U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41720857

Date: MAR. 11, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a post-doctoral fellow, seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the required job offer, and thus of a 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;
- 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

The Petitioner proposes to "develop machine learning embedded optimization frameworks for solving discrete optimization problems in model-based, black-box, and data-driven settings in order to enhance computational efficiency and decision-making capabilities." 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. For the reasons 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

In denying the petition, SCOPS found that the Petitioner's proposed endeavor has substantial merit and that he is well positioned to advance his endeavor. SCOPS determined, however, that the Petitioner did not establish the proposed endeavor's national importance, and that, on balance, it would benefit the United States to waive the job offer requirement. On appeal, the Petitioner asserts that SCOPS' decision mischaracterizes the evidence, applies a heightened standard, imposes novel evidentiary requirements, and contains internal inconsistencies.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.*

The Petitioner states that he is currently conducting research at the [redacted] while pursuing his Doctor of Philosophy degree and plans to obtain a research position at the [redacted] or a similar employer. He explains that he intends to continue conducting research focused on "developing machine learning embedded optimization frameworks for solving discrete optimization problems in model-based, black-box, and data-driven settings." Specifically, he plans to develop "neural network models to approximate routing costs in vehicle routing problems." He also asserts that he will continue "publishing original industrial engineering and operations research" in peer-reviewed journal and conference articles.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the [petitioner] proposes to undertake." *Id.* at 889. In *Dhanasar*, we further noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also

[2] The Petitioner earned a master's degree in industrial engineering and operations research from the [redacted] in 2024.

stated that "[a]n endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890.

With respect to the first *Dhanasar* prong, SCOPS acknowledged the substantial merit of the Petitioner's proposed endeavor, but concluded that it did not rise to the level of national importance. Upon review, we disagree and withdraw SCOPS' determination that the Petitioner did not establish the national importance of his proposed endeavor under *Dhanasar's* first prong. As evidence that his proposed research in the field of industrial engineering and operations research has substantial merit and national importance, the Petitioner presented documentation including a personal statement describing the proposed endeavor and future plans, peer-reviewed journal and conference articles, citation records, and relevant industry reports and articles. The Petitioner also provided probative letters of support from experts in the field describing the Petitioner's proposed endeavor and past research projects. Moreover, the Petitioner presented evidence indicating the dissemination of his research to others in the field through scientific journal and conference articles and that his endeavor has the potential to advance a critical and emerging technology field. USCIS recognizes the importance of progress in science, technology, engineering, and mathematics, especially in focused critical and emerging technologies important to U.S. competitiveness or national security. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policymanual.

Based on the evidence in the record, the Petitioner has demonstrated both the substantial merit and national importance of his proposed research endeavor, and thus has established that he 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. *Matter of Dhanasar*, 26 I&N Dec. at 890. To determine whether they are well positioned to advance the proposed endeavor, we consider factors including, but not limited to: their education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Id.*

In denying the petition, although SCOPS determined that the Petitioner was well positioned to advance the proposed endeavor, SCOPS concluded that the Petitioner did not 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.

On appeal, the Petitioner also argues, citing to *Buletini v. INS*, 860 F. Supp. 1222, 1226 (E.D. Mich. 1994), that SCOPS failed to consider all the relevant evidence. With respect to the standard of proof in this matter, a petitioner must establish that they meet each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-76. In other words, a petitioner must show that what they claim is "more likely than not" or "probably" true. *Id.* at 376. To determine whether a petitioner has met their burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.* The court in *Buletini* did not reject the concept of examining the

quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor does it suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *See, e.g.*, *Villegas Sanchez v. Garland*, 990 F.3d 1173, 1183 (9th Cir. 2021).

Upon de novo review, we conclude that the Petitioner has not demonstrated that he is well positioned to advance the proposed endeavor. We, therefore, withdraw SCOPS' finding that the Petitioner is well positioned to advance his proposed endeavor.

As previously mentioned, the Petitioner submitted academic records, evidence of peer-reviewed journal and conference articles, Google Scholar citation record, letters of support, and industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner asserts that his "education, experience, expertise, documented record of success, influence in his field, and his future plan have altogether well positioned him to advance" his proposed endeavor. We acknowledge that the Petitioner holds an advanced degree in a science, technology, engineering, or mathematics (STEM) field which is tied to his proposed endeavor of developing "machine learning embedded optimization frameworks for solving discrete optimization problems in model-based, black-box, and data-driven settings." We further recognize the Petitioner's assertion that his work falls within a critical and emerging technology area, and we again acknowledge the importance of progress in STEM fields and the role of individuals with advanced STEM degrees. We therefore agree with the Petitioner that we consider his master's degree in a STEM field tied to his proposed endeavor to be an especially positive factor for establishing the second *Dhanasar* prong.

However, a degree, in and of itself, is not a basis to determine that a person is well positioned to advance the proposed endeavor. *Id.* When evaluated in the context of the full record, the Petitioner has not shown that he is well positioned to advance his proposed endeavor as contemplated by *Dhanasar*. In addition to education, we look at a variety of factors in determining whether a petitioner is well positioned to advance their proposed endeavor, and education is one factor among many that may contribute to such a finding. *Id.* 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. To determine whether the petitioner was well positioned to continue to advance his proposed endeavor, we also favorably considered the significance of his research which had been corroborated by evidence as having 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. Here, while we recognize the Petitioner's advanced degree and the general alignment of his academic background with his proposed research, an advanced degree and a record of publications are not, on their own, sufficient to demonstrate that the Petitioner is particularly well positioned to advance the proposed endeavor.

The Petitioner states that he has been invited to conduct peer review for authoritative journals and conferences in his field and that he has completed seven reviews to date. He also highlights his

academic credentials, published articles, citation history, and support letters. He also places particular emphasis on the citation of his four peer-reviewed journal articles, including three first-authored, two conference articles (one first-authored), six first-authored conference abstracts, and two first-authored preprints. The Petitioner further states that his papers have been published in top journals in his field, noting that his publications had received 86 citations at the time of filing the petition. He also states that two of his papers are among the most highly cited in his field for their years of publication. While the Petitioner's publications have received citations, citation metrics alone are not determinative of his ability to advance the proposed research endeavor in the future. In this case, the record lacks sufficient evidence demonstrating that the Petitioner's research has been implemented or has influenced his field beyond being referenced or relied upon by others in their research publications.

Moreover, while citation data can suggest peer acknowledgement, the Petitioner did not sufficiently explain the number of self-citations or those made by co-authors, which limits the ability to assess the objectivity and the breadth of the impact. Also, citation frequency, which may include self-citations, is quantitative in nature and does not reveal the reasons for the citations, which involve a qualitative analysis. Similarly, the fact 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.

While we agree with the Petitioner that the citations and recommendation letters indicate some degree of interest in his research from his colleagues and peers in the field, this evidence alone is insufficient to demonstrate a level of interest or a record of research success that renders him well positioned. The Petitioner's citation record must be weighed alongside other qualitative indicators of impact and influence. The Petitioner therefore has not demonstrated that the number of citations received by his published articles, in and of themselves, reflect a record of success in similar efforts to meet *Dhanasar's* second prong.

Furthermore, while 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. 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." *Dhanasar,* 26 I&N Dec. at 893.

The Petitioner declares that his research is "highly novel and influential in his field." In support of his petition, he submits letters from experts in the field describing his academic achievements, research expertise, and potential influence in the field. One author discusses the Petitioner's prior roles and projects and notes that his experience "makes him a well-versed researcher." Another author underscores the Petitioner's past research and skill set and states that his work could help advance "transportation and energy infrastructure" in the United States. A different author indicates that the Petitioner's "research methodologies have been applied to critical challenges across industries."

While these letters are generally supportive and positive factors, they, collectively, do not sufficiently explain the specific nature of the Petitioner's proposed research endeavor and how he is well

positioned to advance it. Moreover, the letters do not offer sufficient, detailed, and concrete examples of how the Petitioner's work has been adopted, applied in practical settings, or changed the course of other research efforts. The authors also do not provide sufficient evidence that the Petitioner's prior research projects have been widely accepted or used within his field beyond having been cited by others in their published work.

The Petitioner also asserts that his research has been supported with funding from the U.S. Department of Energy's Office of Science, Advanced Scientific Computing Research, and Office of Energy Efficiency and Renewable Energy's Vehicle Technologies. However, the record lacks sufficient detail regarding the Petitioner's special role or responsibilities in securing these funds. Similarly, although the Petitioner submitted a letter indicating that he has been added by the principal investigator as a "project participant supported on the award listed," the record lacks sufficient evidence demonstrating the Petitioner's role in securing that funding. Furthermore, while the record shows that the Petitioner participated in projects that received funding, without clear documentation of his contributions to the funding process, it cannot be concluded that these awards are indicative of his individual merit or his capacity to independently advance significant research endeavors.

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, although the Petitioner's involvement in funded researches is favorable, the evidence submitted does not sufficiently demonstrate that the Petitioner is well positioned to independently secure funding or lead the advancement of his proposed endeavor.

The record demonstrates that the Petitioner has conducted and published research, but he has not shown that this work renders him well positioned to advance his proposed research. 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 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. In considering the record in totality, the Petitioner has not sufficiently demonstrated that he is well positioned to advance the proposed endeavor.

C. Whether on Balance a Waiver is Beneficial

The third prong requires a petitioner to demonstrate that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. *Matter of Dhanasar*, 26 I&N Dec. 884. However, as the Petitioner has not established that he meets the second prong of the *Dhanasar* framework, the Petitioner has not shown that he is eligible for and otherwise merits a national interest waiver, and we therefore reserve the Petitioner's arguments with respect to this issue. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

As the Petitioner has not met the requisite second prong of the *Dhanasar* analytical framework, we find that he has not established he 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.