U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42249823

Date: APR. 02, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks classification as a member of the professions holding an advanced degree. *See* section 203(b)(2) of the Immigration and Nationality Act (the Act), 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 employment based second preference (EB-2) classification. *See* section 203(b)(2)(B)(i) of the Act, 8 U.S.C. § 1153(b)(2)(B)(i).

Service Center Operations (SCOPS) denied the petition, concluding although the Petitioner qualified as an advanced degree professional, he did not establish 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(K)(2). A U.S. 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. *Id*.

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
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner indicated on the Form I-140 that his proposed employment job title is "mechanical engineer."[2] With the initial petition, he explained his proposed endeavor is "Enhancing Manufacturing Efficiency through Innovative Thermal Management Solutions to Drive American Industrial Resilience." In response to SCOPS request for evidence (RFE), the Petitioner asserted his endeavor "is not a general occupational description of a "mechanical engineer."" He explained that his "work is directed toward the engineering of thermal systems, with a specific focus on advanced thermal management for high-power, compact, and reliability-critical manufacturing components." Specifically, he stated that his work includes the following: cross-layer thermal path design, development of advanced thermal validation systems, engineering of next generation stress-testing protocols, and thermal safety design for high-power compact systems. He further stated that his proposed endeavor will help eliminate the problem of overheating and fire in electronic devices.

A. EB-2 Classification

The Petitioner submitted his U.S. master's degree in mechanical engineering, along with his academic transcripts. SCOPS determined the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether he qualifies for and merits a waiver of the job offer requirement in the national interest.

B. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* 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 that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, SCOPS concluded the Petitioner did not establish that his proposed endeavor has national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national

[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).

[2] The record includes pay statements from [redacted] which indicate his job title as "Test Engineer, High Voltage" from April 2025 to May 2025, and "Sr. Test Engineer Validation & Durability" for June 2025.

importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n 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 890.

On appeal, the Petitioner contends SCOPS disregarded evidence of broader implications, including letters of recommendation, a patent that has been cited by industry leaders, and a published publication. He asserts the record demonstrates his endeavor has national importance. Upon review, we conclude the record does not establish the Petitioner's proposed endeavor is of national importance and therefore he is not eligible for a national interest waiver as a matter of discretion.

We reviewed the letters of recommendation in the record. The authors discuss the impact of his prior work and highlight his qualifications to pursue his proposed endeavor. However, this does not demonstrate the prospective impact of the work the Petitioner describes in the record. For example, one author states, "[r]ecognizing [the Petitioner's] academic strengths and thoughtful approach, I invited [the Petitioner] to contribute to a chapter to [redacted] book series published by [redacted]." The author then describes this prior project in more detail and states "[the Petitioner's] work was thorough, data-driven, and above all, practical. It served as a model for how research can inform safer system design, not only in transportation but across other domains in advanced manufacturing." The other author states, "[the Petitioner's] innovative thinking and validation capabilities in thermal management systems do provide concrete technical support for reshoring manufacturing and achieving high-quality domestic substitution." The author then proceeds to discuss the Petitioner's prior work and concludes that the Petitioner "is a highly capable engineer with hands-on project experience, solid theoretical foundation, and strong engineering judgment." Here, the authors' focus is on the impact of the Petitioner's prior work and his qualifications, not the prospective impact of his proposed endeavor. Evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Id.* at 889. Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890.

The Petitioner also emphasizes on appeal that he contributed to a scholarly article entitled [redacted] published by [redacted] and that a patent in which he was listed as an inventor for a previous employer was cited 17 times by companies such [redacted] He also highlights an article in [redacted] in which it discusses "a technological milestone achieved through the Petitioner's work." Moreover, we acknowledge that the Petitioner provided a description of his past projects in response to SCOPS' RFE. However, as noted above, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor and is more relevant to *Dhanasar's* prong two analysis. *Id.*

In addition, the Petitioner asserts his endeavor aligns with national government initiatives. The record includes government reports and policy frameworks, particularly in the areas of battery manufacturing and energy independence. However, when determining whether the proposed endeavor has national importance, the relevant question is not the importance of the field, industry, or profession in which

the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Thus, while we acknowledge that the manufacturing and energy industries are important, this fact is insufficient to establish the national importance of his proposed endeavor.

Furthermore, the Petitioner asserts on appeal that his proposed endeavor is not confined to a single employer. However, as previously noted, the record includes pay statements from [redacted] as evidence of the Petitioner's employment. Here, the Petitioner has not offered detailed information explaining how he will prospectively pursue his thermal management research, beyond his employment with [redacted] We acknowledge that in response to the RFE and on appeal, the Petitioner explains that he plans to continue collaborating with his university advisor at [redacted] "as well as with other independent researchers in the field, to conduct further studies on thermal safety design and validation for compact high-power systems." He further explains that he "seeks to bring these innovations into real-world manufacturing contexts" and that he "is open to pursing roles across" automotive, electronics, battery systems, and mobility device manufacturing sectors "to continue deploying his solutions and improving thermal safety and reliability in production environments." While the record includes a letter from his university advisor, the letter only discusses the Petitioner's past work and his personal attributes that make him an asset in the manufacturing and energy industries. The advisor does not mention any future collaborating work with the Petitioner. Here, the Petitioner has not provided the level of specific details or documentation as required under *Dhanasar* to support his claims that his proposed research would not be proprietary to his employer and would have the potential to extend beyond his employer and impact the manufacturing and energy industries.

Although the Petitioner contends that his plans to disseminate his findings through "publication of additional book chapters, peer-reviewed journal articles, and technical white papers" show his endeavor would have broad national impact, beyond his employer, this statement is not supported in the record. The Petitioner emphasizes that his research work has had a broad impact in his field, pointing to his previous research work having been cited and published in a reputable industry publication. While the Petitioner's previous research may help to understand his proposed endeavor, such previous work mainly relates to whether he is well-positioned to advance his endeavor under *Dhanasar's* second prong.

We acknowledge the overall value of the advancement of thermal management technologies, and strengthening our nation's manufacturing and energy industries, but their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. The Petitioner has not sufficiently detailed his proposed research or provided supporting evidence to explain and allow us to understand how it would advance these technologies with sufficiently broad potential implications for his field and would rise to the level of national importance.

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address his eligibility under the remaining prongs, and we hereby reserve them. *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 alternate issues on appeal where an applicant is

otherwise ineligible). The burden of proof is on the Petitioner to establish that he meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that he has not established eligibility for 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 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.