U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40796091

Date: FEB. 25, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a computer 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 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 that the record did not establish the Petitioner is eligible for or otherwise merits a national interest waiver as a matter of discretion. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. On appeal, the Petitioner contends that SCOPS failed to properly evaluate his evidence in accordance with the *Dhanasar* framework and USCIS policy and this amounts to an abuse of discretion.

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 that they are an advanced 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] *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).

- 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.

Id.

II. ANALYSIS

SCOPS determined that the Petitioner qualified for the EB-2 visa classification as an individual holding an advanced degree based on his master's degree in computer engineering from [redacted] and we agree. SCOPS further decided that the Petitioner's proposed endeavor has both substantial merit and national importance, but the Petitioner has not established that he is well positioned to advance the proposed endeavor, and, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus a labor certification. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer would be in the national interest. For the reasons discussed below, we determine that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework. While we may not address each piece of evidence individually, we have reviewed and considered each one.

The Petitioner intends to work in the United States as a research scientist in the field of computer engineering. The Petitioner states that his proposed endeavor is to "develop advanced computational models, multisensory data fusion, and artificial intelligence techniques to enhance brain-machine interfaces and smart sensor technologies in order to improve healthcare outcomes and agricultural productivity." The Petitioner plans to continue to pursue his proposed endeavor while earning his doctor's degree from [redacted] and upon the completion of his degree, he intends to pursue a position as a research scientist at [redacted].

The Petitioner obtained a bachelor's degree in engineering from [redacted] in China in 2020 and a master's degree in computer science from [redacted] in 2023. He is a graduate student at [redacted] and his present employment at [redacted] as a research assistant began in January 2024.

On appeal, the Petitioner contends that SCOPS deemed his evidence insufficient by mischaracterizing, diminishing, or ignoring much of the evidence on record, thereby deviating from the proper preponderance of the evidence standard.

Except where a different standard is specified by law, a petitioner must prove eligibility for the requested immigration benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Under the preponderance of the evidence standard, the evidence must demonstrate that the petitioner's claim is "probably true," where the determination of "truth" is made based on the factual circumstances of each case. *Id.* at 376. Thus, USCIS must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true. *Id.* When USCIS provides 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 presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993). Here, we have reviewed each piece of evidence, both individually and within the context of the totality of the evidence, and conclude that the Petitioner has not established by a preponderance of the evidence the national importance of his proposed endeavor.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* An undertaking may have national importance, for example, 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.* An 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.

The Petitioner asserted that his proposed endeavor has broad implications for the United States because "his research elevates healthcare outcomes and agricultural productivity, thus bolstering public health and food security." The Petitioner claimed that his "research on AI technologies and multisensory data fusion for better healthcare outcomes and greater agricultural productivity [is] nationally important due to its role in expanding the smart sensors market in North America, mitigating costs for Americans with disabilities, and supporting agriculture and related industries in the U.S." The Petitioner submitted various reports and data showing that the North American smart sensors market is expected to experience an annual compound growth rate of 13.1% between 2021 and 2028, that 13.4% of all Americans had a disability in 2022 and disabilities account for 26% of total adult healthcare expenditures in 2015, and that agriculture and related industries are responsible for 5.6% of the nation's gross domestic product and 10.4% of the U.S. employment. The Petitioner also provided articles discussing "multi-sensor information fusion based on machine learning for applications in human activity," "multi-sensor data fusion and machine learning for agriculture text classification," and assistive technology.

In determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work. Instead, we focus on the specific endeavor that the foreign national proposes to undertake. *See Dhanasar*, 26 I&N Dec. at 889. The reports and data provide the North American smart sensors market's revenue and forecasts, healthcare expenditures caused by disabilities, and the importance of agriculture and related industries to the U.S. economy. The articles illustrate the use of multi-sensor data fusion and machine learning for healthcare and the agriculture industry and a growing demand for assistive technology to address an ageing global population and a rise in noncommunicable diseases. However, they do not address the Petitioner's specific proposed endeavor and its impact rising to the level of national importance. *See id.* The Petitioner has not offered sufficient evidence to substantiate claim that his proposed endeavor to develop advanced computational models, multisensory data fusion, and artificial intelligence techniques to enhance brain-machine interfaces and smart sensor technologies elevates healthcare outcomes and agricultural productivity to impact the field of healthcare, the agriculture industry, or the U.S. economy more broadly. *See id.*

In addition, the Petitioner claimed that his work "directly addresses the nation's strategic priorities for the responsible and effective integration of artificial intelligence in healthcare and further demonstrates the United States' ongoing leadership and commitment to advancing innovation and neurotechnology across both public and private sectors." The record includes the National Science and Technology Council (NSTC)'s 2024 updated list of critical and emerging technologies and the U.S. Department of Health and Human Services (HHS)' 2025 strategic plan for the use of artificial intelligence in health, human services, and public health.

The NSTC's critical and emerging technologies list shows the importance of "advanced and networked sensing and signature management," "artificial intelligence," and "human-machine interface" for the national security of the United States. HHS' strategic plan discusses benefits for people who receive services supported by artificial intelligence and possible risks that could lead to adverse impacts and outcomes and recommends the responsible use of artificial intelligence. However, none of the documents specifically mention the Petitioner's name or his research work or discuss the government's interest in promoting the use of the Petitioner's work, such that it has "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or otherwise has broader implications, such as "significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area." *See id.* at 889-90.

The Petitioner submitted recommendation letters from experts in the field. A letter from a professor of electrical and computer engineering at [redacted] states that the Petitioner's "research contributes to the advancements of IQA (image quality assessments) methods, making them more adaptable and accurate for medical imaging and multimedia content delivery." A letter from a lecturer in biomedical engineering at the [redacted] asserts that "[b]y enabling more precise and effective control of assistive devices during therapy, [the Petitioner's] research allows patents to experience faster recovery times and improved outcomes." A letter from a professor of computer science at [redacted] affirms that "[g]iven the innovations that [the Petitioner's] research has fostered in machine learning for image quality assessment, it is evident that his work is critical to this area and more generally to the field of engineering." A letter from a professor of mathematics at [redacted] asserts that the Petitioner's "work yielded a robust AI framework capable of predicting and mitigating voltage instabilities in real time to ensure the reliability and resilience of increasingly complex power grids."

A letter from a professor at the [redacted] expresses the Petitioner's "research on EEG (electroencephalogram)-based BMIs (brain-machine interfaces) is of paramount importance for the advancement of neurotechnology, rehabilitation medicine, and human-computer interaction." A letter from a professor of electrical and computer engineering at the [redacted] in Canada affirms that the Petitioner's "contributions significantly advance IQA, providing robust methods suited to the complexities of real-world image assessment and preparing the ground for next-generation models in healthcare imaging and multimedia content distribution." A letter from the chief scientist at [redacted] expresses that the Petitioner's "work represents a significant stride in advancing smart sensor technologies while contributing to global food security, emphasizing its importance for scientific progress and societal well-being." A letter from a professor of electrical and electronic engineering at The [redacted] asserts that the Petitioner's "work assists

in the integration of renewable energy sources, aligning with sustainability goals and reducing dependency on non-renewable sources, thereby promoting economic and environmental sustainability."

As a matter of discretion, we may use advisory opinions statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. *Matter of Caron International, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). Nevertheless, 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. *See id.* In this case, the letters discuss the Petitioner's academic background, research experience, key studies and the importance of his work, publication and citation records, peer review services for leading journals, past achievements, and the significance of his research in the field of computer engineering. However, the letters do not include persuasive and corroborating information about the Petitioner's proposed endeavor and its impact rising to the level of national importance. *See Dhanasar*, 26 I&N Dec. at 889. The letters do not offer sufficient information and evidence to establish that the Petitioner's proposed research activities to develop advanced computational models, multisensory data fusion, and artificial intelligence techniques to enhance brain-machine interfaces and smart sensor technologies will have an impact on the field of healthcare or neurotechnology, the agriculture industry, the U.S. public health, or the U.S. economy at a level commensurate with national importance. *See id.* Furthermore, the Petitioner's academic achievements, research contributions, specialized skills in his field, and accomplishments in his past research projects are relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *See id.* at 890. Without sufficient documentary evidence of its broader impact, the Petitioner's proposed endeavor does not meet the national importance element of the first prong of the *Dhanasar* framework. *See id.* at 889.

Because the record does not sufficiently establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Therefore, further analysis of his eligibility under the second and third prongs outlined in *Dhanasar* would serve no meaningful purpose, and we will reserve these issues for future consideration should the need arise.[2]

III. CONCLUSION

Although the Petitioner has shown that he is a member of the professions holding an advanced degree and that his proposed endeavor has substantial merit, he has not established by a preponderance of the evidence that his proposed endeavor is of national importance. Accordingly, we conclude that the Petitioner is ineligible for or otherwise merits a national interest waiver as a matter of discretion.

[2] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("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 alternate issues on appeal where an applicant is otherwise ineligible).

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.