U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37736612

Date: JUN. 26, 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 research specialist in the food science field, 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 demonstrated her eligibility for EB-2 classification as a member of the professions holding an advanced degree, 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 qualify as a member of the professions holding an advanced degree or as 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] *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 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. ANALYSIS

USCIS concluded that the Petitioner qualifies for classification as a member of the professions holding an advanced degree, and the record supports this determination.[2] The remaining issue to be determined is whether the Petitioner has established that a waiver of the job offer requirement, and thus of a labor certification, would be in the national interest.

The Petitioner's curriculum vitae indicates that, after completing her Ph.D. in food science in 2019, she was employed as an assistant professor at the [redacted] in [redacted] and subsequently as a visiting scholar at the [redacted] during the 2022-2023 academic year. The record indicates she accepted a research specialist position with the [redacted] just prior to filing her Form I-140, Immigrant Petition for Alien Workers, in May 2023.

In a personal statement submitted with her petition, the Petitioner stated her proposed endeavor is to "apply biotechnology, bioengineering, and nanotechnology techniques to food during the production process in order to improve food quality, safety, and nutrition and to address the impact that inadequate quality, improper storage, and inefficient production methods have on global food security and the spread of foodborne illnesses." She further stated that she intends to pursue an assistant professor position in the United States, and that she is "most interested in pursuing this position with the [redacted] In an updated statement provided in response to USCIS' request for evidence (RFE), she specified that she intended to work on two specific projects in her field, and implied that she was already engaged in research in these areas:

- Interactions between lipid-soluble vitamins (vitamin E) and nutritional characteristics and safety aspects of animal-based products (milk and meat); and
- Enzymatic deamidation alleviates heat-induced aggregation of whey proteins and extraction of active peptides.

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. *Dhanasar*, 26 I&N Dec. at 889.

[2] 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). The record indicates that the Petitioner received a Doctor of Philosophy (Ph.D.) degree in food science and industry from the [redacted] in Iran in 2019. Her foreign degree has been evaluated as the foreign equivalent of a U.S. Ph.D. in food science and technology.

USCIS 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 USCIS that the Petitioner meets the first prong 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, and whether they are well-positioned to advance it. *Matter of Dhanasar*, 26 I&N Dec. at 890. To determine whether a petitioner is well-positioned to advance their proposed endeavor, we consider factors including but not limited to: the individual's 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 personal statements, curriculum vitae, Ph.D. diploma and transcript, peer reviewed publications, evidence of her peer review service, and an April 2023 letter from the [redacted], offering her employment as a research specialist in the [redacted]. The Petitioner also offered evidence of research and review articles that cite to her published work, citation metrics and articles on how to interpret those metrics, and six letters of support discussing her graduate and postdoctoral research.

The Petitioner contends on appeal that USCIS did not properly analyze her publication record, citation evidence or letters of support, and erred by declining to consider evidence of citations to her work that post-date the filing of the petition. For the reasons discussed below, we conclude the Petitioner has not demonstrated that she is well positioned to advance her proposed endeavor.

Turning to the relevant factors enumerated in *Matter of Dhanasar*, we conclude that the Petitioner's education, skills, and knowledge are positive factors in support of her positioning to advance the proposed endeavor. *See* 26 I&N Dec. at 890. Specifically, the Petitioner's Ph.D. in food science and industry relates to her proposed endeavor of "improving food quality and safety through new technology in the food industry."[3] However, the Petitioner's advanced degree in a STEM field is not a sufficient basis to determine that she is well-positioned to advance her proposed endeavor. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policymanual (stating that a petitioner's educational background is merely one of many factors to be weighed under *Dhanasar's* second prong). Although the Petitioner's Ph.D. is a positive factor, the totality of the evidence in the record, as discussed below, does not show she is well positioned to advance her proposed endeavor.

The Petitioner contends on appeal that her "notable" citation record, her publication record, and the prestige of the journals in which she has published demonstrate a record of success in her field that should be weighed favorably under *Dhanasar*'s second prong. At the time of filing, the Petitioner provided her Google Scholar profile from April 2023, which shows her four highest cited articles as:

[3] We note that the record does not include copies of the Petitioner's other foreign degrees, such as her bachelor's or master's degrees. Also, other than her curriculum vitae, the record does not contain documents detailing her employment history.

“[redacted]”
(2019); “[redacted]
[redacted]” (2020); “[redacted]
[redacted]” (2020); and “[redacted]
[redacted]” (2022). These articles had received 23, 12, 8 and 5 citations, respectively.[4] The Petitioner did not specify how many of these citations were self-citations by her or her coauthors.

On appeal, the Petitioner claims that USCIS erred by declining to consider the updated 2024 Google Scholar profile she submitted in response to the RFE, which included one additional publication from 2023, and showed that she had received a cumulative total of 70 citations, including 29, 20, 11 and 5 citations, respectively, for her four most-cited articles. She emphasizes that all but one of her papers were published prior to the filing of her petition, and points to a non-precedent decision in which we found that post-filing rates of citation to a petitioner's work corroborated witness claims about the field's interest in their work. However, the referenced decision was not published as a precedent and therefore does not bind USCIS officers in future adjudications. *See* 8 C.F.R. § 103.3(c). As noted by USCIS, eligibility must be established at the time of filing. 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). Therefore, we conclude that USCIS did not err by limiting its review to the Petitioner's 2023 Google Scholar profile.

The Petitioner also submitted 2023 data published by Clarivate Analytics (InCites Essential Science Indicators), which provides baseline citation rates and percentiles by year of publication across different research fields. The Petitioner claimed that two of her papers, including her most-highly cited article, published in [redacted] in 2019, and her 2022 article published in the [redacted], are "among the most highly cited articles in the field of Agricultural Sciences for their years of publication." Specifically, she stated her 2019 article was among the top 20% of articles published in the same year, while her 2022 article was among the top 10%. However, the data the Petitioner provided from Clarivate Analytics did not include baseline percentiles for the field of "Agricultural Sciences"; rather, she provided and appears to have relied on baseline percentiles for the "Environment/Ecology" research field in support of her claim that the two referenced articles were highly cited. The Petitioner did not provide any rationale for referring to these two distinct research fields interchangeably, nor does the record contain information from Clarivate Analytics explaining how research published in the food science field is categorized. Further, she did not indicate whether she factored in any self-citations of her work in determining these percentile rankings.

Moreover, the documentation the Petitioner provided from Clarivate Analytics states that "[c]itation frequency is highly skewed, with many infrequently cited papers and relatively few highly citated papers. Consequently, citation rates should not be interpreted as representing the central tendency of

[4] The three remaining articles included in the Petitioner's April 2023 Google Scholar profile, published in 2016, 2017 and 2019, had four, one, and zero citations, respectively. In total, her work had been cited 53 times.

the distribution." We can see this skewed effect with the Petitioner's evidence. She claims her 2019 paper fell within the top 20% among papers published that year with only 23 citations, whereas the highest cited papers published in 2019 had garnered at least 702 citations by 2023. For papers published in 2022, only two citations were sufficient to place a given paper among the top 20%.

To further support the relevance of the information she provided from Clarivate Analytics, the Petitioner provided a 2004 article published in the *Proceedings of the National Academy of Sciences* (*PNAS*), titled [redacted] She states that the article describes "the utility of citation percentiles in evaluating the impact of research," and highlights the author's statement that percentile rankings provide "normalization across time such that papers from different years can be directly compared." However, the article does not include a discussion of Clarivate Analytics' Essential Science Indicators or the methodologies that resource uses to compile their statistics, nor has she otherwise shown how this two-decades-old article is relevant to interpreting the evidence she provided from that source.

Overall, the documents in the record from Clarivate Analytics do not sufficiently corroborate the claimed significance of the Petitioner's citation record. Even if the Petitioner had submitted sufficient relevant evidence to demonstrate that her 2019 and 2022 papers were "highly cited" by some metrics with 23 and 4 citations, respectively, she has not established how this level of citation is indicative of a record of success in her field.

In response to USCIS' RFE, the Petitioner also submitted data she claimed was derived from "OpenAlex." According to this evidence, her record of 8 publications and 70 citations placed her at the 95.45 percentile for "in-field author citation impact for publications between 2016-2024" and at the 96.6 percentile for "in-field author research productivity for publications between 2016-2024" among authors in the food science research area. While we acknowledge the percentile rankings, we note several issues that diminish the probative value of this data. First, the Petitioner did not submit material explaining the method by which OpenAlex calculated the presented figures. This means we have no method of verifying the information the Petitioner presented, 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 percentiles calculated rely on the Petitioner's Google Scholar publication and citation record from March 2024, rather than the information she provided from Google Scholar at the time of filing in April 2023. As discussed above, the Petitioner cannot rely on her 2024 citation record to establish her eligibility at the time of filing. *See* 8 C.F.R. § 103.2(b)(1), (12).

Regardless, citation frequency, which is quantitative in nature, does not reveal the reasons for the citations, which involves 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 necessarily confirm a record of success by demonstrating, for example, that there has been positive discourse around or adoption of the person's work or other evidence that their work has influenced the field of endeavor. *See generally* 6 *USCIS Policy Manual*, *supra*, F.5(D)(3). While some of the submitted recommendation letters from experts in the Petitioner's field favorably mention her citation record, they do not provide information that tends to support her claim that she is near the top of her field in terms of research productivity or citations. For example, Dr. L-N-, an assistant professor at [redacted] University

and a co-author of several of the Petitioner's papers, states that the Petitioner's record of "over 40" citations "confirms the quality and value of her contributions to the food science field" while Dr. B-A- of [redacted] University, states that the Petitioner has "a publication record that demonstrates her ability to produce quality research" noting she has received "numerous citations by her peers."

The Petitioner argues on appeal that she has a stronger citation record than Dr. Dhanasar, the petitioner in our *Dhanasar* precedent decision. While our decision lists Dr. Dhanasar's "publications and other published materials that cite his work" among the documents he presented, our determination that he was well positioned to advance his proposed endeavor 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." *See Matter of Dhanasar*, 26 I&N Dec. at 893. The Petitioner maintains that her citation record should been weighed favorably in the totality of the circumstances, just as other factors were weighed heavily in Dr. Dhanasar's case. However, for all the reasons discussed above, the Petitioner's evidence does not demonstrate that her citation record at the time of filing reflects a level of success in related efforts or a level of interest in her work from relevant parties sufficient to meet *Dhanasar's* second prong.

On appeal, the Petitioner further asserts that USCIS did not give sufficient weight to her letters of recommendation from experts. These letters were intended to describe her research, identify some other studies that cited to or acknowledged her findings, and explain the benefits and impacts her work has had on further research in the food science field.[5] However, the authors of these letters do not provide sufficient detail about how the Petitioner's work has affected the field or industry to demonstrate a history of accomplishment and success beyond having been cited by others in their published works and contributing knowledge to an active field of research. *See generally 6 USCIS Policy Manual*, *supra*, at F.5(D)(3), https://www.uscis.gov/policymanual (advising that letters from experts in the person's field should describe their past achievements and provide specific examples of how they are well positioned to advance the person's endeavor).

For example, letters from Dr. L-N- and Dr. A-L- both describe the Petitioner's research on developing [redacted]. However, in further explaining the implementation or impact of her work, they generally point to other papers that cited the Petitioner's research in their own written work. The letters do not further elaborate and sufficiently explain how the Petitioner's work has been utilized in the field or otherwise constitutes a record or success beyond having been cited by others in their published works.

Moreover, the letters lack specificity and do not adequately address, for example, how the Petitioner's work has been adopted by others, influenced the field, generated positive discourse, or otherwise shows a demonstrable history of success that makes her well-positioned to advance her proposed endeavor. For instance, Dr. A-L- states the Petitioner's "research in this area as shown by the results of her research on quinoa peptide hydrolysates is an invaluable contribution to the production of novel naturally derived additives, and her work is essential to improving the quality and safety of food products around the world." However, Dr. A-L-'s letter did not offer examples of how the Petitioner's research has been

[5] While we do not discuss each of these letters, we have reviewed and considered each one.

implemented or utilized in the field or otherwise represents a record of success or progress rendering the Petitioner well positioned to advance her proposed endeavor. Similarly, Dr. L-N- states that the Petitioner's research on quinoa peptides "has evoked the strong interest of her peers because of its range of utilizations in food processing, storage and quality," and "provides significant benefit to the food manufacturing industry," but the record does not include evidence supporting her statement that the food manufacturing industry has already derived these benefits or that it has shown particular interest in adopting or using the Petitioner's work. Overall, the submitted letters do not offer specific examples of how the Petitioner's findings have been implemented, utilized, or applauded by others in the field in a manner demonstrating that she is well positioned to advance her proposed endeavor.

The record also includes excerpts from original research and review articles that summarize and cite the Petitioner's co-authored research. For example, the authors of "[redacted]," published in *Food Science and Nutrition* in 2021, reference the Petitioner's work in stating that "[redacted]." A review of "[redacted]," published in the 2022 book *Advances in Food and Nutrition Research*, cites to the Petitioner's 2019 article as one of "many studies" which reported that "bioactive peptides derived from controlled hydrolysis exhibited strong antioxidant activity and could inhibit lipid oxidation." The record, however, does not include additional evidence or explanation showing how these types of citations are "notable," how they are indicative of positive discourse around, or adoption of the Petitioner's work, or how her work has influenced her field.

Finally, we acknowledge the Petitioner's claim that she has published her work in "authoritative peer reviewed journals" or "leading journals" and has served as a peer reviewer on at least four occasions for the journal *Karafan Scientific Quarterly*. She asserts that these achievements reflect her peers' "recognition of the value of her research." The record does not contain rankings or other metrics for the journals in which the Petitioner has published her work or for the *Karafan Scientific Quarterly*. Regardless, a journal's high ranking or impact factor only reflects a publication's overall citation rate. It does not show the influence or impact of any individual author or otherwise demonstrate how a given individual's published research represents a record of success in the field. Similarly, the Petitioner has not demonstrated that her occasional participation in the peer review process, which is a widespread activity in most academic fields, 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.

Additional factors applicable to the second prong of the *Dhanasar* framework are a petitioner's model or plan for future activities and any progress towards achieving the proposed endeavor. The Petitioner contends that she has provided a model or plan for her future research activities, specifically with a personal statement submitted with the initial petition indicating her intent to "pursue a position as an Assistant Professor in the United States." She specifically expressed "a particular interest in employment at the [redacted]."

The Petitioner seeks a national interest waiver of the job offer requirement. Therefore, an offer of employment is not a requirement for approval, nor do we consider the lack of a job offer a negative factor in analyzing the evidence, depending upon the specific circumstances of the case. However, in this instance, the Petitioner's own stated intention for advancing her endeavor requires an offer of

employment, so we will consider any steps she has taken towards achieving it. While the Petitioner may have the intention to pursue an associate professor position in the United States, we conclude that the fact that she does not currently have such a position weighs against her claim that she has either a specific model or plan for future activities and that she has made progress toward advancing her endeavor. The Petitioner did not provide, for example, evidence of support from the [redacted] (or another university) for an assistant professor position, nor evidence of funding for or availability of such a position.

The record indicates that the Petitioner was employed in a research specialist with the [redacted] at the time of filing, and that she had previously held a visiting scholar position at the same institution, beginning in September 2022. In response to the RFE, she provided an updated personal statement indicating that she believes her current position provides her with "a solid foundation for my future career aspirations of being an Assistant Professor." The Petitioner expresses her commitment to conducting laboratory research, preparing proposals, contributing to published articles, and otherwise taking "a proactive approach to advancing in academia," noting she is "well positioned to pursue opportunities for job promotion and advancement."

The Petitioner implied in her updated personal statement that the two research projects identified therein, relating to nutritional and food safety aspects of meat and dairy products, were already underway. But she did not provide letters of support or any other documentation from her academic department at the [redacted], describing her current position, her current research endeavors, or her career prospects with that university. In addition, the record does not show, for example, that she has co-authored any published work stemming from her research activities at the [redacted]. We cannot determine based on the evidence presented that a research specialist position, which is described as an hourly position in the submitted offer letter, may lead to an assistant professor or other university faculty position.

Without sufficient evidence demonstrating the means or financial support to undertake her proposed research in the United States, the Petitioner has not demonstrated that her plan for future activities renders her well positioned to advance the proposed endeavor. For example, the Petitioner did not offer evidence showing that she has received funding for her research proposals or future projects. In *Dhanasar*, the record established that the petitioner "initiated" or was "the primary award contact on several grant proposals" and that he was "the only listed researcher on may grants." *See Matter of Dhanasar* , 26 I&N Dec. at 893, n.11. Regarding the Petitioner's work as a research specialist at [redacted] (and her past research endeavors in Iran) the record does not show that the Petitioner was mainly responsible for obtaining funding for research projects. Without a statement of interest or support from a university or research institution, evidence of potential funding for such a position, or other such evidence, the Petitioner has not demonstrated that she is currently well positioned to advance her proposed endeavor.

The final factor enumerated in *Matter of Dhanasar* relates to evidence of interest of potential customers, users, investors, or other relevant entities or individuals. *See 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. While the Petitioner has published research in food science that appears to be related to the type of research described in her proposed endeavor, she has not provided evidence, for example, that she herself has previously received funding for research or has secured funding to continue pursuing her specific proposed endeavor in the future.

The Petitioner again emphasizes her citation record and reference letters as evidence of interest from relevant entities or individuals. She emphasizes that she has received citations from researchers all over the world who have taken an interest in her work, and that several experts in her field support her petition. However, none of the authors who provided letters in support of the petition mention that they or their academic institutions are interested in supporting or funding the Petitioner's proposed endeavor. Further the Petitioner has not shown that other researchers who cited her work have demonstrated an interest that has resulted in investment to advance her proposed endeavor. 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.

The evidence indicates that the Petitioner has conducted and published research while pursuing her Ph.D, and continued similar research for several years prior to coming to the United States in 2022. While we recognize that research must add information to the pool of knowledge to be accepted for publication, funding or academic credit, not every individual who has conducted original research and published findings 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. *Id.* at 890. In considering the record in its totality, we conclude that the Petitioner has not established that she is well-positioned to advance the proposed endeavor.

C. Whether, on Balance, a Waiver of the Job Offer is Beneficial

Matter of Dhanasar's third prong requires the Petitioner to demonstrate that, on balance, it would be beneficial to the United States to waive the requirement of a job offer and thus of a labor certification. Because the Petitioner is ineligible for a national interest waiver for the reasons discussed above, we need not reach, and therefore reserve, her appellate arguments related to *Dhanasar*'s third prong. *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

The Petitioner has not established her eligibility under the second prong of the *Dhanasar* analytical framework. Accordingly, we conclude that she has not established she 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.