U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42236035

Date: APR. 13, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

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

SCOPS denied the petition, concluding that the Petitioner did not demonstrate he is eligible for or otherwise merits a national interest waiver as a matter of discretion. 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

To establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act. Once a petitioner demonstrates eligibility for the underlying classification, the petitioner must then establish eligibility for a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so. *Matter of Dhanasar,* 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states 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 to be 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

For the underlying EB-2 immigrant classification, SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The issue on appeal is whether the Petitioner established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

In applying the *Dhanasar* framework, SCOPS determined that the Petitioner established the substantial merit of his proposed endeavor, but nonetheless concluded he was not eligible for the requested national interest waiver because he did not demonstrate his proposed endeavor is of national importance, that he is well-positioned to advance the proposed endeavor, or that, on balance, it would be beneficial to the United States to waive the job offer requirement and thus a labor certification. Upon de novo review, we agree with SCOPS' determination that the Petitioner did not establish the national importance of his proposed endeavor under *Dhanasar's* first prong.[3]

On appeal, the Petitioner asserts that SCOPS' decision contains erroneous conclusions of law and fact and does not reflect consideration of the submitted evidence. Citing *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994), the Petitioner claims SCOPS abused its discretion by mischaracterizing the evidence and failing to adhere to USCIS policy guidance and the *Dhanasar* framework. In particular, the Petitioner asserts that SCOPS disregarded evidence he deems relevant to national importance. Also, he claims SCOPS' decision lacked reasoned consideration and analysis of all arguments and evidence submitted in support of his endeavor's national importance.

To determine whether a petitioner has met their burden under the preponderance of the evidence standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376; *see also Matter of E-M-*, 20 I&N Dec. 77, 79- 80 (Comm'r 1989). The court in *Buletini* did not 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 a petitioner presents. *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *aff'd Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); *Kazemzadeh v. US. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *United States v. Teixeira*, 62 F.4th 10, 25 (1st Cir. 2023) (concluding a trier of fact "need not articulate its conclusions as to every jot and tittle of evidence in making a determination"). Based on the record, SCOPS' decision is a reasoned interpretation and consideration of the evidence. The decision summarizes the Petitioner's proposed research, acknowledges and

[2] To qualify for the underlying EB-2 classification as an advanced degree professional, the Petitioner submitted an academic transcript indicating he earned a master of science in mechanical engineering from [redacted] in 2019. Based on the evidence, the Petitioner has established he is an advanced degree professional.

[3] While we may not discuss every document submitted, we have reviewed and considered each one.

analyzed documents submitted, and weighed the evidence but determined that the evidence lacked probative value. *See Matter of Chawathe*, 25 I&N Dec. at 376. The proposed endeavor, as described, and the evidence in the record do not support the Petitioner's assertions that the potential impact of his endeavor would have a broader impact on his field or implications rising to a level of national importance, as discussed below.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that a petitioner 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. In determining 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.* We look for broader implications of the proposed endeavor. As explained in *Dhanasar*, "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* at 890. 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.*

For his proposed endeavor, the Petitioner initially submitted a statement indicating his intent "to develop machine learning approaches that expedite and automate the design process for meta-material and composite material microstructures in order to produce materials with ultra-mechanical properties, such as metamaterials for energy absorption and thermal management and biomimetic metamaterials for artificial bones." In his initial statement, he explained his plans to pursue his endeavor while continuing to earn his Ph.D. from [redacted] with future plans to work as a research engineer for [redacted] or a similar employer.

SCOPS requested further evidence relating to *Dhanasar's* three prongs. In his reply, the Petitioner submitted additional evidence about his proposed endeavor, including a new statement; opinion letters; the Petitioner's research articles; research articles citing to the Petitioner's work; and articles, reports, and documents relating to government initiatives and policies. SCOPS determined that the proposed endeavor described in the Petitioner's new statement materially changed from the proposed endeavor stated in his initial statement. We, however, do not agree with SCOPS' interpretation of the evidence. Instead of changing his proposed endeavor, the Petitioner's new statement provided additional information to clarify his proposed endeavor.

In his new statement, the Petitioner states,

> I propose to advance the application of machine learning in the design and optimization of advanced materials, with a focus on three high-impact domains: energy absorption and biomedical metamaterials, battery manufacturing, and nuclear reactor safety. My research integrates data-driven modeling, inverse design, and microstructural analysis to address pressing challenges in energy, defense, and healthcare.

His new statement includes summaries of the three research projects with explanations of how the projects align with national policies.

In addition, the Petitioner indicated that he currently works as a research engineer at [redacted] noting that approximately 70 to 80 percent of his time is spent "leading and executing AI-driven metamaterial research and development (R&D) initiatives" "to tackle critical challenges, such as reducing aircraft weight, enhancing impact resistance, improving thermal management, and optimizing propulsion systems." He explains that his research at [redacted] focuses on two areas, aircraft structures and propulsion engines. For his aircraft structure work, he explains his use of machine learning to "develop high-strength, energy-absorbing metamaterials for fuselage, wing, and internal structural components." For propulsion engines, he explains that he researches jet engine thermal management and vibrational damping, which includes "integrating advanced metamaterials into components such as acoustic liners, heat shields, or exhaust systems" to "enhance engine efficiency, prolong component lifespan, and reduce noise pollution." The Petitioner emphasizes in his statement that he intends to disseminate his research work and findings to the aerospace community by publishing in peer-reviewed journals and presenting at industry conferences. In addition, he plans to mentor junior researchers and interns.

We agree with SCOPS that the Petitioner's proposed endeavor has substantial merit. However, the Petitioner has not demonstrated that his proposed endeavor described in his request for evidence reply is of national importance. When analyzing the national importance of a petitioner's proposed endeavor under *Dhanasar's* framework, we focus on the prospective impact of the proposed endeavor, instead of limiting our analysis to a petitioner's employment at the time of filing. *See id.* at 889. An endeavor is more specific than a general occupation and should include details of the types of work a petitioner intends to undertake and describe specific projects and goals. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual. As research has the potential to impact the field, details about the Petitioner's research are important for determining the potential prospective impact of the proposed endeavor. *See id.*

While the Petitioner provides an overview of his proposed three research projects focused on energy absorption and biomedical metamaterials, battery manufacturing, and nuclear reactor safety, his project descriptions are brief summaries lacking specific details or evidence supporting his claims of their broad impact on his field and on national priorities. The Petitioner describes in general terms three projects that appear to differ from each other and generally convey ideas for the advancement of meta-materials and microstructures in order to develop materials with ultra-mechanical properties for a broad spectrum of uses and industries. While he generally describes the types of research he would perform, he did not explain, for example, how he will perform the research for the three projects, which is particularly critical in light of his employment with [redacted]

As discussed above, in addition to the three research projects, the Petitioner describes his research work for [redacted] which he indicates focuses on machine learning metamaterial research and development to improve aircraft impact resistance, thermal management, and propulsion systems. Considering the Petitioner's statements, the Petitioner does not indicate whether the research he does for his employer would be in pursuit of his proposed endeavor. If so, the Petitioner does not sufficiently separate the goals and objectives of his proposed endeavor from the goals and objectives that his employer or another entity seeking out his services as a research engineer would expect.

Moreover, he has not explained or provided evidence that his employer, a private company, would allow use of its proprietary technology outside the scope of his employment or public dissemination of any developments to such research. Although the Petitioner generally explains he intends to publish and present his research findings, the Petitioner has not provided adequate evidence corroborating his research work would extend beyond his employer and its clients.

Whilst the three research projects and his research work for his employer may add to a positive cumulative effect, the evidence in the record does not convincingly demonstrate that his activities and research may have potential national impact in his field, or broader implications rising to a level of national importance. Beyond the Petitioner's statements, he has not provided sufficient details of his intended research work or documentation as required under *Dhanasar* to support his claims that any future research he performs would have the potential to have broader impacts. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. The Petitioner has not done so here. Instead, his supporting evidence mainly relates to his previous research. While continuing his research work on advanced materials with a focus on energy absorption and biomedical metamaterials, battery manufacturing, and nuclear reactor safety, as well as working as a research engineer for an aerospace company demonstrates the substantial merit of the proposed endeavor, it does not support or demonstrate its prospective potential impact nationally, or even globally, or through broader implications.

In contrast, 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. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id.*

On appeal, the Petitioner asserts that SCOPS erroneously rejected evidence demonstrating that his proposed endeavor aligns with national government initiatives and USCIS policy guidance recognizing the importance of advancing engineering materials for national security and progress in the field of science, technology, engineering, and mathematics (STEM), which are recognized by the U.S. National Science and Technology Council as being critical and emerging. He maintains that his endeavor involves research to advance STEM technologies, which are emphasized as being of particular importance by government agencies, such as the U.S. Department of Energy investing in the domestic manufacturing of renewable batteries and nuclear reactors; the National Highway Traffic Safety Administration improving vehicle structures to better manage crash energy; the Defense Advanced Research Projects Agency introducing new programs studying metamaterials; and the U.S. Department of Defense investing in nanomaterial and metamaterial technologies for advanced military body armor. In support of his claims, the Petitioner submitted industry articles and government reports discussing the government initiatives; the healthcare industry; the increased use of electric vehicles; vehicle safety technologies; research on vehicle crash management; nuclear energy technologies; investing in domestic manufacturing of renewable batteries; the economic and environmental impacts of data centers; investments in lighter military armor; and lithium batteries.

While USCIS recognizes specific evidentiary considerations relating to STEM degrees and fields, "the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(2). In addition, the importance of an industry or field and working in an important field are not sufficient to meet the national importance requirement under the *Dhanasar* framework. *See Matter of Dhanasar*, 26 I&N Dec. at 889. We acknowledge the overall value of the advancement of engineering materials and artificial intelligence and attracting qualified professionals in related careers; and strengthening our nation's technology, particularly technology recognized as critical and emerging, but their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. *See id.* The Petitioner makes general statements about his proposed research aligning with national initiatives and advancing STEM technologies, but he has not sufficiently detailed his proposed research or provided objective, probative supporting evidence to understand how it would advance national initiatives or STEM technologies with sufficiently broad potential implications of national importance.

In addition, the Petitioner argues that SCOPS erroneously considered opinion letters in its analysis of the national importance of his proposed endeavor. Instead, he maintains that he submitted the letters to show that he is well-positioned to advance his endeavor under *Dhanasar's* second prong. While the opinion letters mainly discuss the Petitioner's previous research work and relate to *Dhanasar's* second prong, they were appropriately considered since they generally discuss the importance of the Petitioner's research. Moreover, the letters help to understand the Petitioner's research and his proposed endeavor. Also, the Petitioner offers a contradictory argument on appeal that the letters support his claims of national importance. Therefore, we will discuss the letters.

While the letters generally reference the Petitioner's ongoing research being of importance, they do not specifically mention the Petitioner's proposed research endeavor. For instance, the letter from Dr. A-B-, a lead engineer at [redacted] explains that although Dr. A-B- has not worked with the Petitioner, Dr. A-B- described the Petitioner's previous research relating to stochasticity systems and microstructure design and briefly discussed other researchers who have referenced the Petitioner's research in their own work. Similarly, Dr. J-C-'s letter explains that although Dr. J-C- has not worked with the Petitioner, Dr. J-C- summarized the Petitioner's previous research work on the acceleration of neutron transport calculations and discussed other researchers who have referenced the Petitioner's research on this topic. The opinion letters, however, do not explain how the Petitioner's prior research forms the basis for his proposed endeavor and they do not otherwise discuss the potential impact of his proposed research endeavor.

As SCOPS properly concluded, the Petitioner's recommendation and opinion letters do not sufficiently reflect with independent, objective evidence how the Petitioner's proposed endeavor has the potential to impact his field or otherwise has potential implications of national importance. We acknowledge the Petitioner's academic research achievements and contributions, but he has not offered sufficient information and evidence based on these letters and his previous research to demonstrate his claims that his proposed research ideas have the potential to develop new innovations that would impact the field or any other industries.

On appeal, the Petitioner asserts that he submitted evidence which is similar to or the same as the evidence provided by the petitioner in *Dhanasar*, specifically media articles and letters from experts

in his field documenting government interest in the area of the Petitioner's research. However, the petitioner in *Dhanasar* provided, in relevant part, the specifics of his research and development; where he intended to perform his research; probative expert letters from individuals holding senior positions in academia, government, and industry describing his research; U.S. government interest in his research; and investment in his research. *Id.* at 892. Here, by comparison, the Petitioner has not provided information on how or where he will conduct his research for the three projects, any interest in his proposed research by government entities or any other sectors, and only offered letters mainly discussing his previous research work. Further, while Petitioner claims that he has received funding from the National Science Foundation (NSF) for his previous research, he did not provide evidence that NSF provided funding for his particular research, as opposed to the funding being provided to his academic institution. Moreover, he did not provide evidence of future funding. As a result, the Petitioner has not provided sufficient detail or documentation to allow us to understand how he would conduct his research projects.

We acknowledge that the Petitioner conducting engineering research with a focus on designing and optimizing advanced materials using machine learning technologies for the biomedical, automotive, nuclear energy, battery manufacturing, and aerospace industries may demonstrate the substantial merit of the proposed endeavor. But he did not provide independent, probative evidence corroborating his planned research would have the claimed potential prospective impacts.

SCOPS further determined that the Petitioner did not establish that he is well-positioned to advance the proposed endeavor under *Dhanasar's* second prong, 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 under *Dhanasar's* third prong. Because the documentation in the record does not sufficiently establish the Petitioner qualifies for the first prong of the *Dhanasar* precedent decision, he has not demonstrated eligibility for a national interest waiver. This identified basis for dismissal is dispositive of the appeal, and therefore we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under the second and third prongs of *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "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

Because the Petitioner has not established eligibility under the requisite first prong of the *Dhanasar* analytical framework, he is not eligible for a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

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.