



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 25803312

Date: APR. 19, 2023

Appeal of Texas Service Center Decision

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

The Petitioner, a quantitative analytics 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).

The Director of the Texas Service Center denied the petition, concluding that the record did not establish that the Petitioner was eligible for and otherwise merited a national interest waiver of the job offer requirement, and thus of a labor certification. The matter is now before us on appeal. 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

An advanced degree is any United States academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. A United States bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. [If a doctoral degree is customarily required for the specialty, the non-citizen must a United States doctorate or a foreign equivalent degree. (delete if doctorate not an issue)] 8 C.F.R. § 204.5(k)(2).

If a petitioner demonstrates 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. While neither the statute nor the pertinent regulations define the term "national interest," *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<sup>1</sup>, 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
- On balance, waiving the job offer requirement would benefit the United States.

## II. ANALYSIS

The Petitioner is an analyst in the field of quantitative analytics. She earned a Ph.D. in economics from [redacted] University in 2020, and is currently employed as a quantitative analytics senior with the [redacted]. She proposes to develop novel mathematical models in order to accurately analyze real-life data and generate improved economic forecasts.

The Director determined that the Petitioner is eligible as a member of the professions holding an advanced degree, and we agree. The sole issue on appeal is whether she qualifies for, and merits as a matter of discretion, a national interest waiver of the EB-2 classification's requirement of a job offer, and thus of a labor certification. As detailed below, upon review we conclude that she does not.

### 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. 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. *Dhanasar*, 26 I&N Dec. at 889.

Regarding the substantial merit of the Petitioner's proposed endeavor, the Director noted that she intends to continue her employment with [redacted] developing novel quantitative models and continuing to conduct research in her field. In addition to the Petitioner's stated intention to continue her research in this area, thus advancing human knowledge, the record also includes evidence in support of the merit of the development of quantitative economic models. Based upon this evidence, we conclude that the Petitioner has established the substantial merit of her proposed endeavor.

As for the national importance of the Petitioner's proposed endeavor, the Director incorrectly relied upon evidence of her past work in making his favorable determination. The focus in the first prong of the *Dhanasar* analytic framework is an individual's specific proposed endeavor, and the analysis of the national importance of that endeavor concerns its potential prospective impact. Here, the evidence shows that the Petitioner's proposed continuing research in the area of economic modelling using quantitative analytics has the potential to impact this field on a broader scale due to the dissemination of this work.

---

<sup>1</sup> See also *Poursina v. USCIS*, 936 F.3d 868 (9th Cir. 2019) (finding USCIS' decision to grant or deny a national interest waiver to be discretionary in nature).

We conclude that the Petitioner has established the substantial merit and national importance of her proposed endeavor, and thus meets the first *Dhanasar* prong.

#### B. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. To determine whether an individual is well positioned to advance their 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.* at 890.

The Petitioner asserts on appeal that the Director applied a higher standard in evaluating the evidence under the second prong, pointing to some language in the decision that appears similar to that used in the evidentiary criteria for individuals of extraordinary ability. *See* 8 C.F.R. § 204.5(h)(3). But we do not agree that these similarities show that the Director went above and beyond the factors spelled out in *Dhanasar*. For example, when the Director states that the evidence does not show how the Petitioner's work "has served as an impetus for progress in her field or that it has generated substantial positive discourse," he is analyzing the evidence under up to three of the *Dhanasar* second prong factors: education, skills, knowledge, and record of success in related or similar efforts; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities. In addition, the Director's reference to the lack of "a leading, critical, or indispensable role in her proposed endeavor" is supported in the analysis in the *Dhanasar* decision, in which we favorably considered "the significance of his role in research projects." *Id.* at 893. Further, when the Director discusses whether the Petitioner's record of past achievements goes "beyond the normal expectations of a quantitative analytics senior and researcher," he is applying the standard reflected in footnote 3 of the *Dhanasar* decision, which states in part that an "individual cannot qualify for a waiver just by demonstrating a degree of expertise significantly above that ordinarily encountered in his field of expertise."

Turning to the factors spelled out in *Dhanasar* for evaluating evidence under the second prong, the Petitioner's education and skills are positive factors in support of her positioning to advance her endeavor. Specifically, her Ph.D. in economics relates to her proposed endeavor of developing quantitative models to forecast economic and risk outcomes, and her published research shows that she has the skills necessary to develop models to predict economic outcomes.

When discussing her record of success, the Petitioner refers on appeal to the evidence regarding her citation record and the prestige of the journals in which her work was published. While we acknowledge that this type of evidence may be relevant to the issue of whether she has a record of success relating to her proposed endeavor, the evidence in this case is insufficient. Notably, the evidence includes impact factors and rankings of the *Journal of Marketing Research* and the *International Review of Financial Analysis*, but the record lacks evidence that the Petitioner's work was published in either of these journals.<sup>2</sup> Further, we will not assume that every article the Petitioner

---

<sup>2</sup> The record shows that the Petitioner's work was published in similarly-named journals, *Journal of Research in Marketing* and *International Review of Economics and Finance*, which are issued by different publishers than those which issue the journals named by the Petitioner. The Petitioner did not submit evidence regarding the prestige or impact factor of these two journals which actually published her work, and continues to refer to the incorrect journals in her appeal brief.

may have published in a prestigious or highly-ranked journal necessarily contributes to a record of success.

Regarding citations to the Petitioner's published research, she refers to the evidence of her total citations as well as data indicating that her three most well-cited papers were ranked in the top 20% in terms of citations in the field of clinical medicine. We first note that the Petitioner did not compare the citations to these papers with others in the field of "neuroscience and behavior," despite all of the journals in which those papers appeared being devoted to that field. While the Petitioner did not include the percentile rankings for this field, the baseline rankings were higher than for clinical medicine.

More importantly, the Petitioner does not explain why the rankings of citations to her papers in either of these medical fields demonstrates a record of success in her proposed endeavor. The Petitioner submitted partial copies of several papers which cited to her most highly-cited work, and highlighted the sections of the papers that included those citations. None of these citations refer to the quantitative analysis performed by the Petitioner. Instead, they discuss the medical implications of the research she supported. While we do not question the Petitioner's contribution to this research, she has not demonstrated that the citations to this work by researchers in medical fields shows a record of success related to the development of analytical models to generate economic forecasts, quantify risk, and protect the U.S. economy.

Turning to the citations to her papers applying quantitative analysis to the field of economics, the Petitioner's Google Scholar profile submitted in response to the Director's RFE shows that one paper published in 2020 had been cited on 14 occasions, while others had not been cited at all. The Petitioner does not assert, nor does the record support, that this evidence shows a record of success.

The Petitioner also asserts that her service as a peer reviewer is indicative of her record of success, and refutes the Director's statement that the record lacks such evidence. While a highlighted line on a document submitted with her RFE response indicates that she served as a session chair at a conference, she did not submit evidence showing that she conducted peer review in this role. Further, even if the Petitioner did perform peer review as part of her role on this occasion, the record is insufficient to show that this significantly contributed to a record of success in her proposed endeavor.

Other evidence pertaining to her efforts in her field include reference letters, some from those who have worked with the Petitioner or cited to her published research in their own work. One of those letters was written by the Chief Technology Officer of a trading company at which she interned, who states that the Petitioner developed a statistical model which the company incorporated as one of its core trading strategies, and that this has "improved our overall forecasting accuracy." While this evidence shows that the Petitioner has successfully developed quantitative models for economic applications, completing this work for her employer as part of a brief internship is not indicative of a record of success sufficient to show that she is well placed to advance her endeavor.

Another letter was written by a professor at a university in Finland who states the Petitioner's work was "central to the success" of an article she wrote. We note that the article referred to was a "preprint" and had not been peer-reviewed at the time the RFE response was submitted. The professor writes that she applied the Petitioner's methodology in her own research, and also describes two other papers

which cited to the Petitioner's 2021 article in the *International Review of Economics and Finance*. But the Petitioner has not shown that this level of impact on the work of others in her field represents a record of success when compared to other experts and researchers.

In addition, a third letter was submitted by the Petitioner's Ph.D. advisor, who is also an officer or employee of both of the companies for which the Petitioner interned. He describes the model she developed that was adopted by one of those companies as state above, noting that it "provides a more accurate way to predict changes in the market, helping companies, investors, and financial institutions make more profitable decisions" when compared to conventional data analysis methods.

These letters show that the Petitioner has developed quantitative economic models and methodologies that have been applied by her employer and a small number of researchers in her field, respectively. But, considered along with the evidence analyzed above, they do not indicate that she has shown a sufficient record of success related to her endeavor that makes her well positioned to advance that endeavor.

Another factor applicable to the second prong in the *Dhanasar* analytical framework is a model or plan for future activities. Here, the Petitioner states that she intends to continue developing quantitative models at [REDACTED] but also indicated that she continues to work with her former research collaborators on developing quantitative models and that they are preparing two papers. While the record includes her job offer from [REDACTED] the record does not include detailed information from that employer about her current and future work as a quantitative analytics senior, nor does it include any evidence of collaboration with her former colleagues on further research. As such, the record is not sufficient to show that her plan will position her to advance her proposed endeavor of developing and researching novel mathematical models to analyze real-life data and generate improved economic forecasts.

Based upon the discussion above, and taking all of the evidence and factors into account, we conclude that the Petitioner has not demonstrated that she is well-positioned to advance her proposed endeavor. While the record shows that the Petitioner has relevant education and skills, it does not demonstrate that she has a sufficient record of success pertaining to her specific proposed endeavor. The development of a model for her employer, and the publication of research in economic quantitative analysis that has not been shown to be influential beyond what is normally encountered in her field, do not show that there is a sufficient level of interest in her work from relevant parties. Further, her plan for future activities is not well-supported by detailed evidence of how she will advance her proposed endeavor, particularly pertaining to her continuing research and collaboration beyond her employer. And she has not established that interest in her work beyond her collaborators and employers places her significantly above the level of expertise normally encountered in her field. We therefore conclude that she does not meet the second prong of the *Dhanasar* analytical framework.

### 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. On appeal, the Petitioner asserts that the national interest in her proposed endeavor is sufficiently urgent to warrant a waiver, and that the United States would benefit from her contributions even given the availability of

qualified workers. However, as she has not established that she meets the second prong of the *Dhanasar* framework, she has not shown that she is eligible for and otherwise merits a national interest waiver, and we reserve this issue.<sup>3</sup>

### III. CONCLUSION

The Petitioner is eligible for the EB-2 classification as a member of the professions holding an advanced degree, but she has not established that is eligible for, and merits as a matter of discretion, a national interest waiver. The petition will remain denied.

**ORDER:** The appeal is dismissed.

---

<sup>3</sup> See *INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach).