In Re: 37966232 Date: APRIL 23, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an automobile company, seeks employment-based second preference (EB-2) immigrant classification of the Beneficiary, an enterprise connectivity systems engineer, 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 record 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.

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

SCOPS determined the Petitioner qualified for EB-2 classification as an advanced degree professional because she submitted evidence of her Master of Science degree in electrical engineering from the [redacted] We agree. The only issue on appeal is whether she qualifies for and merits a waiver of the job offer requirement in the national interest.

In a letter submitted in response to SCOPS' request for evidence (RFE), the Petitioner states the Beneficiary's proposed endeavor is "to design and develop new digital design verification and new Enterprise Connectivity strategies that are critical to supporting the widespread adoption and deployment of electric vehicles across the United States." The Petitioner indicated the Beneficiary would pursue her proposed endeavor while employed as an Enterprise Connectivity Systems Engineer for the Petitioner.

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. *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 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.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or other broader implications indicating national importance. *Id.* at 889-90. SCOPS determined the Petitioner did not establish that the Beneficiary's work would extend beyond the Petitioner to impact her field more broadly in a manner commensurate with national importance.

On appeal, the Petitioner asserts SCOPS erred and did not properly assess all the evidence submitted. The Petitioner claims the Beneficiary's proposed endeavor has national importance because it has national and global implications within her field. Specifically, the Petitioner asserts its Enterprise Connectivity program has national implications within the U.S. automotive industry. The Petitioner cites an article published in [redacted] discussing the Petitioner's Active Driving Assistance (ADA) system, [redacted]. The article states [redacted] uses direct driver monitoring systems and rates [redacted] the highest of 12 ADA systems. The article does not discuss the Petitioner's specific proposed endeavor as it does not mention digital design verification or Enterprise Connectivity strategies supporting electric vehicles. The record does not indicate the Beneficiary's proposed endeavor has national or global implications in the automotive industry. *See id.* at 889. (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

The Petitioner also claims that design verification and enterprise connectivity technology are critical to the national interest. Specifically, the Petitioner asserts the Beneficiary's proposed endeavor impacts the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, the electric vehicle acceleration challenge, clean energy transformation, energy security, economic competitiveness and the modernization of transportation infrastructure. The Petitioner cites no evidence to support this claim, and the record does not establish that the Beneficiary's proposed endeavor would extend beyond her work for the Petitioner to broadly impact these laws and issues at a level commensurate with national importance. *See id.* (explaining "we look for broader implications").

The Petitioner submitted other articles and reports it claims establish the national importance of the Beneficiary's proposed endeavor. The Petitioner initially submitted articles and reports on ensuring American leadership in automated vehicle technologies, automated vehicles, preparing for the future of transportation, automated driving systems, strengthening American leadership in clean cars and trucks, the Biden Administration's launch of AI.gov aimed at broadening access to federal artificial intelligence innovation efforts, electric vehicles, President Biden announces steps to drive American leadership forward on clean cars and trucks, Biden-Harris Administration ensuring future is made in America, national electric vehicle charging network, new standards for national electric vehicle charging network, building a national network of user-friendly, reliable, and accessible electric vehicle chargers, and the national electric vehicle infrastructure formula program.

In response to the RFE, the Petitioner submitted additional articles and reports on the Petitioner's electrification across the United States, the Petitioner's receipt of a government loan for an electric vehicle factory, the Petitioner leading the electric vehicle revolution, the Bipartisan Infrastructure law, electric vehicle acceleration challenge, the bill introducing the Infrastructure Investment and Jobs Act, strengthening the cybersecurity of federal networks and critical infrastructure, America's electric vehicle manufacturing boom, made-in-America national network of electric vehicle chargers, and building a clean energy economy. These articles and reports attest to the importance of electric vehicles and other issues, but do not address the Beneficiary's proposed endeavor. Our assessment of national importance does not focus on the importance of a field or related issues in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id. Cf. id.* at 892 (citing media articles and other evidence documenting Congressional interest in Dhanasar's research).

The Petitioner submitted the National Science and Technology Council's Critical and Emerging Technologies List Update which it initially claimed includes "cost-efficient vehicle architecture," but which is not identified in the List Update. In response to the RFE, the Petitioner again submitted the List Update and claimed it included several technologies involved in the Beneficiary's proposed endeavor, but did not specify which technologies. We acknowledge that the List Update includes the field of renewable energy generation and storage and the subfield of electric and hybrid engines. While the Beneficiary's proposed endeavor involves electric vehicles, the record does not indicate that she will specifically work on electric and hybrid engines.

The Petitioner submitted a letter from D-P-[2], the Petitioner's Connected Vehicle Software Provisioning Quality and Triage Supervisor. D-P- commends the Beneficiary's work and describes her as a "vital contributor" to the Petitioner whose skills and experience "are necessary to maintain a

[2] We use initials to protect the privacy of the referenced individuals.

competitive advantage against foreign competition." The Petitioner also submitted a letter from M-W-, the Petitioner's Cellular Infrastructure Supervisor, who praises the Beneficiary's accomplishments and describes her future projects. M-W- states the Beneficiary is "a vital contributor to Ford's on-going transformation to a modern electric vehicle manufacturer." While D-P- and M-W- attest to the Beneficiary's accomplishments and valuable contributions to the Petitioner, they do not demonstrate that her work would extend beyond the Petitioner to impact the automotive industry on a level indicative of national importance. *Cf. id.* (stating Dhanasar submitted probative expert letters describing the importance of his specific research as it related to U.S. strategic interests).

In sum, the record does not establish that the Petitioner's proposed endeavor has national importance as it does not have national or global implications within her field, or other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of her specific proposed endeavor and does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of her eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach").

III. CONCLUSION

The Petitioner has not established the national importance of her proposed endeavor and 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 requirement in the national interest.

ORDER: The appeal is dismissed.