U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 35360929

Date: JAN. 02, 2025

Appeal of Nebraska Service Center Decision

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

The Petitioner seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary 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).

The Director of the Nebraska Service Center denied the petition, concluding that the Beneficiary qualified for classification as a member of the professions holding an advanced degree, but that the Petitioner had not established 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.

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 the beneficiary is 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 the beneficiary's eligibility for the underlying EB-2 classification, they must then demonstrate that the beneficiary merits 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

The Director found that the Beneficiary qualifies as a member of the professions holding an advanced degree. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of the Beneficiary's proposed endeavor under the first prong of the *Dhanasar* analytical framework.

At the time of filing, the Beneficiary was working for the Petitioner as a Design Release Engineer.[2] The Petitioner indicated that the Beneficiary's responsibilities in this capacity include:

- Plan and lead displays systems Product Development and Quality Teams meetings with international suppliers from China, Taiwan, India, and the Middle East, for current and future Global B platform vehicles Global B digital vehicle platform vehicles.
- Ensure 3.8, 4.2, 7, 8, 10, 12.6 & 13.4 inch Global B vehicle display systems design solutions developed by Tier I/II suppliers comply with [redacted] worldwide engineering standards as defined in the general specification for electrical/electronic components - environmental/ durability [redacted] This also includes new 11, 11.34, and 17.7 inch displays.
- Participate in display systems production release, tooling, kickoff, and Integration Vehicle Engineering Release (IVER) vehicle build activities.
- Engage, participate, and review issues related to Radiated Emission (RE), Conducted Emission (CE), Radiated Immunity (RI), Conducted Immunity (CI) and Electrostatic Discharge (ESD); create, define, and implement test plans for display systems to meet [redacted] quality and cost requirements; and participate and review design issues related to Electromagnetic Compatibility (EMC).
- Analyze, address, and collaborate on solutions to technical and safety issues related to display systems, including displays, electronic Printed Circuit Boards (PCBs), knob units, rotary holders, Fully Integrated Display Modules (FIDMs), mechanical parts, brackets, protect sheets, cushions, covers, and Integrated Center Stack (ICSs), for saleable vehicle programs.
- Monitor and participate in display systems design and release process on vehicle programs.
- Approve Component Technical Specification (CTS) documents, and ensure that display systems specifications follow [redacted] requirements and guidelines, regulatory requirements and Society of Automotive Engineers (SAE) guidelines for

[2] As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for the Beneficiary to have a job offer from a specific employer. However, we will consider information about her position to illustrate the capacity in which she intends to work in order to determine whether the proposed endeavor meets the requirements of the *Dhanasar* framework.

inclusion in the Statement of Requirement's (SOR) packages sent to Tier I suppliers as part of the sourcing process.

- Participate and coach Displays Engineers to solve issues and meet [redacted] product and quality requirements.
- Recommend design changes for display projects related to continuing/future global semiconductor shortages. Use tools such as Geometric Dimensioning and Tolerancing (GD&T), Computer Aided Engineering (CAE), Computer Aided Design (CAD), Global Vehicle Development Process (GVDP), Design for Manufacturing (DFM), Design for Assembly (DFA), Design Failure Mode & Effects Analysis (DFMEA), Design Review Based upon Test Results (DRBTR), Red X, Design for Six Sigma (DFSS).
- Initiate, create and approve Engineering Change Requests (ECRs) for Fully Integrated Display Modules (FIDM).
- Review ECRs such as changes to components in the printed circuit board (PCB), changes to cost, processes, site location, and materials.
- Approve and review visual change document (VDC) created by international suppliers to ensure their proposal meets [redacted] requirements.
- Approve and. review the Part Submission Warrant (PSW), which is a document that compares current components and future components changes to specific designs.
- Ensure part performance meets mass, cost, and timing for the U.S., global, and emerging markets. Use and apply optimization techniques, Design of Experiments (DOE), and Design for Six Sigma (DFSS) to develop solutions and root cause display issues.
- Review and approve [redacted] product specifications and all documents related to the technology readiness process.
- Use Problem Resolution and Tracking System (PRTS) to solve technical issues in five steps: definition, preliminary root cause, root cause, solution, and implementation.
- Request and approve Temporary Work Order (TWO) in cases where a temporary change is required.
- Work with purchasing team to ensure suppliers are within exacting engineering requirements including quality and cost.
- Work closely with mechanical and electrical engineers and management for future display design and roadmaps.
- Work with appearance studio and materials engineering to identify solutions for achieving finish, color, and gloss of materials.

Regarding the Beneficiary's proposed endeavor, the Petitioner initially indicated that she intended to "specialize in product development in the automotive field related to electrical design, management and testing, with a specialty in Engineering." In response to the Director's request for evidence (RFE), the Petitioner stated that the Beneficiary planned "to leverage her expertise in electrical system design, testing, and implementation specific to Electric Vehicles (EV) and Software Defined Vehicles (SDV) in order to further promote and advance 'Zero Crashes, Zero Emissions, & Zero Congestion' within the United States."

The Petitioner submitted a February 2024 letter from its Engineering Group Manager, H-C-, stating:

> [The Beneficiary] is responsible for a project called [redacted] This project aims to have everything in 2027 display design be resilient. This includes Semiconductors and Microelectronics. In addition, the displays she designs, and releases are featured in numerous [Petitioner] vehicles that are currently in production and others already on the road, providing customers with the pleasure of interacting with smart screens in their cars.
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> Currently, [the Beneficiary] is leading a vehicle lines [*sic*] and proving much needed to support to [the Petitioner's] Gen 1 displays.

A. Substantial Merit and National Importance

The first *Dhanasar* prong, 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.* The Director determined the Beneficiary's proposed endeavor has substantial merit. We agree.

The Director concluded, however, that the Petitioner did not establish the national importance of the Beneficiary's proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. The Director determined the Petitioner did not establish the potential prospective impact of the Beneficiary's proposed work.

On appeal, the Petitioner asserts that the Beneficiary's proposed endeavor stands to have a "direct impact on Electric Vehicle advancement and autonomous technologies for Software Defined Vehicles for the many tens of millions of Americans who use [the Petitioner's] vehicles." In addition, the Petitioner argues that the Beneficiary's undertaking is "critical to U.S. national importance and directly impacts supply resiliency as it applies to semiconductors and microelectronics." The Petitioner points to a June 2024 letter from H-C- provided in response to the RFE, who stated:

> As a design release engineer, [the Beneficiary's] core objective is to plan and lead displays systems Product Development and Quality team meetings with international suppliers from China, Taiwan, India, and the Middle East, for current and future Global B digital vehicle platform vehicles. [The Beneficiary's] work is critical to U.S. national importance because under [redacted] she aims to make every vehicle display resilient by 2027, using microelectronics and semiconductors. This not only positions the United States as a leader in automotive technology but also fosters the growth of a skilled and innovative workforce. Furthermore, her designs are featured in numerous [Petitioner] vehicles that are currently in production, as well as others already on the

road providing customers with the ease of smart screens, arguably improving the quality of life of American consumers, which ties directly to national interests.

H-C- further indicated that the Beneficiary's work contributes to U.S. innovation and competitiveness, supply chain stability, semiconductor management, cybersecurity and safety, regulatory standards compliance, skill development, and sustainability. The Petitioner, however, has not shown the Beneficiary's specific projects as a design release engineer stand to impact these areas to an extent that her proposed work holds national importance. While the Beneficiary's proposed work may affect the Petitioner's display systems' supply resiliency as it applies to semiconductors and microelectronics, the Petitioner has not demonstrated her undertaking's broader implications in the field or industry. It is insufficient to claim a proposed endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims.

The Petitioner also provided an "Analysis and Advisory Evaluation" letter from Dr. H-D-, Associate Professor at the [redacted] in support of the Beneficiary's national interest waiver. Dr. H-D- contends that the Beneficiary's proposed work is of national importance because her generic occupation of automotive engineer and the industry in which she works stand to benefit the U.S. economy. The issue here, however, is not the national importance of the profession or industry in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Dhanasar*, 26 I&N Dec. at 889. The letters from Dr. H-D- and H-C- do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Beneficiary's specific proposed work offers broader implications in her field or industry or substantial positive economic effects for our nation that rise to the level of national importance.

Furthermore, the Petitioner submitted articles on the importance of automotive design and engineering, information technology, transportation systems, advanced computing, autonomous systems and robotics, communication and networking technologies, semiconductors and microelectronics, the software-defined vehicle ecosystem, Application Programming Interface Management and Cloud Connectivity, Electric Delivery Vehicles, the Petitioner's U.S. economic impact, and consumer data protection. The record also includes information about U.S. critical infrastructure sectors, critical and emerging technologies, the Bipartisan Infrastructure Law, and protecting the U.S. automotive industry. The Petitioner claims that these articles support the national importance of the Beneficiary's proposed endeavor. The determination of national importance does not focus on the importance of one's field or industry in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the Beneficiary or her assigned projects, or otherwise speak to the potential prospective impact of her specific proposed endeavor.

While the Petitioner states on appeal that "millions of Americans drive or ride in its vehicles" and that it "has long been a pillar of the nation's economy," the Petitioner has not demonstrated that the economic implications and technological advancements resulting from its overall operations would be attributable to the Beneficiary's particular role as a Design Release Engineer to an extent that her specific proposed work holds national importance. The Petitioner further claims that the Beneficiary's "endeavor directly impacts electrification and automation efforts across the United States and around the world," but the evidence does not show that her proposed work stands to offer broader implications

in her field or industry beyond her projects for the Petitioner. The issue here is not the broader implications of her company's innovations in electrification technologies relating to EVs and SDVs, but rather the potential prospective impact of the Beneficiary's specific work.[3]

To evaluate whether the Beneficiary's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of her work. *Id.* at 889. While the Petitioner's statements reflect the Beneficiary's intention to provide electrical system design, testing, and implementation services for her employer, it has not offered sufficient information and evidence to demonstrate that the prospective impact of her proposed endeavor rises to the level of national importance. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. Here, we conclude the record does not show that the Beneficiary's specific proposed endeavor stands to sufficiently extend beyond her employer and its operations to impact the field of engineering, the U.S. automotive manufacturing industry, societal welfare, public safety, or our country's economy more broadly at a level commensurate with national importance. Nor has the Petitioner demonstrated that the Beneficiary's specific undertaking offers broader implications in the semiconductor, microelectronics, artificial intelligence, optical components, automation technology, or renewable energy industries.

Additionally, the Petitioner has not shown that the specific endeavor the Beneficiary proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. While the Petitioner asserts that the national importance of the Beneficiary's endeavor is evident from the scope of its vehicle manufacturing operations, it has not demonstrated that the economic implications of its vehicle sales would be attributable to the Petitioner's specific projects to an extent that her proposed work holds national importance. Here, the Petitioner has not shown that the wider economic effects it claims are implications of the Beneficiary's specific proposed endeavor to provide electrical system design, testing, and implementation services for her employer. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to the Beneficiary's specific proposed work, the Petitioner has not shown that the benefits to the U.S. regional or national economy resulting from her projects would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

The Petitioner has not established that the Beneficiary's proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field or industry, or has other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

Because the documentation in the record does not establish the national importance of the Beneficiary's proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated her eligibility for a national interest waiver. As this issue is dispositive of the Petitioner's appeal, we need not reach, and therefore reserve, determination of the Beneficiary's eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*,

[3] The evidence does not indicate, for example, that the Beneficiary is an inventor of the Petitioner's EV or SDV system technologies or that she publishes or presents electrical systems research.

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 Beneficiary has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner has not established she is eligible 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.