U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40061810

Date: NOV. 24, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a professor and researcher, 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).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the required job offer, and thus of a 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;
- The individual 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.

Id.

II. ANALYSIS

The Petitioner proposes to continue his research on "utilizing data science techniques and evolutionary and cross-cultural theories in order to advance our understanding of ecological threats such as natural disasters, violent conflicts, and infectious disease outbreaks and their impacts on human mental health, cognition, and behavior." 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. For the reasons 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

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of 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.* At the time of filing, the Petitioner was employed as a visiting assistant professor at [redacted] He states that he intends to continue his research in the field of psychology while continuing his role as a professor, and that his research will be "circulated to others in the field through the publication of papers in peer-reviewed journals and conferences." SCOPS found that the Petitioner's proposed endeavor has both substantial merit and national importance. We agree with SCOPS that the Petitioner meets *Dhanasar*'s first prong.

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.*

In denying the petition, SCOPS concluded that the Petitioner did not demonstrate eligibility for a national interest waiver because he did not establish that he is well positioned to advance the proposed endeavor and 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. On appeal, the Petitioner contends that SCOPS "imposed an inappropriately heightened standard and failed to properly review the totality of the

[2] The Petitioner earned a Doctor of Philosophy degree (Ph.D.) in psychology from the [redacted] in 2023, and a master's degree in [redacted] from the [redacted] Iran in 2012.

evidence in a manner commensurate with an abuse of discretion." The Petitioner further contends that SCOPS failed to engage with the totality of the evidence submitted, failed to discuss the various implementations of his work, and dismissed the Petitioner's record of review. The Petitioner also argues, citing to *Buletini v. INS*, 860 F. Supp. 1222, 1226 (E.D. Mich. 1994), that SCOPS' failure to properly review the totality of the evidence is indicative of an abuse of discretion.

With respect to the standard of proof in this matter, a petitioner must establish that they meet each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-76. In other words, a petitioner must show that what they claim is "more likely than not" or "probably" true. *Id.* at 376. To determine whether a petitioner has met their burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.* The court in *Buletini* did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor does it suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *See, e.g.*, *Villegas Sanchez v. Garland*, 990 F.3d 1173, 1183 (9th Cir. 2021).

Here, SCOPS' decision reflects consideration of the evidence the Petitioner claims was disregarded and includes a discussion of why the record did not establish the Petitioner is well positioned to advance his proposed endeavor. While the Petitioner generally asserts that the totality of the evidence is sufficient to satisfy *Dhanasar's* second prong, upon a de novo review of the record, we agree with SCOPS' determination that the Petitioner has not established he meets *Dhanasar's* second prong.

The Petitioner maintains that his education, experience, documented record of success, influence in his field, and his future plan have altogether well positioned him to advance his proposed endeavor. The record includes documentation of the Petitioner's curriculum vitae, academic transcripts, peer-reviewed journal articles, and Google Scholar citation record. The Petitioner also offered evidence of articles that cited to his published work, citation metrics, first-authored articles, independent advisory opinions, letters of support, and industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

We acknowledge that the Petitioner holds a Ph.D. in psychology and that his advanced degree is tied to his proposed research. However, a degree, in and of itself, is not a basis to determine that a person is well positioned to advance the proposed endeavor. *Matter of Dhanasar,* 26 I&N Dec. at 892-93. When evaluated in the context of the full record, the Petitioner has not shown that he is well positioned to advance his proposed endeavor as contemplated by *Dhanasar*. In addition to education, we look at a variety of factors in determining whether a petitioner is well positioned to advance their proposed endeavor, and education is one factor among many that may contribute to such a finding. *Id.* In *Dhanasar*, the petitioner held three advanced degrees, including a Ph.D., tied to his proposed research which had significant implications for U.S. national security and competitiveness.

To determine whether the petitioner was well positioned to continue to advance his proposed endeavor, we also favorably considered the significance of his research which had been corroborated by evidence as having peer and government interest; the significance of his role in his research projects; consistent

funding from government agencies of his research projects; and his position with a U.S. university where he intended to conduct his proposed research work. *Id.* at 892-93. Here, while we recognize the Petitioner's advanced degree and the general alignment of his academic background with his proposed research, a Ph.D. and a record of publications are not, on their own, sufficient to demonstrate that the Petitioner is particularly well positioned to advance the proposed endeavor.

The Petitioner asserts that he has been invited to serve as a peer reviewer for authoritative journals and has completed two reviews to date. He also declares that his research has resulted in four first-authored, peer-reviewed journal articles and one first-authored pre-print. The Petitioner further indicates that his publications had received a total of 40 citations at the time he responded to SCOPS' request for evidence. He contends that his four cited publications have received enough citations to rank among the top 10% most-cited papers in the field of psychiatry/psychology, and notes that several of his articles were published in authoritative peer-reviewed journals in his field. However, the fact 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.

The Petitioner also submitted data from Clarivate Analytics (CA) regarding baseline citation rates and percentiles by year of publication for different research fields, including psychiatry/psychology. However, the Petitioner did not indicate whether he factored in any self-citations in determining his percentile ranking. In addition, the documentation from CA cautions that "[c]itation frequency is highly skewed, with many infrequently cited papers and relatively few highly cited papers. Consequently, citation rates should not be interpreted as representing the central tendency of the distribution." On appeal, the Petitioner submits an email from a technical support representative stating, among other things, that it is incorrect to interpret the CA help page as suggesting that the term "skew" indicates any form of unfair treatment of an author. However, the document does not contain the full email exchange, identify the recipient, the date it was sent, or provide sufficient basis for assessing the accuracy or reliability of the CA information.

Further, 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, expertise, and experience 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.

In addition, the record includes recommendation letters and advisory opinions that generally discuss the Petitioner's research and reference the citation of his work by others, with few stating how they utilized the Petitioner's research. For instance, some authors note that the Petitioner's research provides invaluable insights and significantly advances their understanding of the psychological mechanisms that underlie social behavior. Others state that the Petitioner's work was foundational and instrumental to their own research. However, while these letters are supportive in tone and positive factors, they generally lack specific and concrete examples demonstrating how the Petitioner's work has been adopted, applied in practical settings, or changed the course of other research efforts.

The authors also do not provide sufficient evidence that the Petitioner's research has been widely accepted or used within his field beyond having been cited by others in their published works.

Moreover, although the Petitioner maintained that he will be pursuing his research endeavor while working as a visiting assistant professor at [redacted], the Petitioner did not provide evidence of funding or long-term academic appointment that would lead to the advancement of his research endeavor. By contrast, in *Dhanasar*, we noted that the petitioner had received "consistent" government funding of research projects in which he played a "significant" role, specifically that he initiated or was the primary award contact on several funded grant proposals and was the only listed researcher on many of the grants. *Dhanasar,* 26 I&N Dec. at 893, Fn. 11.

The record demonstrates that the Petitioner has conducted, published, and presented research, but he has not shown that this work renders him well positioned to advance his proposed research. 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.

Accordingly, we adopt and affirm SCOPS' analysis and decision regarding the second prong of *Dhanasar,* whether the Petitioner is well positioned to advance the endeavor. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below has been "universally accepted by every other circuit that has squarely confronted the issue"); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case).

C. Whether on Balance a Waiver is Beneficial

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. *Matter of Dhanasar*, 26 I&N Dec. 884. However, as the Petitioner has not established that he meets the second prong of the *Dhanasar* framework, the Petitioner has not shown that he is eligible for and otherwise merits a national interest waiver, and we therefore reserve the Petitioner's arguments with respect to this issue. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

As the Petitioner has not met the requisite second prong of the *Dhanasar* analytical framework, we find that he has not established he is eligible for or otherwise merits a national interest waiver 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.