U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42907680

Date: MAY 19, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an educational technology researcher, seeks classification as a member of the professions holding an advanced degree. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. *See* section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so.

SCOPS denied the petition, concluding that the record did not establish that the Petitioner qualifies for the national interest waiver. The matter is now before us on appeal under 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 a national interest waiver, a petitioner must first show eligibility for the underlying EB-2 visa classification, as either an advanced degree professional or an alien of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act.

If a petitioner establishes eligibility for the underlying EB-2 classification, they must then establish 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 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 alien 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.

II. ANALYSIS

The Petitioner earned bachelor's, master's, and doctoral degrees at [redacted] between 2002 and 2013. After teaching at universities in South Korea, the Petitioner returned to [redacted] in 2022 as a visiting scholar at its College of Education. The Petitioner filed the Form I-140 petition in October 2023. In August 2025, while the petition was pending, the Petitioner began working for [redacted] College of Engineering as a postdoctoral research assistant, while also employed as a limited-term lecturer at [redacted] College of Education.

The record demonstrates that the Petitioner qualifies as a member of the professions holding an advanced degree. The remaining 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. SCOPS determined that the Petitioner had established the substantial merit of her proposed endeavor and that she is well positioned to advance that endeavor, but had not satisfied the other requirements of the *Dhanasar* national interest test.

In a statement submitted with the petition, the Petitioner described her proposed endeavor:

> My major is Learning Design and Technology (or educational technology), a science about analyzing, designing, implementing, and evaluating instructional materials, learning environments, and learning processes to enhance experience and outcomes related to teaching and learning. . . . I have been studying how learners vary in regard to prior knowledge, socioeconomic status, cultural background, access to technology, age, gender, language, motivation, interests, and environmental conditions — and how online-based and technology-integrated instruction can be customized to facilitate more enjoyable and more effective learning experience to all students.
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> . . . .
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> My long-term plan in the United States is to hold an academic position where I can serve as a principal investigator at an education research-focused university. . . . I want to generate a theoretical model focusing on adaptive scaffolds to facilitate learner motivation and performance.

In response to a request for evidence (RFE), the Petitioner submitted "an updated research plan" in which she described her postdoctoral research:

> I have [been] . . . contributing to projects funded by the Department of Defense (DoD) and National Science Foundation (NSF) related to semiconductor physics and microelectronics workforce development. In this role, I apply my expertise in curriculum design, learning theory, and emerging technology integration to design, integrate and evaluate tailored instructional strategies that address pressing national priorities in science, technology, and defense. By advancing scalable scaffolding frameworks that strengthen STEM [science, technology, engineering, and

> mathematics] persistence and workforce readiness, my work contributes directly to U.S. innovation, economic competitiveness, and security.
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> . . . .
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> My long-term objective is to develop and validate a comprehensive theoretical model of adaptive scaffolding that reflects learner diversity, fosters motivation, and promotes the transfer of knowledge into workplace problem-solving. This model will not only support student persistence in high-priority areas like semiconductor physics and microelectronics but also extend to interdisciplinary domains such as patient self-care education and online professional training, ensuring broad national benefit. I will accomplish this goal as a PI [principal investigator] at a research-oriented school, advancing research and teaching in STEM education innovation.

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the alien proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. We look for broader implications. An 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 889-890.

Endeavors related to research, pure science, and the furtherance of human knowledge may qualify as having substantial merit. *See Matter of Dhanasar*, 26 I&N Dec. at 889. SCOPS acknowledged the substantial merit of the Petitioner's proposed endeavor. But SCOPS concluded that the Petitioner had not established that the proposed endeavor would have sufficient potential impact and broader implications to establish national importance.

Regarding the national importance of her proposed endeavor, the Petitioner initially stated that her efforts to "increase health literacy" can lower health care costs. The Petitioner is also "generating new information on learner motivation practices in online course environments," which, she asserted, could result in a better-educated, and thus higher-paid, workforce.

The Petitioner submitted excerpts of articles about education, chronic illness, and health literacy. Generally, these materials do not directly address the existing or potential impact of educational technology. Rather, they discuss various issues that, the Petitioner asserts, online learning can address. The most relevant piece of background evidence appears to be a blog post from researchers at the [redacted], describing a study that details the benefits of online coursework. The study itself is not in the record. A one-page excerpt of an article from an unidentified source reports on low completion rates for online courses, but it includes only a short fragment of the portion of the article that explores the reasons for those low rates.

The background materials suggest indirect impact from the Petitioner's work. For example, the Petitioner did not claim or establish that her work would directly address health care costs, but she asserted that proper online educational materials could result in more informed patients who would then make better decisions regarding health care, ultimately reducing costs.

In a letter submitted with the petition, a professor of education at [redacted] stated that the Petitioner's work used "immersive gaming . . . [to] keep students engaged," and that the Petitioner "helped establish an online system for patients with chronic conditions." This individual added that the Petitioner's "educational technology methods can be applied to other medical areas, such as patients preparing for surgery or patients recovering from addiction," and "could help meaningfully reverse the low levels of patient health literacy in the United States."

Statements such as those in the quoted letter emphasized the potential impact of the Petitioner's work, rather than documented effects that her work has already had.

In its September 2025 RFE, SCOPS acknowledged the substantial merit of the proposed endeavor but stated that the record did not establish its national importance. SCOPS stated that the submitted background evidence did not show "that any educational entity has adopted the results of any of the petitioner's research" and that "the scale of the endeavor will broadly impact the field, or spread a unique methodology throughout the industry."

In response, citing her revised research plan, the Petitioner asserted that a growing worker shortage in "[t]he U.S. semiconductor industry . . . [is] creating an urgent need for innovative, scalable training solutions." The Petitioner stated: "Ultimately, I intend to play a leading role in advancing tailored learner support across multidisciplinary STEM contexts, directly addressing urgent U.S. priorities in education, workforce development, and technological advancement."

This emphasis on training workers in the semiconductor industry relates to work that the Petitioner undertook as part of her postdoctoral position at [redacted] She did not begin that work until August 2025, nearly two years after she filed the petition in October 2023. A petitioner must meet all eligibility requirements on the petition's priority date.[2] *See* 8 C.F.R. § 103.2(b)(1); *see also Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971) (holding that qualifications earned after the priority date cannot retroactively establish eligibility as of that priority date). Changes that the Petitioner made to her proposed endeavor after the filing date cannot establish that she was eligible at the time she filed the petition.

SCOPS concluded that, while the Petitioner had established general benefits from the area of research that the Petitioner is pursuing, the Petitioner had not shown that her specific proposed endeavor would have the impact and broader implications that *Dhanasar* demands.

On appeal, the Petitioner repeats prior claims about the economic impact of various issues. For instance, she cites data showing that "[i]n 2016, chronic health conditions cost the United States $1.1 trillion . . . , while only 12% of Americans were proficient in health literacy." These statistics show the implications of low health literacy, but they do not show the extent to which the Petitioner's work

[2] Because a national interest waiver petition does not include an approved labor certification, the priority date is the petition's filing date. *See* 8 C.F.R. § 204.5(d).

will alleviate the issue. Also, the record does not show that the Petitioner has continued to pursue research into health literacy. As described above, her most recent research has dealt with other issues. *Prospective* impact is a key element of the national interest waiver. *See Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner has not shown that her past research continues to produce a level of impact that warrants a national interest waiver.

SCOPS stated: "the evidence does not establish any broad impacts to the field of education or the STEM fields. Any success from the petitioner's endeavor would be limited to her employer and its clients or students." On appeal, the Petitioner asserts that her "competency-based, self-paced online learning models have informed large-scale program redesign at [redacted] including the Special Education master's program and the Ti-BOT licensure program adopted across six colleges and required for more than 500 preservice teachers." This information derives from a letter in the record from a [redacted] faculty member, who was discussing the Petitioner's "institutional impact . . . at [redacted]." This information therefore reinforces, rather than rebuts, SCOPS' conclusions about the limited impact of the Petitioner's work. The same [redacted] faculty member asserted that the Petitioner's work "provides a model now informing similar competency-based education programs nationwide," but did not show the extent of the measurable implementation of that model. The potential for wider adoption does not establish that the model will, in fact, be more widely adopted, or that it is under consideration at other institutions.

Researchers at various universities have attested, in letters, to ways that the Petitioner's work has proven useful to their own research pursuits. Citations to the Petitioner's published work likewise attest to the utility of that work. Nevertheless, section 203(b)(2)(A) of the Act specifies that aliens who "will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States" are typically subject to the job offer requirement. 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 his or her field of expertise. *Matter of Dhanasar*, 26 I&N Dec. at 886 n.3. *See* 56 Fed. Reg. 60897, 60900 (November 29, 1991); *see also, generally*, 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual (stating that establishing national interest is an "additional requirement" beyond substantial prospective benefit).

The Petitioner's response to the RFE included what she termed "media articles regarding [her] ongoing projects." These materials are press releases issued by [redacted] which do not serve as evidence that the projects attracted attention outside that university. The press releases name some of the researchers, but do not mention the Petitioner, which does not tend to indicate that the Petitioner has played a particularly prominent role in conceiving or directing the research.

The record describes a number of diverse projects, all under the umbrella of education technology but addressing very different specific subjects within that broader category. The Petitioner's response to the RFE and her subsequent appeal rely heavily on the potential benefits arising from research that the Petitioner did not undertake until well after the petition's filing date.

The broad and changing nature of the proposed endeavor does not permit us to conclude that the Petitioner has established the national importance of that endeavor.

B. Well Positioned to Advance the Proposed Endeavor

The second *Dhanasar* prong shifts the focus from the proposed endeavor to the alien. To determine whether an alien is 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. *Matter of Dhanasar*, 26 I&N Dec. at 890.

SCOPS concluded, without elaboration, that the Petitioner has established that she is well-positioned to advance the proposed endeavor. We disagree.

The Petitioner's doctoral degree in a STEM field is a favorable factor. *See, generally,* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(4). But this favorable factor is not dispositive by itself.

In terms of a record of success in related or similar efforts, the Petitioner points to her publication record, including documented citations by other researchers. Her most-cited article had amassed 79 citations between its publication in 2010 and the filing of the petition 13 years later.[3]

But the Google Scholar printout showing that information also indicates that the Petitioner had not published since 2021. An updated printout, submitted two years later in response to the RFE, shows no new publications. One title is listed as "Accepted," with no evidence of its actual publication. The record does not show that the Petitioner had produced any published work between her return to Purdue in 2022 and the petition's filing date. The Petitioner's response to the RFE included an updated copy of her *curriculum vitae*, which likewise does not show any articles published after 2021. It lists three articles as "accepted"; two as "submitted," both in the second half of 2025; and seven as "work[s] in progress."

In terms of a model or plan for future activities, we have discussed, above, the divergent trajectories of the Petitioner's various projects within her broader discipline. The project documented in her response to the RFE was not mentioned in her initial description of her proposed endeavor. As such, the plan for future activities appears to amount to a general intention to continue performing research. The significant shifts between projects also raise the question of whether the Petitioner is driving, directing, and conceiving of the research. The Petitioner notes government funding of her research, but did not show that she played any role in securing that funding or that her participation was a significant factor in the awarding of that funding.

The capacity in which the Petitioner would perform that research is unclear, as is her progress toward achieving the proposed endeavor. Such progress also relates to the interest of potential customers, users, investors, or other relevant entities or individuals. The Petitioner stated that her "long-term plan in the United States is to hold an academic position . . . at an education research-focused university." The Petitioner has not shown prospects of long-term employment at such a university. As of 2025, 12 years after earning her doctorate, the Petitioner was employed in a temporary postdoctoral position at the same university that granted her degree.

[3] The *curriculum vitae* of a professor at [redacted], submitted with a letter from that professor, indicates that the professor's published work has accumulated over 25,000 citations, with 178 articles each cited ten or more times.

For the above reasons, we conclude that the Petitioner has not met her burden of proof to establish, by a preponderance of the evidence, that she is well positioned to advance the proposed endeavor.

Detailed discussion of the third *Dhanasar* prong cannot change the outcome of this appeal. Because the Petitioner has not otherwise established eligibility for the classification sought, we need not reach, and therefore reserve, the third *Dhanasar* prongs. *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).

III. CONCLUSION

We agree with SCOPS that the Petitioner has not established the national importance of the proposed endeavor. We further conclude that the Petitioner has not established that she is well positioned to advance the proposed endeavor. Therefore, the Petitioner has not shown eligibility for the national interest waiver, and we will dismiss the appeal 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.