U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39877710

Date: DEC. 16, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a civil 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, while the Petitioner established the substantial merit and national importance of his proposed endeavor, he did not establish that he was well positioned to advance that endeavor or that, on balance, it would be beneficial to the United States to waive the requirements of a job offer. 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] *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

SCOPS concluded that the Petitioner qualifies as an individual holding an advanced degree. The record supports that conclusion. The remaining issue to be determined on appeal is whether the Petitioner has established eligibility for a national interest waiver under the *Dhanasar* framework.

Although SCOPS determined that the Petitioner's proposed endeavor has both substantial merit and national importance, SCOPS concluded that he did not demonstrate that he is well positioned to advance his endeavor or that, on balance, it would be beneficial to the United States to waive the job offer requirement. On appeal, the Petitioner asks that we affirm SCOPS' determination concerning *Dhanasar's* first prong and asserts that the record demonstrates, by a preponderance of the evidence, that he has satisfied *Dhanasar's* second and third prongs.

Upon review, we disagree with SCOPS' conclusion regarding *Dhanasar's* first prong; we will therefore withdraw SCOPS' determination that the Petitioner has demonstrated the national importance of his proposed endeavor. Further, we conclude that the Petitioner has not sufficiently demonstrated that he is well positioned to advance the proposed endeavor. For the reasons discussed below, the Petitioner has not established his eligibility for a national interest waiver.

A. Substantial Merit and National Importance

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education.

The Petitioner currently works for an independent engineering firm and states that his intention to continue his ongoing research in transportation safety and planning for the company is separate from his proposed endeavor to pursue research in the same field. He stated that his proposed endeavor "is to continue his research on developing advanced and reliable traffic safety analysis methods for identifying the safety effects of different traffic interventions to obtain reliable safety effect conclusions that assist traffic agencies in making informed decisions."

The Petitioner indicated that the national importance of his proposed endeavor resides in its focus on addressing a need for improved traffic safety measures. To demonstrate the national importance of his endeavor, he submitted reports discussing road traffic injury and death estimations, the economic burdens and societal costs imposed by traffic crashes, and initiatives to improve transportation safety. The record also includes letters from a professor describing the Petitioner's doctoral research projects, one of which highlights the Petitioner's contributions to developing safety performance measures for high-friction surface treatment in Pennsylvania—work that "provided actional insights that PennDOT and other agencies can use to enhance roadway safety nationwide." The professor discussed other

research conducted by the Petitioner, including his approach to analyzing large datasets, which "provided PennDOT with scientifically valid CMFs [Crash Modification Factors], which are now used to inform roadway safety improvements." Of the Petitioner's work, the professor stated, "The methodologies he developed are able to be implemented by other transportation agencies to guide safety investments and prevent crashes nationwide." A letter from another professor familiar with the Petitioner's work summarizes his academic research, and a letter from the Petitioner's employer at the engineering firm refers to his role supporting transportation planning and land use development projects for the company, stating that his "work directly supports the national objective of reducing traffic fatalities and enhancing transportation efficiency."

In a request for evidence and in the decision, SCOPS stated, without further elaboration, that it found the proposed endeavor to have both substantial merit and national importance. While we agree that the record demonstrates the substantial merit of the endeavor, review of the record does not sufficiently demonstrate the endeavor's national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. 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 *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. In addition, if the evidence of record demonstrates that an individual's proposed endeavor has the significant potential to, for example, contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance.[2] Regarding an endeavor in the fields of science, technology, engineering, or math—also known as STEM—importance may be found in its contribution to U.S. competitiveness or security in a variety of circumstances, such as when it will help the United States remain ahead of strategic competitors or current and potential adversaries.[3]

The Petitioner initially asserted that his endeavor was one of national importance because it would prospectively have a broad societal impact by contributing to critical and emerging technologies in a STEM field. He emphasized the importance of efforts to address a major public safety issue—but his emphasis on the significance of roadway safety in society is misplaced. The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889. We agree that the Petitioner's endeavor has substantial merit and do not seek to diminish the value of research in an area of relevance to the public interest. However, an undertaking related to an important topic or field is not sufficient, alone, to establish its national importance. The record must contain probative evidence to demonstrate the "potential prospective impact" of a petitioner's work.

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[2] *See generally* 6 *USCIS Policy Manual* at F.5(D)(1), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.
[3] *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(2).

In *Dhanasar*, the record was supported by probative expert letters regarding the U.S. strategic importance of the Petitioner's endeavor, as well as letters documenting U.S. government interest and investment in his research. *Id.* at 893. Here, the recommendation letters outline the Petitioner's past contributions to his field and express support for the continuation of his work, but they do not offer evidence of the Petitioner's endeavor such that it rises to the level of national importance. The Petitioner initially pointed to reports on traffic injuries and fatalities to underscore the importance of his proposed endeavor, which he described as a general intention to continue to conduct research in his field. This evidence relies on the gravity of the subject matter and the nature of the Petitioner's overall intentions in terms of societal welfare to demonstrate the importance of those intentions, rather than on an endeavor in and of itself with distinct intended outcomes. While the record contains documentation detailing the Petitioner's past work, such as published research and work on projects for his employer, the record does not include evidence describing how his work, specifically, will have implications in the realm of public safety rising to the level of national importance. And although the Petitioner has provided evidence of the connections between transportation safety issues and economic costs, he has not explained how his own work would result in prospective benefits to the regional or national economy that would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

Review of the record does not show by a preponderance of the evidence that the Petitioner has established the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

B. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. To determine whether an individual is well positioned to advance the proposed endeavor, we consider factors including, but not limited to 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 the interest of potential customers, users, investors, or other relevant entities or individuals. *Matter of Dhanasar*, 26 I&N Dec. at 890.

SCOPS determined that, after consideration of these factors, the evidence submitted did not establish that the Petitioner meets *Dhanasar's* second prong. On appeal, the Petitioner disagrees with SCOPS' analysis and asserts that the evidence of record establishes that he is well positioned to advance his proposed endeavor. Upon review, we conclude that the Petitioner has not satisfied the second prong of the *Dhanasar* framework.

Concerning his academic qualifications, the Petitioner submitted evidence of his academic credentials, curriculum vitae, published articles and citation rate, peer review activity, evidence of past funding for his doctoral research, and letters discussing his past research projects and publications. We acknowledge that the Petitioner received a Ph.D. in civil engineering from [redacted] and that, for purposes of assessment under the second prong, an individual's education and skillset are relevant to whether that individual is well positioned to advance the endeavor. USCIS considers an advanced degree in a STEM field—one which is tied to the proposed endeavor and related to work furthering a STEM area important to U.S. competitiveness or national security—an especially

positive factor to be considered along with other evidence.[4] However, we must look to a variety of factors to evaluate an individual's positioning to advance a proposed endeavor, and education is one among many factors that contribute to our determination.[5]

We note that, on appeal, the Petitioner points to his credentials, his two patents, his publications, and his citation record, stating that he "has the education, skill, knowledge, and a record of success in related or similar efforts such that he is well positioned to advance his proposed endeavor, just as contemplated in *Dhanasar*." An important distinction between the present petition and *Matter of Dhanasar* is found in the proposed endeavor of the latter. In *Dhanasar*, the petitioner demonstrated that he conducted research into hypersonic propulsion systems and that he had developed a novel method for accurately calculating hypersonic airflow. *Id.* at 891-92. He submitted documentation demonstrating that he would continue his research designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles, along with substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, as well as documentation reflecting his receipt of funding from a government entity for his research. *Id.* The first prong of the *Dhanasar* adjudicative framework focuses on the substantial merit and national importance of the "specific endeavor." *Id.* at 889. When analyzing the national importance of a petitioner's proposed endeavor, we focus on the prospective impact of the proposed endeavor, which should include details of work a petitioner intends to undertake and describe specific projects and goals.[6]

Here, while the Petitioner has presented evidence of his research findings and his contributions to the research of others in the field, he has not explained how that research has led or will lead to progress towards a specific endeavor. For example, on appeal, the Petitioner quotes the following from a letter of support discussing his work:

> Centering on the impacts of high friction surface treatment (HFST), [the Petitioner's] research introduces a groundbreaking analytical method that combines the advantages of multiple analytical modeling techniques to enhances [sic] evaluation accuracy. Ultimately, his work supports informed policymaking and resource allocation in transportation engineering. This ensures safe, resilient, and sustainable infrastructure in the United States.

This statement, however, is not supported by evidence of whether or to what extent the Petitioner's analytical method has been applied, including how "[h]is findings serve as an important resource for the Pennsylvania Department of Transportation in making informed decisions about roadway safety improvements," as claimed in a separate letter of support. The general assertion implying that his work has impacted policymaking and resource allocation in the field of transportation engineering is not corroborated by any probative evidence. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. He has not provided an explanation of what past or current research, if any, he is applying to advance his endeavor. Further,

[4] *See generally* 6 *USCIS Policy Manual, supra,* at F.5(D)(4).

[5] A degree in and of itself is not a sufficient basis to determine that a person is well positioned to advance the proposed endeavor. *See* 6 *USCIS Policy Manual, supra,* at F.5(D)(2).

[6] *See generally* 6 USCIS *Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual.

the Petitioner has not offered evidence of a detailed plan for a specific endeavor or described any particular goals or objectives he aims to accomplish through his endeavor.

In addition, with regard to the Petitioner's work experience, a letter from his employer states that his "expertise in predictive modeling, traffic analysis, safety analysis, and countermeasure planning plays a crucial role in addressing the U.S.'s roadway safety challenges," asserting that his "research and project work contribute to the improvement of transportation projects and funding allocation at local, state, and federal levels." These assertions, however, are not supported by further explanation or other evidence of how the Petitioner's role is crucial in addressing challenges in the field or at local, state, or federal levels either through his employment or through any independent research he has pursued. And although the Petitioner has emphasized that his work towards his endeavor will be separate from his work for his employer, he has not explained how he will carry out work towards his endeavor while working for his employer, such as how he will allocate his time, what funding or specific resources he will require, or how he will procure any funding or necessary resources. Based on the evidence of record, we cannot conclude that the Petitioner is well positioned to advance a specific endeavor as required by the second prong of the *Dhanasar* precedent decision.

Because the documentation in the record does not establish the national importance of his proposed endeavor as required by the first prong or that he is well positioned to advance the proposed endeavor under the second prong of the *Dhanasar* precedent decision, we decline to reach and hereby reserve determination of his eligibility under the third prong of the *Dhanasar* framework. *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 demonstrated by a preponderance of the evidence that he has met the requisite first and second prongs of the *Dhanasar* analytical framework. We therefore conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed and 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.