U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40651831

Date: MAR. 04, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks second preference 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 EB-2 immigrant 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 although the Petitioner is eligible for EB-2 classification as a member of the professions holding an advanced degree, he had not established that a waiver of the required job offer and 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 whether he or she is 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, he or she must then demonstrate that he or she merits 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

To begin, we agree with SCOPS' determination that the Petitioner qualifies as a member of the professions holding an advanced degree because he has a doctorate degree in mathematics from [redacted] (2023). Thus, the sole issue on appeal 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 United States' national interest.

SCOPS determined that the Petitioner demonstrated his proposed endeavor has substantial merit but not that it is of national importance in full satisfaction of *Dhanasar's* first prong. SCOPS further determined that the Petitioner is well-positioned to advance the proposed endeavor under *Dhanasar's* second prong. Lastly, SCOPS determined that the Petitioner had not established that on balance, it would be in the United States' national interest to waive the requirements of a labor certification. For the reasons discussed below, we disagree and withdraw SCOPS' determination that the proposed endeavor is not of national importance and further, we disagree and withdraw SCOPS' determination that the Petitioner is well-positioned to advance his proposed endeavor.

A. First Prong: Substantial Merit and National Importance of the Proposed Endeavor

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake and its "potential prospective impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. An endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. The term "endeavor" is more specific than the general occupation; thus, a petitioner should offer details not only as to what the occupation normally involves, but what type of work the person proposes to undertake specifically within that occupation. *See generally*, 6 *USCIS Policy Manual*, F.5(D)(1), https://www.uscis.gov/policy-manual.

SCOPS determined that the Petitioner's proposed endeavor is of substantial merit. In addition to his personal statement, the Petitioner provided reference letters, his peer-reviewed publications, and publications discussing U.S. government initiatives related to his area of research interest.[2] Because the Petitioner's proposed endeavor credibly aims to address issues that are the subject of multiple government initiatives, he has satisfied his burden of establishing his proposed endeavor has substantial merit.

To evaluate whether an endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of the Petitioner's proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we noted that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field."

[2] While we may not discuss every document submitted, we have reviewed and considered each one.

Id. We also gave significant weight to "probative expert letters from individuals holding senior positions in academia, government, and industry that describe the importance of hypersonic propulsion research as it relates to U.S. strategic interests" and "detailed expert letters describing U.S. Government interest" in Dr. Dhanasar's specific research. *Matter of Dhanasar*, 26 I&N Dec. at 892.

At the time of filing this petition, the Petitioner holds the position of assistant research professor of mathematics at [redacted] in its department of mathematics. The Petitioner's proposed endeavor is to research and develop state-of-the-art machine learning techniques for complex dynamical systems such as interacting particle systems, quantum systems, and generalized Langevin dynamics by leveraging structural features like homogeneity and memory effects. The Petitioner explains that these features are "ubiquitous in applications ranging from social sciences and animal movement modeling to power grid transportation, molecular dynamics, time series analysis, quantum computation, and model reduction." The Petitioner further explains that his proposed research is his "overarching goal for . . . career, and [that he] intend[s] to advance [it] regardless of [his] specific place of employment;" however, he notes that for the foreseeable future, he intends to continue working in his position at [redacted] but will "continue to [circulate his research] through . . . peer-reviewed publications and conference presentations."

The Petitioner asserts there are several prospective impacts of his proposed research endeavor which render it of national importance as contemplated by *Dhanasar*. First, he explains that his research will help the United States develop innovative machine-learning techniques which are aligned with American technological interests, especially those concerning quantum computing. Second, his research will ensure the United States stays a world leader in quantum science by guiding the realization of practical quantum computers. Third, his research will develop his field's understanding of how a quantum system interacts with its environment. Fourth, his research boosts the reliability and scalability of quantum computation, which has widespread application. Lastly, the Petitioner asserts that his proposed endeavor will boost the economy given that the national quantum computing market will rise to $1.225 billion by 2030.

The Petitioner provided multiple letters of support asserting his endeavor is of national importance. Dr. Y.S.[3] from [redacted] describes that one "notable application of [the Petitioner's research] is improved heat transfer analysis, which describes how temperature evolves over time within a solid object, allowing engineers to design efficient thermal systems." [redacted] from [redacted] describes how the Petitioner's research will lead to critical applications such as more effective drug design, improved understanding of disease mechanisms, and the development of targeted therapies." Dr. S.T. from the [redacted] at [redacted] describes the impact of the Petitioner's research as [redacted] . . . [which] stabilizes solutions and adjusts the regularization based on the characteristics of the data being used. The value . . . is that it produces more accurate and stable estimators, even when the data is discrete and contains noise." Dr. M.M. from [redacted] describes the impact of the Petitioner's research as enhancing "complex system modeling in public health, economics, and infrastructure planning. . . . [leading to] the creation of precise, data driven, predictive models by modeling and estimating the interactions between individual system components, advancing decision-making processes in these important sectors." Lastly, he explains that the Petitioner's work "enhances machine learning models

[3] Throughout our decision, we use the initials of reference letter writers to protect their privacy.

by incorporating data, ensuring greater precision and applicability through his structural preservation techniques . . . benefiting [the United States through] better resource optimization and enhanced decision-making abilities." Dr. F.L. from [redacted] describes that the Petitioner's contributions are "on the leading edge of addressing ill-posedness [*sic*] in complex systems, so securing his talents only serves to maintain the United States' position as a leader in science and technology." Dr. M.Z. from the [redacted] describes the "broader significance" of the Petitioner's research as being the "applicability to theoretical machine learning and real-world systems modeling" and "supports advancements in public health, economic forecasting, and environmental management by enabling the development of predictive models that improve decision-making in complex systems." Moreover, the Petitioner's research "enhances the reliability and accuracy of machine learning models used in various high-impact domains . . . [and] also paves the way for new computational strategies." Lastly, the letter addresses the Petitioner's impact stating it "significantly strengthens the United States' leadership in artificial intelligence and data-driven policymaking. . . . expands the frontiers of theoretical machine learning and ensures its practical applicability across critical sectors, including finance and epidemiology."

In addition to the above letters of reference from other researchers and colleagues in his field, the Petitioner provided evidence to establish the United States has allocated significant government resources to quantum computing, artificial intelligence and machine learning technologies, as well as his published scholarly articles and research papers.

Upon de novo review, we determine that a preponderance of the evidence establishes that the Petitioner's endeavor is of national importance based on the potential impact it could have on his field and other initiatives that are important to maintain the United States' competitiveness. *See generally*, 6 *USCIS Policy Manual*, *supra*, at F.5(D)(4). As such, the proposed endeavor fully satisfies the standard set forth in *Dhanasar's* first prong and we will withdraw SCOPS' contrary determination.

B. Second Prong: Well-positioned to Advance Proposed Endeavor

The second *Dhanasar* prong shifts the focus from the proposed endeavor to the Petitioner. To determine whether an alien is well-positioned to advance the proposed endeavor, we consider factors including, but not limited to 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, or investors, or other relevant entities or individuals. *Matter of Dhanasar*, 26 I&N Dec. at 890. Furthermore, "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 (CET) or other STEM area important to competitiveness 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*, *supra*, at F.5(D)(4).

The record includes the Petitioner's two personal statements describing his proposed endeavor, his curriculum vitae, academic records for his doctorate degree in mathematics, his peer-reviewed publications, research articles citing his research, his Google Scholar citation record, related citation percentile ratings, letters of recommendation, and acknowledgements of his work as a peer reviewer

of others' research papers. SCOPS determined that the Petitioner is well-positioned to advance the proposed endeavor, however, for the following reasons, we disagree and withdraw that determination.

Since August 2023, the Petitioner has worked as an assistant research professor of mathematics at [redacted] department of mathematics. The Petitioner did not provide any evidence from [redacted] to establish the terms or duties of his employment with them. In this personal statement, he explains that his current position is limited-term and does not provide employer-sponsored permanent residency. The Petitioner provides the following description of his current position, and how it relates to his proposed endeavor:

> I want to emphasize again that my proposed endeavor is my overarching goal for my research career, and I intend to pursue it regardless of my specific place of employment. However, I am providing my employment information to confirm my capacity to advance the proposed endeavor in my current employment.

While the Petitioner makes clear he intends to carry out his research at [redacted] the record contains no explicit statement from the university confirming that his research is supported by them. The above-mentioned letter from [redacted] professor [redacted] describes the Petitioner as his research collaborator and explains in some detail the aim of their research, as well as the significance of the Petitioner's work for the study of generalized Langevin equations. However, the letter does not confirm that the Petitioner is permitted to carry out his proposed endeavor at [redacted] Furthermore, as [redacted] does not appear to be a hiring authority at [redacted] his letter is of limited probative value for understanding whether the institution is aware the Petitioner is carrying out his proposed research endeavor.

Relatedly, the Petitioner has not described with sufficient detail how he intends to carry out his research endeavor at [redacted] while simultaneously working as a mathematics professor. While his research and teaching position may be interrelated, the Petitioner does not explicitly state what amount of time he will devote to his duties as a professor at [redacted] versus to his research or how the two are connected, if at all. As the record stands, it is unclear if he will simultaneously pursue his research endeavor and work as a mathematics professor, or if he will pursue his research endeavor on his own time and without financial and institutional support from [redacted] Furthermore, while we note that the Petitioner asserts [redacted] pays him [redacted] because no employment contract is provided to understand if that payment includes his research duties as well as his teaching duties, there is insufficient evidence to understand the terms of his employment.[4]

The record contains factors that weigh in the Petitioner's favor, including his doctorate degree in a STEM field, the fact that his intended research relates to CET areas important to U.S. competitiveness, his previously published research in journals (*SIAM Journal on Scientific Computing*, *Foundation of Data Science*, *Journal of Machine Learning Research*, and *Proceedings of Mathematical and Scientific Machine*), the 75 scholarly citations his research received (at the time of filing), and his on-going research endeavors as evidenced by his currently pending peer-review research articles that he

[4] To provide more context, if the Petitioner is compensated at [redacted] for only his teaching duties, the record is silent as to how he will fund his research, which is central to our second prong analysis. Moreover, if [redacted] includes both research and teaching duties, it is unclear if he will receive additional compensation to carry out his research or if he is working under another researcher's grant. Again, this information is central to our understanding of whether the Petitioner is well-positioned to carry out the proposed endeavor.

asserts will be published. We further acknowledge that the Petitioner is first-author in two of his peer-reviewed publications, and that he is first-author for several submitted research papers, pending publication. However, these favorable factors alone are insufficient to establish the Petitioner is well-positioned to advance his proposed endeavor, particularly in light of the evidentiary deficiencies related to his funding sources.

In *Dhanasar*, the petitioner held three advanced degrees, including a Ph.D., tied to his proposed research which had significant implications for U.S. national security and competitiveness. We also favorably considered the significance of his research which had been corroborated by evidence of peer and government interest; the significance of his role in his research projects; *consistent* funding from government agencies of his research projects; and his position with a U.S. university where he intended to conduct his proposed research work. *Matter of Dhanasar,* 26 I&N Dec. at 892-93. While not all research endeavors will include the exact same evidence, it is important to highlight the evidentiary burden carried by petitioners seeking a national interest waiver.

Here, the Petitioner has not demonstrated a consistent level of interest in research funding or interest from government agencies to pursue his proposed endeavor. On appeal, the Petitioner asserts that SCOPS failed to consider that his research was funded by the National Science Foundation (NSF), which he asserts establishes the inherent national interest in his research. However, as noted above, the Petitioner has not provided sufficient details to understand the funding sources at his disposal to carry out his research. And, while we acknowledge that five of his research articles contain an acknowledgement that the research was supported through grants by the [redacted], the NSF, and the Air Force Office of Scientific Research, these short references do not provide the level of detail necessary to understand whether the research grants contain ongoing funding support, or if the grants were limited to the research already conducted in the published material. Moreover, the record is silent regarding whether the Petitioner has obtained his own grants as a principal investigator, and whether any grant money he has received enables him to carry out his future research, regardless of his affiliation with [redacted] as he purports. Given that he is currently employed at [redacted] it is unclear what the Petitioner's proposed endeavor would look like independent of his position at [redacted]

As to the Petitioner's 75 citations, his most cited publication, [redacted] published in 2022, received 32 citations. While we acknowledge the Petitioner was first author on this article, his actual level of contribution to the paper is not apparent. Moreover, we note that of these 32 citations, a few are self-citations, which does not indicate the level of independent impact the Petitioner claims his research has had on the field. Similarly, the Petitioner's publication, [redacted], for which he was first author, received 21 citations, of which several also appear to be self-citations. Lastly, though we do not diminish the Petitioner's academic accomplishments and apparent stellar reputation among his research colleagues, we note that many of the citations appear to come from only a handful of researchers, which does not establish the level of impact or interest in the Petitioner's research endeavor that he purports his research has garnered.

The Petitioner's bibliometrics evidence is unpersuasive to establish the significance of his citation record and research to the larger field of quantum computing for the following reasons. First, these citation statistics concern the field of mathematics, which is distinct from and encompasses a larger swath of research than just his particular concentration in quantum computing. Second, the statistics

are quantitative in nature and do not reveal the reasons for the citations, which would involve a qualitative analysis to corroborate his assertion that his research is highly impactful and valuable. As such, the Petitioner has not sufficiently corroborated his assertion that his research citation record underscores a record of success in his field.

Overall, while the Petitioner's Ph.D. in a STEM field is a favorable factor, as is his record of scholarly publications and current employment as a mathematics professor at [redacted], these factors alone are not sufficient to establish he is well positioned to advance his proposed endeavor as contemplated by *Dhanasar*.

For all these reasons, the Petitioner has not provided sufficient evidence to establish the long-term feasibility of his proposed endeavor or evidence demonstrating he has the means or financial support to undertake his proposed research in the United States, and we will withdraw SCOPS' contrary determination in their second prong analysis.

C. Third Prong: On Balance, Waiving the Job Offer Requirement Would Benefit the United States

Our third prong analysis requires us to evaluate relevant evidence relating to one or more of the following factors: whether, in light of the nature of the alien's qualifications or proposed endeavor, it would be impractical to obtain a labor certification; the benefit to the United States from the prospective alien's contributions, even if other U.S. workers were also available; and the national interest in the alien's contributions is sufficiently urgent to warrant forgoing the labor certification process. *See Matter of Dhanasar*, 26 I&N Dec. at 890. Another relevant factor includes whether the labor certification process may prevent an employer from hiring a person with unique knowledge or skills exceeding the minimum requirements standard for that occupation. 20 C.F.R. § 656.17(i). Our third prong analysis may also consider whether the alien's endeavor has the potential to generate considerable economic impact, for example, with economic revitalization and potential job creation. *See generally, Matter of Dhanasar*, 26 I&N Dec. at 889. Finally, when the petition concerns a STEM field, we may consider whether the United States may benefit from the alien's entry, regardless of whether other U.S. workers are available, particularly if the alien possesses an advanced STEM degree, especially a Ph.D., the alien will be engaged in work furthering a CET or other STEM area important to U.S. competitiveness; and the alien is well-positioned to advance the proposed STEM endeavor of national importance. *See generally*, 6 *USCIS Policy Manual*, *supra*, at F.5(D)(4).

SCOPS determined that the Petitioner had not established that, on balance, it would be beneficial to waive the requirements of a labor certification and job offer requirement in part because his proposed endeavor was not of national importance as contemplated by *Dhanasar*. In addition, SCOPS determined that the Petitioner had not established that his knowledge and skills could not be easily articulated in a labor certification. Finally, SCOPS noted that the Petitioner did not establish that the benefits of protecting U.S. workers through the labor certification process are outweighed by the contributions he proposes to make in the United States.

On appeal, the Petitioner asserts that SCOPS's third prong analysis was "severely and inseparably affected by the errors in analysis of the first and second . . . prongs" and reasserts that it would be impractical for the Petitioner to obtain a labor certification because he "works in a highly specialized area of research, which would make it difficult to articulate his qualifications for a labor certification."

In addition, the Petitioner cites to a non-precedent AAO decision where we evaluated a metallurgical engineer's third prong eligibility and determined the alien's skills and experience fell outside the typical metallurgic engineer and that the labor certification process could not be "narrowly tailored" to her skills.

Upon de novo review, we agree with the Petitioner that his skills are not easily articulated in a labor certification, however because the record does not establish prong two of the *Dhanasar* framework, we reserve further analysis regarding whether the record establishes the third *Dhanasar* 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). Moreover, we note that reference to a non-precedent decision does not bind USCIS officers in future adjudications. *See* 8 C.F.R. § 103.3(c). By definition, non-precedent decisions apply existing law and policy only to the specific facts of the individual case, and the holdings may not be applied to future adjudications even if the same petitioner is involved.

III. CONCLUSION

For the reasons articulated above, the Petitioner's appeal will be dismissed because he has not satisfied his burden of demonstrating he is well-positioned to advance his proposed endeavor.

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.