. *See* 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policymanual.

The Petitioner's evidence does not demonstrate that she has generated sufficient interest among potential customers, users, investors, or other relevant entities or individuals in her proposed endeavor. In *Dhanasar*, we noted that the petitioner had conducted research and postgraduate research that he sought to continue as his proposed endeavor and that he had developed a validated computational model and a novel numerical method for calculating data relevant to his proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 891. We also discussed the significance of the petitioner's research in his field, which was corroborated by evidence of sustained peer and government interest in his research, as well as by consistent government funding of the petitioner's research projects. We factored this in determining the Petitioner was positioned well to continue to advance his proposed endeavor. *Id.* at 893.

The Petitioner stated in support of the petition that her proposed endeavor was to continue as a postdoctoral fellow at [redacted] where she began her work in August 2022.[3] She indicated that her work "includes collaborating with the principal investigator and fellow researchers to design and develop molecular methods and projects focused on understanding treatment outcomes." The Petitioner likewise stated that she was tasked with preparing the findings for publication in peer-reviewed journals and presenting findings at scientific conferences, while also training graduate students and research staff at the university. She further expressed an interest in pursuing a position as an assistant professor at an institution in the United States, stating that she was most interested in a position at the [redacted] The Petitioner also provided evidence indicating that she previously worked as a postdoctoral fellow at [redacted] from December 2021 to July 2022.

The Petitioner submitted evidence leaving substantial uncertainty as to whether she would have sufficient funding to continue her research in the United States. In response to SCOPS' request for evidence (RFE), the Petitioner indicated that she had concluded her research work at [redacted] in March 2024 and returned to China. The Petitioner provided an employment letter from [redacted] reflecting that her employment there ended in March 2024. She further submitted an email exchange with the university dated in June and July 2024 where she wrote to "inquire about the possibility of joining your research team again the future" as a research associate or scientist. However, in response, an associate professor at the university expressed an interest in "potentially hiring you in my lab," but noted that this was a "non-binding indication of our intent to offer you the position…contingent upon the availability of funding necessary to support your proposed research plan."

On appeal, the Petitioner submits a letter from the previously discussed associate professor at [redacted] indicating that she worked under his supervision. The letter discusses her "exceptional research capabilities and technical proficiency," but also states that her future employment as a research scientist at the university was contingent on "sufficient funding." The Petitioner further provides a copy of a U.S. Department of State (DOS) Certificate of Eligibility for Exchange Visitor

[3] The petition was filed in December 2023.

Status (J-Nonimmigrant) approved from December 2021 to February 2024, specific to her employment as a "research scholar" at [redacted] The certificate reflects in section 5 that the Petitioner then had $113,899 in funding, including $77,064 in "sponsored funds" and $36,835 from the "Second Affiliated Hospital of [redacted]." The Petitioner submitted documentation she asserts shows her receipt of a grant from [redacted] in China; however, this was related to "specific labeling of phosphosulfurylation modification sites in bacterial DNA" and was from January 2019 to December 2021, expiring approximately two years prior to the date the petition was filed. The Petitioner submitted no similar documentation to support that there is funding for her future research in biomimetic nanomembranes. The Petitioner left [redacted] and returned to China upon the expiration of her J-1 nonimmigrant visa in March 2024. Therefore, it is reasonable to conclude that she no longer had funding for her research, particularly since her former supervising researcher at [redacted] indicated that this was the case.

The Petitioner otherwise submits no evidence to establish that she has a current position in the United States to continue her research, as she had previously, nor an explanation or documentation to substantiate how she would fund her future research. Without this critical information, we are unable to determine that she is well-positioned to advance her endeavor. The Petitioner must resolve inconsistencies and ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

As discussed above, the Petitioner's proposed endeavor entails researching biomimetic nanomembranes for targeted drug delivery in order to enhance treatment outcomes for cancer and neurodegenerative diseases. We acknowledge the Petitioner's published research in this field. However, the Petitioner did not provide sufficient evidence that she would continue to receive support from a university and funding to continue her research. The Petitioner provides letters from colleagues in the field discussing her research and commending it, but none of these professors indicate that they, or their academic institutions, would support or fund her proposed endeavor. This lack of support is particularly noteworthy, since the Petitioner states that at [redacted] she was responsible for collaborating with a principal investigator and fellow researchers and preparing research findings for publication in peer-reviewed journals and presenting findings at scientific conferences. The Petitioner co-authored scholarly works with these colleagues, and without the support of such a university and sufficient funding, it is not clear how she would continue her research in the United States. She has not demonstrated that interest in her research is sustained or that there is investment to advance her proposed endeavor. *See generally* 6 USCIS Policy Manual, *supra*, at F.5(D)(1) (providing, as guidance, examples of establishing a petitioner is well-positioned, including investment from U.S. investors in her proposed endeavor, or awards or grants or other indications of relevant non-monetary support from federal, state, or local government entities with expertise in economic development, research and development, or job creation).

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, but 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. *Matter of Dhanasar*,

26 I&N Dec. at 890. While the Petitioner submitted documentation reflecting wide citation of scholarly works she co-authored and recommendations from colleagues in the field commending her work, this evidence does not establish that she is well-positioned to continue this work in the future.

Considering the totality of circumstances, the Petitioner has not demonstrated by a preponderance of the evidence that she is well-positioned to advance her proposed endeavor, thus she has not established that she satisfies the second prong of the *Dhanasar* framework.

C. Whether on Balance a Waiver is Beneficial

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. 884. However, as the Petitioner has not established that she meets the second prong of the *Dhanasar* framework, the Petitioner has not shown that she is eligible for and otherwise merits a national interest waiver, and we therefore reserve the Petitioner's arguments with respect to this issue. *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).

IV. CONCLUSION

The Petitioner has not shown that she is eligible for and otherwise merits a discretionary national interest waiver of this classification's job offer requirement.

ORDER: The appeal is dismissed.