U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42020732

Date: APR. 06, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a senior engineering program manager, 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 "advance the design, control, and predictive intelligence of electromechanical systems." 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*.

SCOPS concluded that the Petitioner's proposed endeavor has substantial merit, and that she is well positioned to advance it. SCOPS determined, however, that the Petitioner did not establish her endeavor's national importance and that, on balance, it would benefit the United States to waive the job offer requirement.

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.*

In denying the petition, SCOPS concluded that the Petitioner has not established her proposed endeavor's national importance and that her endeavor would prospectively impact her field in a manner that rises to the level of national importance. On appeal, the Petitioner asserts that SCOPS imposed a "heightened standard by effectively requiring proof of definitive national-scale impact, job creation, or substantial positive economic effects" instead of applying the preponderance of the evidence standard.

The Petitioner also contends that SCOPS failed to "evaluate the entire record and articulate a reasoned analysis that connects the evidence to the outcome." She also argues that SCOPS applied "an improper heightened burden," effectively advancing a *Buletini* argument. *See Buletini v. INS*, 860 F. Supp. 1222, 1226 (E.D. Mich. 1994).

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

[2] The Petitioner earned a master's degree in materials engineering from [redacted] in 2015.

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 Petitioner did not establish her proposed endeavor's national importance. While the Petitioner generally asserts that SCOPS disregarded evidence and imposed a heightened standard, upon a de novo review of the record, we agree with SCOPS' determination that the Petitioner has not established she meets *Dhanasar's* first prong.

The Petitioner aims to "advance the design, control, and predictive intelligence of electromechanical systems, focusing on motor architecture design, hybrid vehicle powertrain and energy management optimization, and aerospace power system monitoring, to enhance user interaction in consumer electronics, improve the efficiency of hybrid electric vehicles, and strengthen safety measures in air transportation systems." Specifically, she seeks to "enhance the design intelligence, control mechanisms, and predictive capabilities of electromechanical systems by developing targeted innovations in three interrelated domains: high-precision motor systems, hybrid vehicle, and aerospace power system monitoring." She asserts that her work will support "key U.S. priorities by improving user experience in advanced electronics, promoting sustainable energy practices in transportation, and strengthening safety and reliability in aviation systems." In support of her petition, she submitted several documents, including academic records, a personal statement, independent advisory opinions and recommendation letters, as well as relevant industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner contends that SCOPS "focused its prong one denial on the asserted lack of a demonstrated national level prospective impact tied to [her] specific endeavor, as opposed to the general importance of the broader field." To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of the Petitioner's work. The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the [petitioner] proposes to undertake." *Id.* at 889. In *Dhanasar*, we further noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national 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. Here, the Petitioner has not demonstrated that her proposed endeavor offers broader implications in her field or substantial positive economic effects for the country that rise to the level of national importance.

At the time of filing, the Petitioner stated that she was employed as a senior engineering program manager at [redacted] She indicated that she intends to pursue a position with a leading U.S. company in intelligent electromechanical systems such as Microsoft, Meta Platforms, Inc., Google LLC, or Fitbit, Inc., as well as with companies she has previously collaborated with, including [redacted] She asserts that these roles would enable her to "further develop technologies in motor architecture, hybrid powertrains, and aerospace monitoring." Additionally, she notes that she has been invited to collaborate on various projects by leading researchers and plans to

work on "AI-powered predictive maintenance and smart device optimization, underscoring the national value and applicability" of her proposed endeavor. She also explains that she intends to continue her "research on advancing motor architecture and protection strategies, optimizing hybrid vehicle powertrains, and implementing intelligent monitoring aerospace engines and sensors" and affirms her plans to disseminate her "findings through technology development, commercialized patents, peer-reviewed publications, major conference presentations, and collaboration with top research institutions."

While we agree with the Petitioner that her proposed endeavor, including her plans to advance electromechanical systems, enhance user interactions in consumer electronics, and strengthen safety measures in air transportation systems has substantial merit, merely working in an important field is insufficient to establish the proposed endeavor's national importance. Here, the Petitioner has not offered sufficient information and evidence to demonstrate that the prospective impact of her proposed endeavor rises to the level of national importance. The Petitioner must support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Similarly, the Petitioner has not demonstrated that her specific proposed endeavor of joining a leading U.S. company in intelligent electromechanical systems to "further develop technologies in motor architecture, hybrid powertrains, and aerospace monitoring" is of national importance. Although the Petitioner insists that her "proposed endeavor is independent of any specific employment" and that she has submitted her research and employment plans to demonstrate her commitment and ability to advance her endeavor, she has not provided sufficient corroborating evidence to show that employment with any of these companies would have a broad impact on the industry or rise to the level of national importance. "Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance." *See generally 6 USCIS Policy Manual,* F.5(D)(3), https://www.uscis.gov/policymanual. "At issue is whether the petitioner can demonstrate that the person's own individual endeavor stands to have broader implications, such as for a field, a region, or the public at large." *Id.* Here, the evidence does not establish that the Petitioner's specific proposed endeavor will have broader implications or influence in her field that will rise to the level of national importance

The Petitioner emphasizes her expertise in areas such as motor technologies and electromechanical systems and stresses her past research, publications, and pending patent applications. As previously noted, she has submitted expert independent advisory opinions and recommendation letters. The authors of these letters underscore her professional experience, contributions to the field, and research background, including her expertise in mechatronic product design and application development, machine learning and intelligent system design, and motor fault detection. They also assert that her work will support U.S. initiatives and make significant contributions to the field. However, these assertions are not supported by concrete examples or detailed explanations demonstrating the Petitioner's proposed endeavor's national importance. Similarly, while these letters are supportive in tone and positive factors, they do not offer sufficient explanation of how the Petitioner's endeavor has the potential for broad and measurable implications for the country beyond impacting her future employer and its customers. Moreover, although an individual's experience, qualifications, contributions, and achievements are material, they are misplaced in the context of the first *Dhanasar* prong. The Petitioner's professional experience is generally material to *Dhanasar*'s second prong—whether an individual is well positioned to advance a proposed endeavor—but they are generally

immaterial to the first *Dhanasar* prong—whether a specific, prospective, proposed endeavor has both substantial merit and national importance. *See Dhanasar*, 26 I&N Dec. at 888-91.

The Petitioner reiterates that her work "directly aligns with U.S. national interests in advanced manufacturing, clean energy, and aviation safety." She maintains that her work will "strengthen U.S. leadership in next-generation consumer electronics," aid "clean and intelligent transportation," "improve the resilience, efficiency, and safety of aerospace power systems," and support "U.S. objectives in national defense and advanced air transportation." While we recognize the importance of the Petitioner's field, alignment with general national goals, in and of itself, does not necessarily establish that the Petitioner's endeavor rises to the level of national importance. Here, the record does not include adequate corroborating evidence, to show that the Petitioner's specific proposed endeavor offers broader implications in her field, enhancements to U.S. societal welfare, or substantial positive economic effects for the country that rise to the level of national importance.

As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Dhanasar*, 26 I&N Dec. at 891-92. In addition, we gave significant weight to "probative expert letters from individuals holding senior positions in academia, government, and industry that describe the importance of hypersonic propulsion research as it relates to U.S. strategic interests" and "detailed expert letters describing U.S. Government interest" in Dr. Dhanasar's specific research. *Id.* at 892. Here, the Petitioner has not provided similar evidence, such as the type of expert opinion evidence or letters from government entities detailing how her endeavor impacts a matter that is a subject of national initiatives, despite claiming that that her contributions and area of focus are critical to the United States.

Because the documentation in the record does not establish the proposed endeavor's national importance as required by the first prong of the *Dhanasar* precedent decision, the Petitioner 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 second and third prongs outlined in *Dhanasar*. *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

The Petitioner has not established the national importance of her proposed endeavor, and she does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that she is eligible for or merits a waiver of the job offer and labor certification requirements in the national interest 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.