U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38891917

Date: JUNE 24, 2025

Appeal of Service Center Operations (SCOPS) 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).

Service Center Operations (SCOPS) 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 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;

[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).

- 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

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The sole issue to be determined 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 graduate research assistant at [redacted] She indicated that she is pursuing her Ph.D. in Electrical Engineering at [redacted] and that her research is aimed at developing "a multilevel structure at the Medium Voltage Direct Current (MVDC) level of offshore wind farms. My approach involves designing the circuit, analyzing its reliability, and applying a control methodology that is effective for this complex system." The Petitioner further stated: "My proposed endeavor is to innovate and refine power electronic circuit design and control systems in order to enhance performance in offshore wind farms, photovoltaic systems, electric vehicles, and electric propulsion systems."

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

A. Substantial Merit and National Importance of the Proposed Endeavor

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889.

In the decision denying the petition, SCOPS determined that the Petitioner had demonstrated both the substantial merit and national importance of her proposed endeavor. The record supports this conclusion. For example, the Petitioner has submitted documentation indicating that the benefit of her proposed research has broader implications for the field, as the results are disseminated to others in the field through scientific journals and conferences. Accordingly, we agree with SCOPS that the Petitioner meets the first prong of the *Dhanasar* framework.

[2] The Petitioner received a Master of Science degree in Electrical Engineering (2016) from [redacted]

[3] 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.

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 documentation of the Petitioner's curriculum vitae, master's degree, published and presented work, and peer review service. The Petitioner also offered evidence of articles that cited to her published work, citation metrics, and letters of support discussing her graduate research.

The Petitioner contends on appeal that SCOPS 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 SCOPS did not properly analyze her published and presented work, citation evidence, letters of support, education, and peer review service.[4] For the reasons discussed below, the record supports SCOPS' 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 graduate research projects involving power electronics.[5] For example, Dr. A-H-, an associate professor at [redacted] indicated that the Petitioner examined "power ripples in doubly fed induction generators (DFIGs) during grid synchronization as part of her efforts to improve wind energy systems. [The Petitioner] developed an innovative predictive direct power control (PDPC) method to address the limitations of traditional direct power control." Dr. A-H- further asserted that the Petitioner's work "demonstrated that PDPC reduces power ripple and advances grid synchronization through extensive simulations." While the Petitioner's research helped improve understanding of power control strategies for wind turbines, she has not demonstrated the extent to which her specific findings are being utilized to advance wind energy systems' performance. Nor has she otherwise demonstrated that her findings constitute a record of success or progress rendering her well positioned to advance her proposed endeavor.

In addition, Dr. J-K-, an assistant professor at [redacted] stated: "[The Petitioner] explored the capability of vehicle-to-grid (V2G) technology to alleviate transmission congestion in smart grids.... Her findings provide grid operators with a flexible and adaptive tool to manage peak demand and avoid transmission bottlenecks, enhancing smart grid technology by resolving both cost reduction and system stability issues." Dr. J-K-, however, does not offer specific examples of how the Petitioner's work has affected smart grid technologies, has been implemented by grid operators, or

[4] We agree with the Petitioner that SCOPS' decision contains some problematic language. For example, there is no requirement that a petitioner demonstrate that their citation record or other evidence is indicative of "contributions of major significance in the field." This issue, however, is not so significant as to undermine SCOPS' remaining bases for denial.
[5] While we discuss a sampling of these letters, we have reviewed and considered each one.

otherwise shows success or progress at a level that renders her well positioned to advance her proposed endeavor.

Likewise, Dr. M-F-, a professor at [redacted] asserted that the Petitioner's work demonstrated "[redacted] technology's role in reducing transmission congesting and local marginal prices" and that she has made "notable contributions to the field of power electronics." Similarly, Dr. A-H-, a principal engineer at [redacted] indicated that the Petitioner "has generated important new insights into multiple topics in the field, ranging from the role of [redacted] technology in optimizing transmission congesting management to the predictive direct power control of doubly fed induction generators." While Dr. M-F- and Dr. A-H- point to some examples of other researchers who have cited to the Petitioner's published work, she has not shown that this level of interest in her work or her record of success in research is sufficient to demonstrate she is well positioned.

The Petitioner contends that her five journal articles and four conference articles have been published "in notable venues like the [redacted], the [redacted] and the [redacted] 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 demonstrate how an individual's research represents a record of success in their field.

As it relates to the citation of the Petitioner's work, the Petitioner provided her Google Scholar profile from [redacted] 2024. This information from Google Scholar indicates that her five highest cited articles, entitled [redacted] (2018), [redacted] (2020), [redacted] (2018), [redacted] (2024), and [redacted] (2023) each received 6, 3, 3, 2, and 2 citations, respectively.[6] The Petitioner does not specify how many citations for each of these individual articles were self-citations by her or her coauthors. In response to SCOPS' request for evidence (RFE), the Petitioner provided a January 2025 Google Scholar profile listing additional citations her published articles received that post-date the October 18, 2024 filing of the Form I-140 petition.[7] These later citations provided in response to the RFE do not establish her eligibility at the time of filing. *See* 8 C.F.R. § 103.2(b)(1), (12).

The Petitioner also provided [redacted] 2024 data from [redacted] regarding baseline citation rates and percentiles by year of publication for the "Engineering" research field. The Petitioner contends that her 2024 paper, entitled [redacted] ranked among "the top [redacted] of the most cited articles published in 2024 in Engineering" based on the two citations it received. The Petitioner did not indicate whether she factored in any self-citations in determining

[6] None of the Petitioner's remaining articles had received citations as of October 2024.

[7] For example, the citation count for [redacted] increased from 2 to 3 citations.

this percentile ranking. In fact, both citations to the aforementioned article are self-citations by the Petitioner's coauthor O-B-. In addition, the documentation from [redacted] states that "[c]itation frequency is highly skewed, with many infrequently cited papers and relatively few highly cited papers. Consequently, citation rates should not be interpreted as representing the central tendency of the distribution." Regardless, the Petitioner has not established that her co-authorship of this paper which received only two citations automatically demonstrates her record of research success or otherwise renders her well positioned.

Additionally, the Petitioner presented an article in [redacted] written by [redacted] and [redacted] entitled [redacted] 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 [redacted] most cited publications in their subject area are as a rule called highly cited or excellent" and that "the top [redacted] 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." Moreover, regarding "self-citations," the authors state that "if the question of an evaluation study explicitly means to what extent a scientist has influenced other scientists' work, self-citations should be obviously ignored."

Furthermore, the Petitioner relies on citation information concerning the larger field of engineering and compares her citation frequency in electrical engineering to that of the larger field. While we acknowledge that electrical engineering is part of the larger field of engineering, the Petitioner has not submitted sufficient evidence confirming that information extrapolated from the larger field applies equally to each subfield within engineering, including electrical 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 electrical engineering.

Regardless, citation frequency which is quantitative in nature does not reveal the reasons for the citations, which involve a qualitative analysis. In that regard, the record contains partial copies of several articles that cited to the Petitioner's 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.

As it relates to the Petitioner's education, while her master's degree 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 her proposed endeavor.[8] 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 her proposed endeavor and education is merely one factor among many that may contribute to such a finding.

Regarding the Petitioner's plan for future activities, she submitted a personal statement discussing her intent to focus her "research on developing and refining power conversion systems." She stated: "Upon graduation, I plan to pursue a career as a researcher in the field of power electronics, whether in industry or academia."[9] With respect to the Petitioner obtaining a future research position after graduation, she did not provide documentation from any organizations or institutions showing their communications relating to availability of a research position or identifying the specific research projects she intends to pursue on their behalf. Without sufficient evidence demonstrating the means or financial support to undertake her proposed research in the United States after graduation from her current Ph.D. program, the Petitioner has not demonstrated that her plan for future activities renders her well positioned to advance the proposed endeavor.

The letter from Dr. J-T- at [redacted] asserts that the Petitioner's current work "is funded in part by the [redacted]." In *Dhanasar*, the record established that the petitioner "initiated" or was "the primary award contact on several funded grant proposals" and that he was "the only listed researcher on many of the grants." *Id.* at 893, n.11. Here, the record does not show that the Petitioner (rather than Dr. J-T-) was mainly responsible for obtaining funding for their research projects.

With respect to her peer review activity, the Petitioner presented documentation indicating that she reviewed one manuscript for [redacted]. The Petitioner, however, has not demonstrated that this single instance of participation in the widespread peer review process and type of review assignment represent a record of success in her field or that they are otherwise an indication that she is well positioned to advance her proposed endeavor.

The record demonstrates that the Petitioner has conducted, published, and presented research during her graduate studies, 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

[8] "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)(2), https://www.uscis.gov/policy-manual. A degree in and of itself, however, is not the only factor we consider in determining if a person is well positioned to advance their proposed endeavor. *Id.*

[9] The Petitioner's appellate submission includes a letter from Dr. J-T-, an associate professor at [redacted], discussing the Petitioner's current graduate work at [redacted] studying the integration of inverter-based resources.

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 graduate work constitutes a record of success or progress in electrical 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.