U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43217148

Date: JUNE 24, 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 postdoctoral researcher, 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 although the Petitioner is eligible for the underlying EB-2 classification as an advanced degree professional, the record did not establish that a waiver of the job offer requirement is 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

We will first address the threshold requirement that the Petitioner must qualify for the EB-2 classification under Section 203(b)(2)(B)(i) of the Act. The record demonstrates that the Petitioner obtained U.S. equivalent of a master of science degree in cellular biology and a doctor of philosophy (Ph.D.) degree in stress biology from [redacted] in China. Therefore, the Petitioner qualifies for the EB-2 classification as an advanced degree professional. The remaining issue is the Petitioner's eligibility for the national interest waiver under *Dhanasar*. USCIS concluded that the Petitioner met the first prong showing that his endeavor has both substantial merit and national importance but did not meet the second prong of being well-positioned to advance his endeavor under *Dhanasar*. We agree.

A. Proposed Endeavor

Since April 2023, the Petitioner has worked as a postdoctoral associate in pharmacology at [redacted] In the initial petition filed in May 2024, the Petitioner proposed that he will specifically "explore key regulatory mechanisms involved in neutrophil function and development in order to identify diagnostic and therapeutic targets for inflammatory diseases." To advance this endeavor, the Petitioner claimed that he will be involved in "project[s] aimed at unraveling the molecular mechanisms underlying neutrophil dysfunction in conditions like sepsis and inflammatory bowel diseases [IBD]." The Petitioner further claimed that he will "delve deeper into understanding the intricate regulatory pathways of neutrophils and explore innovative strategies for therapeutic intervention in inflammatory disorders."

In response to the request for evidence (RFE), the Petitioner submitted an updated personal statement and proposed the following three connected projects that will identify key regulators of neutrophil development and function, and translate these findings into the pre-clinical setting, testing therapeutic relevance in models of IBD and atherosclerosis:

- Establishing a High-Throughput in Vivo CRISPR Screening Platform to identify therapeutic targets governing neutrophil development;
- Identifying molecular mechanisms that contribute to formation of Neutrophil Extracellular Traps (NETs) which are involved in progression of IBD and atherosclerosis; and
- Translating genetic discoveries into clinical solutions in order to provide scientific foundation to develop the next generation of neutrophil-targeted therapies.

B. 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. An endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, sciences, technology, culture, health, or education. In determining

whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889.

Based upon the probative and credible evidence in the record regarding the potential for neutrophil targeted therapies that can assist with inflammatory disease management, we conclude that the Petitioner's proposed endeavor has both substantial merit and national importance. The record contains letters from the [redacted] explaining that the Petitioner "is presently conducting meaningful work on neutrophils and atherosclerosis" and his research "focuses on the intricate mechanisms of cell behavior and differentiation, particularly in the context of overcoming inflammatory disease." The Petitioner submitted articles and studies regarding impacts of inflammatory diseases such as IBD and rheumatoid arthritis from the World Health Organization and the Center for Disease Control. Furthermore, the Petitioner provided documentation indicating that the benefit of his proposed research has broader implications, as the results are disseminated to others in the field through scientific journals and conferences. As the Petitioner has documented both the substantial merit and national importance of his proposed research, he has established that he meets the first prong of the *Dhanasar* framework.

C. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual petitioner. To determine whether an individual is 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.* at 890. Upon review of the evidence, including his curriculum vitae, academic credentials, published articles, peer review activity, letters of support, and other journal articles that cited to his published work, we conclude that the Petitioner has not sufficiently demonstrated that he is well-positioned to advance the proposed endeavor under the second *Dhanasar* prong.

We first consider the factors regarding the Petitioner's education, skills, knowledge, and record of success. *Id.* Although Petitioner's level of education, having a master's degree in cell biology in 2016 and Ph.D. in stress biology in 2020, puts him in a strong position to advance his proposed endeavor,[2] the record does not sufficiently demonstrate the Petitioner's record of success relating to his proposed endeavor. The Petitioner only recently started his postdoctoral program, about a year before the filing of the petition, and the relatively small number of published papers on the subject of his proposed endeavor counters the positive consideration of his record of success. The Petitioner submitted his Google Scholar profile with 13 peer-reviewed publications and approximately 220 citations at the time of filing the petition.[3] However, these journal articles concern studies of stem cells, NK cells, or monocyte cells,[4] and though related to cell biology, do not specifically pertain to the Petitioner's

[2] We consider an advanced degree, particularly a Ph.D., in a STEM field tied to the proposed endeavor and related to work furthering a critical and emerging technology an especially positive factor to be considered along with other evidence in assessing the second prong. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), www.uscis.gov/policy-manual.

[3] In response to the RFE, the Petitioner submitted an updated citation profile from Google Scholar that indicated 297 citations in total.

[4] It appears that the Petitioner published these articles while he was employed in another post-graduate research position in China.

proposed endeavor, which is to identify neutrophil-targeted therapies to combat inflammatory diseases. For example, the Petitioner's cited journals cover topics in mesenchymal stem cells (MSCs) derived from human amniotic membrane or umbilical cord (82 citations in 2019), non-coding RNAs in natural killer (NK) cells (31 and 30 citations in 2021 and 2019), and functions of NK cells and human primary monocyte cells (21 and 16 citations in 2020 and 2018). But the Petitioner published only two journal articles in 2024 specifically studying neutrophil functions and neutrophil targeted therapies, and these did not obtain widespread attention, receiving no citation at the time of filing.[5]

In addition, although 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 alone. Rather, in our precedent decision, 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 such as NASA and AFRL, position him well to continue to advance his proposed endeavor of hypersonic technology research." *Id.* at 893. While research must add information to the pool of knowledge in some way in order to be accepted for publication, this alone is insufficient to substantiate a claim of impact to the field.

We then reviewed various letters of support that claim significance of the Petitioner's work and explain the mechanics of his past research.[6] The authors offer little detail to substantiate a finding that the Petitioner's research has affected the neutrophil development or neutrophil-targeted therapies. We observe that some authors generally describe the Petitioner's proposed research but does not explain how his work has been utilized in the field or otherwise constitutes a record of success. Several professors, including Professor K-P- from [redacted] college of engineering and computing, Professor L-W- from [redacted] department of pharmacology, and Professor G-T- from the [redacted] reiterate that the Petitioner's research has laid groundwork for "novel therapeutic interventions," or "the development of novel targeted therapies" but do not specifically explain how the Petitioner's research is "novel" to the study of neutrophils and the field of cell biology as a whole. A letter from Professor D-W- in the department of pharmacology at the [redacted] summarizes the Petitioner's current and past research as "innovative approaches to examining immune cell behavior and the value of his findings on reduced decidual natural killer (NK) cell functionality in small gestational age (SGA) infants, and protective effects of WNT5 deficiency in colitis" or states that the Petitioner's research "offers avenues for improved treatments, ranging from preventing and managing SGA to addressing sepsis and IBD" but did not give detailed examples of such advancement, improvement, or innovation aside from the general claim of value and significance.

Other letters, such as one from D-M-P-, a scientific associate at the [redacted], or Dr. X-W-, professor of regenerative medicine at [redacted] discuss the Petitioner's stem cell research and the value on the regenerative medicine, indicating that his cellular and molecular techniques are "highly transferable to his proposed neutrophil research" but they do not describe in detail his proposed endeavor of studying neutrophil and therapeutic

[5] For instance, his co-authored article titled, [redacted] received only five citations at the time of the Petitioner's RFE response.

[6] While we discuss a sampling of these letters, we have reviewed and considered each one.

interventions. Dr. V-G-, professor of biological science at [redacted] discusses how he cited to the Petitioner's 2020 paper that he co-authored titled [redacted] and how this study was "vital" to the discussion of comparative osteogenic differentiation potential of MSCs derived from different human tissues. But these letters do not offer persuasive details on the Petitioner's neutrophils research and its impact on inflammatory diseases. Therefore, the Petitioner has not sufficiently established that results of his research demonstrate a record of success relating to his specific proposed endeavor.

Additionally, the Petitioner has not sufficiently shown his plan for future activities and any progress toward achieving the proposed endeavor. *Id.* at 890. The Petitioner asserted that he will "devote 100% of my effort to the research" at [redacted] and "[redacted] provides the essential research infrastructure such as animal facilities, flow cytometry cores, and sequencing resources that enables these studies." The Petitioner also stated that his long-term career is to become "a leading independent principal investigator in the field of translational immunology within the United States" whether as "in a top-tier academic institution or a leading biotechnology research environment." But the record does not contain job offer letters or contracts with [redacted] or other institutions regarding his future role and the support that he will receive. The Petitioner has not explained the specific steps or plans for expanding his research aside from assertions in his personal statements.

The final factor enumerated in *Matter of Dhanasar* relates to evidence of interest from potential customers, users, investors, or other relevant entities or individuals. *Id.* Here, we similarly conclude that the evidence in the record does not weigh in favor of demonstrating that the Petitioner is well-positioned to advance the endeavor. With the initial filing, the Petitioner claimed that he received grant from the National Institute of Health (NIH) in the United States,[7] but the record does not show that the Petitioner was mainly responsible for obtaining funding for their research projects. Although the copies of publications he has co-authored indicate in the acknowledgement section that the research was supported by grant from NIH, the Petitioner has not submitted any other documentation to establish the parameters of this grant or show whether he applied for and received such funding for this research. By contrast, in *Dhanasar*, we noted that the petitioner had received "consistent" government funding of research projects in which he played a "significant" role, specifically that he initiated or was the primary award contact on several funded grant proposals and was the only listed researcher on many of the grants. *Id.* at 893, Fn. 11. Here, we are unable to tell the Petitioner's role, if any, in obtaining the funding, and therefore the Petitioner's funding does not appear to be similar in kind to the funding received by the petitioner in *Matter of Dhanasar*. Therefore, the record does not reflect a level of interest in his work from relevant parties sufficient to meet *Dhanasar*'s second prong.

On appeal, the Petitioner asserts that USCIS imposed unduly restrictive interpretation of *Dhanasar* in adjudicating the second prong and heightened evidentiary standards by requiring that the Petitioner "direct the overarching research agenda," "serve as Principal Investigator on U.S. federally funded grants," or "control research budgets, or leads multi-institutional initiatives." While we agree that *Dhanasar* did not specifically mandate a showing of leadership and control of research agenda or

[7] In his RFE response, the Petitioner provided documentation that "his work has received significant funding" from the China Postdoctoral Science foundation in 2022 and from National Natural Science Foundation of China in 2021. However, USCIS policy manual specifies that the types of evidence that may demonstrate that a person is well positioned include having interests from government or quasi-government *in the United States*, not from other foreign government entities. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(5).

grants as a factor to consider whether a petitioner is well-positioned to advance the proposed endeavor, the decision also did not limit the factors we may consider. *See id.* at 890 (identifying factors we consider under the second prong as "including, but not limited to"). In fact, in finding that the petitioner in *Dhanasar* was well positioned, we relied on, in part, "the significance of the petitioner's research in his field" as corroborated by evidence of peer and government interest in his research and consistent government funding on his research projects. *Id.* at 893. In applying the second prong factors, USCIS properly discussed types of evidence that may meet the second prong, to demonstrate a record of success or progress in the Petitioner's endeavor and show his research's reach and influence. Therefore, we do not find that these statements by USCIS constitute an abuse of discretion as the Petitioner claims.

Moreover, USCIS' assessment of the evidence under *Dhanasar*'s second prong is consistent with USCIS policy guidance, which 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 their proposed endeavor. *See generally* 6 *USCIS Policy Manual*, *supra,* at F.5(D)(3) (providing, as guidance, many examples of evidence that may demonstrate a person is well-positioned to advance their proposed endeavor). USCIS identified the relevant evidence submitted and sufficiently analyzed the overall record under the applicable preponderance of the evidence to conclude that the Petitioner has not shown that his research has affected the field or industry to demonstrate a record of success or progress in advancing neutrophil-targeted therapies in inflammatory diseases.

We also considered the Petitioner's appellate claim that USCIS misidentified his proposed endeavor by stating: "the record does not indicate that . . . his work has affected specific infrastructure development or failure mechanism projects." We acknowledge that USCIS misspoke in this instance and withdraw this statement; however, because this is the only instance where the decision misidentified the endeavor, we consider this to be a harmless error which did not materially affect USCIS' conclusion. Otherwise, our review indicates that USCIS correctly identified the Petitioner's endeavor overall and applied the evidence in the record based on the factors laid out by *Dhanasar*'s second prong.

Not every individual who has conducted original research, published findings, and provided peer review service will be found to be well-positioned to advance their proposed endeavor. Rather, we must examine the factors set forth in *Matter of Dhanasar* to determine whether, for instance, the individual's education, skills, and record of success, their model or plan for future activities, their progress towards achieving the proposed endeavor, and the generation of interest among relevant parties supports such a finding. *Dhanasar,* 26 I&N Dec. at 890. In sum, the Petitioner's knowledge and skills, as demonstrated by his education and publication, are positive factors. However, they are not sufficient to overcome the lack of evidence demonstrating the Petitioner's record of success in related efforts, model or plan for future activities, his progress toward achieving the endeavor, or interest from potential investors or other relevant entities. In considering the record in totality, we conclude that the Petitioner has not sufficiently established that he is well-positioned to advance the proposed endeavor.

D. Balancing Factors to Determine Waiver's Benefit to the United States

The third prong requires the 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. Here, the

Petitioner claims that he is eligible for a waiver due to the importance of his field and the impracticality of labor certification. However, as the Petitioner has not established that he is well positioned to advance his proposed endeavor as required by the second prong of the *Dhanasar* framework, he is not eligible for a national interest waiver and further discussion of the balancing factors under the third prong would serve no meaningful purpose. *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).

III. CONCLUSION

As the Petitioner has not met the requisite second prong of the *Dhanasar* analytical framework, he has not established eligibility for 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.