U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40776885

Date: AUG. 4, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a power electronics researcher, 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).

USCIS 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.

If petitioners establish 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 USCIS may, as matter of discretion,[1] grant a national interest waiver if petitioners demonstrate that:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance the proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

Again, the first prong relates to substantial merit and national importance of the specific proposed endeavor. *Dhanasar*, 26 I&N Dec. at 889. At initial filing, the Petitioner provided a brief statement claiming that "[m]y proposed endeavor is to develop novel experimental setups and topologies for

[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).

accurately characterizing semiconductor devices in order to advance semiconductor capabilities for a range of renewable energy, electric vehicle, and industrial applications."

However, the Petitioner did not offer a specific proposed endeavor as contemplated under *Dhanasar*, 26 I&N Dec. at 889. Instead, the Petitioner's personal statement discussed broad plans without providing specific information. The Petitioner did not further elaborate and did not specifically indicate, for example, what type of "novel experimental setups and topologies" he intended to develop, how such setups and topologies will "characterize[e] semiconductor devices," and how semiconductor capabilities will be advanced in renewable energy, electric vehicle, and industrial applications. The Petitioner's broad, general claims do not satisfy the requirement of a specific proposed endeavor pursuant to *Dhanasar*. In response to the request for evidence, the Petitioner offered another personal statement maintaining the same broad proposed endeavor.

Simply intending to continue work or generally indicating in broad terms that he will develop novel experimental setups and topologies is not sufficient unless the Petitioner provides particular information that establishes a specific proposed endeavor as required under *Dhanasar*, 26 I&N Dec. at 889. Without a specific proposed endeavor, a determination cannot be made whether the endeavor has substantial merit and national importance (prong one), that the Petitioner is well-positioned to advance the endeavor (prong two), and on balance, waiving the job offer requirement would benefit the United States (prong three). Accordingly, we withdraw USCIS' favorable determinations relating to substantial merit and national importance under prong one because a decision cannot be made for any of the prongs in the absence of a specific proposed endeavor.

As the Petitioner has not offered a specific proposed endeavor as required under *Dhanasar*, we conclude the Petitioner has not demonstrated eligibility for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above-stated reasons, with each considered as an independent and alternate basis for the decision.

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.