U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40736130

Date: FEB. 02, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, machine learning software engineer, seeks classification as a member of the professions holding an advanced degree. *See* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this employment based second preference (EB-2) classification. *See* section 203(b)(2)(B)(i) of the Act, 8 U.S.C. § 1153(b)(2)(B)(i).

Service Center Operations (SCOPS) denied the petition, concluding 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.

Id.

II. ANALYSIS

The Petitioner is a software engineer whose proposed endeavor is to continue his research on "developing and applying advanced machine learning and deep learning models to address critical challenges across multiple nationally significant domains, including climate modeling, public health analytics, intelligent business chatbots, and recommendation systems." In response to SCOPS' request for evidence (RFE), the Petitioner submitted further clarification of his proposed endeavor and described two projects on which he intends to focus. One is to develop machine learning models for sea level forecasting. In a second project, he plans to optimize recommendation systems through knowledge distillation.

A. EB-2 Classification

The Petitioner submitted evidence of a doctor of philosophy degree in applied mathematics and statistics from [redacted]. SCOPS determined the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether he qualifies for and merits a waiver of the job offer requirement in the national interest.

B. Substantial Merit and National Importance

The first *Dhanasar* 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.* In determining national importance, "we look for broader implications" of the proposed endeavor and have stated that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *See id.* In *Dhanasar*, we determined that the petitioner's teaching activities, even in a field with substantial merit in relation to U.S. educational interests, did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893.

On appeal, the Petitioner contends SCOPS misunderstood *Dhanasar's* evidentiary requirements and ignored the evidence in the record. The Petitioner also claims that SCOPS erroneously conflated his proposed endeavor and his ongoing work as a machine learning software engineer at [redacted]

[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).

[redacted]. He explains that he would continue pursuing his endeavor and contends that while his position as a machine learning software engineer at [redacted] is a means for advancing the endeavor, the position itself is not the proposed endeavor. The Petitioner asserts that the evidence in the record satisfies the requirements of national importance. Upon de novo review, we agree with SCOPS' determination that the Petitioner has not established by a preponderance of the evidence the national importance of his proposed endeavor.[2]

In support of national importance, the Petitioner highlights the importance of artificial intelligence and references various reports in the record. We recognize the importance of artificial intelligence and agree with SCOPS that the proposed endeavor has substantial merit. But 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 [petitioner] proposes to undertake." *Id* at 889. Here, the Petitioner asserts that he has specific research goals in advancing deep learning models for sea level rise forecasting and AI driven recommendation systems. The Petitioner stated that he plans to publish findings and present research at premier conferences. While the activities and research described in the Petitioner's proposed endeavor may add to a positive cumulative effect, the evidence in the record does not convincingly demonstrate that his activities and research have national or even global impact in his field, or broader implications rising to a level of national importance.

The Petitioner further asserts that his proposed endeavor has applications in advancing machine learning, deep learning, and planning, reasoning, and decision making, which are recognized as critical and emerging technologies (CETs) by the National Science and Technology Council. USCIS recognizes the importance of progress in science, technology, engineering and mathematics (STEM) fields, especially in focused critical and emerging technologies and the essential role that individuals with advanced STEM degrees have in fostering such progress. 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual/. However, "in all cases, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *Id.* Here, the record does not sufficiently demonstrate how the Petitioner's proposed endeavor will advance machine learning, deep learning, and planning, reasoning, and decision making to result in national or global implications within a particular field. *Matter of Dhanasar*, 26 I&N Dec. at 889. While we acknowledge that the Petitioner may intend to use CETs in his research, the record does not establish that his proposed endeavor will advance the above-named CETs and our focus remains on his specific proposed endeavor and its prospective impact. *Id.*

The record also includes recommendation letters from colleagues who are familiar with his previous research, relating to climate change, COVID-19, and customer service dialogue. His colleagues in the field focus on the Petitioner's previous research being useful to their research with general statements that the Petitioner's contributions in his field would be of value to the United States. However, the letters do not identify or address his specific proposed endeavor. Moreover, the Petitioner has not sufficiently explained the relevance of his previous research to his proposed research. We may, in our discretion, use advisory opinion statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. However, where an opinion is not in accord with

[2] While we may not discuss every document submitted, we have reviewed and considered each one.

other information or is in any way questionable, we are not required to accept or may give less weight to that evidence. *See Matter of Caron Int'l*, 19 I&N Dec. 791 (Comm'r 1988).

In addition, the Petitioner highlights that he has been invited to present at conferences and to serve as a peer reviewer and states that "[t]hese invitations reflect the broader scientific community's acknowledgement of [the Petitioner's] qualifications, excellent research, and influence over the field of artificial intelligence." Yet, the Petitioner's knowledge, skills and experience are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the Petitioner has demonstrated, by a preponderance of the evidence, the national importance of his proposed endeavor.

Further, as previously noted, the Petitioner emphasizes that his proposed endeavor is distinct from his employment and that SCOPS erred in conflating the two. However, in the Petitioner's statement dated November 2024, he includes information on his duties as a "Software Engineer, Machine Learning" as part of his proposed endeavor and states that his employment is how he will advance his endeavor. He further states that his proposed endeavor is promoted at a national level through his employer and their nationwide business channels, research collaborations, and industry events; therefore, his employment is a critical part of the proposed endeavor. Although we acknowledge that the Petitioner's role and his assigned projects are important to his employer, the issue here is not the broader implication of the Petitioner's employer, but rather the potential prospective impact of the Petitioner's specific proposed endeavor. The Petitioner contends his proposed endeavor will have a broad impact on his industry; however, the evidence of his work within the company does not establish a broader impact directly attributable to the Petitioner or his specific proposed endeavor. 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. Similarly, the Petitioner's activities as a "Software Engineer, Machine Learning" for his employer do not establish a broader impact on the field.

While we acknowledge that the Petitioner also summarized two research projects in his May 2025 statement submitted in response to SCOPS' RFE, he has not provided the level of specific details or documentation as required under *Dhanasar* to support his claims that his proposed research projects have the potential to impact national government policies and advance the field of artificial intelligence. That is, the Petitioner does not adequately shed light on how the research, development, and refinement of deep learning models to improve sea level prediction and recommendation systems would extend beyond the entities seeking out those services. The language used by the Petitioner does not clearly detail how he plans to carry out his research so that we can determine whether it is of national importance. Instead, the Petitioner's evidence relating to the national importance of his intended research mostly explains his previous research and the importance of artificial intelligence. While demonstrating 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.

Moreover, the Petitioner has not established that the endeavor would have a "a significant potential to employ U.S. workers" or otherwise reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. While he claims his endeavor will "general substantial

economic benefits," the Petitioner does not submit documentation regarding the economic impact of the proposed endeavor.

Finally, the Petitioner relies on *Buletini v. INS*, 850 F. Supp. 1222 (E.D. Mich. 1994) to support his assertion that SCOPS erred in failing to consider all the evidence in its totality. But the court in *Buletini* did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor does the *Buletini* decision suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration to the petition, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents.[3]

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address his eligibility under the remaining prongs, and we hereby reserve them. *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 alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to establish that he meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that he has not established eligibility for 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.

[3] *See, e.g., Ren v. USCIS*, 60 F.4th 89, 97 (4th Cir. 2023) ("[S]o long as [USCIS] has given reasoned consideration to the petition, and made adequate findings, we will not require that it address specifically each claim the petitioner made or each piece of evidence the petitioner presented." (cleaned up)); *Osuchukwu v. INS*, 744 F.2d 1136, 1142-43 (5th Cir. 1984) ("[The Board of Immigration Appeals] has no duty to write an exegesis on every contention").