U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40955822

Date: FEB. 02, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a mechanical 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).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the required job offer, and thus of a 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.

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:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance their proposed endeavor; and

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner proposes to "continue working on driving automation technologies," such as advanced driver assistance systems (ADAS) and automated driving systems (ADS). SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The sole issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. For the reasons discussed below, we conclude the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

SCOPS concluded that the Petitioner's proposed endeavor has substantial merit, and that he is well positioned to advance it. SCOPS determined, however, that the Petitioner did not establish his endeavor's national importance and that, on balance, it would benefit the United States to waive the job offer requirement.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

In denying the petition, SCOPS concluded that the Petitioner has not established his proposed endeavor's national importance and that his endeavor would prospectively impact his field in a manner that rises to the level of national importance. On appeal, the Petitioner contends that SCOPS "improperly denied" his petition "based on several errors of fact and law and broader irregularities." In particular, the Petitioner contends that SCOPS mischaracterized his evidence submitted in the initial petition and in response to SCOPS' request for evidence (RFE). In support of his petition, the Petitioner submitted several documents, including academic records, personal statements, expert opinion and recommendation letters, as well as relevant industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner works for [redacted] as a senior systems capability engineer. In the initial petition, the Petitioner stated that his endeavor involved working on "driving automation technologies" with "a specific and detailed focus on speed modification/speed control systems that provide braking and acceleration control." In response to SCOPS' RFE, the Petitioner further clarified that his endeavor involved advancing "the development of speed modification and control systems" for ADAS and ADS to "enable safe and automatic braking and acceleration control for cars, particularly in response to real-world road conditions." On appeal, the Petitioner explains that he is working on "developing the next generation of level 2 and level 3 automation systems for [redacted] as well as a "novel curve speed controls within ADAS."

[2] The Petitioner earned a master's degree in mechanical engineering from the [redacted] Texas in 2016.

The Petitioner states that the widespread deployment of novel technologies on [redacted] vehicles will substantially improve road safety. To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of the Petitioner's work. The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the [petitioner] proposes to undertake." *Id.* at 889. 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. Here, the Petitioner does not sufficiently explain or provide adequate evidence to demonstrate that his specific endeavor has had, or is likely to have impact that will rise to the level of national importance.

In support of his petition, the Petitioner submitted expert opinion and recommendation letters. The authors discussed the Petitioner's expertise in areas such as vehicle dynamics, control theory, brake systems, and electric motor control. In particular, one author asserted that the Petitioner's work is "poised to have an impact far beyond automakers like [redacted]' Another author praised the Petitioner's commitment to "enhancing road safety, improving driver comfort, and advancing technological innovation in the automotive industry." The Petitioner also submitted industry reports and articles, including materials from [redacted] and the U.S. Department of Transportation covering topics such as motor vehicle traffic crash data and red-light-running statistics. While these letters and documents are generally supportive and positive factors, they do not offer sufficient, detailed, and concrete examples of how the Petitioner's endeavor has the potential for broad and measurable implications for the country beyond impacting his employer and its clients. Moreover, although an individual's experience, qualifications, contributions, and achievements are material, they are misplaced in the context of the first *Dhanasar* prong. The Petitioner's professional experiences are generally material to *Dhanasar*'s second prong—whether an individual is well positioned to advance a proposed endeavor—but they are generally immaterial to the first *Dhanasar* prong—whether a specific, prospective, proposed endeavor has both substantial merit and national importance. *See Dhanasar*, 26 I&N Dec. at 888-91.

The Petitioner also submitted a support letter from a former transportation specialist from the Texas Department of Transportation, in which the author described the Petitioner's projects on traffic control capability for different systems as well as his work on curve speed control and warning features. The author also emphasized the substantial merit and national importance of the Petitioner's endeavor and declared its alignment with "emerging transportation technologies that improve safety for everyone." We acknowledge the substantial merit of the Petitioner's proposed endeavor and the importance of the fields implicated by his endeavor. However, as previously mentioned, in determining 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 specific endeavor that the foreign national proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. Here, the Petitioner has not demonstrated that his undertaking has implications beyond his employer and its clients to impact the U.S. economy or the transportation field as a whole, on a broad scale rising to the level of national importance. Furthermore, alignment with

general national goals, in and of itself, does not necessarily establish that the Petitioner's endeavor rises to the level of national importance. In this case, the record does not include adequate corroborating evidence, to show that the Petitioner's specific proposed endeavor offers broader implications in his field, enhancements to U.S. societal welfare, or substantial positive economic effects for the country that rise to the level of national importance.

The record also contains letters from [redacted] describing the Petitioner's expertise and dedication to technological advancements and his contributions to the field of systems engineering. One author states that the Petitioner's "contributions extend beyond our organization and exemplify his ability to translate theoretical knowledge into practical solutions with far-reaching implications for road safety and transportation efficiency." While we acknowledge the letters, the authors do not sufficiently explain how the Petitioner's specific projects at [redacted] stand to have an impact that extends beyond the company and its clients to influence the Petitioner's field of endeavor. "Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance." *See generally 6 USCIS Policy Manual,* F.5(D)(3), https://www.uscis.gov/policymanual. "At issue is whether the petitioner can demonstrate that the person's own individual endeavor stands to have broader implications, such as for a field, a region, or the public at large." *Id.*

The Petitioner states that his endeavor "is not his occupation in isolation." He further asserts that his endeavor will have an impact that extends far beyond [redacted] and its customers. However, the record does not clearly demonstrate how the Petitioner would pursue the endeavor independently outside the scope of his current role. Additionally, the Petitioner does sufficiently explain whether the work performed for [redacted] is meaningfully distinct from the proposed endeavor and whether his endeavor would be propriety to [redacted] While the Petitioner working as a senior systems capability engineer for [redacted] with a focus on driving automation technologies may demonstrate the substantial merit of the proposed endeavor, it does not support or demonstrate its prospective potential impact nationally, or even globally, or through broader implications rising to a level of national importance. Here, the Petitioner has not demonstrated that his proposed endeavor extends beyond his routine employment duties or that it is independent of [redacted] objectives. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner reiterates that his endeavor "advances critical U.S. leadership in automated driving technologies." He further asserts that his endeavor has "significant potential to broadly enhance societal welfare," including "the potential to rear end car crashes" in the United States. As previously noted, we recognize the overall value of technological advancement in the transportation field and strengthening our nation's technology, particularly technology recognized as critical and emerging, but their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. *See generally* 6 *USCIS Policy Manual*, *supra*, F.5(D)(2). Moreover, the Petitioner has not demonstrated that his specific undertaking of continuing his work for [redacted] stands to have an impact beyond [redacted] and its customers to reach the level of national importance.

Because the documentation in the record does not establish the proposed endeavor's national importance as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding his eligibility under the second

and third prongs outlined in *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established the national importance of his proposed endeavor, and he does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that he is eligible for or merits a waiver of the job offer and labor certification requirements in the national interest 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.