U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43764193

Date: AUG. 6, 2026

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

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

The Petitioner is a scientific researcher who 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 (NIW) 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).

Through its Service Center Operations (SCOPS), USCIS denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding the record established that the Petitioner qualified for the underlying visa classification, but he did not merit a discretionary waiver of the job offer requirement in the national interest. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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 USCIS may, as matter of discretion, 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
- On balance, waiving the job offer requirement would benefit the United States.

Id. USCIS' decision to grant or deny an NIW is discretionary in nature. *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the First, Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals).

II. ANALYSIS

A. National Interest Waiver

The Petitioner received his Ph.D. in Computer Science from a U.S. university in 2024 with a focus on machine learning and healthcare. As the basis for this petition, the Petitioner initially provided the following information about his proposed endeavor:

> My proposed endeavor is to develop state-of-the-art deep learning and machine learning algorithms for wafer defect detection in order to enhance the accuracy and efficiency of semiconductor manufacturing, leading to higher quality and yield.

When responding to SCOPS' request for evidence (RFE), he further stated that his "proposed endeavor enables real-time defect detection, cross-fab process stability, and autonomous yield learning in U.S. semiconductor manufacturing." He also indicated that his endeavor will not be impacted by his employment and he will pursue it regardless of his occupation or employer.

1. Substantial Merit and National Importance (Collectively *Dhanasar's* First Prong)

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.* When we evaluate national importance, the relevant question is not the importance of the industry or profession in which the alien will work. Rather, we focus on the "the specific endeavor that the alien proposes to undertake" and we look to evidence illustrating the "potential prospective impact" of their actual proposed work. *Id.* A petitioner must demonstrate the proposed endeavor will "impact the field . . . more broadly" (*Id.* at 893) and that it has "broader implications" (*Id.* at 889). Such endeavors *may* have "national or even global implications within a particular field such as resulting from certain improved manufacturing processes or medical advances" (*Id.* at 889), have the potential to widely advance and broadly affect U.S. strategic interests (*Id.* at 892), or "particularly in an economically depressed area" the "significant potential to employ U.S. workers or [have] other substantial positive economic effects" (*Id.* at 890).

USCIS policy also provides that "if the evidence of record demonstrates that the person's proposed endeavor has the significant potential to broadly enhance societal welfare or cultural or artistic enrichment, or to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance." *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual (citing *Matter of Dhanasar*, 26 I&N Dec. at 889–90, 892).

The Petitioner initially claimed his endeavor had broad implications for the United States and explained why it was of national interest. In its RFE SCOPS noted this was inadequate because there was a lack of focus on the specific endeavor the Petitioner would undertake and too great of an emphasis on the importance of the field or industry in which he would work. SCOPS also indicated there was a disconnect between the Petitioner's efforts and a sufficiently broad impact in the field. In response, the Petitioner stated:

> While it is true that it is the endeavor the foreign national proposes to undertake that is relevant for establishing national importance under the governing framework from the precedential case of *Dhanasar*, this principle should not be applied to dismiss a petitioner's claims by conflating the topic or focus of the petitioner's activities with their field, industry, or profession as a whole.

While agree that his endeavor has substantial merit, we do not agree that he has met all of the requirements to demonstrate it is of national importance.

The Petitioner misreads the showing required to establish the national importance of a proposed endeavor. On appeal, the Petitioner discusses the *Dhanasar* decision and asserts that this office found evidence concerning the importance of Dr. Dhanasar's research area to U.S. strategic interests, along with evidence concerning the potential significance of U.S. advances in that area, sufficient to satisfy the national importance requirement under the first prong. In support, the Petitioner cites language from *Dhanasar*, including our discussion of letters addressing the importance of hypersonic propulsion research and media articles and other materials reflecting governmental interest in hypersonic technologies. That reading of *Dhanasar* is misplaced. Those materials supplied factual context for Dr. Dhanasar's proposed endeavor; they did not, by themselves, define or satisfy the legal standard for national importance.

Rather, *Dhanasar* turned on the particular work Dr. Dhanasar proposed to perform and the evidence showing that his research had the potential to produce broader effects within the field. The decision relied on expert opinion letters and supporting documentation explaining how his research could improve aerospace capabilities and have practical implications for U.S. defense, national security, and scientific competitiveness. The finding of national importance therefore did not rest on the general importance of aerospace research. It rested on evidence that Dr. Dhanasar's own proposed endeavor could advance the field in a manner with broader national implications.

Accordingly, the decision did not disregard evidence regarding the importance of Dr. Dhanasar's field. It considered that evidence in conjunction with documentation showing the prospective impact of his specific work. The record here is different. Unlike in *Dhanasar*, the Petitioner has not shown the "potential prospective impact" of his proposed work (*Matter of Dhanasar*, 26 I&N Dec. at 889) or how it would "impact the field . . . more broadly," (*Id.* at 893). Dr. Dhanasar's record established a clear connection between his proposed research and a broader field-level impact. The present record does not make that same showing.

Within the appeal, the Petitioner identifies evidence in the original filing from the Semiconductor Industry Association and Statista as adequately demonstrating he meets the national importance requirements. But a review of the referenced material strengthens SCOPS' determination that his

focus is more about the importance of the semiconductor industry, and less about how his actual proposed endeavor will have a sufficient impact in the field. The evidence the Petitioner identifies does not contain any information about the work in which he proposes to engage.

He also identifies two recommendation letters as support under prong one's national importance requirement. First, the Petitioner quotes the letter of an assistant professor at the [redacted] who expressed the importance of diagnostic tools to evaluate large data sets, and described the work he had previously performed rather than discussing how his future work might impact the field. He stated: "His focus on eliminating laborious tasks such as data labeling and introducing prediction modeling approaches not only results in a cost-effective alternative to traditional detection systems but also enhances accuracy at an unprecedented level." It is unclear how the passage the Petitioner quotes in the appeal brief supports his claims under the national importance requirement.

The other recommendation letter is from another assistant professor, this time from [redacted] She also discussed the Petitioner's previous published work stating that "[h]is utilization of advanced machine learning when building optimization techniques is adaptable to various domains, including semiconductor manufacturing, where defect detection, material behavior prediction, and yield optimization are central to ensuring high productivity and quality." Although she alluded to the type of work the Petitioner proposed to engage in as his endeavor, her general reference does not speak to the actual work the Petitioner will perform or how it might have an impact in the field.

Next the Petitioner discusses his updated employment letter that he offered in the RFE response. This represents another instance of one of the issues SCOPS identified when denying his petition: his overreliance on the importance of the industry in which his proposed endeavor is encompassed. The Petitioner's appeal brief quotes from the updated letter: "First, we provided more details regarding his position at [his current employer], where his work advancing the proposed endeavor is nationally important because it addresses key areas impacting the productivity and performance of the domestic semiconductor industry." This also somewhat conflicts with his statement in the initial filing personal statement where he stated:

> My proposed endeavor is my overarching goal for my research career, and it will not change regardless of where I am employed. Therefore, while I will engage in employment opportunities that are aligned with the goals of my proposed endeavor, my ability to pursue my proposed endeavor is in no way connected to any one employer or role. My objective is to drive widespread improvements in quality and yield, regardless of the specific organizational affiliation, underscoring the independence and broad applicability of my research endeavors.

When discussing the Petitioner's proposed endeavor, he should not claim to benefit from completely divorcing the endeavor from his work, while also being able to rely on that same employment.

The updated employment letter also references his published work and a conference that postdates the petition filing date to support the Petitioner's prong one claims under national importance. A request for an immigration benefit "must establish that he or she is eligible for the requested benefit at the time of filing the benefit request and must continue to be through adjudication." 8 C.F.R.

§ 103.2(b)(1); *Delaware Valley Reg'l Ctr., LLC v. DHS*, 106 F.4th 1195, 1204–06 (D.C. Cir. 2024); *Ahmed v. Mukasey*, 519 F.3d 579, 582 (6th Cir. 2008).

Any additional evidence submitted in connection with a benefit request at a later date, including evidence responding to a request from USCIS, must also establish "eligibility at the time the benefit request was filed." 8 C.F.R. § 103.2(b)(12); *Robinson v. Napolitano*, 554 F.3d 358, 364 (3d Cir. 2009). "Under this rule, USCIS will deny [an immigration benefit] if the [filing party] becomes eligible only after the [benefit] was filed." *Tingzi Wang v. USCIS*, 375 F. Supp. 3d 22, 27 (D.D.C. 2019) (citing 8 C.F.R. § 103.2(b)(12)); *Doe v. USCIS*, 410 F. Supp. 3d 86, 100 (D.D.C. 2019). USCIS may not approve a visa petition if a beneficiary/petitioner was not qualified at the priority date but expects to become eligible at a subsequent time. *See Matter of Izummi,* 22 I&N Dec. 169, 175–76 (Assoc. Comm'r 1998); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971).

In the Petitioner's appeal, he closes the quoted material again relying on his current employment stating: "[The Petitioner's] work creates a ripple effect: his algorithmic research improves [his employer's] tools. In turn, those tools improve yield at US [semiconductor fabrication plants]. This improved yield helps secure the supply of chips for the US economy." While the updated employment letter reflects the Petitioner's work may generate ripple effects that ultimately benefit the nation, this assertion resembles the butterfly effect—a theory in which a seemingly minor action, like the flap of a butterfly's wings, sets off a distant and unpredictable chain of events. "There is a view of causation that would obliterate the distinction between what is national and what is local in [] activities . . . . Activities local in their immediacy do not become interstate and national because of distant repercussions." *United States v. Wang*, 222 F.3d 234, 239 (6th Cir. 2000) (quoting *A.L.A. Schecter Poultry Corp. v. United States,* 295 U.S. 495, 554 (1935)). This sort of "butterfly effect" theory of causation would be required to support the Petitioner's eligibility claims here.

However, such attenuated or speculative chains of causation does not inherently satisfy the stringent threshold for national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 893. The suggestion that small contributions may one day yield broad societal effects, absent adequate probative evidence of how that impact will materialize, is too remote to meet the Petitioner's burden of proof here.

Alignment with U.S. strategic priorities is another aspect the Petitioner identifies for his proposed endeavor. But a proposed endeavor does not satisfy the national importance requirement simply because it aligns with a national initiative, policy priority, or governmental goal. That conflates the importance of a broad policy area with the actual impact of a specific endeavor and would allow almost any activity in a favored field to qualify, contrary to *Dhanasar's* first prong. Instead, we evaluate the endeavor's anticipated impact beyond a single employer, client base, or local area. *Matter of Dhanasar*, 26 I&N Dec. at 889. A petitioner must provide specific, objective evidence that the endeavor is likely to produce broader effects, such as advancing an industry, generating significant economic outcomes, or creating substantial national benefits. *Id.*

For instance, the proposed endeavor should include aspects that have "national or even global implications within a particular field" or "particularly in an economically depressed area" have "significant potential to employ U.S. workers or [have] other substantial positive economic effects." *Id.* at 889–90. While alignment with governmental priorities may offer useful context, it is not

dispositive. A petitioner must show that the particular endeavor itself, not just its policy area, is likely to result in consequences of national importance.

Turning to what the Petitioner presents as testimonial letters, quoting from two of them. The first letter is from a former professor whose tenure overlapped with the Petitioner's doctoral studies. While the first letter's author described the Petitioner's work as innovative and asserted that his research is "translatable across multiple research areas both within and adjacent to the artificial intelligence field," he does not reference what the Petitioner proposes to do as part of his proposed endeavor. And the second testimonial letter doesn't fare any better. Even though the included quote states the Petitioner's "endeavor addresses the national security imperative of maintaining U.S. leadership in biotechnology and AI," that was the extent of it as the author turned to the Petitioner's previous work—and "ripple effects"—without mentioning his future work or wafer defect detection.

In the Petitioner's penultimate appellate claim, he claims because SCOPS did not engage with a number of the materials in the RFE response, and it "failed to fully review the totality of the evidence submitted with both the Petition and the Response." While the appeal brief identified some of the evidence it views as ignored within the initial proceedings, we have discussed much of that material in this decision, and we note the Petitioner did not explain how the identified evidence demonstrated his eligibility under prong one's national importance requirement.

Further, SCOPS is not required to name every piece of evidence that was before it or that it considered. *L.N. v. Garland*, 109 F.4th 389, 396 (5th Cir. 2024); *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Smith v. Garland*, 103 F.4th 1244, 1253 (7th Cir. 2024); *Kakar v. USCIS*, 29 F.4th 129, 132 (2d Cir. 2022); *Baker White v. Wilkinson*, 990 F.3d 600, 607 (8th Cir. 2021) (citing *Sharif v. Barr*, 965 F.3d 612, 624 (8th Cir. 2020); *Doe v. Holder*, 651 F.3d 824, 831 (8th Cir. 2011)). Rather, they are allowed to conclude that evidence is not sufficiently material to warrant a discussion in its decision. *Id.*

When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the Petitioner presents. *Amin v*, 24 F.4th at 394; *Lafortune v. Garland*, 110 F.4th 426, 441 (1st Cir. 2024); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993).

And finally, other claims the Petitioner presents under national importance are better considered under other *Dhanasar* prongs such as how his past work has received funding. Even though the Petitioner offers reasons to consider this under prong one, under the national importance element our focus is forward-looking and the Petitioner hasn't adequately explained how past funding factors into his future work. *Matter of Dhanasar*, 26 I&N Dec. at 889 (noting that "[i]n determining whether the proposed endeavor has national importance, we consider its potential prospective impact").

Because the Petitioner has not sufficiently established the national importance of his proposed endeavor as required by *Dhanasar's* first prong, he has not demonstrated eligibility for an NIW of the job offer requirement.

2. We Reserve *Dhanasar's* Remaining Second and Third Prongs

As we explain above, *Dhanasar's* second and third prongs require the Petitioner to demonstrate he is eligible for an NIW meeting additional requirements. But because the Petitioner has not established that his proposed endeavor satisfies the *Dhanasar* framework's first prong, he is not eligible for an NIW and further discussion of the second and third prongs would serve no meaningful purpose. Consequently, we will not address and we reserve the Petitioner's remaining appellate arguments. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)); *see also Matter of L-R-M-C- & V-A-M-M-*, 29 I&N Dec. 757, 757 n.1 (BIA 2026) (concluding when another issue is dispositive of the appeal, we do not need to address other matters in the appeal).

III. CONCLUSION

The appeal will be dismissed for the above stated reasons, with each considered an independent and alternative basis for the decision. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden.

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.