U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40743268

Date: FEB. 23, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a process engineer, 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 EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

SCOPS denied the petition, concluding that 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. 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:

- 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 is discretionary in nature).

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

Id.

II. ANALYSIS

SCOPS concluded that the Petitioner qualifies as a professional holding an advanced degree. The record supports that conclusion; he has a master's degree in chemistry from the [redacted]. The remaining issue to be determined 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.

The Petitioner is a process engineer who conducts research to optimize the manufacturing processes of paper and polymer composites for an American manufacturer. He has experience researching nanogenerator technologies, which he describes as "centimeter-sized . . . energy-harvesting devices that utilize advanced nanomaterials to convert various forms of primary energy into electricity" and "power low-energy devices efficiently by converting environmental waste energy into usable electricity." His proposed endeavor is to continue his research developing and implementing innovative nanogenerator technologies. He states that his research advances sustainable energy solutions by enhancing efficiency, durability, and recyclability of nanomaterials. He states that nanomaterials provide eco-friendly power sources for electricity generation, healthcare, and consumer electronics to reduce environmental waste and improve the longevity and reliability of energy harvesting devices in extreme conditions. Devices developed through his research, he states, will lead to enhancements in healthcare for rural populations, health emergency preparedness, and environmental disaster and infrastructure monitoring. He states that his research will lead to scalable, self-powered systems, with applications for oil extraction, telecommunications, and the agriculture industry.

SCOPS determined that the Petitioner's proposed endeavor has substantial merit. SCOPS concluded, however, that the record did not establish the national importance of his endeavor or that, on balance, it would be beneficial for the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner reiterates previous assertions concerning his eligibility, stating that SCOPS dismissed certain evidence and made generic claims about what evidence demonstrated without fully analyzing it. Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework.

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.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the 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.* In *Matter of Dhanasar*, we further 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. If the evidence of record demonstrates that an individual's proposed endeavor has the significant potential to, for example, contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance.[2] Regarding an endeavor in the fields of science, technology, engineering, or math (STEM), importance may be found in its contribution to U.S. competitiveness or security in a variety of circumstances, such as when it will help the United States remain ahead of strategic competitors or current and potential adversaries.[3]

To provide context concerning the national importance of his proposed endeavor, the Petitioner submitted reports and articles discussing topics including energy consumption, government initiatives, and the applications of nanomaterials for renewable energy and regenerative medicine. He also provided documentation of his research, emphasizing that his proposed endeavor involves advanced engineering materials, advanced and networked sensing and signature management, and clean energy generation and storage—technologies identified as critical and emerging by the National Science and Technology Council (NSTC). These critical and emerging technologies, he stated, "are directly implicated in [his] proposed endeavor, thus demonstrating the considerable ramifications of this endeavor with respect to U.S. national security interests, a manifest demonstration of national importance . . . ."

USCIS recognizes the importance of progress in STEM fields and the essential role of persons with advanced STEM degrees, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security.[4] However, a proposed endeavor does not necessarily carry national importance based solely on its relationship to a critical and emerging technology; when evaluating the national importance of a proposed endeavor, it is not the overall importance of the industry, field, or profession in which an individual intends to work, but the particular endeavor on which an individual intends to embark. *Matter of Dhanasar*, 26 I&N Dec. at 889.

Concerning the importance of his research endeavor more specifically, the Petitioner provided letters of support from individuals who work in the field and who have knowledge of his past research. The letters reference citations to his work in the research of others, which he points to as evidence of the importance of his work in the field. This includes a project on industrial automation waste and energy use that showed how programmable logic controllers and human-machine interfaces can impact extrusion processes, relying on the Petitioner's work as a reference for the researchers' design and validation strategies. It is not evident, however, how the citations to the Petitioner's research demonstrate the national importance of his specific endeavor.

---

[2] *See generally* 6 *USCIS Policy Manual* at F.5(D)(3), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.
[3] *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(4).
[4] *Id.*

These letters also detail the Petitioner's involvement in research projects using nanomaterials to advance clean energy harvesting and storage. One letter from an associate professor at the [redacted] describes the Petitioner's endeavor as "constitut[ing] transformative developments in the study of energy-harvesting technology" and states that, through his project, he "will facilitate U.S. leadership in nanotechnology and renewable energy, as well as facilitating job creation in energy harvesting and ensuring energy stability in rural and remote areas with challenging conditions." This and other similar statements in the letters of support express positive views of the Petitioner's work and its potential, but the letters do not discuss how his specific work has implications for advancements in rural energy or job creation in the energy industry on a broader scale. While they depict the role of his work as part of continued scientific progress in understanding the potential uses of nanomaterials, they do not explain the prospective impact of his work in the field of nanotechnologies more broadly. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. And although the record demonstrates that the Petitioner has published research that has been utilized and cited by other researchers, it is not evident how the Petitioner's individual research contributions rise to the level of national importance.

Matter of Dhanasar contemplates that an undertaking may have national importance "because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *Id.* at 889. While we do not wish to diminish the value of the Petitioner's work in the field, he has not provided sufficient evidence to demonstrate that his research has contributed to a scientific advancement that will have broad implications for the use of nanomaterials in developing sources of renewable energy. The Petitioner submitted detailed descriptions of his research plans and identified a range of possible future applications for nanotechnology, and he emphasized that his research aspirations should not be conflated with his employment. It is not clear, however, how he would pursue his research while devoting time to employment that does not directly involve that research, nor is it clear how his research would be funded. Although these are considerations related to *Dhanasar's* second prong, which concerns an individual's positioning to advance a proposed endeavor, they are relevant to evaluating an endeavor's national importance. Whether an endeavor can realistically be carried out is pertinent to an assessment of its potential positive effects for the nation. Here, the Petitioner has not addressed logistical factors necessary for a full appraisal of his proposed endeavor's prospective national impact.

The record conveys the national importance of continued collective research to investigate the possibilities that nanomaterials might offer for scientific and technological advancements. The record does not, however, clarify how the Petitioner's endeavor to continue his individual research will have a level of impact within his field on a scale commensurate with national importance. Again, it is not the proverbial value of the field in which an individual intends to work, but the particular endeavor an individual intends to pursue that we consider in assessing its national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889.

The record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility

under the *Dhanasar* framework. *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).

III. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for or otherwise merits a national interest waiver as a matter of discretion.[5] The petition will remain denied.

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.

[5] While SCOPS determined that he is well positioned to advance the endeavor in the request for evidence, because the Petitioner is ineligible for a national interest waiver, we reserve the issue of whether he has met *Dhanasar's* second prong. *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).