U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40797894

Date: JAN. 05, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a transportation 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 that the Petitioner is eligible for 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.

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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

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

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner is a transportation engineer whose proposed endeavor is to create precise crash prediction models, analyze crash risk factors, and define effective countermeasures. SCOPS determined that the Petitioner established his eligibility for the EB-2 classification as a member of the professions holding an advanced degree.[2] However, SCOPS further concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that SCOPS erred in this finding. Upon review, we conclude the record does not establish the Petitioner's proposed endeavor is of national importance and therefore he is not eligible for a national interest waiver as a matter of discretion.

A. National Interest Wavier- Substantial Merit

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* As stated above, the Petitioner intends to engineer precise crash prediction models, analyze crash risk factors, and define effective countermeasures for a goal of zero traffic-related deaths. He asserts that his work is relevant to improving public safety, reducing economic costs associated with traffic accidents, advancing national priorities for safer roads, enhanced economic productivity, and improved overall quality of life. The record includes industry reports and articles about traffic incidents and their economic and human impact. We conclude the Petitioner's proposed endeavor has substantial merit

B. National Interest Waiver- National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* SCOPS determined that the Petitioner did not establish his proposed endeavor's national importance. On appeal, the Petitioner asserts that SCOPS misunderstood *Dhanasar's* evidentiary requirements and ignored the evidence in the record. Although we acknowledge that SCOPS' analysis is limited, we agree that the Petitioner's proposed endeavor does not meet the standard for national importance set forth in the *Dhanasar* framework.

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[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).

[2] The Petitioner submitted evidence of a doctor of philosophy degree in civil engineering from the [redacted] SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

The Petitioner proposes to "develop advanced, dynamic, and accurate crash prediction models, determine important crash contributing factors, identify high-risk areas, and suggest appropriate and effective countermeasures for reducing traffic crashes. . . ." In addition, he intends to "improve traffic mobility and travel time reliability by reducing traffic jams, stop-and-go conditions, and bottlenecks." The Petitioner states that he will continue this work through his employment as a transportation engineer where he solves traffic safety and mobility problems by recommending innovative, strategic, and effective solutions. He works on projects related to traffic safety studies, crash analysis, road safety audits, and traffic safe systems management and operations. *Dhanasar* states that 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. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner asserts his proposed endeavor will predict potential traffic accidents before they occur, identify contributing factors, and implement effective solutions to prevent future accidents; and therefore, "directly contribut[e] to the well-being of American citizens." A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the evidence in the record does not support a determination of national or global implications within the transportation engineering field.

On appeal the Petitioner asserts that the evidence in the record satisfies the requirements of national importance. The Petitioner cites to a report in the record and states "more than six (6) million traffic crashes occurred in the United States in 2023. . . which highlights the urgency of addressing this nationwide problem. His research directly contributes to reducing the number of crashes on [U.S.] roads." While the report in the record supports his statement on the number of traffic crashes in 2023, it does not further the Petitioner's claim of his proposed endeavor's national importance. As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. This statement demonstrates a problem but does not establish the proposed endeavor's impact on the problem. While we acknowledge the importance of addressing issues related to traffic crashes; the relevance of the Petitioner's proposed endeavor to important issues does not establish national importance as it does not demonstrate its prospective impact. 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.* Here, the Petitioner improperly relies upon the importance of the industry as sufficient to establish the national importance of his proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's broader impact on the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

The Petitioner further asserts that his proposed endeavor has applications in advancing data processing and analysis techniques, deep learning, machine learning, and artificial intelligence (AI); which are recognized as critical and emerging technologies (CETs) by the National Science and Technology Council. USCIS recognizes the importance of progress in science, technology, engineering, and mathematics (STEM) fields, especially in focused critical and emerging technologies and the essential role that individuals with advanced STEM degrees have in fostering such progress. 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual/. However, "in all cases, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *Id.* Here, the record does not demonstrate how the Petitioner's proposed endeavor will advance these CETs to

result in national or global implications within a particular field. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner states that his work is "built on advanced analytics and AI" and "directly supports the U.S. Department of Transportation's Complete Streets Artificial Intelligence Initiative, which promotes the development of AI-driven tools." While we acknowledge that the Petitioner may intend to use CETs in his work, the record does not establish that his proposed endeavor will advance the above-named CETs, and our focus remains on his specific proposed endeavor's prospective impact. *Id.*

On appeal, the Petitioner emphasizes that his work has been financially supported by the American Association of State Highway and Transportation Officials in collaboration with the Federal Highway Administration under the National Highway Cooperative Research Program and that their funding "sponsors research in critical areas affecting highway planning, design, construction, operation, and maintenance." The Petitioner asserts that this funding reflects the national importance of his work and demonstrates his "credibility and contribution to advancing transportation safety and infrastructure resilience." However, we note that the record includes evidence that this funding was for the Petitioner's prior research titled, [redacted] which was completed in [redacted] 2023, while he was studying at the [redacted] As the record does not establish this funding is for his proposed endeavor, this evidence does not relate to the national importance of his proposed endeavor but relates to his prior experience. While we acknowledge the Petitioner's experience in the field; evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890.

In addition, the Petitioner states that the importance of his research is further supported by letters of recommendation from fellow experts in his field. The authors discuss the impact of his prior work and how his work has been used by others in his field, however, this does not demonstrate the prospective impact of the work the Petitioner describes in his proposed endeavor statement. For example, one author states, "[the Petitioner's] projects contribute vital information for enhancing U.S. traffic systems. In one project, he analyzed and predicted crash frequency at on-ramps and merge segments on freeways, addressing issues like driver weariness and poor judgement during merging." The author then describes this prior project in more detail and states "[the Petitioner's] analysis highlighted a significant connection between on-ramp and merge crash frequencies, providing crucial information for transportation authorities to assess and improve the safety of these freeway segments." The Petitioner highlights this letter on appeal as further evidence of his proposed endeavor's national importance. However, here, the author's focus is on the impact of the Petitioner's prior work; not the prospective impact of his proposed endeavor. As stated above, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor and is more relevant to *Dhanasar's* prong two analysis. *Id.*

The Petitioner emphasizes that his proposed endeavor is distinct from his employment and that SCOPS erred in conflating the two. However, in the Petitioner's proposed endeavor statement, he includes information on his duties as a "Traffic Engineer" as part of his proposed endeavor and states that his

employment is how he will advance his endeavor. He further states that his proposed endeavor is promoted at a national level through his employer and their outreach and partnerships; therefore, his employment is a critical part of the proposed endeavor. Although we acknowledge that the Petitioner's role and his assigned projects are important to his employer, the issue here is not the broader implication of the Petitioner's employer, but rather the potential prospective impact of the Petitioner's specific proposed endeavor. The Petitioner contends his proposed endeavor will have a broad impact on his industry; however, the evidence of his work within the company does not establish a broader impact directly attributable to the Petitioner or his specific proposed endeavor. 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. *Matter of Dhanasar*, 26 I&N Dec. at 893. Similarly, the Petitioner's activities as a "Traffic Engineer" for his employer do not establish a broader impact on the field. In addition, while research can have a broader impact on the field, the Petitioner does not provide enough detail about his research such as how or where the research will be published in order for us to determine a broader impact aside from noting that his employer's outreach and partnerships will be used. Therefore, it is unclear whether a broader impact would be attributable to him or his employer. Here, the record does not establish a broader impact to the industry as is required by the *Dhanasar* framework.

Dhanasar states that 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 contends that by reducing the frequency and severity of crashes, his proposed endeavor will alleviate the economic strain associated with traffic accidents such as medical expenses and property damage. In support of this assertion, the Petitioner highlights an article from the National Highway Traffic Safety Administration titled "Traffic Crashes Cost America $340 Billion in 2019." As stated above, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, evidence of the cost of traffic crashes is not probative evidence that the Petitioner's proposed endeavor will have a substantial economic impact or substantially alleviate these costs. Therefore, the record does not support the Petitioner's assertion of his proposed endeavor's substantial positive economic effects and therefore does not further establish the national importance of his proposed endeavor.

In reviewing the totality of the evidence, we conclude that the Petitioner did not satisfy his burden to establish, by a preponderance of the evidence, his proposed endeavor's national importance because he has not submitted sufficient evidence to support his claims of national importance. While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *Dhanasar* prongs. *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

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence that he 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.