U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41851906

Date: FEB. 23, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree or an alien of exceptional ability, 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 Petitioner 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 establish eligibility for a national interest waiver, petitioners must 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 petitioners demonstrate:

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

Regarding the national interest waiver, the first prong relates to substantial merit and national importance of the specific proposed endeavor. *Dhanasar*, 26 I&N Dec. at 889. At initial filing, the Petitioner's statement indicated that he was "applying for EB-2 National Interest Waiver status so that [he] may continue [his] research and development work in AV [autonomous vehicles] in the automotive engineering field in the United States." However, the Petitioner did not further elaborate and did not specifically indicate and describe what type of research he planned to conduct or what type of technology he intended to develop. The Petitioner's broad, general claims do not satisfy *Dhanasar's* requirement of a specific proposed endeavor. *Id.*

In response to the request for evidence, the Petitioner provided an updated statement asserting:

> My current work at [redacted] is dedicated to developing advanced AI [artificial intelligence]-driven driver monitoring and accident prevention technologies. My department spearheads these innovations, creating sophisticated AI solutions capable of accurately understanding complex traffic situations to provide drivers with more timely and relevant warnings, recommendations, and interventions. We are advancing technologies such as generative AI, which enable faster and more efficient training of automated driving systems, significantly reducing the necessary validation miles and enabling safer responses under diverse driving conditions. [redacted]'s recent public announcement highlights these advancements, further solidifying our commitment to enhancing road safety through AI-driven solutions.
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> . . . .
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> One-Year Plan (2025)
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> In the next year, I will focus on two key areas:
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> 1. Enhancing AI-Driven Safety Features: I will continue developing AI-based driver monitoring systems and active intervention technologies that can override human error in critical situations. A specific example is Red-Light Violation Prevention, which can significantly reduce intersection-related fatalities.
> 2. Public Advocacy and Industry Influence: Through strategic speaking engagements at key industry conferences (such as [redacted], the largest technical mobility event in North America with ca. 100 exhibitions registered participants), I will actively promote the adoption and integration of next-generation AI-driven accident prevention technologies. These engagements will allow me to share [redacted]'s pioneering research in AI and automated driving, engage directly with key industry stakeholders, and advocate for regulatory developments that support widespread adoption of sophisticated safety features.
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> . . . .

Two-Year Plan (2025-2026)

Over the next two years, my focus will expand to:

1. Prototype Development and Industry Adoption: I will lead my team in developing a prototype AI-powered accident prevention system, showcasing its feasibility to U.S. automakers for large-scale deployment.
2. Collaboration with U.S. Regulatory Bodies: I will work closely with NHTSA [National Highway Traffic Safety Administration] and DOT [U.S. Department of Transportation] to help define industry-wide safety benchmarks for AI-powered driving systems.
3. Expanding AI Research for Traffic Safety: I will intensify my work with leading U.S. universities (, collaboration with since 2019 and in a future advisor role for implementation of) to advance research on automated safety interventions that can reduce pedestrian fatalities, a critical issue in the U.S.

. . . .

Five-Year Plan (2025-2029)

Looking ahead, my long-term vision is to:

1. Guide the Industry Towards AI-Powered Accident-Free Roads: I aim to implement AI-driven safety standards across U.S. automakers, establishing a new global benchmark for autonomous driving.
2. Shape U.S. Policy on AI Safety Standards: I will actively collaborate with policymakers, including:
   - U.S. [DOT], particularly [NHTSA]
   - California Department of Motor Vehicles (DMV), building on our established collaboration with the Autonomous Vehicle Branch
   - Industry organizations such as SAE International, with whom I have confirmed speaking engagements, and the Automated Vehicle Safety Consortium (AVSC), where maintains active membership.

   My ongoing invitations to NHTSA working groups and close collaboration with DMV California on AV testing programs uniquely position me to contribute meaningfully to regulatory frameworks and national safety mandates for AI-assisted driver monitoring and intervention technologies.
3. Position the U.S. as the Global in Automotive AI: By leading cross-industry partnerships, I will ensure that the U.S. retains its technological edge in autonomous vehicle safety, reducing reliance on foreign technology.

Although he claimed that he was "provid[ing] a detailed overview of [his] prospective endeavor in the United States," the Petitioner's revised statement is not sufficiently "detailed," nor does it reflect a "specific proposed endeavor" as required under *Dhanasar*, 26 I&N Dec. at 889. The Petitioner

provides one, two, and five-year plans without containing sufficient information reflecting a specific proposed endeavor. Moreover, the Petitioner's statement indicates generalized assertions without expanding in detail. For instance, the Petitioner does not further elaborate on the following: "AI-based driver monitoring systems and active intervention technologies that can override human error in critical situations," "Red-Light Violation Prevention, which can significantly reduce intersection-related fatalities," "a prototype AI-powered accident prevention system, showcasing its feasibility to U.S. automakers for large-scale deployment," "industry-wide safety benchmarks for AI-powered driving systems," "research on automated safety interventions that can reduce pedestrian fatalities, a critical issue in the U.S.," "a prototype AI-powered accident prevention system, showcasing its feasibility to U.S. automakers for large-scale deployment," "regulatory frameworks and national safety mandates for AI-assisted driver monitoring and intervention technologies," and "technological edge in autonomous vehicle safety, reducing reliance on foreign technology." Here, the Petitioner broadly identified various areas of AV and AI without providing particulars that sufficiently satisfies a specific proposed endeavor as contemplated under *Dhanasar*, 26 I&N Dec. at 889.

Without a specific proposed endeavor, a determination cannot be made whether the endeavor has substantial merit[2] and national importance (prong one), that the Petitioner is well-positioned to advance the endeavor (prong two), and on balance, waiving the job offer requirement would benefit the United States (prong three).

III. CONCLUSION

As the Petitioner has not offered a specific proposed endeavor as required under *Dhanasar*, we conclude the Petitioner has not demonstrated eligibility for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above-stated reasons, with each considered as an independent and alternate basis for the decision.

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.

[2] Although SCOPS determined the Petitioner's proposed endeavor has substantial merit, we withdraw that determination because the Petitioner did not provide a specific proposed endeavor.