U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40777990

Date: FEB. 04, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an engineer and researcher, 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* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

SCOPS denied the Form I-140, Immigrant Petition for Alien Workers (national interest waiver), concluding that the Petitioner had not established that a waiver of the required job offer, and thus of the 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 visa 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.

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

II. ANALYSIS

The Petitioner obtained a master of science degree in electrical and computer engineering from [redacted] in May 2023 and was a doctoral candidate through December 2024. SCOPS determined the Petitioner established she has an advanced degree and qualifies for the underlying EB-2 visa classification. We agree. The remaining issue is whether she has established she merits a discretionary waiver of the job offer requirement "in the national interest."

SCOPS determined the Petitioner established the substantial merit of her proposed endeavor but not its national importance to demonstrate *Dhanasar's* first prong, the Petitioner was well-positioned to advance her proposed endeavor under *Dhanasar's* second prong, but she had not demonstrated that, on balance, waiving the job offer requirement would benefit the United States under *Dhanasar's* third prong.

For the reasons discussed below, we conclude the Petitioner has not established *Dhanasar's* first and second prongs. We therefore reserve our analysis of *Dhanasar's* third prong. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *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).

A. Substantial Merit and National Importance

The Petitioner submitted two personal statements dated December 2024 and April 2025 stating her proposed endeavor is to continue her research on refining and developing advanced silicon carbide process integration techniques for improving the performance and reliability of semiconductor devices in order to drive innovation in applications like telecommunications and advanced computing. The Petitioner claimed that her research addresses critical national priorities in advanced telecommunications, quantum infrastructure, and photonic-enabled computing systems. She also submitted documentation, for example, describing the benefits and application of and growing demand for silicon carbide semiconductors, its relevance to U.S. national security interests, and how its advancement is a Critical and Emerging Technology (CET).[2] She stated she has been employed as a process engineer for [redacted] since January 2025 but her ability to pursue her proposed

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

[2] While we may not mention all the evidence, we have reviewed the record in its entirety and discuss the evidence relevant to our analysis.

endeavor is in no way limited to her employer. She describes her role at [redacted] as "enhancing the integration of transistor processes to enhance device performance and manufacturing scalability."

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*. Here, the Petitioner has demonstrated through her personal statements, articles, and background material that her endeavor falls within one or more of the areas contemplated by *Dhanasar.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id*. We look for broader implications" of the proposed endeavor and explained that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* at 890. 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*.

We agree with SCOPS' determination that the Petitioner did not establish the national importance of her proposed endeavor. The Petitioner argued that her research would be disseminated to others in the field through journals and conferences and therefore will have broader implications. As research has the potential to impact the field, details about the Petitioner's research are important for determining the potential prospective impact of the proposed endeavor. In *Dhanasar*, we held that a petitioner must identify "the specific endeavor that the foreign national proposes to undertake." *Id*. at 889; *see generally* 6 *USCIS Policy Manual* F.5(D)(3), https: //www.uscis.gov/policy-manual (providing, as guidance, an endeavor is more specific than a general occupation and should include details of the types of work a petitioner intends to undertake and describe specific projects and goals). Here, the Petitioner does not provide sufficient detail regarding her proposed research to demonstrate its prospective national importance.

While the Petitioner described the type of research she would like to perform, she did not explain, for example, how she will perform this research, which is particularly critical in light of her full-time employment with [redacted] In her December 2024 personal statement, she provided a description of her job duties, which did not include research. She also claimed that her employer engages in conference presentations and research collaborations, however, she did not provide details on whether and how she would play a role in the presentations and collaborations and whether the research she would be doing for her employer would be in pursuit of her proposed endeavor. Further, even if the Petitioner intended to advance her proposed endeavor through her employer, she has not demonstrated that her employer, a private company, would allow use of its proprietary technology outside the scope of her employment or public dissemination of any developments to such research. As a result, the Petitioner has not provided sufficient detail or documentation to support her claims that any future research she performs would have the potential to extend beyond her employer and broadly impact the field of electrical and computer engineering or other fields and industries.

Moreover, while we acknowledge the Petitioner's statements that she intends to pursue her endeavor regardless of her specific place of employment, again, she does not provide sufficient details explaining how else she would perform her research. The Petitioner provided a letter dated May 2025, authored by her former post doctorate advisor and an associate professor of electrical and computer engineering at [redacted] The letter explains that the Petitioner's research aligns with areas U.S. agencies, such as the Department of Energy, are interested in, but the letter makes no reference to any interest by the government or any other entities in the Petitioner's specific proposed endeavor. Nor does the author claim the Petitioner would be working with [redacted] or any other research institute. Further, while the author also stated that the Petitioner's research "has received funding" from the National Science Foundation (NSF), the author also said that her name may not appear in formal funding documentation. The Petitioner did not provide evidence of future funding by the NSF.[3] As a result, the Petitioner has not provided sufficient detail or documentation to allow us to understand how she would continue her research on refining and developing advanced silicon carbide process integration techniques with enough broad potential implications for her field to demonstrate national importance.

On appeal, the Petitioner relies on *Buletini v. INS*, 850 F. Supp. 1222 (E.D. Mich. 1994) to assert SCOPS abused its discretion by insufficiently and improperly analyzed the evidence. As an initial matter, like the Board of Immigration Appeals, we are not bound by the published decisions of U.S. district courts even in matters arising within the same district. *See Matter of K-S-*, 20 I&N Dec. 715, 719 (BIA 1993). Thus, while we may consider the reasoning underlying a district judge's decision when it is properly before us, we are not required to follow it as a matter of law. Moreover, the *Buletini* decision does not suggest that it would be an abuse of discretion if USCIS does not provide individualized analysis for each piece of evidence. Rather, so long as USCIS gives a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presented. *Ren v. USCIS*, 60 F.4th 89, 97 (4th Cir. 2023); *see also Osuchukwu v. INS*, 744 F.2d 1136, 1142-43 (5th Cir. 1984) (stating that "[the Board of Immigration Appeals] has no duty to write an exegesis on every contention").

In addition, based on our de novo review, SCOPS properly considered the relevant evidence. For example, SCOPS found the Petitioner's articles and support letter did not demonstrate her proposed endeavor would substantial positive economic impact[4] or global implications for the field. SCOPS explained that the submitted articles about, for instance, silicon carbide semiconductors relate to the importance of the field and do not support that her specific proposed endeavor has national importance. SCOPS properly determined that merely working in an important field is insufficient to establish national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 889. On appeal, the Petitioner asserts that she submitted the same evidence as the Petitioner in *Dhanasar*, who provided articles documenting government interest in the area of the Petitioner's research. However, the Petitioner in *Dhanasar* provided, in relevant part, the specifics of his research and development, where he intended

[3] The record includes a study published in *ACS Photonics* in 2024, which was co-authored by the Petitioner's advisor and the Petitioner while he was studying a [redacted] and notes, "this work was supported by the NSF."

[4] The Petitioner argues that she is not required to show her proposed endeavor will create jobs or have other substantial positive economic effects. However, we do not read SCOPS' analysis as requiring this factor. Rather, SCOPS explained how the Petitioner had not established any of the factors identified in the *Dhanasar* decision that we consider in determining national importance and did not limit its analysis to this one factor.

to perform his research, probative expert letters from individuals holding senior positions in academia, government, and industry describing his research, U.S. government interest in his research, and investment in his research. *Id.* at 892. Here, by comparison, the Petitioner has not provided information on how or where she will perform her research, any interest in her research by government entities or any other sectors and only offered one letter by her fellow researcher and advisor. As SCOPS properly concluded, the Petitioner's recommendation letter does not sufficiently reflect with independent, objective evidence how the Petitioner's proposed endeavor will affect the field more broadly.

The Petitioner also asserts that SCOPS did not consider her recently published abstract and published paper, which demonstrates her contributions to the field. However, these publications are the result of her postdoctoral research and are more readily applicable to *Dhanasar's* prong two analysis, which looks to, for example, the Petitioner's knowledge and record of success in related or similar efforts. *Dhanasar's* first prong focuses on the Petitioner's specific proposed endeavor.

The Petitioner further asserts that SCOPS did not properly consider that her proposed endeavor has applications in CETs and this alone demonstrates its national importance. USCIS recognizes the importance of progress in science, technology, engineering, and mathematics (STEM) fields, especially in focused CETs and the essential role that individuals with advanced STEM degrees have in fostering such progress. 6 *USCIS Policy Manual, supra,* at F.5(D)(2). However, contrary to the Petitioner's assertions, having a STEM endeavor does not demonstrate national importance in and of itself. Rather, "in all cases, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *Id.* Here, the record does not demonstrate how the Petitioner's proposed endeavor will advance CETs to result in national or global implications within a particular field.

For all the above reasons, the Petitioner has not established by a preponderance of the evidence that her proposed endeavor will have broader implications in the field, or substantial positive economic effects, particularly in an economically depressed area, to demonstrate its national importance and that she meets the requirements of *Dhanasar's* first prong.

B. Well Positioned to Advance the Proposed Endeavor

SCOPS determined, without analysis, that the Petitioner met her burden of proof to establish *Dhanasar's* second prong. We disagree. To determine whether a petitioner is well positioned to advance the proposed endeavor, we consider factors including, but not limited to: the petitioner'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 the interest of potential customers, users, investors, or other relevant entities or individuals. *Matter of Dhanasar*, 26 I&N Dec. at 890. The record contains evidence in support of this prong, including her degrees, a letter in support, published articles, citation history, notable citations to her studies and journal rankings.

As noted, the Petitioner's education, skills, and knowledge are positive factors in support of her position to advance the proposed endeavor. *Id.* at 890. The Petitioner has demonstrated that she holds a U.S. master's degree in electrical and computer engineering, which relates to her proposed research. However, a degree is one factor we consider in determining whether a person is well positioned to

advance the proposed endeavor. *See generally* 6 *USCIS Policy Manual, supra,* at F.5(D)(3) (providing, as guidance, education is merely one of many factors that may contribute to whether an individual is well-positioned to advance their proposed endeavor).

We also consider evidence of the Petitioner's record of success in related or similar efforts and any progress towards achieving the proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 890. The Petitioner submitted her peer-reviewed journal articles, her citation rate, publication in high-ranking journals, and notable citations to demonstrate her record of success and influence in the field. She provided her Google Scholar profile evidencing her articles have been cited 204 times. However, she did not discuss the significance of the number of studies she published or provide context for how being cited 204 times equates to a record of success or progress in achieving her proposed endeavor. The Petitioner stated she authored a paper that ranked among the top 1% and six papers that ranked among the top 10% most-cited articles across the entire field of engineering for their respective years of publication. However, citation frequency, which may include self-citations, is quantitative in nature and does not reveal the reasons for the citations, which involve a qualitative analysis. Further, we recognize the Petitioner's research must add information to the pool of knowledge in some way in order to be accepted for publication, presentation, funding, or academic credit. However, not every individual who has performed original research will be found to be well positioned to advance her proposed endeavor. Rather, we examine the factors set forth in *Dhanasar* to determine whether, for instance, the individual's progress towards achieving the goals of the proposed research, record of success in similar efforts, or generation of interest among relevant parties supports such a finding. *Id.* at 890.

Here, the articles the Petitioner submitted as notable citations to her studies only list the Petitioner's work in string citations with other studies, at most noting the Petitioner's study in a sentence or two without more discussion. Beyond having been cited by others in their published works, the articles do not demonstrate how the Petitioner's work is being used by others in the field to establish a record of success or progress towards achieving her proposed endeavor. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3) (providing, as guidance, a petitioner may establish she is well-positioned by including evidence such as excerpts of published articles showing positive discourse around, or adoption of, the person's work, or achievements in the field or how the person's work is being used). While we note that the Petitioner's brief highlights three articles that "directly used" the Petitioner's work and concludes her work is "crucial for her peers" and her work "plays a significant role in advancing the development of 4H-SiCOI thin films," these claims by counsel are not independently corroborated in the record. Unsupported assertions of counsel do not constitute evidence. *See Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1998) (citing *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980)). Further, the Petitioner has not shown that her published work has served as an impetus for progress in the electrical or computer engineering field, influenced these fields, or has generated positive discourse around or adoption of the Petitioner's research to demonstrate that her work constitutes a record of success or progress in researching, refining, and developing advanced silicon carbide process integration techniques for improving the performance and reliability of semiconductor devices in applications like telecommunications and advanced computing.

The Petitioner further asserted that her support letter speaks to her influence in the field and record of success. Letters may be persuasive when they are from experts in the person's field who have first-hand knowledge of the person's achievements, describe those achievements, provide specific

examples of how the person is well positioned to advance the person's endeavor, and are supported by other independent evidence. *See id.* We reviewed the letter and note that while the author speaks to the Petitioner's knowledge and skills, the author does not demonstrate the Petitioner is well positioned to advance her proposed endeavor. For example, the author does not provide sufficient detail of how the Petitioner's contributions have been significant, impacted the field, and created discourse among others in the field. The letter, without details and corroboration, is not sufficiently persuasive to demonstrate the Petitioner is well positioned to advance her proposed endeavor.

The record demonstrates that the Petitioner's research resulting in published studies was accomplished while she was pursuing her doctoral degree. The Petitioner does not provide a plan as to how she intends to continue her research, as described in her proposed endeavor. She did not include evidence of prospective or potential customers, users, investors, or other relevant entities reflecting feasible plans for financial support to demonstrate she is well positioned to advance the proposed endeavor. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3) (providing, as guidance, the business plan should be detailed and include relevant supporting evidence when appropriate). Without such evidence, the Petitioner has not demonstrated that she currently has the ability to pursue her proposed endeavor. *See id.* (providing, as guidance, documentation reflecting feasible plans for financial support, that the person has received investment from U.S. investors, or awards or grants may demonstrate an individual is well-positioned to advance their endeavor). By contrast, in *Dhanasar*, we noted that the petitioner had received "consistent" government funding of research projects in which he played a "significant" role. *Matter of Dhanasar*, 26 I&N Dec. at 892. Specifically, we noted that he initiated or was the primary award contact on several funded grant proposals and was the only listed researcher on many of the grants. *Id.* at 893, Fn. 11. The record does not similarly support the Petitioner's prospective future funding and interest to advance her endeavor.

Looking at the record as a whole, while the Petitioner provided evidence of her education and knowledge, her evidence does not sufficiently demonstrate, for example, a record of success, interest of potential investors, progress towards achieving her proposed endeavor, or a plan describing feasible plans for financial support so she can continue her proposed work. We therefore conclude that the Petitioner has not met her burden in establishing she is well positioned to advance her proposed endeavor by a preponderance of the evidence. We withdraw SCOPS determination to the contrary.

III. CONCLUSION

The Petitioner has not demonstrated she is eligible for a national interest waiver.

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.