U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41704645

Date: MAR. 13, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a pediatric resident, 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 although the Petitioner qualified for classification as a member of the professions holding an advanced degree, she did not establish 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 concluded that the Petitioner qualifies as a member of the professions holding an advanced degree, and we agree with this conclusion.[2] SCOPS further determined the Petitioner established the first prong of *Dhanasar*, or that her proposed endeavor had substantial merit and national importance. Therefore, the remaining issues to be determined are whether the Petitioner established the second and third prongs of *Dhanasar*, namely whether she is well positioned to advance her proposed endeavor and whether, on balance, waiving requirement of a job offer, and thus a labor certification, would benefit the United States.

At the time of filing in March 2025, the Petitioner stated that she is an expert in the field of pediatric medicine working as a resident physician at the [redacted]. The Petitioner emphasized her work in prenatal detection of critical congenital heart disease. She further stated that she planned to revise the national fetal echocardiogram guidelines to allow for earlier detection of certain cardiac lesions to improve clinical decisions by healthcare professionals.

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. 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.*

In denying the petition and concluding the Petitioner did not demonstrate he was well positioned to advance her proposed endeavor, SCOPS determined she did not establish that her prior research was widely accepted, implemented, or served as an impetus for progress in her field. SCOPS acknowledged the Petitioner's publication and citation record but determined that it did not reflect a record of success, or a sufficient level of interest from others in her field, to establish that she is well positioned. SCOPS further discussed a support letter submitted by Dr. J-P-, the Associate Director of the [redacted] at [redacted], concluding that although this reflected the Petitioner had competently executed her professional duties, it did not demonstrate extensive previous professional experience or reflect that she garnered significant attention in her field. SCOPS also indicated the record did not have sufficient evidence regarding the Petitioner's plans in

[2] The Petitioner received a master's degree in public health from the [redacted] (2018) and a doctor of medicine degree from [redacted] (2022).

the United States, such as interest from employers or from U.S. government agencies or quasi-governmental entities.

On appeal, the Petitioner contends that SCOPS' denial violated USCIS policy when concluding she was not well positioned to advance her proposed endeavor. The Petitioner points to support letters provided by other medical professionals "from prestigious institutions" and asserts that SCOPS did not provide "substantive analysis" of this evidence. The Petitioner states that SCOPS mistakenly concluded the Petitioner did not submit evidence of her published articles and their citations, and contends that this evidence, along with the support letters and her receipt of a scholarship award, demonstrates that she is well positioned to advance her proposed endeavor. She further emphasizes that SCOPS did not sufficiently consider USCIS Policy Manual guidance related to Science, Technology, Engineering, and Mathematics (STEM) fields. The Petitioner points to her multiple advanced degrees and her asserted work in critical and emerging technologies. In addition, the Petitioner states that the U.S. Department of Health and Human Services (DHHS) revised its Recommended Uniform Screening Panel (RUSP) list to include MPS II, the subject of her research, reflecting U.S. government interest in her work.

Upon review, we agree with SCOPS' determination that the Petitioner did not submit sufficient evidence to establish that she has a record of success in the field of pediatric medicine. For instance, the Petitioner emphasizes her published co-authored article "[redacted]" (2021) published in the Orphanet Journal of Rare Diseases (MPS II article). She states that its level of citations reflected on appeal in October 2025, or 77,[3] show that it was highly cited in her field compared to other papers being "in the top 5% of papers." However, as noted by SCOPS in the denial, the Petitioner does not specify how many citations to her MPS II article were self-citations by her or her coauthors. Further, the Petitioner now asserts on appeal that the MPS II article was highly cited in her field, but she does not sufficiently indicate in which field she received this level of citation or on what basis it could be considered in the top 5% of cited works in that field. The Petitioner's record of publication also appears rather limited, reflecting only the discussed MPS II and one other article on the outcomes of abdominal surgeries in 2018, leaving question as to whether her record of published scholarly articles is reflective of a record of success in her field. In addition, the MPS II article was published in 2021 while she was a medical student, approximately four years prior to the date the petition was filed, again leaving uncertainty as to whether her publication history is reflective of a record of success in her field.

The Petitioner emphasizes several support letters from impressively credentialed medical doctors and professors from the [redacted], the [redacted], her co-author from [redacted], among others. Each of these articles mainly emphasized the impact of her MPS II article, pointing to its addition to DHHS' RUSP list. However, there is little evidence to support the Petitioner's and her colleagues' assertions that her lone MPS II article co-authored in medical school led to MPS II being added to the DHHS RUSP list. For instance, on appeal, the Petitioner submits a letter from DHHS to the "Advisory Committee on Heritable Disorders in Newborns and Children" dated in August 2022, reflecting DHHS' decision to add MPS II to the DHHS RUSP list. However, there is no indication that the Petitioner was a member

[3] The Petitioner also submitted Google Scholar data indicating that her MPS II article had 59 citations at the time the petition was filed in March 2025 and 67 in August 2025 when she responded to SCOPS' request for evidence (RFE).

of this committee including 13 leading medical professionals in her field from various prestigious universities and institutions, as well as government entities. The final report of this committee from February 2022 included one citation to the MPS II article, among 19 other citations. Although this citation is noteworthy, there is little indication that her article was responsible for the addition of MPS II to DHHS' RUSP list as claimed by the Petitioner and her colleagues in their support letters. It is also notable that none of the members of the evidence-based peer group of 13 physicians who recommended the addition of MSP II to the DHHS RUSP list provided letters discussing the Petitioner's significant contribution to this achievement. It is also not clear from the evidence how the Petitioner's one notable scholarly work represents a record of success in the field. While we agree with the Petitioner that her citations indicate some degree of interest in her pre-doctoral research from her 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 her well positioned.

Further, the discussed MPS II article was published several years prior to the date the petition was filed in March 2025 and the addition of MSP II to the RUSP list in 2022, and there is insufficient explanation and evidence to indicate that the Petitioner has significantly advanced this work in her field. The Petitioner also submitted inadequate evidence as to how she would continue this research under an approved petition. For instance, the Petitioner submitted evidence asserting her participation on two other studies during her residency, one presented as an oral abstract at the 2025 [redacted] and another at the [redacted] in April 2025. However, there was little explanation and evidence to demonstrate how this research would continue outside of her residency, it reflected significant progress in her proposed research, and it represented a record of success in her field.

The Petitioner asserted in response to the RFE that her "long term objective" was to "lead a prospective multicenter translational study aimed at refining diagnostic imaging criteria and developing clinical models for early detection of aortic arch anomalies," including "recruiting multi-institutional data from high-volume fetal cardiology centers in California and beyond." Yet, there is little indication that the Petitioner has made significant progress in this endeavor, nor did she provide a comprehensive plan on how this ambitious study would be carried out. Similarly, the Petitioner stated that her goal was to remain in the United States as a faculty member conducting NIH (National Institute of Health) funded research in fetal cardiovascular diagnostics and equity, but again there is little evidence to demonstrate that the Petitioner currently has interest from universities for such a role, or interest or funding from government or other relevant entities. Indeed, it is reasonable to conclude that there are likely many other such medical researchers and professionals conducting research on fetal cardiovascular issues who have completed their medical residencies, such as the 13 medical professionals on the discussed "Advisory Committee on Heritable Disorders in Newborns and Children" and the various doctors and professors who submitted support letters for the Petitioner. The Petitioner did not submit sufficient objective evidence to establish a model or plan for future activities and sufficient progress towards achieving her larger research goals. The Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

In addition, as discussed by SCOPS, the Petitioner did not provide sufficient evidence of interest from U.S. government agencies or quasi-government entities reflecting relevant information on how well positioned the Petitioner is to advance her endeavor. The Petitioner emphasizes again on appeal the

DHHS' revision of the RUSP list to include MPS II and claims this represents U.S. government interest in her work. However, as stated, there is little evidence to support that the Petitioner's research on MPS II played a central role in the revision of the RUSP list and she otherwise provided little evidence to reflect interest from U.S. government agencies or quasi-government entities. In fact, there is significant question as to how the Petitioner's future research would be funded. The Petitioner emphasizes her receipt of "educational allowances" from the [redacted] at the [redacted] where she was completing her residency. However, although noteworthy, these scholarship amounts were nominal, $1000 in 2022, $3000 in 2023, and $3500 in 2024, and do not reflect significant funding or interest in her research from investors or U.S. government agencies or quasi-government entities. Further, these scholarships appear to reflect general support for her residency rather than specific funding for her proposed research from interested parties. The Petitioner otherwise did not indicate how these nominal amounts would fund her future endeavors. Notably, the Petitioner discusses future potential funding from government and other entities, such as that from NIH in a faculty position, which she has not shown current prospects of attaining.

The Petitioner further emphasizes that SCOPS did not sufficiently consider USCIS Policy Manual guidance related to Science, Technology, Engineering, and Mathematics (STEM) fields, pointing to her multiple advanced degrees and her asserted work in critical and emerging technologies. 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.*[4]

As it relates to the Petitioner's education, while her master's and medical degrees render her eligible for the underlying EB-2 visa classification, she has not shown that her academic accomplishments by themselves are sufficient to demonstrate that she is well positioned to advance her proposed endeavor. 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. However, we look at a variety of factors in determining whether a petitioner is well positioned to advance their proposed endeavor, education is merely one factor among many that may contribute to such a finding. For instance, although the Petitioner has a master's and a medical degree, she did not demonstrate that she has a Ph.D. in a specific critical and emerging technology. Although her proposed research in identifying cardiac issues in newborns is

[4] The policy guidance further emphasizes that persons with a Ph.D. in a STEM field, as well as certain other persons with advanced STEM degrees relating to the proposed endeavor, have scientific knowledge in a narrow STEM area since doctoral dissertations and some master's theses concentrate on a particularized subject matter. It indicates that we should consider whether that specific STEM area relates to the proposed endeavor. Even when the area of concentration is in a theoretical STEM area (theoretical mathematics or physics, for example), it may further U.S. competitiveness or national security as described in the proposed endeavor. The guidance further notes examples of evidence that can supplement the person's education, including letters from interested government agencies to show how the person is well positioned to advance the proposed endeavor. *Id.*

commendable, she did not sufficiently show how this represents a critical and emerging technology contemplated by USCIS policy guidance. Further, the Petitioner did not properly demonstrate how her research would further U.S. competitiveness or national security, nor did she provide letters from interested government agencies.

The record demonstrates that the Petitioner has conducted, published, and presented research during her career, but she has not shown that this work renders her well positioned to advance her proposed research. While we recognize that research adds information to the pool of knowledge in some way to be accepted for publication, presentation, 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. The Petitioner, however, has not sufficiently demonstrated that her work constitutes a record of success or progress in pediatric cardiac medicine rendering her well positioned to advance her proposed endeavor. As such, the Petitioner has not established that she satisfies the second prong of the *Dhanasar* framework.

B. Whether on Balance a Waiver is Beneficial to the United States

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. *Id.* at 890-91. In performing this analysis, we may evaluate factors such as: whether, in light of the nature of the individual's qualifications or the proposed endeavor, it would be impractical either for them to secure a job offer or to obtain a labor certification; whether, even assuming that other qualified U.S. workers are available, the United States would still benefit from their contributions; and whether the national interest in their contributions is sufficiently urgent to warrant forgoing the labor certification process. *Id.* In each case, the factor(s) considered must, taken together, establish 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. *Id.* at 891.

In denying the petition, SCOPS concluded that the Petitioner's professional activities and achievements appeared inherent to her occupation. SCOPS determined the Petitioner did not sufficiently demonstrate that her research impacted her field beyond what was typical for a professional or academic in her field. As such, SCOPS concluded the Petitioner did not demonstrate that it would be beneficial to the United States to waive the requirements of a job offer and thus the labor certification. On appeal, the Petitioner asserts the evidence reflects that her research is urgent to U.S. competitiveness in a STEM field and to public health and safety. The Petitioner contends that she is already applying her research, has several years of advanced research experience, and has a level of expertise and skill in a complex field that could not be readily articulated in the labor certification process.

For *Dhanasar's* third prong, we assess whether the proposed endeavor and the individual being well positioned to advance that endeavor, taken together, provide benefits to the nation such that a waiver of the labor certification requirement outweighs the benefits that ordinarily flow from that

requirement.[5] Here, the Petitioner has not demonstrated that she is well positioned to advance the proposed endeavor or that her contributions to pediatric cardiac medicine supersede the benefits of protecting the domestic labor supply inherent in the labor certification process.

While the record includes information about the potential benefits of the Petitioner's research in cardiac medicine, including identifying cardiac issues in newborns, this documentation is insufficient to show that the national interest is better served by a waiver of the job offer and thus the labor certification requirement. The labor certification process is intended to ensure that the admission of foreign workers will not adversely affect the job opportunities, wages, and working conditions of U.S. workers. We acknowledge the Petitioner's master's and medical degrees, research experience, and contribution to a study assisting in identifying MPS II. The evidence in the aggregate, however, is not sufficient to demonstrate that a national interest waiver outweighs the benefits inherent to the labor certification process.

The Petitioner has not shown that she offers contributions of such value that, on balance, it would be beneficial to the United States to waive the job offer and labor certification requirements even assuming that other qualified U.S. workers are available.

III. CONCLUSION

As the Petitioner has not met the requisite second and third prongs of the *Dhanasar* analytical framework, we conclude that she has not established she 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.

[5] *See generally* 6 *USCIS Policy Manual*, F.5(D)(3), https://www.uscis.gov/policy-manual.