U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41555381

Date: JAN. 13, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a machine learning 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).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the required job offer, and thus of a 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 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

The petitioner proposes to advance artificial intelligence (AI) driven "intelligence systems that tackle key challenges in smart vehicle manufacturing: cross-domain data integration, explainable AI for risk control, and workforce upskilling." SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The sole 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 the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

SCOPS concluded that the Petitioner's proposed endeavor has substantial merit. SCOPS determined, however, that the Petitioner did not establish the proposed endeavor is of national importance, that he is well positioned to advance it, and that, on balance, it would benefit the United States to waive the job offer requirement. On appeal, the Petitioner contends that SCOPS' decision "mischaracterized the nature" of his proposed endeavor and failed to consider "substantial evidence" submitted in response to SCOPS' request for evidence (RFE).

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.*

In the initial petition, the Petitioner explained that his endeavor involves "leading efforts to develop cutting-edge AI technologies that address pressing national priorities such as industrial innovation, technological leadership, and economic growth." Through this endeavor, the Petitioner seeks to "pioneer AI-powered solutions that transform operational efficiency, optimize decision-making frameworks, and enable scalable AI adoption across a wide range of industries." On appeal, the Petitioner further clarifies that his endeavor will focus on "automotive intelligent manufacturing architectures under disruptive AI, comprising three components: [a]n innovative AI infrastructure that breaks legacy data silos in the automotive sector that delay intelligent enterprise operations; [a]n explainable, causal risk-control technology that fuses data science, causal inference, and AI agents; and [a]n AI-native workforce learning and development platform that measurably elevates labor productivity and complements intelligent manufacturing." The Petitioner submitted documents in support of his petition, including academic records, expert opinion and recommendation letters, as well as industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner states that he currently works for [redacted] as a senior machine learning engineer and intends to leverage his position with the company to advance his endeavor. He further asserts that his endeavor's benefits will "extend beyond any one company and its individuals and will advance the industry tech stack and standard of product as a whole by the disruptive AI and data engineering

[2] The Petitioner earned a master's degree in data informatics from the [redacted] in 2019.

revolution." However, the record does not clearly demonstrate how the Petitioner would pursue the endeavor independently. Additionally, the Petitioner does not specify whether his AI endeavor would be propriety to [redacted] or how it would be distinguished from existing AI frameworks.

The Petitioner argues that his endeavor demonstrates its national importance as "its prospective impact directly aims to transform critical U.S. industries such as vehicle manufacturing, general manufacturing, human-machine interaction in intelligent vehicle cockpits and embodies robotics through advanced AI and computing technologies." To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of the Petitioner's work. The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the [petitioner] proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889. In *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. Here, the Petitioner does not sufficiently explain or provide adequate evidence to demonstrate that his specific endeavor has had, or is likely to have impact that will rise to the level of national importance.

The Petitioner submitted letters in support of his petition. The authors emphasize the Petitioner's endeavor, professional experience, and expertise, including his technical acumen, business insight, and entrepreneurial spirit. In particular, one author discusses the importance of the Petitioner's field of endeavor and highlights his innovative approach to artificial intelligence, as well as his ability "to bridge the gap between advanced research and industry applications." While these letters are generally supportive and positive factors, they do not offer sufficient, detailed, and concrete examples of how the Petitioner's endeavor has the potential for broad and measurable implications for the country beyond impacting his employer and its clients.

The Petitioner also submitted letters from [redacted] including one from a senior manager of quality data system and data engineering. The author describes several projects in which the Petitioner has participated and attests that his contributions have saved [redacted] millions of dollars annually. The author further states that the Petitioner's work extends beyond the company and impacts the broader field of AI and manufacturing technology, and that his work aligns with national priorities. While we acknowledge the letters, the authors do not sufficiently explain how the Petitioner's specific projects at [redacted] stand to have an impact that extends beyond the company and its clients to influence the Petitioner's field of endeavor. In addition, the letters do not detail which aspect of the Petitioner's work is intended for dissemination outside of [redacted]

In response to SCOPS' RFE, the Petitioner stated he will "publish detailed research" on how he "fine-tuned multimodal AI models using vehicle production data, issue repair data, and customer service data to develop domain-specific foundation models for automotive manufacturing." He further stated that his work "will be disseminated through peer-reviewed journals" and that he will author and publish scholarly articles. However, the Petitioner did not previously identify dissemination of research as a component of his proposed endeavor and were only introduced for the first time in response to SCOPS' RFE.

The Petitioner also states that he has "co-authored a temporally aware knowledge graph system used by the U.S. Department of Defense to optimize humanitarian resource allocation at national scale." He explains that this research was conducted under the direction of a professor. However, the Petitioner has not provided evidence detailing the extent of his individual contribution to the project as compared to the contributions of other collaborators. The record also does not include documentation identifying the Petitioner's role in the design, development, or implementation of the system. Moreover, this goes to the second prong, whether the Petitioner is well positioned to advance his proposed endeavor.

The Petitioner declares that his endeavor aligns "with U.S. priorities in industrial modernization, economic competitiveness, and technological advancement." As previously mentioned, 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 "the specific endeavor that the [petitioner] proposes to undertake." *Id.* at 889. 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, the Petitioner has not demonstrated that his undertaking offers benefits which extend beyond the community to impact the industry more broadly. Furthermore, alignment with general national goals, in and of itself, does not necessarily establish that the Petitioner's endeavor rises to the level of national importance. In this case, the record does not include adequate corroborating evidence, to show that the Petitioner's specific proposed endeavor offers broader implications in his field, enhancements to U.S. societal welfare, or substantial positive economic effects for the country that rise to the level of national importance.

The Petitioner states that the uniqueness of his endeavor lies in his ability to "leverage [his] extensive experience in AI and data science to develop innovative solutions that tackle critical industry challenges." However, the first prong focuses on the proposed endeavor itself, not the petitioner. *Id.* The Petitioner must establish that his specific endeavor has national importance under *Dhanasar's* first prong. Similarly, although an individual's experience, qualifications, contributions, and achievements are material, they are misplaced in the context of the first *Dhanasar* prong. The Petitioner's professional experiences are generally material to *Dhanasar*'s second prong—whether an individual is well positioned to advance a proposed endeavor—but they are generally immaterial to the first *Dhanasar* prong—whether a specific, prospective, proposed endeavor has both substantial merit and national importance. *See id.* at 888-91.

The Petitioner reiterates that his endeavor's focus is intelligent automotive manufacturing comprising several components and that his AI endeavor will "require skilled professionals to design, implement, and maintain these systems. This will lead to the creation of high-quality jobs in AI research, software engineering, cloud infrastructure management, and data science." Nevertheless, the record does not contain evidence demonstrating that his proposed work will result in job creation beyond speculative or indirect effects.

Because the documentation in the record does not establish the proposed endeavor's national importance as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding his eligibility under the second and third prongs outlined in *Dhanasar*. *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 alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established the national importance of his proposed endeavor, and he does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that he is eligible for or merits a waiver of the job offer and labor certification requirements in the national interest 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.