U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41769194

Date: MAR. 17, 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 she had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

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

I. LAW

To qualify for the underlying EB-2 visa classification, a petitioner must establish they 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 a Senior Data Scientist for [redacted][3] She indicated that her "proposed endeavor is to develop solutions for solving large-scale real-life decision-making problems using advanced mathematical programming and learning-driven methodologies in order to improve the industrial performance." In response to SCOPS' request for evidence (RFE), the Petitioner further indicated: "For my future research plans, I would like to leverage my background in bi-level optimization, interdiction modeling, large-scale decision analytics, workforce scheduling, and GenAI . . . . The main goal is to incorporate analytical methodologies and advanced user interface tools into real-life decision makings to improve the industrial efficiency and user experiences."

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.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We withdraw SCOPS' determination that the Petitioner did not establish the national importance of her proposed endeavor under *Dhanasar's* first prong. As evidence that her proposed research has substantial merit and national importance, the Petitioner presented information about the benefits of efficient decision making, data-driven solutions, and securing supply chains. She also provided letters of support discussing how her undertaking helps contribute to advancements in

[2] The Petitioner received a Ph.D. in Industrial Engineering (2022) from [redacted]

[3] On her Form ETA-9089, Appendix A: Foreign Worker Information, the Petitioner indicated that her "Job Duties" in this capacity include: "Design optimization algorithms for company store workforce management to better cover labor demand and improve efficiency. Conduct supply chain data analysis to explore opportunities for technical initiatives on automated systems, forecasting, machine learning, etc. Build high-quality and highly maintained codebase for long-term use and management. Establish efficient communication and stakeholder management system with business, product, and engineering to better progress the projects." As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for her to have a job offer from a specific employer. However, we will consider information about her position to illustrate the capacity in which she intends to work in order to determine whether her proposed endeavor meets the requirements of the *Dhanasar* framework.

optimization and operations research. Additionally, the Petitioner submitted documentation indicating that the benefit of her proposed research offers broader implications in the field of industrial engineering, as the results are disseminated to others in the field through engineering journals and conferences. As the Petitioner has demonstrated both the substantial merit and national importance of her proposed research, she has established that she 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, doctoral degree, published work, awards, and peer review service. The Petitioner also offered evidence of articles that cited to her published work and letters of support discussing her graduate research.

The Petitioner contends on appeal that SCOPS did not correctly evaluate evidence in the record, and that this evidence establishes she is well positioned to advance the proposed endeavor. The Petitioner further argues that SCOPS did not properly analyze her published work, citation evidence, letters of support, education, awards, 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 her proposed endeavor under the second prong of the *Dhanasar* analytical framework.

In letters supporting the petition, the Petitioner's references discussed her graduate research projects involving industrial engineering applications. For example, with respect to the Petitioner's work on bilevel fractional programs, Dr. O-P-, professor at [redacted] and adjunct professor at [redacted] indicated that the Petitioner investigated "solutions for a family of bilevel fractional programs that are often used to model various real-world decision-making problems like network interdiction."[4] He asserted that the Petitioner's "solution method first reformulates the bilevel problem as a single-level model, then solves it using a parametric iterative method based on mixed-integer programming. [The Petitioner] then conducted a computational study to demonstrate the effectiveness of her approach and validate her findings." While Dr. O-P- stated that the Petitioner's findings "provide new methods to solve broad classes of bilevel programs," he did not elaborate on the extent to which her specific work has been utilized in the industrial engineering field. Nor has the Petitioner otherwise demonstrated that her research findings constitute a record of success or progress rendering her well positioned to advance her proposed endeavor.

In addition, Dr. N-W-, an assistant professor at [redacted] commented on the Petitioner's research relating to "sequential shortest path interdiction and limited feedback." Dr. N-W- stated that the Petitioner "proposed a sequential interdiction model where the leader's information increases at

[4] Dr. O-P- coauthored two research papers with the Petitioner.

each time step, in which a bilevel mixed-integer programming problem must be solved at each time step." He further indicated that the Petitioner's "findings highlight how efficient learning is necessary in the presence of uncertainty, and her work supports the applicability of such methods in complex decision-making systems." Dr. N-W- additionally wrote that he and others have cited the Petitioner's research paper on this topic in their own work, but the Petitioner has not shown that this level of interest in her work or her record of success in research is sufficient to demonstrate she is well positioned.

Furthermore, Dr. V-X-C-, an assistant professor at [redacted], asserted that the Petitioner's "expertise in industrial engineering, especially her unique skill set in bi-level optimization, makes her an excellent researcher to pursue . . . work on optimizing fairness in employer-employee relationships under the conditions associated with the gig economy," but she did not offer specific examples of how the Petitioner's work has affected industrial engineering applications, or otherwise shows success or progress at a level that renders her well positioned to advance her proposed endeavor.[5]

The Petitioner contends that her research has been published in "authoritative" and "highly regarded journals" including [redacted] She provided information from Google Scholar listing [redacted] as the 14th ranked journal in the [redacted] subcategory. 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 the Petitioner's work, the Petitioner provided her Google Scholar profiles from March 2025 and, in response to SCOPS' RFE, from August 2025. The most recent profile indicated that her three articles, entitled [redacted] (2022) each received 21, 9, and 0 citations, respectively. Without statistical evidence or other objective metrics comparing the number of citations received by the Petitioner's articles with others in her field, she has not demonstrated her work has garnered interest at a level consistent with being well positioned to advance her proposed research endeavor.

Regardless, citation frequency which is quantitative in nature does not reveal the reasons for the citations, which involve a qualitative analysis. In that regard, the record contains partial copies of several articles that cited to the Petitioner's papers (including her paper, entitled "Sequential Shortest Path Interdiction with Incomplete Information and Limited Feedback," for example). These articles include the text of the citation, which the Petitioner asserts highlight the impact of her papers. While we agree with the Petitioner that these citations indicate some degree of interest in her 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. The articles in the record cite to her work as an example of research done in the field or in their introduction section as part of an overview

[5] Dr. V-X-C- also stated that she intended to hire the Petitioner "as a postdoctoral researcher" and anticipated the Petitioner "being able to assume her duties as early as January of 2026."

of current research, but none highlight or comment upon her research in a way that demonstrates she is well positioned to advance the proposed endeavor.

The Petitioner argues that she 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 her Ph.D. renders 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.[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 her proposed endeavor and education is merely one factor among many that may contribute to such a finding.

Regarding her peer review activity and awards, the Petitioner presented documentation indicating that she reviewed manuscripts for [redacted] She has not demonstrated, however, that her participation in the widespread peer review process represents a record of success in her field or that it is otherwise an indication that she is well positioned to advance her research endeavor. The Petitioner also submitted evidence showing that she received an [redacted] Award (2019) from the [redacted] Department of Industrial Engineering, a [redacted] Award from [redacted] (2024), and a [redacted] Certificate of Excellence from [redacted] (2024), but she has not demonstrated the significance of her awards and their level of prestige in the field of industrial engineering. Nor has she otherwise shown that these awards from her alma mater and employer rise to the level of rendering her well positioned to advance the proposed endeavor.[7]

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[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.*

[7] 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.

With respect to the Petitioner's future research plans, Dr. V-X-C-'s letter stated: "Most immediately upon beginning her role here at the [redacted] [the Petitioner] and I will begin collaboration on a project currently titled 'A bi-level, fair-and-efficient driver-order dispatch framework for last-mile logistics.'" Dr. V-X-C- does not elaborate on how this research project will be funded. 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 record does not show that the Petitioner's record of obtaining research funding renders her well positioned.

The record demonstrates that the Petitioner has conducted and published research during her graduate studies, but she has not shown that this work renders her well positioned to advance her 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 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 graduate work constitutes a record of success or progress in industrial engineering research rendering her well positioned to advance her proposed endeavor. As the Petitioner has not demonstrated that she is well positioned to advance her proposed research endeavor, she has not established that she 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, she 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 her 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 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.