U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40699479

Date: DEC. 16, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner, an automotive engineer, 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).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not establish that a waiver of the required job offer, and thus of a labor certification, would be in the national interest. We dismissed a subsequent appeal. The matter is now before us on combined motions to reopen and reconsider.

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). Upon review, we will dismiss the motions.

I. LAW

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must establish that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. § 103.5(a)(1)(i), (ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

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

- 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.

Id.

II. ANALYSIS

In our prior decision, we determined that the Petitioner established his eligibility for EB-2 classification as a member of the professions holding an advanced degree. However, we agreed with SCOPS' determination that the Petitioner did not satisfy *Matter of Dhanasar*'s first prong because he did not demonstrate the national importance of his proposed endeavor.[2] Accordingly we concluded the Petitioner did not establish that he merited a national interest waiver of the job offer requirement as a matter of discretion.

On motion, the Petitioner contests the correctness of our prior decision and submits new evidence. He asserts that our evaluation of the national importance of his endeavor "deviated from the *Dhanasar* precedent decision" and applied a higher standard than *Dhanasar* requires. The Petitioner further contends that we ignored significant evidence demonstrating the current and prospective potential impacts of his work within his field and for the public at large.

In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar,* 26 I&N Dec. 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.

In our prior decision, we addressed the Petitioner's claim that his proposed endeavor to advance the development of Advanced Driver Assistance Systems (ADAS) as an automotive engineer has national importance. Specifically, he contended on appeal that his endeavor would have broader implications in the automotive industry by introducing technological innovations, that it would broadly enhance societal welfare by improving vehicle and roadway safety, and that it would have substantial economic impacts by keeping U.S. automakers competitive in the global automotive market. In addressing the potential prospective impacts of the endeavor, we acknowledged letters from the Petitioner's employer outlining his contributions to the company's ongoing development of its second-generation Integrated Braking System (IBS) and Electromagnetic Braking (EMB) technology. We also acknowledged evidence that these systems are or would be integrated into vehicle models manufactured by two of his employer's customers [redacted] in upcoming model years, and evidence of industry and government efforts to reduce motor accident deaths and injuries, in part, through adoption of ADAS technology such as automatic braking systems. However, we concluded that the record did

[2] The Petitioner stated that his proposed endeavor is to "design and develop new Advanced Driver Assistance Systems (ADAS) and Automated Systems, and integrate these systems into next generation electric, hybrid and autonomous vehicles, thereby improving the safety and performance of domestic passenger vehicles." At the time of filing, the Petitioner was employed as a Systems Engineer III for a company that supplies active and passive safety technology to customers in the automotive industry.

not establish, by a preponderance of the evidence, the national importance of the Petitioner's proposed endeavor.

On motion, the Petitioner highlights specific statements from our decision and suggests that we imposed standards or requirements that are inconsistent with first prong considerations provided in *Matter of Dhanasar*. For example, the Petitioner objects to our observation that there was "no evidence that every [redacted] vehicle" will adopt the automated braking systems developed by the Petitioner's employer. The Petitioner also asserts that the decision "faulted [him] for not documenting 'what percentage the vehicles with the second-generation braking system would comprise of the automobiles that would be on the road.'" He emphasizes that "the *Dhanasar* test does not support the imposition of a percentage-based threshold."

We agree with the Petitioner that he is not required to demonstrate that his employer's second-generation IBS or EMB technology will be incorporated into a certain percentage of vehicles on U.S. roadways or that his employer's customers would incorporate that technology into every vehicle they manufacture. To the extent that our prior decision could be read to imply that he must meet these thresholds to establish the broad implications, and thus the national importance, of his proposed endeavor, we clarify that he does not and acknowledge that there are multiple ways an individual may demonstrate their eligibility under *Dhanasar*'s first prong, and multiple types of evidence they may submit to meet this burden. As noted on page 5 of the decision, the *USCIS Policy Manual* offers several examples of how a petitioner might demonstrate the national importance of their endeavor. In part, the guidance explains that a person developing a particular technology for use or sale by a given company may be able to establish broader implications by showing, through the submission of relevant evidence, widespread interest in adoption or licensing of the technology or how the technology stands to impact the development of similar technology by other companies. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual. Viewed in this context, our statements were intended as examples of how the Petitioner might substantiate the broader implications of the technology he develops for his employer, and not as requirements that he must meet to establish the national importance of his proposed endeavor.

With that point clarified, we affirm our conclusion that the Petitioner did not meet his burden to demonstrate that his proposed endeavor would have, as claimed, broad implications for technological advancement in his field or industry or that his work would broadly enhance societal welfare through improvements to public safety.[3]

In determining national importance, the relevant question is not the importance of the field, industry or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposed to undertake." *Dhanasar*, 26 I&N Dec. at 889. Our guidance explains that if the proposed work would "broadly enhance societal welfare . . . or contribute to the advancement of a valuable technology" at nationally important levels, an endeavor may be considered of national importance. *See generally* 6 *USCIS Policy Manual*, *supra* at F.5(D)(1).

[3] On motion, the Petitioner does not pursue his previous claim that his proposed endeavor would have substantial positive economic effects.

Here, the Petitioner will carry out his proposed endeavor through continued work as a Systems Engineer III for a company that supplies active and passive safety technology to customers in the automotive industry. A letter from the Petitioner's supervisor emphasized the company's "status as a major automotive engineering and technology developer," noting that the company's "work and innovations will have an outsize impact on the direction and future path of technological development within the advanced driver-assistance system market." The employer also stressed that advanced braking systems "provide great steps toward improving the safety of our roads." The letter concludes that, as a result, the Petitioner's work "has a real impact" on the advancement of ADAS systems, and "will make automotive travel safer and more efficient in the United States."

The company's letter implies that the Petitioner's contributions to its technologies will have an "outsized" impact on technology advancement and safety because of the company's status in its industry. However, the Petitioner cannot establish the national importance of his individual proposed endeavor by relying on his employer's reputation and market position. Rather, to meet his burden, the Petitioner must go beyond showing how his work benefits his employer, or how his employer benefits or impacts its industry. The record does not establish that the Beneficiary's specific projects as a Systems Engineer III stand to impact those areas to an extent that his proposed work holds national importance. The letters from the Petitioner's employer explain how he contributes to the ongoing development of the company's existing technologies, but do not demonstrate his undertaking's broader implications in the field or industry. The record does not indicate, for example, that the Petitioner's endeavor as an engineer would involve dissemination of any research findings or technological advancements resulting from his work for the benefit of other automotive engineers or researchers working in the field. Benefits to a specific employer, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance. Therefore, the Petitioner's claims that his proposed endeavor will have broader implications in his engineering field through advancements in technologies or manufacturing processes is not persuasive.

The Petitioner further contends on motion that we erred by minimizing his endeavor's "positive influence and impact on public safety." He emphasizes that his employer's advanced braking technology is "being integrated into millions of vehicles in the United States," and as a result, "millions of U.S. drivers and passengers are benefiting directly from safer braking." In this regard, he asserts that his endeavor "aligns precisely with an example provided in the *USCIS Policy Manual*." Specifically, he refers to guidance stating that "a person developing a drug for a pharmaceutical company may establish national importance by demonstrating the prospective health benefits of the drug." *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3). The Petitioner maintains that we should have considered the importance of having his employer's second-generation IBS and EMB technologies incorporated into "millions of vehicles" and failed to recognize that his endeavor would save "countless lives."

Finally, in support of his motion to reopen, the Petitioner asserts that there are "several federal safety policy updates by the Trump Administration that support the national importance of [his] endeavor." He submits a copy of USDOT's 2025 National Roadway Strategy Safety (NRSS) Progress Report, noting that it confirms that automatic emergency braking will be a federally mandated safety feature across all new vehicles by 2029. The Petitioner also provides the National Highway Traffic Safety Administration's (NHTSA) July 2025 "Report to Congress on Automated Driving Systems," which highlights the federal government's continued investment in and oversight of safety-critical systems.

Finally, the Petitioner submits 2025 Highway Loss Data Institute (HLDI) Industry Forecast showing that advanced braking systems "will expand from 32% of the vehicle fleet in 2024 to over 55% by 2029, reinforcing federal mandates with industry-wide adoption trends."

We acknowledge that there is ample evidence in the record demonstrating that automatic braking systems result in safer vehicles and roadways with direct benefits for drivers, passengers and pedestrians. The record shows that there is widespread industry support for, and federal policy requiring, the full adoption of these technologies. In fact, the evidence the Petitioner provided on appeal indicates that automobile manufacturers have already widely adopted automatic braking technologies such that the public safety benefits of the technology are prevalent. For example, the newly submitted 2025 HDLI Industry Forecast indicates that, among new vehicles manufactured for the 2024 model year, 93% were equipped with front automatic emergency braking systems, and most of these same vehicles also incorporated pedestrian protection technology.

As already discussed, the Petitioner cannot demonstrate his eligibility under *Dhanasar*'s first prong by showing that he works as an engineer in an important field or industry that has implications for national public safety, or that he works for a leading employer in such a field. Rather, the focus is on his specific proposed endeavor. The Petitioner has previously claimed that his individual endeavor will "help usher in a new era of automotive innovation that prioritizes safety and efficiency" and save "countless lives." This statement suggests that the Petitioner's individual endeavor would result in the introduction of new technologies that represent significant safety and efficiency improvements with broad implications for the industry and public safety.

While the record shows that the second-generation IBS and EMB technologies he works on will be implemented into various models manufactured by two of his employer's existing customers,[4] it does not meaningfully distinguish between the technologies offered by his employer and comparable automatic emergency braking technologies that are integrated into almost all new vehicle models manufactured in the United States or show how his work broadly enhances public safety. If it was the Petitioner's intention to contend that his employer's braking systems offer significant safety benefits not found in other new vehicles in the market, most of which are also equipped with automatic braking systems, that claim is not supported by the record.

We acknowledge the value of the Petitioner's continued research and development of his employer's ADAS technologies. The position descriptions provided in the employer's letters show that his work facilitates his employer's operations as it focuses on developing and customizing components of the employer's automatic braking technologies to meet its customers' needs and helps ensure that his employer offers a competitive product and completes projects on time and within budget. However, assertions that the Petitioner's work has the potential to "usher in a new era of automotive innovation" appear to inflate the nature and reach of his individual endeavor and overlook the current state of the industry. The Petitioner has not demonstrated that any technological advancements and public safety benefits resulting from his employer's operations would be directly attributable to his work as a Systems Engineer III, or that he, as a single employee working on his employer's proprietary

[4] The record indicates that the [redacted] have incorporated the employer's first-generation IBS technology into their products during previous model years. The employer does not indicate the Petitioner, who had one year of experience with the company at the time of filing, contributed to the development of the first-generation of the company's IBS product.

technologies, would affect the industry or enhance public safety on a level commensurate with national importance.

Accordingly, although the Petitioner has submitted additional evidence in support of the motion to reopen, he has not established eligibility under *Dhanasar*'s first prong. On motion to reconsider, the Petitioner has not established that our previous decision was based on an incorrect application of law or policy at the time we issued our decision. Therefore, the motions will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.

NOTICE: 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.