U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37695038

Date: APR. 25, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a machine learning engineer, 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. 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 Petitioner did not demonstrate that he merits a discretionary waiver of the job offer requirement 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 that the Petitioner did not establish that his proposed endeavor has substantial merit and national importance, that he is well-positioned to advance his proposed endeavor, or that waiving the job offer requirement would benefit the United States.

The first prong of the *Dhanasar* analytical framework, 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.* The record reflects that the Petitioner's proposed endeavor has substantial merit as it falls within the above-mentioned range of areas of substantial merit. Therefore, we will first identify the Petitioner's endeavor as shown in the record and then evaluate the Petitioner's evidence in support of the endeavor's national importance.

The Petitioner asserts that his proposed endeavor is "to develop state-of-the-art machine learning and deep learning algorithms for online recommender systems in order to improve user engagement on social media and enhance online shopping activities." He further asserts that he plans "to continue pursuing my proposed endeavor as a machine learning engineer II at [redacted]." He states he endeavors "to advance the field of machine learning (ML)" and contends that "developing ML algorithms for these systems will drive innovation in key sectors such as e-commerce, social media, healthcare, and education," which will "directly impact user engagement, efficiency in digital interactions, and economic productivity." The Petitioner contends that his endeavor aligns with U.S. government's initiatives aimed at remaining at the forefront of technological leadership, including the 2023 Executive Order on AI. He notes that the "potential for AI to contribute to national economic growth is substantial, with estimates suggesting it could add $13 trillion to the global economy by 2030." He further contends that he "aim[s] to contribute to this growth by applying cutting-edge ML techniques to complex national challenges, including competition from foreign businesses that leverage advanced Al algorithms to enhance their user engagement and revenue growth."

On appeal, the Petitioner generally argues that he has already submitted sufficient evidence of his eligibility for the national interest waiver, including the national importance of his proposed endeavor. In support of these arguments, the Petitioner re-states the description of his endeavor and excerpts his previous statements in the record. He contends that SCOPS incorrectly evaluated his proposed endeavor and failed to consider all of the relevant evidence. Specifically, the Petitioner asserts that SCOPS erred by concluding that the benefits of his endeavor do not extend beyond his employer even though he repeatedly indicated his intent to continue to disseminate his research in peer-reviewed journals and in conference presentations. He also refers to one of our non-precedent decisions wherein we state that analysis under the first prong of *Dhanasar* is not limited by a petitioner's occupation or

educational status at the time of filing and such information is relevant only as it illustrates the capacity in which the petitioner intends to work.[2]

The Petitioner relies primarily on the critical role of artificial intelligence to the United States' economy as well as the alignment of artificial intelligence with areas listed in the Critical and Emerging Technologies (CETs), a subset of advanced technologies that are potentially significant to U.S. national security. We first note here that the Petitioner's experience and abilities in his field relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. In determining national importance, the relevant question is not the importance of the 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. A petitioner may present a proposed endeavor that focuses on an area with significant merit but still fall short of demonstrating that their specific endeavor has a potential prospective impact in that area that is commensurate with national importance.

We recognize the value of artificial intelligence and the positive economic effects of advanced technologies to the U.S. economy; however, being employed at a social media company as a machine learning engineer, tasked with the development of state-of-the-art machine learning and deep learning algorithms in order to improve user engagement on social media and enhance online shopping activities, is insufficient to establish the national importance of the Petitioner's proposed endeavor. The Petitioner contends on appeal that "even if it were true that the benefits of [his] proposed endeavor were confined to [redacted] it is plainly evident that advances in cutting-edge technology incorporated into their platform are capable of having a widespread and drastic impact on the world of social media, particularly in the United States, where most of [redacted] users are located. Therefore, the "potential prospective impact" of [his] proposed endeavor is enormous." However, the Petitioner cannot rely upon the national reach of [redacted] customer base or [redacted] potential influence on other social media companies, on account of innovations to their platform, to support his claim that his work is nationally important. The Petitioner must show how the functions and tasks *carried out by him* coalesce into a nationally important endeavor. Here, the Petitioner's claim that he will develop cutting-edge technology that has the potential of having widespread and drastic impact on the world of social media is not supported by relevant or probative evidence, details showing its basis, or an explanation of how it will be realized. Ultimately, while the Petitioner's endeavor may improve [redacted] platform, the Petitioner has not established that his endeavor alone, implemented for [redacted] and its customers has national implications within the artificial intelligence field.

The Petitioner also contends that his research, disseminated in peer-reviewed journals and in conference presentations, has specific implications for the national interest because he is developing machine learning algorithms that will drive innovation in key sectors such as e-commerce, social media, healthcare, and education and directly impact user engagement, efficiency in digital interactions, and economic productivity. To the extent his current research constitutes another aspect of his endeavor, the record does not contain sufficient detailed evidence establishing that his plan to develop cutting-edge ML algorithms has the potential to be adopted by others operating in the field or industry. The record also does not indicate by a preponderance of the evidence – that it is more likely

[2] This decision was not published as a precedent and therefore does not bind USCIS officers in future adjudications. 8 C.F.R. § 103.3(c).

than not – that the Petitioner's research "will help establish the U.S. as a global leader in AI-driven technologies, with wide-ranging applications that enhance societal welfare, national security, and economic resilience." Broad statements and projections regarding the Petitioner's research – based upon his "dedication to creating algorithms that increase user involvement [which] serves the larger national objective of preserving technical leadership" – do not demonstrate that his research will contribute to advancements in machine learning or otherwise have broader implications for the artificial intelligence field. In addition, the economic benefits that the Petitioner claims depend on numerous factors and the Petitioner did not offer a sufficiently direct evidentiary tie between his work at Pinterest, or his research, and the claimed economic results.

Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the remaining eligibility requirements for the requested national interest waiver. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *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 the applicant did not otherwise meet their burden of proof).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.