U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40990209

Date: MAR. 25, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a researcher in supply chain management, 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 offered, 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 sustain 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 qualified as a member of the professions holding an advanced degree. The sole issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus of a labor certification, would be in the national interest.

At the time of filing, the Petitioner was a post-doctoral associate at the [redacted] in [redacted] Massachusetts conducting empirical research on socially responsible, environmentally sustainable supply chains and developing data-driven tools that enhance sustainability and support small business survival.

For the reasons discussed below, we conclude the Petitioner has established eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

A. Substantial Merit and National Importance

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. As stated above, the endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, sciences, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Dhanasar*, 26 I&N Dec. at 889.

The Petitioner's submission contained probative letters of support from experts in the Petitioner's field describing the Petitioner's experience, work, and proposed endeavor in personalized and meaningful detail, and a detailed statement from the Petitioner describing her endeavor. Additionally, the Petitioner submitted documentation indicating the benefit of their proposed research as broader implications for the field, as the results were and are intended to continue being disseminated to others in the field through scientific journals. Moreover, the Petitioner's endeavor involves critical and emerging technology in her research. The Petitioner's assertions are supported by material, relevant, and probative evidence demonstrating both the substantial merit and national importance of her proposed research. So, she has demonstrated both the substantial merit and the national importance of her proposed endeavor under 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 Petitioner. The record includes the Petitioner's curriculum vitae, her academic records, published and presented work, reference letters, and documentation of numerous articles that cited to her research findings. Specifically, the Petitioner offered reference letters describing, in meaningful detail, her expertise and her past record of success in her current and other related fields. As corroborating documentation regarding the significance of her work, the Petitioner provided evidence showing that her published work has been

frequently cited by independent researchers, and that the rate at which her work has been cited is high relative to others in the field. The Petitioner's experience and expertise as an accomplished researcher, published articles, citation evidence, progress in her field, past academic and industry based professional experience, and professional progression at reputed research institutions position her well to advance her proposed endeavor. So, the Petitioner has demonstrated that she satisfies the second prong of the *Dhanasar* framework.

C. Whether On Balance a Waiver is Beneficial

The third prong requires the 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. As a researcher with an advanced degree and with experience as a research scientist at institutions of higher education of repute and in industry, the Petitioner possesses considerable education, experience, and expertise in her field to conduct empirical research in her field with an aim to influence outcomes. The record also demonstrates the potential for other benefits associated with the Petitioner's research. In addition, the Petitioner has documented her past successes in advancing her research. She has also demonstrated the significance of her proposed work. So, we conclude that the Petitioner offers contributions of such value that, on balance, they would benefit the United States even if other qualified U.S. workers are available. The Petitioner, therefore, meets the third prong of the *Dhanasar* framework.

III. CONCLUSION

The Petitioner has met the requisite three prongs set forth in the *Dhanasar* analytical framework. We conclude they have established that they are eligible for and otherwise merits a national interest waiver as a matter of discretion.

ORDER: The appeal is sustained.