.

U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40987970

Date: FEB. 6, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, [redacted] 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 the record did not establish 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 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) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

II. ANALYSIS

SCOPS determined that the Beneficiary qualifies for the underlying EB-2 classification as an advanced degree professional but that the Petitioner did not establish the Beneficiary's eligibility under the *Dhanasar* analytical framework. In particular, SCOPS found that the Petitioner established the substantial merit of the Beneficiary's proposed endeavor but not its national importance under *Dhanasar's* first prong.[2] For the reasons set forth below, we agree with SCOPS' conclusions regarding national importance and, therefore, will dismiss the appeal.

The Petitioner claims it is [redacted]" The Petitioner asserts that most of the major semiconductor manufacturers are its customers. The Beneficiary currently works as a technical project lead for the Petitioner. He has a background in mechanical engineering and states he has over eight years of experience in planning and executing industry and academic research in disciplines including projects from design, manufacturing, microfabrication, and medical device development. His past work includes roles as a mechanical design engineer, graduate research assistant, and exchange research scholar. The Petitioner states that the Beneficiary's endeavor is to "drive product management and execution for the utilization of mechanical engineering designs to eliminate PFAS (per- and polyfluoroalkyl substances), otherwise known as 'forever chemicals' and enact the use of safe chemicals for extreme ultraviolet (EUV) photolithography machines enabling the lasers that enhance the efficiency and reliability of chip manufacturing processes."

In response to SCOPS' Request for Evidence (RFE), the Beneficiary submitted a personal statement further describing his proposed endeavor. He stated that he will "lead the design, coordination, and implementation of environmentally sustainable and precision-engineered hardware solutions for next-generation semiconductor lithography systems, which includes advancing Per- and Polyfluoroalkyl Substances (PFAS)-free technologies and mechanical designs that meet stringent performance and contamination requirements while supporting global efforts to eliminate harmful substances from high-tech manufacturing."

In concluding the Petitioner did not show the proposed endeavor meets the national importance requirement of *Dhanasar's* first prong, SCOPS found that the Petitioner did not show the Beneficiary's products or services would have broader implications beyond the individuals or entities utilizing them. They determined that the record did not reflect a sufficiently direct connection between the proposed activities and a sufficiently broad impact.

On appeal, the Petitioner argues that SCOPS misapplied *Matter of Dhanasar* and failed to give appropriate weight to the evidence in the record showing the broader implications of the Beneficiary's proposed endeavor.

Upon de novo review, and after carefully evaluating all the evidence submitted, we agree with SCOPS' conclusion that the Petitioner has not met its burden to demonstrate the national importance of the

[2] SCOPS also concluded that the Petitioner did not show the Beneficiary's eligibility under *Dhanasar's* second or third prongs.

Beneficiary's proposed endeavor and, thus, has not established his eligibility for a national interest waiver.[3]

To evaluate whether a proposed endeavor satisfies the national importance requirement, we focus on the specific endeavor that the foreign national proposes to undertake and look to evidence documenting its "potential prospective impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we 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.

We agree with SCOPS that the Petitioner has not sufficiently established that the prospective impact of the Beneficiary's proposed endeavor would rise to the level of national importance. As an initial matter, the Petitioner emphasizes that "[w]hile the Beneficiary pursues their endeavor within the context of his employment with [redacted] the proposed endeavor focuses not on the Beneficiary's position at [redacted] but on what the [B]eneficiary plans to do within their occupation." However, the Petitioner has not sufficiently explained how the work performed for it is meaningfully distinct from the proposed endeavor or how the Beneficiary would pursue the endeavor independently outside the scope of his current role. Additionally, the record is unclear whether the Beneficiary's proposed work would be proprietary to the Petitioner, which would limit the extent to which the Petitioner could show broader impacts beyond the Petitioner and its clients.

Nevertheless, even putting this issue aside, the Petitioner maintains that the Beneficiary's endeavor is nationally important because it contributes to the advancement of the lasers that enhance the efficiency and reliability of semiconductor manufacturing processes. The Petitioner submits various industry articles and claims the endeavor "directly supports the mass production and inspection of the world's most advanced semiconductor chips, as the Beneficiary's work to improve the materials used to build the critical lithography machines helps to not only produce more advanced semiconductor chipsets, but it also helps to ensure the health and safety of American citizens, as his work focuses on the elimination of proven harmful chemicals." The Petitioner also contends the endeavor aligns with U.S. national initiatives "aimed at strengthening U.S. lithography presence and promoting the expansion of the semiconductor manufacturing process."

While we recognize the importance of the semiconductor industry and the benefits of eliminating PFAS from the environment, working in, or adjacent to, an important industry or sector, even one that is the subject of national priorities, is not sufficient, in and of itself, to establish the national importance of the proposed endeavor. *See id.* at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes to undertake"). The Petitioner must still demonstrate the proposed endeavor's potential prospective impact in that area of national importance. In this case, the evidence does not establish how the Beneficiary's work would sufficiently extend beyond the Petitioner and its clients to produce the nationally important impacts claimed.

[3] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

Although the Petitioner argues that the impact of the Beneficiary's work is magnified through the Petitioner's scale and influence as a [redacted]' thereby ensuring the Beneficiary's contributions would have a broad effect on U.S. semiconductor manufacturing, the main benefits of the proposed endeavor appear to flow to the Petitioner itself rather than to the field overall. The record does not adequately link how the Beneficiary's work "driv[ing] product management and execution" and "lead[ing] the design, coordination, and implementation" of potentially proprietary designs to eliminate PFAS from the Petitioner's photolithography machines would have national impacts or implicate broader matters rising to a level of national importance. Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether an individual's endeavor has national importance. Rather, at issue is whether the Petitioner can demonstrate that the Beneficiary's endeavor stands to have broader implications, such as for a field, a region, or the public at large. *See generally* 6 *USCIS Policy Manual*, F.5(D)(3), https://www.uscis.gov/policy-manual.

Likewise, while the Petitioner argues that the Beneficiary's "talent in analyzing and improving lithography machine materials is in demand," an individual's knowledge, skills, expertise, and accomplishments are considerations under *Dhanasar's* second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar*, 26 I&N Dec. at 890. The issue under the first prong is whether the Petitioner has demonstrated the national importance of the endeavor itself. *Id.* at 889. Furthermore, contrary to the Petitioner's arguments, there is little evidence that the proposed endeavor stands to impact or significantly reduce the "urgent need for STEM professionals."

We have also considered the Petitioner's support letters, but they also do not establish the endeavor's national importance. Many of the letters focus on the importance of the semiconductor industry, rather than the proposed endeavor. Additionally, they discuss the Beneficiary's skills and past accomplishments, but, as stated above, these are considerations under *Dhanasar's* second prong. *Id.* at 890. When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Id.* at 889. While some of the letters do mention the endeavor and broadly claim its national importance, their statements primarily rely on the benefits to the Petitioner and the importance of the semiconductor industry in general, rather than on the specific impact of the Beneficiary's proposed work and how it, in particular, would produce broader, nationally important impacts.

For example, the Petitioner submitted an expert opinion letter written by [redacted] an associate professor at [redacted] Although the professor's letter broadly discusses the proposed endeavor and its purported benefits, he primarily focuses on the importance of the semiconductor industry and the potential benefits that *the Petitioner* would bring to the industry. He states, among other things, that "[t]he innovative solutions developed by [the Beneficiary] at [redacted] would be integral to improving the safety and sustainability of *the company's* photolithography methods" and that "[b]y contributing solutions to improve [redacted] lithography methodologies, [the Beneficiary] would enable the continued availability of microelectronics and semiconductor devices supporting all of these sectors, benefiting not just his direct employer, but countless other businesses and organizations" (emphasis added). But these statements do not sufficiently illustrate or link how the *Beneficiary's* proposed endeavor would directly result in these impacts. Again, the Petitioner must show that the impact of the Beneficiary's proposed endeavor, as opposed to the value brought by the

Petitioner, would extend beyond the company to have broader implications rising to the level of national importance.

Likewise, we note that, while the letter broadly claims that the endeavor would be "critical in advancing ongoing industry-wide efforts to phase [PFAS] chemicals out of the production process," the professor does not provide sufficient specificity to illustrate how the Beneficiary's work, in particular, would directly produce any nationally important impacts. For instance, the professor does not detail what the Beneficiary's work or research would specifically entail, what the Beneficiary's specific role would be in that work, or how any specific innovation or progress in technologies would be directly attributable to the Beneficiary, as opposed to other individuals on his team, such as chip architects, material scientists, and supply chain experts, or even other groups within the company. As a matter of discretion, we may use opinion statements submitted by the Petitioner as advisory. *Matter of Caron Int'l*, Inc., 19 I&N Dec. 791, 795 (Comm'r 1988). However, we are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought and the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.* Here, the expert opinion and other support letters are of little probative value, as they conflate the importance of the field and Petitioner's influence overall with the national importance of the Beneficiary's specific endeavor.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the record does not sufficiently establish the proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated the Beneficiary's eligibility for a national interest waiver. Further analysis of the Beneficiary's eligibility under the second and third *Dhanasar* prongs, therefore, would serve no meaningful purpose. *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

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that it has not established that the Beneficiary is eligible for, or otherwise merits, 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.