U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38614435

Date: AUG. 18, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary 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 EB-2 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 Beneficiary qualified for classification as a member of the professions holding an advanced degree, but that the Petitioner had not established 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.

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 the beneficiary is 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 the beneficiary's eligibility for the underlying EB-2 classification, they must then demonstrate that the beneficiary merits 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 found that the Beneficiary qualifies as a member of the professions holding an advanced degree. In addition, SCOPS determined that the proposed endeavor had substantial merit and the Beneficiary was well-positioned to advance the proposed endeavor. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of the Beneficiary's proposed endeavor under the first prong of the *Dhanasar* analytical framework.

At the time of filing, the Beneficiary was working for [redacted], the Petitioner, as a Manufacturing Engineer in the field of [redacted] Engineering.[2] The Petitioner indicated that the Beneficiary's endeavor was to "advance [redacted] engineering to revolutionize manufacturing efficiency in the U.S. automotive sector." Furthermore, "[t]hrough her expertise in developing advanced simulation models, optimizing plant workflows, and integrating real-world data into predictive analysis, she aims to streamline production processes, minimize waste, and enable the scalable and sustainable manufacturing of electric and fuel-efficient vehicles."

Regarding the Beneficiary's job duties, the Petitioner indicted that they included optimizing [redacted] and production plant simulation by:

- Being responsible for [redacted] analysis and simulation of new vehicle programs [redacted] all phases of the Global Vehicle Development Process (GVDP);
- Collaborating with manufacturing engineering centers in the design and optimization of current and future manufacturing systems;
- Supporting plants in [redacted] improvement initiatives;
- Implementing simulation deliverables for assigned new and major vehicles programs;
- Optimally running experiments and analysis, interpreting results, and generating standard reports;
- Responding to [redacted] pulls from assigned manufacturing facilities;
- Extracting necessary inputs from manufacturing planning documents and calculating standalone [redacted] (SAT) targets and overspeed.

In response to SCOPS's request for evidence (RFE), the Petitioner reiterated that the Beneficiary's proposed endeavor focuses on "advancing [redacted] engineering to revolutionize manufacturing efficiency in the U.S. automotive sector." This involves "developing advanced simulation models, optimizing pant workflows, and integrating real-world data into predictive analytics" and she aims to "streamline production processes, minimize waste, and enable the scalable and sustainable manufacturing of electric and fuel-efficient vehicles."

[2] As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for the Beneficiary to have a job offer from a specific employer. However, we will consider information about her position to illustrate the capacity in which she intends to work in order to determine whether the proposed endeavor meets the requirements of the *Dhanasar* framework.

The Petitioner also submitted a January 2025 letter from D-H-, a [redacted] Supervisor at [redacted] who works closely with the Beneficiary and oversees her projects and Contributions. He opines that the Beneficiary's work is critical to [redacted] goals of "Zero Crashes, Zero Emissions, and Zero Congestion." He further states that:

> One of [the Beneficiary's] most impactful initiatives has been her contributions to optimizing [redacted] for [redacted] vehicle programs, including those at the [redacted] facility, a key hub for [redacted] EV production supported by a $2 billion investment. By developing advanced simulation models and conducting comprehensive analyses, [the Beneficiary] has identified and mitigated production bottlenecks, increasing output by over 43,000 units annually. These improvements have significantly reduced lead times, enabled [redacted] to meet rising consumer demand in the EV market, and supported the U.S. transition to sustainable energy solutions.

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* SCOPS determined the Beneficiary's proposed endeavor has substantial merit. We agree.

SCOPS concluded, however, that the Petitioner did not establish the national importance of the Beneficiary's proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. 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 has other broader implications indicating national importance. *Id.* at 889-90. SCOPS found that the Petitioner did not establish the potential prospective impact of the Beneficiary's proposed work.

On appeal, regarding the Beneficiary, the Petitioner asserts that "[t]hrough her expertise in developing advanced simulation models, optimizing plant workflows, and integrating real-world data into predictive analysis, she aims to streamline production processes, minimize waste, and enable the scalable and sustainable manufacturing of electric and fuel-efficient vehicles." The Petitioner further asserts that "the endeavor's direct impact on advanced manufacturing and energy independence which impacts the many tens of millions of Americans who use [redacted] vehicles or coexist on the road with [redacted] vehicles were made irrefutably clear." The Petitioner points to the letter from J-M-, Vice President of [redacted] which discussed the proposed endeavor as follows:

> Given my extensive professional background in the field, I can confidently confirm that [the Beneficiary's] work is critical for optimizing vehicle manufacturing processes in the U.S. and of significant national importance. The work of [redacted]

> Engineering experts like [the Beneficiary] is vital to efficiently producing safe, reliable, and technologically advanced vehicles in the U.S. [redacted] Engineering is of national importance as it enhances industrial efficiency and productivity, which are crucial for economic growth and technological competitiveness. By optimizing resource use and reducing operational costs, [the Beneficiary's] work supports sustainable practices and contributes to energy conservation and environmental protection. Additionally, improved production processes bolster supply chain reliability, which is vital for national security and reliance in times of crisis. Without qualified and experienced engineers to work on these vital efforts, the U.S. automobile industry will not keep up with the technological advancements occurring around the world. It is undoubtably in the national interests of the U.S. to support efforts to optimize vehicle manufacturing processes.

The Petitioner, however, has not shown that the Beneficiary's specific projects as a [redacted] Engineer stand to impact the automobile industry to an extent that her proposed work holds national importance. While the Beneficiary's proposed work may affect the Petitioner's plant workflows, the Petitioner has not demonstrated her undertaking's broader implications in the field or industry. It is insufficient to claim a proposed endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims.

In the letter from D-H-, the Beneficiary's supervisor, D-H- states that her projects play a critical role in enhancing the "efficiency and scalability of sustainable transportation, directly supporting U.S. leadership in clean energy and automotive innovation." D-H- claims that the Beneficiary's proposed work is of national importance because her ". . . innovations in simulation-to-performance correlations and lean manufacturing principles ensure that the U.S. automotive industry remains competitive in the global EV market while fostering a resilient and efficient supply chain to support the nation's transition to a sustainable transportation infrastructure." The issue here, however, is not the national importance of the profession or industry in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Dhanasar*, 26 I&N Dec. at 889. In addition, the letters from J-M- and D-H- do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Beneficiary's specific proposed work offers broader implications in her field or industry or substantial positive economic effects for our nation that rise to the level of national importance.

Furthermore, the Petitioner submitted articles on the impact of global warming on the automotive industry, wind catching systems, renewable energy, electric vehicles, clean energy, and robotics. The record also includes information about U.S. critical infrastructure sectors, emerging technologies, the Bipartisan Infrastructure Law, and protecting the U.S. automotive industry. The Petitioner claims that these articles support the national importance of the Beneficiary's proposed endeavor. The determination of national importance does not focus on the importance of one's field or industry in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the Beneficiary, or otherwise speak to the potential prospective impact of her specific proposed endeavor.

While the Petitioner states on appeal that "last year alone, [redacted] sold nearly 6.2 million new vehicles, including nearly 2.6 million within the U.S," and "many tens of millions of Americans drive or ride

in [redacted] vehicles, and . . . the company has long been a pillar of the nation's economy," the Petitioner has not demonstrated that the economic implications and technological advancements resulting from its overall operations would be attributable to the Beneficiary's particular role as a [redacted] Engineer to an extent that her specific proposed work holds national importance. The Petitioner further claims that the Beneficiary's "endeavor directly impacts energy independence and improved manufacturing efforts across the United States and around the world," but the evidence does not show that her proposed work stands to offer broader implications in her field or industry beyond her projects for the Petitioner. The issue here is not the broader implications of her company's "efficiency and scalability of sustainable transportation production" relating to "manufacturing workflows for key EV programs" but rather the potential prospective impact of the Beneficiary's specific work.

To evaluate whether the Beneficiary's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of her work. *Id.* at 889. While the Petitioner's statements reflect the Beneficiary's intention to provide "simulation-to-performance correlations and lean manufacturing principles to ensure that the U.S. automotive industry remains competitive in the global EV market," it has not offered sufficient information and evidence to demonstrate that the prospective impact of her proposed endeavor rises to the level of national importance. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to a level of national importance because they would not impact his field more broadly. *Id.* at 893. Here, we conclude the record does not show that the Beneficiary's specific proposed endeavor stands to sufficiently extend beyond her employer and its operations to impact the field of engineering, the U.S. automotive manufacturing industry, societal welfare, public safety, or our country's economy more broadly at a level commensurate with national importance. Nor has the Petitioner demonstrated that the Beneficiary's specific undertaking offers broader implications in automotive technology.

Additionally, the Petitioner has not shown that the specific endeavor the Beneficiary proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. While the Petitioner asserts that the national importance of the Beneficiary's endeavor is evident from the scope of its vehicle manufacturing operations, it has not demonstrated that the economic implications of its vehicle sales would be attributable to the Petitioner's specific projects to an extent that her proposed work holds national importance. Here, the Petitioner has not shown that the wider economic effects it claims are implications of the Beneficiary's specific proposed endeavor to continue providing [redacted] engineering for her employer. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to the Beneficiary's specific proposed work, the Petitioner has not shown that the benefits to the U.S. regional or national economy resulting from her projects would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

Furthermore, the Petitioner has not established that the Beneficiary's 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 industry, or has other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

Because the documentation in the record does not establish the national importance of the Beneficiary's proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated her eligibility for a national interest waiver. As this issue is dispositive of the Petitioner's appeal, we need not reach, and therefore reserve, determination of the Beneficiary's eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

As the Beneficiary has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above-mentioned 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 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.