U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43911451

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 the Petitioner is eligible for a national interest waiver as a matter of discretion. 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

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:

- 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.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

USCIS determined that the Petitioner established her eligibility for the EB-2 classification as a member of the professions holding an advanced degree.[2] However, USCIS further concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that USCIS erred in this finding. We conclude the record does not establish the Petitioner's proposed endeavor is of national importance and therefore she is not eligible for a national interest waiver as a matter of discretion.

A. The Record Establishes the Proposed Endeavor Has Substantial Merit

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* The Petitioner is a researcher in the field of ecology whose proposed endeavor is to "develop state-of-the-art Earth system and ecosystem models that incorporate soil microbial mechanisms to investigate carbon and nutrient cycling under climate change in order to improve predictions of greenhouse gas emissions and inform targeted climate change mitigation strategies." She asserts that her work enhances the precision of climate models which improves the field's understanding and enhances the accuracy of emission projections to inform better mitigation strategies to combat the increase of greenhouse gas emissions. The record includes industry reports and articles about climate change challenges, greenhouse gas statistics, and mitigation initiatives in the United States. We conclude the Petitioner's proposed endeavor has substantial merit.

B. The Record Does Not Establish the Proposed Endeavor Has National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* USCIS determined that the Petitioner did not establish the broader implications of her proposed endeavor and therefore she did not establish its national importance. On appeal, the Petitioner asserts that USCIS did not sufficiently engage with the evidence in the record and departed from the appropriate standard of adjudication. Upon review, we too conclude that the

[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).

[2] The Petitioner submitted evidence of a doctor of philosophy degree in ecology from [redacted] and [redacted]. USCIS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

Petitioner's proposed endeavor does not meet the standard for national importance set forth in the *Dhanasar* framework.

As an initial matter, the Petitioner contends that the national importance analysis of USCIS' decision includes a "clear departure from the appropriate standard of adjudication" by stating that the "documentation does not clearly establish how the [Petitioner's] specific work, as opposed to the broader field, has resulted in substantial advances or has been adopted as a standard or critical innovation in the United States." The Petitioner correctly states that the first prong of the *Dhanasar* framework focuses on the national importance of the proposed endeavor and that this statement is more appropriate for an analysis of the Petitioner's eligibility for prong two of the *Dhanasar* framework. Although we acknowledge this error, we ultimately concur with the final determination, that the Petitioner has not established the national importance of her proposed endeavor, for the reasons discussed below.

As stated above, the Petitioner proposes to continue her research to "develop state-of-the-art Earth system and ecosystem models that incorporate soil microbial mechanisms to investigate carbon and nutrient cycling under climate change in order to improve predictions of greenhouse gas emissions and inform targeted climate change mitigation strategies." *Dhanasar* states that an undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner asserts her proposed endeavor will have a broad impact on her field as by providing "more reliable emission forecasts to help U.S. policymakers create more targeted strategies for reducing greenhouse emissions." She further contends that her work "addresses key scientific challenges and offers timely solutions for national efforts to improve climate risk assessment, strength food and environmental security, enable cost-effective mitigation, and support economic competitiveness in climate-related industries." A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the evidence in the record does not support these assertions.

USCIS determined that the evidence in the record focuses on the importance of the Petitioner's field, but not her specific proposed endeavor and we agree. While the Petitioner's proposed endeavor statement details the projects she plans to work on and its intended impact; her statements are not supported by sufficient evidence. The Petitioner sets forth three projects in her proposed endeavor statement: "[redacted]" and "[redacted]" The record contains evidence of statistics surrounding greenhouse gas emissions worldwide, articles on challenges related to climate change, and the United States' current climate change index and government initiatives for mitigation. While the articles demonstrate challenges in the field, they do not establish the proposed endeavor's impact on them. Although we acknowledge the importance of addressing issues related to climate change; the relevance of the Petitioner's proposed endeavor to important issues does not establish national importance as it does not demonstrate its prospective impact. The relevant question is not the importance of the field in which the individual will work; instead, we focus on the "the specific endeavor that the [Petitioner] proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889. Here, the Petitioner improperly relies upon the importance of the industry through the articles and reports in the record to further establish the national importance of

her proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's potential broader impact in the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

The Petitioner contends that the national importance of her proposed endeavor is supported by letters from experts in her field. Although the letters universally praise the Petitioner's work and its importance, they highlight her prior work and the models she has already created. The letters do not speak of the future projects the Petitioner sets forth in her proposed endeavor statement. For example, in a letter written by X-X-, the author states that the Petitioner's work "provides crucial knowledge about the role of soil-based microbes in carbon and methane cycles while also improving related models." However, the work the author details is a prior project the Petitioner worked on, not the prospective work detailed in her personal statement. In the letter written by Y-L-, the author states, that the Petitioner's research is "critical to the field of ecology but she is also assisting other scientists in their own research endeavors and policymakers to better manage the resources for sustainability." Here too, the research that the author describes is from previous projects the Petitioner worked on including her research featured in scientific journals such as the *European Journal of Soil Science, iScience*, and *Frontiers in Environmental Science*. Further, in the letter written by N-S-, the author highlights how the Petitioner's prior work "has been utilized by numerous researchers to advance their projects in various ways." Although the authors contend that the Petitioner's research is important, the focus is on the impact of her prior work; not the prospective impact of her proposed endeavor. While we acknowledge the Petitioner's experience in the field; as discussed above, evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the Petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890.

Matter of Dhanasar states that an 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.* The Petitioner contends that her proposed endeavor has economic implications for the United States by "enable[ing] federal agencies to allocate climate and conversation funding more efficiently. . .manag[ing] risks in the supply chain of critical minerals. . .stabiliz[ing] agricultural subsidy and insurance programs, and reduc[ing] downstream remediation and disaster recover costs." In addition, the Petitioner asserts that her research will create highly skilled jobs in modeling, monitoring, and environmental analytics through the funding which supports her research. However, as stated above, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the Petitioner does not provide evidence to support her intended economic impact. While her proposed endeavor statement provides citations to articles such as '[redacted]," or '[redacted]' these articles are not included the record in order for us to confirm their relevance to the Petitioner's proposed endeavor or if they sufficiently support her claims. Therefore, the record does not support the Petitioner's assertion of her proposed endeavor's substantial positive economic effects and therefore does not further establish the national importance of her proposed endeavor.

In reviewing the totality of the evidence, we conclude that the Petitioner did not satisfy her burden to establish, by a preponderance of the evidence, her proposed endeavor's national importance because she has not submitted sufficient evidence to support her claims of national importance. While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *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

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence that she 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.