U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43865098

Date: AUG. 26, 2026

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

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

The Petitioner 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.

USCIS concluded, in part, that the record established the substantial merit of the Petitioner's endeavor but did not establish its national importance. USCIS determined the Petitioner did not show that his work would result in broader implications beyond his prospective customers, nor did he demonstrate that his endeavor would result in a significant potential to employ U.S. workers or otherwise result in substantial economic benefits contemplated in *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016).

On appeal, the Petitioner generally disagrees with the decision and maintains that USCIS mischaracterized his proposed endeavor and applied the national importance standard too narrowly. He again points to the importance of earthquake preparedness to public safety, infrastructure, and federal hazard-reduction efforts. He also asserts USCIS did not give sufficient weight to evidence of his research, publications, presentations, and other contributions.

We adopt and affirm USCIS's decision regarding national importance under the first prong of the *Dhanasar* framework. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted").

As a preliminary matter, the Petitioner contends on appeal that USCIS mischaracterized his proposed endeavor by referring to his position as a geophysicist/teaching and research assistant. Upon review of the Form I-140, the Petitioner identified the proposed employment job title in Part 6 as "Geophysicist." Also, in Part 5, Item H, concerning his occupation, he identified himself as a "Teaching and Research Assistant." Thus, USCIS' reference to the Petitioner as a geophysicist/teaching and research assistant was based on information the Petitioner provided on the position itself and was not a mischaracterization of the record. Moreover, USCIS considered the Petitioner's description of his proposed work in evaluating the national importance of the endeavor. Accordingly, the Petitioner's argument that USCIS's decision was based on an erroneous job title does not establish error in USCIS' national importance determination.

The Petitioner explained that he is pursuing his doctorate in geoscience and will continue his research on induced seismicity, leveraging artificial intelligence and advanced seismological techniques to improve earthquake detection. He further stated that his proposed endeavor is to work in the United States as a "seismology research scientist, developing and applying advanced scientific and data driven methods to improve earthquake monitoring, seismic hazard assessment, and seismic risk management, focusing on both natural and human-induced seismicity." He maintains that this work will improve earthquake detection and hazard modeling, support the resilience of energy and critical infrastructure, provide societal and economic benefits, and further federal priorities relating to earthquake preparedness and public safety.

The Petitioner submitted government reports and other materials discussing earthquake hazards in the United States and federal efforts to reduce the risks associated with earthquakes. For example, he points to the National Earthquake Hazards Reduction Program and other federal initiatives concerning earthquake monitoring, hazard assessment, infrastructure resilience, and public safety. He also cites information concerning economic losses caused by earthquakes and the risks associated with induced seismicity and energy development. We acknowledge the importance of these subjects and agree that research relating to earthquake science and seismic hazards has substantial merit.

In determining whether the proposed endeavor has 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.* In *Matter of Dhanasar*, we further 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.

Here, the Petitioner's evidence demonstrates the importance of earthquake monitoring, seismic research, hazard mitigation, energy infrastructure, and related federal programs. We also recognize that the Petitioner intends to conduct research and that research findings may be disseminated through publications, presentations, or other professional channels. Although the Petitioner asserts that his work will improve seismic monitoring, hazard assessment, infrastructure resilience, and public safety, he has not sufficiently shown how the particular research he proposes to conduct is expected to produce these claimed effects at a level consistent with national importance. The record does not sufficiently

explain or document how the Petitioner's proposed research will be implemented or otherwise have an impact beyond the research projects and institutions in which he works. For example, the record does not identify specific research findings, methodologies, models, or other expected results from his proposed endeavor and explains how they are likely to be used or relied upon by researchers, government agencies, industry participants, or others in the field. Nor does the record establish that the proposed research has significant potential to influence practices, methods, or developments in the field. Therefore, while the Petitioner's research may be published or presented to others, the record does not sufficiently demonstrate that its prospective impact would rise to the level of national level importance contemplated by *Dhanasar*. Generalized conclusory statements that do not identify a specific impact in the field have little probative value. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

Likewise, the Petitioner's reliance on federal programs and priorities does not establish the national importance of his individual endeavor. The evidence shows that the federal government considers earthquake preparedness and seismic hazard reduction important national concerns. But establishing that the United States has an interest in a particular field or problem is different from establishing that a particular individual's proposed work has the potential prospective impact contemplated by *Dhanasar*. The record must connect the Petitioner's specific proposed work to the claimed broader impact. General evidence concerning the importance of the field cannot substitute for evidence demonstrating the prospective impact of the proposed endeavor itself. *Id.* at 889.

The Petitioner also emphasizes the potential economic and societal consequences of earthquakes. We do not question the seriousness of these concerns. Nevertheless, the record does not sufficiently demonstrate how the Petitioner's proposed endeavor stands to reduce these losses or otherwise produce substantial economic or societal effects. The Petitioner's assertions describe potential benefits that could result from advances in earthquake science generally, but they do not establish that his own proposed endeavor has the potential to produce these broader effects.

On appeal, the Petitioner states that his numerous personal accomplishments should be considered as an indicator of national interest in the proposed endeavor. We recognize the Petitioner's educational background and experience in the field, but a petitioner's expertise and record of success are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the Petitioner has demonstrated the national importance of his proposed endeavor. The Petitioner does not explain how his past accomplishments establish the proposed endeavor's national importance.

Because the Petitioner did not establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver, as a matter of discretion.[1] Further analysis of his eligibility under the second and third prongs outlined in *Dhanasar*, therefore, would serve no meaningful purpose. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to

[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).

make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

The Petitioner has not demonstrated that the proposed endeavor has national importance. 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. The petition will remain denied.

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.