U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40736904

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 software developer, 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 "develop and continuously improve a universal [artificial intelligence] architecture that can be quickly and easily scaled for use by businesses of all sizes." 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, and that she is well positioned to advance it. SCOPS determined, however, that the Petitioner did not establish her endeavor's national importance and that, on balance, it would benefit the United States to waive the job offer requirement.

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 denying the petition, SCOPS concluded that the Petitioner has not established her proposed endeavor's national importance and that her endeavor would prospectively impact her field in a manner that rises to the level of national importance. On appeal, the Petitioner contends that SCOPS "improperly denied" her petition "based on several errors of fact and law and broader irregularities." In particular, the Petitioner contends that SCOPS misstated her endeavor and mischaracterized her evidence submitted in the initial petition and in response to SCOPS' request for evidence (RFE).

In the initial petition, the Petitioner stated that her endeavor involved developing "a universal platform to enable the rapid, ethical, and fair expansion of artificial intelligence programs." In response to SCOPS' RFE, the Petitioner further clarified that her endeavor involved establishing a universal artificial intelligence (AI) "infrastructure that enables swift deployment across industries with safety guardrails and protections against bias built-in." On appeal, the Petitioner characterizes her endeavor as developing "a universal, open-source AI infrastructure with built-in fairness and bias mitigation mechanisms." The Petitioner asserts that her endeavor can be "quickly and easily scaled for use by businesses of all sizes." In support of her petition, the Petitioner submitted several documents, including academic records, personal statement, 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.

[2] The Petitioner earned a master's degree in computer science from the [redacted] in February 2021.

At the time of filing, the Petitioner stated that she was employed as a production engineer at [redacted]. She indicated that she had "taken concrete steps" to advance her endeavor "using advanced coding languages and AI models" and that she had "access to the best available tools and the most up to date technological advances." The Petitioner also emphasized that while her position at [redacted] strengthens her technical foundation, her endeavor is "independently conceived and is not employer-directed or sponsored." On appeal, the Petitioner clarifies that "[redacted] is not a party to this case and that the endeavor is unrelated" to her current employment. However, the record does not clearly demonstrate how the Petitioner would pursue the endeavor independently outside the scope of her current role. Additionally, the Petitioner does sufficiently explain whether the work performed for [redacted] is meaningfully distinct from the proposed endeavor and whether her endeavor would be propriety to [redacted].

The Petitioner maintains that her endeavor has national importance because both private industry and government agencies increasingly "rely more heavily on AI to operate." 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." *Id.* 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 her specific endeavor has had, or is likely to have impact that will rise to the level of national importance.

The Petitioner declares that her work seeks to address real-world problems related to bias and unfairness in AI algorithms while preserving the scalability necessary for "fast, efficient, and safe AI deployment." While we agree with the Petitioner that advancing AI development and addressing bias and unfairness in AI algorithms has substantial merit, merely working in an important field is insufficient to establish the proposed endeavor's national importance. Here, the Petitioner has not offered sufficient information and evidence to demonstrate that the prospective impact of her proposed endeavor rises to the level of national importance. The Petitioner must support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner submitted expert opinion and recommendation letters in support of her petition. The authors emphasize the Petitioner's outstanding academic achievements and contributions to the field of fairness in AI. In particular, one expert asserts that the Petitioner could develop a "framework for model training, rapid deployment, and experimentation that would enable developers across all industries to accelerate the launch of new AI models," while another expert characterizes the endeavor as having the potential to be a "game changer for the industry." 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 her employer and its clients. Moreover, 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 Dhanasar*, 26 I&N Dec. at 888-91.

The record also contains a letter from [redacted] describing the Petitioner's outstanding technical proficiency, leadership skills, and her contributions to AI programming. The author states that the Petitioner's "outstanding contributions to [redacted], particularly in enhancing Python's software management framework and optimizing interactive software development for accelerated AI systems, make her an exemplary candidate for the national interest waiver." While we acknowledge the letter, the author does 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. "Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance." *See generally 6 USCIS Policy Manual,* F.5(D)(3), https://www.uscis.gov/policymanual. "At issue is whether the petitioner can demonstrate that the person's own individual endeavor stands to have broader implications, such as for a field, a region, or the public at large." *Id.*

The Petitioner reiterates that her endeavor aligns with national priorities and emphasizes the importance of work in the science, technology, engineering, or mathematics (STEM) field. While we acknowledge the importance of progress in STEM fields, 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. 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." *See Dhanasar*, 26 I&N Dec. 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 record does not include adequate corroborating evidence, to show that the Petitioner's specific proposed endeavor offers broader implications in her field, enhancements to U.S. societal welfare, or substantial positive economic effects for the country that rise to the level of national importance.

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 her 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 her proposed endeavor, and she does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that she 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.