U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40230091

Date: NOV. 18, 2025

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.

The Petitioner stated that her "proposed endeavor is to optimize Fischer-Tropsch synthesis and produce renewable energy-based synthetic fuels, such as diesel, gasoline, marine fuel, aviation fuel, and e-naphtha, in order to convert existing fossil fuel-based refinery and petroleum fuels to renewable energy-based ones and reduce greenhouse gas emissions." She indicated that her "planned research topics include optimizing the process for producing e-fuel and e-naphtha using Fischer-Tropsch synthesis in connection with . . . synthesis gas production technology using a simulation tool." The Petitioner also asserted that her undertaking involves "analyzing techno-economic prospects for producing Fischer-Tropsch jet fuel and electricity from biomass with CO2 capture." In response to SCOPS' request for evidence (RFE), the Petitioner further explained that her proposed work is aimed at "process integration of electrolysis in a Fischer-Tropsch process," "development of a cost-effective Fischer-Tropsch process," "improving Fischer-Tropsch synthesis to produce liquid fuel with hydrogen from renewable power," and "optimization of liquid fuel process based on Fischer-Tropsch."

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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We agree with SCOPS' determination that the Petitioner's proposed endeavor has both substantial merit and national importance.

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

[2] The Petitioner received a Ph.D. in Chemical Engineering and Analytical Science (2011) from [redacted] in the United Kingdom.

endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Id.*

The record includes the Petitioner's curriculum vitae, doctoral degree, memberships, and published work. She also offered evidence of articles that cited to her published work and letters of support discussing her 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, and research funding. 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 two references discussed her research projects in the field of chemical engineering involving Fischer-Tropsch synthesis techniques. Dr. H-W-J-, a senior research associate at [redacted], stated:

> [The Petitioner] investigated optimization avenues for Fischer-Tropsch technology to enhance its efficiency and save operation costs. Firstly, she researched the benefits of recycling and co-feeding undesirable compounds or non-converted gases. To do this, she conducted Aspen Plus simulations and driving force analyses, utilizing reaction kinetics to determine product distribution. [The Petitioner] also performed a business model analysis by benchmarking investment costs and the profitableness of plant designs through process diagrams. These process simulation tools reduced the time and resource costs required to perform optimized experiments, which were otherwise unfeasible for mass production. From her analyses, she discovered that co-feeding reactor models had the highest hydrocarbon production rates and profitability, in addition to greater selectivity for 5-carbon+ products.

While Dr. H-W-J- stated that the Petitioner's "research provided a detailed chemical and financial analysis of Fischer-Tropsch optimizations, finding that co-feeding plants result in the greatest gasoline yields and lowest capital costs," he does not elaborate on the extent to which the Petitioner's specific findings are being utilized in the renewable energy industry. 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. Y-S-B-, a professor at [redacted], asserted that "[i]n developing ultra-low sulfur diesel, [the Petitioner] unveiled that co-gel adsorbant processes result in maximal particulate reductions." Dr. Y-S-B- further indicated that the Petitioner "discovered that her co-gel system functions at high capacity under moderate temperatures and pressures, making it a prime asset for adsorption technology in producing cleaner diesel," but he does not offer specific examples of how the Petitioner's work has affected the chemical engineering field, or otherwise shows success or progress at a level that renders her well positioned to advance her proposed endeavor.

The Petitioner contends that she coauthored "4 peer-reviewed journal articles . . . published in prestigious venues such as the *Journal of Energy Chemistry* and *Industrial & Engineering Chemistry Research*." 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 profile from February 2024. This information from Google Scholar indicates that her four journal articles, entitled "[redacted]" (2006), "[redacted]" (2002), "[redacted]" (2015), and "[redacted]" (2023) each received 76, 44, 10, and 1 citation(s), respectively. In response to SCOPS' request for evidence (RFE), the Petitioner provided an October 2024 Google Scholar profile listing additional citations her published articles received that post-date the March 4, 2024 filing of the Form I-140 petition.[3] These later citations provided in response to the RFE do not establish her eligibility at the time of filing. *See* 8 C.F.R. § 103.2(b)(1), (12). Regardless, without statistical evidence or other objective metrics comparing the number of citations received by the Petitioner's articles with others in her field, the Petitioner has not demonstrated that her work has garnered interest at a level consistent with being well positioned to advance her proposed research endeavor.

The record also contains partial copies of several articles that cited to the Petitioner's papers (including her paper, entitled "[redacted]" 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 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 on appeal 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

[3] For example, the citation count for "[redacted]" increased from 76 to 81 citations.

sufficient to demonstrate that she is well positioned to advance her proposed endeavor.[4] 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.

The Petitioner also asserted that she has received support for her work from a "major funding source." In support of her claim, she submitted a research paper that she coauthored with her professors at [redacted] in which the "Acknowledgements" section noted that their work was supported by [redacted]. 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 (rather than one of her professors) was mainly responsible for obtaining funding for their research project.

Regarding her plan for future activities, the Petitioner initially stated: "I intend to pursue a position as a senior process engineer in the United States. I am most interested in pursuing this position with KBR, Inc." In response to the RFE, the Petitioner reiterated that she planned "to apply for roles such as senior process engineer or process researcher" with "companies such as KBR." She further indicated that her "job search strategies" will include networking, online job portals, and recruitment agencies. With respect to the Petitioner obtaining a position with a U.S. company, she did not provide documentation from any such organization either showing their communications or identifying the specific research projects she intends to pursue on the organization's behalf. Without sufficient evidence demonstrating the means or financial support to undertake her proposed research in the United States, the Petitioner has not demonstrated that her plan for future activities renders her well positioned to advance the proposed endeavor.[5]

Furthermore, regarding her membership in both the Korean Institute of Chemical Engineers and the Korean Society of Industrial and Engineering Chemistry, the Petitioner has not presented these organizations' admission requirements or other evidence showing that either membership renders her well positioned to advance the proposed endeavor.[6]

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[4] "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.*

[5] For example, the Petitioner did not offer evidence showing that she has received funding for her research proposals or future projects.

[6] 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.

The record demonstrates that the Petitioner has conducted and published research during her career, 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 work constitutes a record of success or progress in chemical 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.