U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41000441

Date: FEB. 04, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a computer science 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 that is attached to this classification. Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

SCOPS denied the petition, concluding that the Petitioner did not demonstrate that she is eligible for or otherwise merits a national interest waiver as a matter of discretion. The matter is now before us on appeal. 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act. Once a petitioner demonstrates eligibility for the underlying EB-2 classification, he or she must then establish eligibility for a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that 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 to be discretionary in nature).

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

Id.

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as a member of the professions holding an advanced degree.[2] The issue on appeal is whether the Petitioner established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

In applying the *Dhanasar* framework, SCOPS determined that while the Petitioner's proposed endeavor has substantial merit, she did not establish it is of national importance. Upon de novo review, we agree with SCOPS' determination that the Petitioner did not establish the national importance of her proposed endeavor under *Dhanasar's* first prong.[3]

On appeal, the Petitioner asserts SCOPS abused its discretion by erroneously applying the law to the facts of her petition. In particular, she claims SCOPS mischaracterized her proposed endeavor by conflating her proposed research work with her intended employment as an assistant teaching professor. The Petitioner maintains she clearly explained her research as her proposed endeavor, not her employment as an assistant professor, and that SCOPS did not appropriately evaluate her proposed research endeavor and the supporting evidence, including her statements; the letters of recommendation; and articles, reports, and national initiatives related to the field of computer science. In addition, she claims that her statements and the supporting evidence clearly demonstrate the national importance of her proposed endeavor.

We disagree with the Petitioner's assessment of SCOPS' decision. To determine whether a petitioner has met their burden under the preponderance of the evidence standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.; *see also Matter of E-M-*, 20 I&N Dec. 77, 79- 80 (Comm'r 1989). Here, while the Petitioner takes issue with SCOPS' decision referring to her occupation as "an assistant teaching professor," the decision clearly articulates that the Petitioner's proposed endeavor is to conduct research on the mental models of computer programmers. In addition, SCOPS acknowledged and analyzed documents submitted, specifically the Petitioner's statements, recommendation letters, articles, and reports to evaluate her proposed endeavor and whether it has substantial merit and is of national importance. Based on the record, SCOPS' decision is a reasoned interpretation and consideration of the evidence. The proposed endeavor, as described, and the evidence in the record do not support the Petitioner's assertions that the potential impact of her endeavor would have a broader impact to her field or implications rising to a level of national importance.

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[2] To demonstrate the Petitioner is an advanced degree professional, she submitted her diploma and academic transcript indicating she earned a PhD in computing and information systems from [redacted] in 2024. Based on the record, the Petitioner has demonstrated that she qualifies for the underlying EB-2 visa classification as an advanced degree professional.

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

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that a petitioner 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. In determining national importance, 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." *Id.* 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. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual.

In her initial petition, the Petitioner stated she proposes to conduct research in computer science education. In particular, she would investigate the mental models of novice computer programmers with the aim of lowering the failure rate of computer science undergraduate students. She indicated that she intends to advance her research endeavor by pursuing an assistant teaching professor position at [redacted] or a similar university.

To clarify her proposed endeavor, the Petitioner submitted a new statement with her request for evidence reply. Her statement summarizes three research projects and claims her research "will support national priorities in digital equity, CS for All, and workforce readiness by enhancing student retention, promoting [artificial intelligence (AI)] literacy, and equipping educators with diagnostic and instructional tools." Her statement explained that she currently works in the United States as an instructor of computer science with the Department of Computer Science, Engineering, and Mathematics at [redacted] and that her time is divided to include 60.4% developing required courses for science, technology, engineering, and math (STEM) students; 10% dedicated to academic research; and 5% towards grantsmanship. She emphasizes that her teaching employment would be separate from her proposed research work, with plans to share her research in journal publications and at conference presentations.

For her first project, she expresses her intent to address the high drop-out and failure rates among students in computer science 1 (CS1) undergraduate level courses by improving students' mental models. She intends to develop "a theory-grounded, scalable assessment tool called the [redacted] which "uses a multiple-choice format to elicit and classify mental models of Java arrays based on their correctness and internal consistency." (citations omitted). She maintains that CS1 classes "hold incomplete and inconsistent mental models–cognitive frameworks that shape how they understand programming structures and behaviors." (citations omitted). Upon development of the [redacted] assessment tool, she intends to expand the [redacted] to other programming concepts; develop an instructor dashboard for real-time concept diagnosis; integrate [redacted] with Intelligent Tutoring Systems for custom learning tools; investigate the effectiveness of diagrams in CS1 students' mental models; and utilize [redacted] to identify liminal space of programming concepts. She contends her [redacted] assessment tools will help U.S. academic institutions graduate more students with computer science majors and increase a skilled technology workforce.

For the second project, the Petitioner's statement briefly states that she plans to "enhanc[e] STEM education through interactive physical models integrated with AI." She claims that given the decrease in U.S. math scores and the projected need for skilled STEM workers, this research would "directly address urgent national challenges in STEM education and workforce development."

For the third project, the Petitioner plans to address the lack of AI mental models in K-12 learners by conducting literature review, interviewing educators, and designing multiple choice items modeled after the original [redacted] framework in order to identify key Generative Artificial Intelligence (GenAI) concepts and common GenAI misconceptions. She maintains that her research would allow educators to identify and correct misconceptions about AI learning for K-12 students, address the critical gap in K-12 AI literacy, increase the understanding of AI for K-12 students, and expand AI education and equitable access to computing education.

While the Petitioner provides an overview of her proposed research projects, her project descriptions are brief summaries, without specific details or evidence supporting her claims of their impacts. The Petitioner describes projects that differ from each other and generally convey ideas enhancing student mental models for computer science and AI education. Moreover, while she indicates her research will have potential broader impacts on her field, national initiatives, and the U.S. economy, she has not provided evidence corroborating her claims. The Petitioner must support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The record includes a letter from the Petitioner's current employer confirming the Petitioner's employment as a computer science instructor, and states that the Petitioner has been engaged in "several high-impact research initiatives that aim to improve student comprehension and success in computer science." However, neither the Petitioner nor her employer provide specific details of these research initiatives. Instead, her employer provides a list of brief descriptions of the Petitioner's work, including student K-12 AI literacy; mental models to enhance how students grasp programming concepts to boost retention in CS1 courses; creating interactive tactile learning experience integrating arts with STEM; and supporting interdisciplinary work at the university. We acknowledge that the Petitioner conducting research as an assistant teaching professor at a U.S. university with a focus on investigating students' mental models to improve their computer programming and AI education may demonstrate the substantial merit of the proposed endeavor. However, her proposed research projects and evidence in the record do not support or demonstrate her endeavor's prospective potential impact nationally, or globally, or through broader implications rising to a level of national importance.

As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id*. Here, the Petitioner has not provided the level of specific details or documentation as required under *Dhanasar* to support her claims.

The Petitioner claims that her proposed endeavor aligns with national government initiatives recognizing the importance of advancing STEM and AI; prioritizing STEM and AI education and workforce development; and equitable access to computing education for national security, the U.S. economy, and progress in STEM fields. The Petitioner explains that her research would evaluate how

students understand core programming and emerging AI topics so that educators can develop targeted instructional material and curriculum enhancements to improve student retention and success in computer science education. By doing so, she claims her research will improve U.S. STEM and AI education, thereby addressing national concerns of having a strong domestic computer science education, bolstering U.S. technological competitiveness, and ensuring the United States has a skilled STEM workforce. Given the expected increase in the need for skilled STEM workers, she claims her research would benefit the U.S. economy and other industry sectors, such as healthcare, which rely on STEM professionals. To support her claims, the Petitioner submitted articles, reports, and U.S. government policies supporting the advancement of STEM education; fostering STEM talent; AI research and development; and AI education in K-12.

The Petitioner, however, does not quantify the proposed endeavor's expected impact in the identified areas of concern, or provide objective, probative evidence to support her contentions. Much of the evidence in the record and the Petitioner's arguments focus on the importance of the field of STEM and AI. While USCIS recognizes specific evidentiary considerations relating to STEM degrees and fields, "the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(2). Moreover, the importance of an industry or field, or an expected increase in the need for skilled workers in a specific field, is not sufficient to meet the national importance requirement under the *Dhanasar* framework. We acknowledge the overall value of the advancement of STEM and AI, attracting qualified professionals in related careers, 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 id.*

Instead, we focus on the "the specific endeavor that the foreign national proposes to undertake" and consider the endeavor's "potential prospective impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner has not sufficiently detailed her proposed research or provided supporting evidence to understand how it would advance STEM technologies and education with sufficiently broad potential implications for her field rising to the level of national importance. The evidence submitted in support of her claims does not mention the Petitioner's specific proposed projects and their potential impact on the field or on such national initiatives. Although the Petitioner has shown that supporting the advancement of STEM education; fostering STEM talent; AI research and development; and AI education in K-12 are nationally important issues, she has not demonstrated the potential prospective impact of her specific endeavor to such nationally important matters.

She contends that her plans to disseminate her findings through scholarly publications and conference presentations show her endeavor would have broad national impact. The Petitioner emphasizes that her research work has had a broad impact in her field, pointing to her previous research work having been published in industry publications and presented at industry conferences. While the Petitioner's previous research may help to understand her proposed endeavor, such previous work mainly relates to whether she is well-positioned to advance her endeavor under *Dhanasar's* second prong.

The record includes recommendation letters from the Petitioner's former academic advisors who are familiar with her research. However, the Petitioner's former advisors mainly focus on her previous research, while generally referencing the Petitioner's ongoing research being of importance and contributing to her field and the United States. For instance, the Petitioner's dissertation advisor

discusses the Petitioner's research analyzing diagrams of commonly used computer science textbooks to understand how "diagrams convey concepts and aid novice learning in developing mental models, enhancing recall, and refining problem-solving abilities." While her advisor indicates that her work has produced new guidelines for redesigning explanatory diagrams to benefit students, evidence in the record does not discuss these guidelines and whether her previous findings relate to her proposed endeavor. Another former advisor attests to the Petitioner's research skills and experience and discusses her 2018 research work relating to security and privacy risks with patient portal accounts in U.S. hospitals. Her former advisors, however, do not identify or address her specific proposed endeavor. While the Petitioner's previous research may help to understand her proposed endeavor, the Petitioner has not explained the relevance of her previous research to her proposed research which would focus on investigating students' mental models to improve their computer programming and AI education.

The Petitioner mainly relies on her statements, without sufficient corroborating evidence, to characterize her proposed research work as valuable for impacting her field, national initiatives, job creation, and the U.S. economy. She summarized three research projects but has not provided the level of specific details or documentation as required under *Dhanasar* to support her claims that her proposed research projects have potential broader impacts. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. The claimed potential impacts on her field, national initiatives, job creation, and the U.S. economy depend on numerous factors, and the Petitioner did not offer a sufficiently direct evidentiary tie between her proposed research work and the claimed results. After considering the totality of the evidence, the Petitioner has not demonstrated by a preponderance of the evidence that her proposed endeavor is of national importance.

SCOPS further determined that the Petitioner did not establish that she is well-positioned to advance the proposed endeavor under *Dhanasar's* second prong, or that, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus of a labor certification under *Dhanasar's* third prong. Because the documentation in the record does not sufficiently establish the Petitioner qualifies for the first prong of the *Dhanasar* precedent decision, she has not demonstrated eligibility for a national interest waiver. This identified basis for dismissal is dispositive of the Petitioner's appeal, and therefore we decline to reach and hereby reserve the Petitioner's appellate arguments and eligibility under the second and third prongs of *Dhanasar. See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "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

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, she has not established her eligibility for a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

ORDER: The appeal is dismissed.