U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39892364

Date: OCT. 21, 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.

At the time of filing, the Petitioner was working as a Senior Scientist for [redacted][3] She stated that "[a]s an expert in the field of translational medicine, [the Petitioner's] proposed endeavor is to combine computational approaches with hands on experimental techniques in order to develop novel therapies and diagnostic tools for such conditions as inflammatory diseases, infertility, and cancer." The Petitioner further indicated: "As a Senior Scientist, my work includes applying advanced computational technologies to study the genetic components and molecular processes that cause immunological disorders, supporting early discovery research and clinical trials for novel candidate therapies, and providing technical support for personalized treatments."

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.* SCOPS determined the Petitioner's proposed endeavor has substantial merit. We agree.

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 anti-inflammatory drugs, infertility treatments, and breast cancer mortality rates. She also provided letters of support discussing how her undertaking helps contribute to advancements in the development of novel therapies and diagnostic tools for inflammatory diseases, infertility, and cancer.

[2] The Petitioner received a Ph.D. in [redacted] (2023) from [redacted]

[3] On her Form ETA-9089, Appendix A: Foreign Worker Information, she indicated that her "job duties" in this capacity include "developing novel analytical pipelines to integrate genomics and transcriptomic data for target and biomarker identification in immunology, collaborating with disease experts across discovery and translational teams to evaluate targets internally, and communicating results and progress to interdisciplinary teams." 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 research 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.

Additionally, the Petitioner submitted documentation indicating that the benefit of her proposed research offers broader implications for translational medicine, as the results are disseminated to others in the field through scientific 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 and other diplomas, published and presented work, salary information, and peer review service. The Petitioner also offered evidence of articles that cited to her published work, citation metrics, 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, research funding, 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 translational medicine.[4] For example, with respect to the Petitioner's work on breast cancer, Dr. G-Z-, a professor at [redacted] asserted that the Petitioner "identified mutations in the ER ligand-binding domain that confer resistance to endocrine therapy" and developed "a potent inhibitor with unique molecular design and optimization." While Dr. G-Z- stated that this work "achieved substantial improvements in inhibiting the growth of ER-positive breast cancer cells," he does not elaborate on the extent to which the Petitioner's specific findings are being utilized to improve breast cancer treatment. 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. G-B-, a professor at [redacted] commented on the Petitioner's research relating to "limited inhibition in driver networks to block metastasis." Dr. G-B- stated: "[The Petitioner] investigated how targeting crucial signaling pathways, rather than relying on high-dose multi-drug treatments, helps suppress metastasis." He further indicated that the Petitioner's "network modeling demonstrated that controlled inhibition across various pathways effectively blocks

[4] While we discuss a sampling of these letters, we have reviewed and considered each one.

compensatory activation, making her approach ideal for anti-metastatic therapy." Dr. G-B-, however, does not offer specific examples of how the Petitioner's work has affected cancer treatments, or otherwise shows success or progress at a level that renders her well positioned to advance her proposed endeavor.

In addition, Dr. T-A-, a researcher at the [redacted] asserted that the Petitioner "developed a novel method and successfully predicted infertility risk using patient genomics" and that this "work holds valuable implications for the advancement of pharmacogenomics and personalized medicine to infertility." While Dr. T-A- stated the Petitioner's work "has been recognized through publication in leading journals," the record does not show that publishing research articles is unusual in her field or that her level of research success is sufficient to demonstrate she is well positioned.

The Petitioner contends that her research has been published in "5 highly ranked peer-reviewed journals" including *Cancer Research*, *American Journal of Human Genetics*, *Acta Pharmacologica Sinica*, *Molecular and Cellular Proteomics*, and *Human Genetics*. 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 March 2024. This information from Google Scholar indicates that her six highest cited articles, entitled [redacted] (2020), [redacted] (2017), [redacted] (2021), [redacted] (2022), [redacted] (2023), and [redacted] (2019) each received 50, 29, 22, 10, 1, and 1 citation(s), respectively.[5] The Petitioner does not specify how many citations for each of these individual articles were self-citations by her or her coauthors. In response to SCOPS' request for evidence (RFE), the Petitioner provided an April 2025 Google Scholar profile listing additional citations her published articles received that post-date the March 28, 2024 filing of the Form I-140 petition.[6] 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).

The Petitioner also provided 2024 data from Clarivate Analytics (InCites Essential Science Indicators) regarding baseline citation rates and percentiles by year of publication for the [redacted] research field. The Petitioner contends that her 2020 paper, entitled [redacted] ranked among "the top 10% most cited articles published in 2020 in [redacted] based

[5] None of the Petitioner's remaining articles had received citations as of March 2024.

[6] For example, the citation count for [redacted] increased from 50 to 59 citations.

on the 50 citations it has received. Likewise, she asserts that her 2022 paper, entitled [redacted] is one of "the top 10% most cited articles published in 2022 in [redacted] based on its 10 citations. Here, the Petitioner relies on citation information concerning the fields of [redacted] and compares her citation frequency in translational medicine to that of these other fields. While we acknowledge that [redacted] have aspects that relate to translational medicine, the Petitioner has not submitted sufficient evidence confirming that information extrapolated from the fields of [redacted] applies equally to the field of translational medicine. Thus, the Petitioner's comparison of her citation number in her field with information regarding [redacted] does not sufficiently establish the level of her success or impact in the field of translational medicine.

Additionally, the Petitioner submitted an article in *Scientometrics* written by Lutz Bornmann and Werner Marx, entitled "How to evaluate individual researchers working in the natural and life sciences meaningfully? A proposal of methods based on percentiles of citations." This article presents recommendations for "how to evaluate individual researchers in the natural and life sciences" for purposes of funding and promotion or hiring decisions. The authors state that "publications which are among the 10% most cited publications in their subject area are as a rule called highly cited or excellent" and that "the top 10% based excellence indicator" should be given "the highest weight when comparing the scientific performance of single researchers." While the authors offer proposed methods for bibliometric analysis of research performance, the record does not indicate that their methods have been accepted and implemented by the academic community. Moreover, with respect to citation information from Google Scholar, the authors advise against "using Google Scholar (GS) as a basis for bibliometric analysis. Several studies have pointed out that GS has numerous deficiencies for research evaluation." Moreover, regarding "self-citations," the authors state that "if the question of an evaluation study explicitly means to what extent a scientist has influenced other scientists' work, self-citations should be obviously ignored."

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 [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.

As it relates to the Petitioner's education, while her Ph.D. and master's degree render 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.[7]

[7] "USCIS considers an advanced degree, particularly a Doctor of Philosophy (Ph.D.), in a STEM field tied to the proposed

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 asserts that she has received support for her work from "major funding sources." In support of her claim, she submits two research papers that she coauthored with her professors and others in which the "Acknowledgements" section noted that their work was supported by the National Institute of Child Health and Human Development, the National Institute for General Medical Sciences, and the National Natural Science Foundation of China. 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 her professor) was mainly responsible for obtaining funding for their research projects.

Regarding her peer review activity, the Petitioner the Petitioner presented documentation indicating that she reviewed one manuscript each for *Acta Tropica* and *Heliyon*. She has not demonstrated, however, that her occasional 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. Nor has she demonstrated that her employment experience and salary rise to the level of rendering her well positioned to advance the proposed endeavor.[8]

The record demonstrates that the Petitioner has conducted, published, and presented 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 translational medicine research rendering her well positioned to advance her proposed endeavor. As the Petitioner has not demonstrated that she is well positioned to

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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.*

[8] 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.

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.