U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39908897

Date: DEC. 1, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner proposes to develop machine-learning-driven forecasting models for U.S. renewable energy production and demand. He requests classification under the employment-based, second-preference (EB-2) immigrant visa category and a waiver of the category's job-offer requirement. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(B)(i), 8 U.S.C. § 1153(b)(2)(B)(i). U.S. Citizenship and Immigration Services (USCIS) has discretion to excuse job offers in this category – and thus requirements for certifications from the U.S. Department of Labor (DOL) – if petitioners demonstrate that waivers of these U.S.-worker job protections would be "in the national interest." *Id.*

Service Center Operations (SCOPS) denied the petition. SCOPS found the Petitioner qualified for the requested EB-2 category but concluded that he did not demonstrate the merits of a national interest waiver. On appeal, the Petitioner contends that, in finding insufficient evidence of his proposal's "national importance" and a waiver's overall benefits to the United States, SCOPS disregarded evidence and misapplied law.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellant review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that he established his proposed endeavor's national importance but not that he is "well positioned" to advance it. We will therefore withdraw SCOPS' decision and remand the matter for entry of a new decision consistent with the following analysis.

I. LAW

To establish eligibility for national interest waivers, petitioners must first demonstrate their qualifications for the EB-2 category, either as members of the professions holding "advanced degrees" or their equivalents or aliens of "exceptional ability" in the sciences, arts, or business. Section 203(b)(2)(A) of the Act. To protect jobs for U.S. workers, this immigrant visa category generally requires prospective U.S. employers to offer aliens work and to obtain DOL certifications to permanently employ them in the country. Section 212(a)(5)(D) of the Act, 8 U.S.C. § 1182(a)(5)(D). Petitioners may avoid the job-offer and labor-certification requirements by demonstrating that waivers of the U.S.-worker protections would be "in the national interest." Section 203(b)(2)(B)(i) of the Act.

Neither the Act nor regulations define the term "national interest." So, to adjudicate these waiver requests, we have established a framework. If otherwise qualified as advanced degree professionals or aliens of exceptional ability, petitioners may warrant waivers of the job-offer and labor-certification requirements by demonstrating that:

- Their proposed U.S. work has "substantial merit" and "national importance;"
- They are "well positioned" to advance their intended endeavors; and
- All things considered, waivers of the job-offer and labor certification requirements would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. 884, 889-91 (AAO 2016); *see generally* 6 *USCIS Policy Manual* F.(5)(D)(1), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and His Proposed Endeavor

The record shows that the Petitioner earned a U.S. bachelor of science degree in electrical engineering and a U.S. master's degree in data science. He worked about a year as a software engineer and about 18 months an electrical engineering intern. In these roles, he developed an educational "app" and refined forecasting models for financial planning. At the time of the petition's filing in December 2024, he served as an adjunct lecturer at a U.S. university, teaching courses in computer organization and programming.

The Petitioner's proposed endeavor involves creating advanced forecasting models to address challenges in the variability of solar and wind energies and connecting them to the U.S. electrical grid. *See Sunvestment Energy Grp. NY 64 LLC v. Nat'l Grid USA Servs. Co.*, 116 F.4th 106, 109 (2d Cir. 2024) (discussing the contracts of two solar energy generators for "interconnect[ing]" to electrical grid networks).[1] He stated: "By leveraging advanced data science techniques and machine learning models, this work aims to improve grid stability, reduce reliance on fossil fuels, and support the United States' transition to a more sustainable and resilient energy infrastructure." He discussed a six-phase project plan and estimated that it would take him about six years to complete and fully test the proposed forecasting system.

The record supports SCOPS' findings that:

- The Petitioner qualifies for EB-2 classification as an advanced degree professional; and
- His proposed endeavor has substantial merit.

We will first review SCOPS' determination that the Petitioner did not demonstrate his proposed endeavor's national importance.

[1] The Petitioner has accepted a job offer from a U.S. utility company as a distribution planning engineer. But he stated that he will work on his proposed endeavor outside of his employment.

B. National Importance

When determining whether a proposed endeavor has national importance, USCIS must focus on the particular venture, specifically on its "potential prospective impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. "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." *Id.* Also, "[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.

> Ultimately, 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.

6 *USCIS Policy Manual* F.5(D)(3).

SCOPS found that "[t]he petitioner has not established that their proposed endeavor in the United States will have a broader impact on the field outside of their prospective company and/or clients."

As the Petitioner argues on appeal, however, the record demonstrates that his proposed forecasting models would represent an advancement in the U.S. energy field that could potentially affect power providers, energy investors, and government officials across the country. An expert letter describes the Petitioner's proposed endeavor as "novel and transformative" work that offers "actionable insights that enhance grid stability and efficiency." The letter, from a U.S. assistant professor of mechanical and aerospace engineering at a research and educational center for energy and the environment, explains that current renewable energy forecasting models use limited data sources and primarily provide short-term predictions. The Petitioner's forecasting models would use information from multiple sources, including national and regional weather patterns, real-time sensors, projections of long-term demand growth, and distributed energy systems like residential solar installations. The letter states: "By providing insights into energy trends and optimizing the location of energy infrastructure, the proposed model will minimize transmission losses and improve the grid's efficiency, helping the U.S. to transition to a sustainable, renewable energy future."

A director at the utility company where the Petitioner would work also indicates that the Petitioner's proposed forecasting system would advance the U.S. energy field. The utility director stated that the Petitioner's proposed venture:

> will enable us to predict energy generation from [renewable energy sources] with high precision, enhancing our ability to balance supply and demand effectively, foresee short-term challenges within the next few months to address them proactively, consider the long-term challenges and load growth to plan accordingly, maintain voltage stability, and reduce limitations of renewable resources. Additionally, improved forecasting will enable more informed decision-making, allowing us to utilize existing

> grid infrastructure more efficiently and reduce the need for costly upgrades or overbuilt capacity.

The utility director added that he "strongly believe[s] the enhanced visibility provided by this framework will also stimulate private sector investments in clean energy by improving investor confidence in the reliability of renewable energy generation."

Copies of U.S. executive orders and government reports call for the country to increase its number of domestic energy sources. A 2024 U.S. Department of Energy report on "grid modernization" specifically refers to the importance of energy forecasting models. The report states that "Power System Modeling Tools need advancement to keep up with the increasing scale and complexity of the grid."

A preponderance of the evidence indicates that the Petitioner's proposed endeavor could advance the energy field nationwide by improving the efficiency of the country's electrical grid. He has therefore demonstrated that his venture has national importance. We will therefore withdraw SCOPS' contrary finding.

C. Well Positioned

The second prong of our national interest analysis focuses on the alien. *Matter of Dhanasar*, 26 I&N Dec. at 890. They must establish that they are well positioned to advance their proposed endeavor. *Id.* Relevant factors include:

- The alien's education, skills, knowledge and record of success in related or similar efforts;
- A model or plan for future activities;
- Any progress towards achieving the proposed endeavor; and
- Interest of potential customers, users, investors, or others.

Id.

Primarily considering the Petitioner's education, skills, and knowledge, SCOPS found him well positioned to advanced his proposed endeavor. But SCOPS did not contemplate other relevant factors. For instance, the Petitioner has not sufficiently explained how utility managers, energy investors, and government officials would learn and obtain use of his proposed energy forecasting system. In his initial statement, he discussed "collaborating with internal company stakeholders, private utilities, and government entities to deploy the system at scale, aligning with national clean energy policies and targets." But the Petitioner has not detailed how he would distribute the forecasting system to achieve nationwide impact. For example, he has not explained whether he would charge users fees to access the system or whether he would advertise its capabilities.

Also, the Petitioner has not established a record of success in related or similar efforts. We acknowledge that, as a software engineer, he developed an educational app and that, as an intern, he refined financial planning models. In response to SCOPS' request for additional evidence (RFE), he stated that these projects, although in different industries, "demonstrate my transferrable skills that are industry-agnostic and my capacity to pursue my proposed endeavor." But he has limited employment

experience and has not sufficiently demonstrated that his prior shorter-term projects prepare him for his proposed six-year endeavor.

Further, the record contains little evidence of interest in the Petitioner's proposed venture. Only the utility director expressed a desire to use the proposed system.

SCOPS' RFE did not notify the Petitioner of all these evidentiary deficiencies. We will therefore remand the matter. On remand, SCOPS should inform him of the evidentiary shortcomings and provide him with a reasonable opportunity to submit additional evidence, argument, or both. Upon receipt of a timely response, SCOPS should review the entire record and enter a new decision.

D. Waiver Benefits

Because the Petitioner may submit additional evidence and argument regarding his positioning to advance his proposed endeavor, we will also withdraw SCOPS' finding regarding a waiver's benefits to the United States. *See* 6 *USCIS Policy Manual* F.5(D)(3) ("For the third prong, an officer assesses whether the person's endeavor and the person being well-positioned to advance that endeavor, taken together, provide benefits to the nation such that a waiver of the labor certification requirement outweighs the benefits that ordinarily flow from that requirement.") SCOPS should reconsider its third-prong finding after reviewing any additional evidence or argument the Petitioner provides on remand.

III. CONCLUSION

Contrary to SCOPS' decision, the Petitioner demonstrated that his proposed endeavor has national importance. He has not established, however, that he is well-positioned to advance the venture.

ORDER: The decision is withdrawn. The matter is remanded for entry of a new decision consistent with the foregoing analysis.

NOTICE: Aliens who are unlawfully present, or who are otherwise inadmissible or deportable, may receive Forms I-862, Notices to Appear. Section 240 of the Act, 8 U.S.C. § 1129a. Removal proceedings may result in an alien's removal from the United States and ineligibility for future U.S. visas or other immigration benefits.