U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41750988

Date: MAR. 11, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

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

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner qualified for classification as a member of the professions holding an advanced degree, but that he had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

To qualify for the underlying EB-2 visa classification, a petitioner must establish they are an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act.

If a petitioner establishes eligibility for the underlying EB-2 classification, they must then demonstrate that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that:

- The proposed endeavor has both substantial merit and national importance;

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

- The individual is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The sole issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

At the time of filing, the Petitioner was working as an internal medicine resident at [redacted] in Pennsylvania.[3] He indicated that his "proposed endeavor is to continue my research on developing advanced devices for the treatment of complex coronary artery disease by utilizing computational modeling, simulation, and prospective multicenter clinical trials in order to optimize device design and performance, improve patient outcomes, minimize hospitalizations and procedures, and significantly reduce healthcare costs." The Petitioner further stated:

> My work specifically targets patients with complex conditions such as structural heart disease, heavily calcified coronary artery lesions, malignancy-related cardiovascular disease (cardio-oncology), and chronic kidney disease, where therapeutic options remain limited or underexplored. I aim to develop new models for imaging-guided intervention planning, risk prediction, and tailored follow-up care that will reduce procedural complications, hospital readmissions, and healthcare expenditures while improving long-term patient outcomes and quality of life.

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

A. Substantial Merit and National Importance of the Proposed Endeavor

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* We agree with SCOPS' determination that the Petitioner's proposed endeavor has substantial merit.

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[2] The Petitioner received a "Medical Physician Diploma" from [redacted] (Turkey) in 2011.

[3] On his Form ETA-9089, Appendix A: Foreign Worker Information, he listed his "job duties" in this capacity: "Perform/conduct research in the area of interventional cardiology, focusing on advanced coronary and structural heart interventions, intravascular imaging, and the comparative effectiveness of medical therapies. Investigate the efficacy and safety of PCI techniques, structural heart procedures, and medical therapies for heart failure, coronary artery disease, and atrial fibrillation. Detailed duties include designing and executing research projects, analyzing clinical data, publishing findings, and collaborating with multidisciplinary teams." As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for him to have a job offer from a specific employer. However, we will consider information about his position to illustrate the capacity in which he intends to work in order to determine whether his proposed endeavor meets the requirements of the *Dhanasar* framework.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* With respect to the Petitioner's resident physician duties at [redacted], while these endeavors have substantial merit, the record does not establish that his clinical work would impact the field of cardiology research or U.S. public health more broadly, as opposed to being limited to the patients he serves. Accordingly, without sufficient documentary evidence of their broader impact, the Petitioner's clinical activities do not meet the "national importance" element of the first prong of the *Dhanasar* framework. Similarly, in *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893.

While SCOPS concluded that the Petitioner had not demonstrated that his resident physician duties were of national importance, it determined that his proposed cardiology research had national importance. We agree. For example, the Petitioner submitted documentation indicating that the benefit of his proposed research offers broader implications for the field of cardiology, as the results are disseminated to others in these fields through medical journals and conferences. As the Petitioner has demonstrated both the substantial merit and national importance of his proposed research, he 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. *Id.* at 890. To determine whether they are well positioned to advance the proposed endeavor, we consider factors including, but not limited to: their education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Id.*

The record includes documentation of the Petitioner's curriculum vitae, medical diploma and transcript, published and presented work, awards, and peer review service. The Petitioner also offered evidence of articles that cited to his published work, citation metrics, and letters of support discussing his research.

The Petitioner contends on appeal that SCOPS did not correctly evaluate evidence in the record, and that this evidence establishes he is well positioned to advance the proposed endeavor. The Petitioner further argues that SCOPS did not properly analyze his published and presented work, citation evidence, letters of support, education, research funding, and peer review service. For the reasons discussed below, the record supports SCOPS' determination that the evidence is insufficient to demonstrate that the Petitioner is well positioned to advance his proposed endeavor under the second prong of the *Dhanasar* analytical framework.

In letters supporting the petition, the Petitioner's references discussed his research projects involving echocardiography and valvular heart disease.[4] For example, Dr. M-C-, an adjunct professor at both [redacted] asserted that the Petitioner "tackled the challenge of improving echocardiography's utility in identifying not only cardiac

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

abnormalities but also concomitant diseases . . . . He studied the prognostic implications of incidental pleural effusion detected during echocardiography, establishing its significance as a marker for underlying systemic diseases." While Dr. M-C- stated that the Petitioner's work "emphasized that echocardiography, when used judiciously, offers critical insights into patient prognosis, allowing early interventions and optimized treatment strategies," he did not elaborate on the extent to which the Petitioner's specific findings are being utilized to improve diagnostic approaches for cardiovascular diseases. Nor has the Petitioner otherwise demonstrated that his research findings constitute a record of success or progress rendering him well positioned to advance his proposed endeavor.

In addition, Dr. M-R-M-, clinical professor at both [redacted] indicated that the Petitioner's "recent work-such as his [redacted] analysis on anticoagulation safety in patients with atrial fibrillation and chronic kidney disease, as well as his investigation of conduction disturbances after transcatheter aortic valve implantation (TAVI)-targets high-risk, high-cost scenarios." Dr. M-R-M- further stated that the Petitioner's "findings offer real-world insights that directly inform quality improvement initiatives and national guidelines," but he does not offer specific examples of how the Petitioner's work has affected cardiovascular care, improved patient outcomes, or otherwise shows success or progress at a level that renders him well positioned to advance the proposed endeavor.

Furthermore, Dr. C-C-, Chief of Gastroenterology at the [redacted] asserted that the Petitioner investigated "Tp-e interval and repolarization abnormalities in cirrhosis, a relevant issue in patients with liver dysfunction and electrolyte imbalance. This study provides actionable guidance for cardiac risk assessment in cirrhotic patients, a population frequently encountered in VA medical centers." While Dr. C-C- indicated that the Petitioner's "research bridges cardiology and hepatology in a way that reflects the multisystem demands of real-world medicine and provides critical practical guidance to researchers and clinicians," the Petitioner has not shown that the level of interest in his findings or his record of success is sufficient to demonstrate he is well positioned to advance his research endeavor.

The Petitioner contends that he has published "55 peer-reviewed journal articles . . . and 42 abstracts." He asserts that some of these "papers have been published in a top journal his field, [redacted] which has an impact factor of 4.8." The Petitioner provided information showing the impact factor of [redacted] as well as the journal ranking for [redacted] That a publication bears a high journal ranking or impact factor is reflective of the publication's overall citation rate. It does not, however, show the influence of any particular author or otherwise demonstrate how an individual's research represents a record of success in their field.

As it relates to the citation of his work, the Petitioner presented his Google Scholar profiles from March 2025 and, in response to SCOPS' request for evidence (RFE), from July 2025. The most recent profile indicated that his five highest cited articles, entitled [redacted] (2022), [redacted] (2022), [redacted] (2023), [redacted]

(2022), and (2023) each received 42, 24, 23, 23, and 22 citations, respectively.[5] The Petitioner does not specify how many citations for each of these individual articles were self-citations by him or his coauthors.

The Petitioner also provided 2025 data from Clarivate Analytics (InCites Essential Science Indicators) regarding baseline citation rates and percentiles by year of publication for the "Clinical Medicine" research field. The Petitioner contends he has coauthored multiple "papers that rank among the top 10% . . . most-cited articles across the entire field of Clinical Medicine for their respective years of publication." For example, he asserts that his 2022 papers, entitled and are both ranked among "the top 10% most cited articles published in 2022 in Clinical Medicine" based on the 42 and 24 citations, respectfully, each paper received. But the Petitioner relies on citation information concerning the larger field of clinical medicine and compares his citation frequency in cardiology to that of the larger field. While we acknowledge that cardiology is part of the larger field of clinical medicine, the Petitioner has not submitted sufficient evidence confirming that information extrapolated from the larger field applies equally to each subfield within clinical medicine, including cardiology. Thus, the Petitioner's comparison of his citation number in his field with information regarding citation in the larger field of clinical medicine does not sufficiently establish the level of his success or impact in the field of cardiology.

Additionally, the Petitioner submitted an article in written by and entitled This article presents recommendations for "how to evaluate individual researchers in the natural and life sciences" for purposes of funding and promotion or hiring decisions. The authors state that "publications which are among the 10% most cited publications in their subject area are as a rule called highly cited or excellent" and that "the top 10% based excellence indicator" should be given "the highest weight when comparing the scientific performance of single researchers." While the authors offer proposed methods for bibliometric analysis of research performance, the record does not indicate that their methods have been accepted and implemented by the academic community. Moreover, with respect to citation information from Google Scholar, the authors advise against "using Google Scholar (GS) as a basis for bibliometric analysis. Several studies have pointed out that GS has numerous deficiencies for research evaluation." Moreover, regarding "self-citations," the authors state that "if the question of an evaluation study explicitly means to what extent a scientist has influenced other scientists' work, self-citations should be obviously ignored."

The Petitioner's RFE response included OpenAlex author metrics which he claims compare his citation impact to that of other researchers in the field of "Medicine." Again, the Petitioner relies on citation information concerning the larger field of medicine and compares his citation frequency in

[5] None of the Petitioner's remaining articles had received more than 17 citations as of July 2025.

cardiology to that of the larger field, but he has not shown that information extrapolated from the larger field applies equally to each subfield within medicine, including cardiology. Regardless, citation frequency which is quantitative in nature does not reveal the reasons for the citations, which involve 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 confirm that his work has impacted or advanced the field of in such a way that renders him well positioned.

Regarding a qualitative analysis of the citations to the Petitioner's work, the record contains partial copies of articles that cited to his papers (including his paper, entitled [redacted] for example). These articles include the text of the citation, which the Petitioner asserts highlight the impact of his papers. While we agree with the Petitioner that these citations indicate some degree of interest in his research from his colleagues and peers in the field, this evidence is not sufficient to demonstrate a level of interest or a record of research success that renders him well positioned. The articles in the record cite to his work as an example of research done in the field or in their introduction section as part of an overview of current research, but none highlight or comment upon his research in a way that demonstrates he is well positioned to advance the proposed endeavor.

The Petitioner argues on appeal that he has a stronger citation record than Dr. Dhanasar, the petitioner in our *Dhanasar* precedent decision. 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, 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." *Dhanasar*, 26 I&N Dec. at 893.

As it relates to the Petitioner's education, while his Medical Physician Diploma renders him eligible for the underlying EB-2 visa classification, he has not shown that his academic accomplishments by themselves are sufficient to demonstrate that he is well positioned to advance his proposed endeavor.[6] In *Dhanasar*, the record established that the petitioner held multiple graduate degrees including "two master of science degrees, in mechanical engineering and applied physics, as well as a Ph.D. in engineering." *Id.* at 891. We look to a variety of factors in determining whether a petitioner is well positioned to advance their proposed endeavor and education is merely one factor among many that may contribute to such a finding.

The Petitioner also provided a letter stating that he received a "monthly grant" from the Republic of Turkey's Ministry of Health from 2020 until 2024 and information indicating that he was selected "to attend the Society for Cardiovascular Angiography and Interventions 2022 Fellows Course -

[6] "USCIS considers an advanced degree, particularly a Doctor of Philosophy (Ph.D.), in a STEM field tied to the proposed endeavor and related to work furthering a critical and emerging technology or other STEM area important to U.S. competitive or national security, an especially positive factor to be considered along with other evidence for purposes of the assessment under the second prong." *See generally* 6 *USCIS Policy Manual*, F.5(D)(4), https://www.uscis.gov/policy-manual. A degree in and of itself, however, is not a sufficient basis to determine that a person is well positioned to advance the proposed endeavor. *Id.*

Interventional Cardiology Course."[7] In *Dhanasar*, the record established that the petitioner "initiated" or was "the primary award contact on several funded grant proposals" and that he was "the only listed researcher on many of the grants." *Id.* at 893, n.11. Here, the Petitioner's evidence does not identify the specific research projects for which he has received funding or demonstrate the significance of his role.

With respect to his peer review activity and recognition, the Petitioner presented evidence indicating that he has reviewed manuscripts for [redacted] He also submitted documentation of his membership on the editorial boards of [redacted] as well as his role as editor-in-chief of the [redacted][8] He has not demonstrated, however, that his participation in the widespread peer review process represents a record of success in his field or that it is otherwise an indication that he is well positioned to advance his research endeavor. Nor has the Petitioner shown that his [redacted] nominations and presentations, and conference invitations rise to the level of rendering him well positioned to advance the proposed endeavor.[9]

Regarding the Petitioner's plans to work at [redacted] his RFE response included a July 2025 letter from that employer indicating that "his core responsibilities include patient care" and not cardiology research. Specifically, the letter indicates that "his time, approximately 25 - 30%, has been devoted to research." SCOPS' decision noted that the Petitioner was not focusing the majority of his time on his proposed research and pointed to an "absence of evidence establishing specific research projects, collaboration, and funding" at the hospital. Without further information and evidence, we agree with SCOPS' determination that the Petitioner has not shown that "he is well positioned to carry out the proposed research" as an internal medicine resident.

The record demonstrates that the Petitioner has conducted, published, and presented research during his medical career, but he has not shown that this work renders him well positioned to advance his proposed endeavor. While we recognize that research must add information to the pool of knowledge in some way to be accepted for publication, presentation, funding, or academic credit, not every

[7] The letter from the Ministry of Health does not indicate the amount of the Petitioner's monthly grant or identify his research projects that received funding. Further, he has not shown that receiving "free registration, housing for four nights, and meals" for a cardiology training course renders him well positioned.

[8] The Petitioner provided information about the role of editor-in-chief and editorial board member from [redacted] but he has not shown that the journals he served in an editorial capacity were published by [redacted] Further, regarding the journals he served as either editor-in-chief or editorial board member, the Petitioner did not offer rankings showing their standing in the field.

[9] To establish that it would be in the national interest to waive the job offer requirement, a petitioner must go beyond showing their expertise in a particular field. The regulation at 8 C.F.R. § 204.5(k)(2) defines "exceptional ability" as "a degree of expertise significantly above that ordinarily encountered" in a given area of endeavor. By statute, individuals of exceptional ability are generally subject to the job offer/labor certification requirement; they are not exempt by virtue of their exceptional ability. Therefore, whether a given petitioner seeks classification as an individual of exceptional ability, or as a member of the professions holding an advanced degree, that individual cannot qualify for a waiver just by demonstrating a degree of expertise significantly above that ordinarily encountered in their field of expertise. *See Dhanasar*, 26 I&N Dec. at 886 n.3.

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. The Petitioner, however, has not sufficiently demonstrated that his work constitutes a record of success or progress in cardiology research rendering him well positioned to advance his proposed endeavor. As the Petitioner has not demonstrated that he is well positioned to advance his proposed research endeavor, he has not established that he satisfies the second prong of the *Dhanasar* framework.

III. CONCLUSION

Because the documentation in the record does not establish that the Petitioner is well positioned to advance the proposed endeavor as required by the second prong of the *Dhanasar* precedent decision, he has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding his eligibility under the third prong outlined in *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

As the Petitioner has not met the requisite second prong of the *Dhanasar* analytical framework, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.

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.