U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 43784169

Date: AUG. 24, 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 postdoctoral research associate in the geological sciences field, 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 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: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

## II. ANALYSIS

The Petitioner is a postdoctoral research associate with the foreign equivalent of a U.S. Doctor of Philosophy (Ph.D.) degree in earth science. He states that he currently works for the [redacted] within the [redacted] conducting geological research for carbon capture and storage projects.

The Petitioner stated:

> My proposed endeavor is to develop and deploy an integrated, AI-enabled subsurface prediction framework that improves the accuracy, efficiency, and environmental performance of U.S. energy and mineral resource development. This unified program expands on my proven methodologies - geological analog modeling, petrophysical databasing, remote sensing, and forward stratigraphic modelling - and scales them into a national platform that supports four federally prioritized domains: Hydrocarbon exploration and Enhanced Oil Recovery (EOR); Geothermal energy development; Critical minerals assessment; and Natural hydrogen exploration.
>
> This endeavor centers on a single technical foundation: predictive modeling that reduces uncertainty in complex geological systems. By integrating large datasets, advanced machine learning, and high-resolution geological analogs, the framework provides a scalable toolset that can be applied across diverse basins and resource types.

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that he did not establish his eligibility under the *Dhanasar* analytical framework. Specifically, although SCOPS found substantial merit in the proposed endeavor and that he is well positioned to advance it, they concluded the Petitioner did not establish that his proposed endeavor has national importance or that, on balance, waiving the job offer requirement would be beneficial to the United States. For the reasons discussed below, we agree with SCOPS that the Petitioner has not shown his endeavor's national importance under *Dhanasar's* first prong and, therefore, is not eligible for a national interest waiver.[2] Accordingly, we will dismiss the appeal.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS found that the Petitioner relied on the importance of the industry without showing how his specific proposed endeavor would have broader implications beyond his employers and clients to rise to the level of national importance.

On appeal, the Petitioner asserts that SCOPS violated USCIS policy, misapplied the legal standard set forth in *Dhanasar*, and failed to adjudicate the petition pursuant to the preponderance of the evidence standard. He also argues that SCOPS did not properly address or consider the evidence. With his appeal, he submitted additional documents including background information on the [redacted] and permanent labor certifications. He also included evidence related to his supervisory activities for a postgraduate research student at [redacted]

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id*. In *Dhanasar*, we noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id*. We also stated that "[a]n endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890.

In this case, the Petitioner has not met his burden to demonstrate that his proposed endeavor's prospective impact rises to the level of national importance. In particular, the record does not illustrate how his specific endeavor would sufficiently extend beyond his employers and clients to impact the field more broadly at a level commensurate with national importance.

The Petitioner claims that his proposed endeavor is "beneficial to several key national interests, including the public welfare, national security, the environment, and the U.S. economy. He argues that his work aligns closely with national priorities, such as those outlined in Executive Orders "Declaring a National Energy Emergency" and "Unleashing American Energy." The Petitioner also contends that his endeavor is in the Critical and Emerging Technology area of "Clean Energy Generation and Storage," which reportedly has been identified by U.S. government departments and agencies as priorities for their missions. In support of his claims, the Petitioner submitted industry articles on topics including the [redacted], the [redacted], and framework geologic mapping, as well as documents covering various governmental initiatives.

In claiming his endeavor's national importance, however, the Petitioner relies heavily on the value of the geosciences field generally rather than demonstrating how his specific work would have broader impacts for the field or nation. While we recognize the overall importance of the geosciences field, and the individuals working in it, the Petitioner's work in an important industry or sector, even one that is the subject of national priorities, is not sufficient, in and of itself, to establish the national importance of the proposed endeavor. *See id.* at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes to undertake"). The Petitioner must still demonstrate his specific proposed endeavor's prospective impact in that area of national importance. In this case, the evidence does not establish how the Petitioner's work would sufficiently extend beyond his employers and clients to produce the nationally important impacts claimed. While the articles speak to the substantial merit of the proposed endeavor, they do not establish how his work would impact the field more broadly to demonstrate its national importance. And while we acknowledge the Petitioner's contention that there is no requirement that the industry articles specifically mention the Petitioner or his endeavor by name, the evidence must still show how the proposed endeavor would specifically and directly produce the nationally important impacts asserted.

The Petitioner claims he will "contribute to American geoscience by helping develop the next generation of predictive models for subsurface systems tools that are scientifically rigorous and operationally relevant." However, the record, including his endeavor statements, does not provide

sufficient details about his specific research activities or provide the level of focus or documentation necessary to support his claims that his proposed endeavor will have such broader impacts in the field rising to the level of national importance. He has provided little detail regarding these models or their development sufficient to establish how they would represent, for example, certain improved processes that may be indicative of national importance. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual. Even considering the Petitioner's assertion that he is developing such next generation predictive models though, the evidence does not show that these models would provide nationally important impacts extending beyond his specific employers and clients to broadly impact the field.

For instance, the Petitioner asserts that his "research-to-industry pipeline" advances the national interest through "rapid technology transfer" and submits evidence of his current work including copies of his consulting agreements, reports for clients, and various articles he co-authored. He contends that "[b]y bridging academic innovation and operational deployment, [his] work accelerates the adoption of advanced subsurface modeling and resource evaluation techniques, ensuring that cutting-edge geoscience solutions directly benefit U.S. energy security and sustainability goals." The Petitioner points to his work for the [redacted] the parent institution of the [redacted], as well as his work for other "major international companies" such as [redacted], to show the broader impacts of his work. He highlights that [redacted] is "working with governments, industry associations, coalitions and others to help shape comprehensive policy, legislation, and regulation" and "has a presence in more than 70 countries."

The main benefits of his proposed endeavor, however, appear to flow to the Petitioner's employers themselves rather than to the field overall. For example, the Petitioner concedes that "[o]ver the past five years, my research has been directed primarily toward proprietary industry applications, where results are delivered through confidential reports, technical workflows, and operational models rather than academic publications." He states that "[b]ecause these deliverables are restricted in circulation and used directly by industry partners to guide exploration and investment decisions, their impact is not captured by traditional citation metrics." In light of the Petitioner's statements, it is appears much of the Petitioner's work has been and may continue to be proprietary, which limits the extent to which he could show broader impacts beyond his employer and clients. Although the Petitioner claims that he is actively working to publish the underlying methodologies in peer-reviewed outlets "[w]hile maintaining these high-value industry collaborations," again, he has not sufficiently or specifically explained, nor does the record show, how any non-proprietary methodologies he plans to publish would impact the field more broadly.

Additionally, while the Petitioner contends that "these outputs have produced measurable real-world influence" and asserts, for example, that "[his] research for [redacted] have enhanced their ability to forecast subsurface conditions and improve targeting efficiency in offshore programs, and [his] standardized rock-property database is actively used by major geothermal developers to support project evaluation and investment decisions," again, these effects primarily benefit [redacted] and the companies that the Petitioner works for. The record does not adequately link how the Petitioner's work for these employers and clients, which again appears to be propriety, would produce broader impacts extending beyond these parties. Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether an individual's endeavor has national importance. Rather, at issue is whether the Petitioner can demonstrate that his specific

proposed endeavor stands to have broader implications, such as for a field, a region, or the public at large. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3).

The Petitioner also asserts that his proposed endeavor aligns with the Biden-Haris Administration's focus on attracting talent in science, technology, engineering, and mathematics (STEM) and with the USCIS policy recognizing the importance of progress in STEM fields. *See* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(4). However, with respect to the first prong, as in all cases, the evidence must still demonstrate that the STEM endeavor has both substantial merit and national importance. In other words, whether a proposed endeavor is in a STEM field is not itself dispositive. As discussed above, while the Petitioner's proposed endeavor has substantial merit, the record does not sufficiently establish that his proposed endeavor has sufficiently broad potential implications extending beyond his immediate employer and clients to rise to the level of national importance.

The Petitioner also points to his skills, expertise, and work experience to support his endeavor's potential impact. He asserts that he has "repeatedly demonstrated the capacity to translate advanced geoscience methods into operational tools" and that his cross-sector experience "uniquely positions" him to expand and deploy his predictive frameworks on a national scale. However, a petitioner's knowledge, skills, education, and experience are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue under the first prong is whether a petitioner has demonstrated the national importance of the proposed work's prospective impact, which he has not done.

Likewise, while we have considered the Petitioner's support letters, they also do not establish the endeavor's national importance. Many of the letters discuss the Petitioner's skills, expertise, and past accomplishments, but, as stated above, these are considerations under *Dhanasar's* second prong. *Id.* at 890. When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Id.* at 889. While some of the letters do mention the endeavor and broadly claim its national importance, they are conclusory and lack specific details and corroborating evidence to substantiate their claims.

For example, the Petitioner submitted a letter written by [redacted] the owner of [redacted] a geothermal advisory and consulting firm. [redacted] discusses the Petitioner's skills, expertise, and past accomplishments at his company. He also comments on how the Petitioner's work will benefit energy companies and their activities. But, the contributions discussed appear to primarily benefit the companies the Petitioner would work for, rather than the field. And while [redacted] does speculate that the Petitioner's work would serve the national interest in three "critical" areas of energy security, environmental goals, and economic competitiveness, he does not provide sufficient details explaining how the Petitioner's proposed endeavor would directly generate such impacts, as opposed to such effects flowing from work generally performed by companies in the field.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Id*. at 375. While the Petitioner generally references potential benefits to public welfare, national security, the environment, and the U.S. economy, his claims tying his proposed endeavor to these impacts are too attenuated and lack sufficient corroborating evidence to show the proposed endeavor's prospective impact. Because the record does not establish his proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a

national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether he has established eligibility under the remaining two *Dhanasar* prongs. *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 Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for, or otherwise merits, a national interest waiver as a matter of discretion.

**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.