U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40798646

Date: JAN. 20, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an artificial intelligence (AI) manufacturer, seeks to qualify the Beneficiary under the 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 the record did not establish the Beneficiary's eligibility for the requested national interest waiver. 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:

[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. NATIONAL INTEREST WAIVER

SCOPS determined that the Beneficiary qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. We agree with this determination. Therefore, the remaining issue is whether the Petitioner established that the Beneficiary is eligible for a national interest waiver under the *Dhanasar* framework.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We agree with SCOPS' conclusion that the proposed endeavor has substantial merit as it falls within the range of areas of substantial merit, namely science and technology. *Id.* However, while the Petitioner has established that the Beneficiary's proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner indicates that the Beneficiary's proposed endeavor is in the field of applied machine learning and AI. The Petitioner asserts that the technology the Beneficiary will work with at the company can enable the automation of routine tasks, enhance decision-making, and create efficiencies in manufacturing and logistics. The Petitioner states that the Beneficiary has been employed with the company since November 2024 in the position of "Senior MLOps Engineering" playing "a pivotal role in scaling, automating, and optimizing machine learning workflows that drive [its] welding solutions." The Petitioner explains that it utilizes AI to "revolutionize manufacturing by automating complex welding and assembly tasks" where these systems learn and adjust to changes in the manufacturing environment, ensuring quality without manual intervention. The Petitioner indicates it is "at the forefront of innovation in AI-powered industrial automation" and that by employing top talent, such as the Beneficiary, it "strengthens its competitive advantage in robotics and AI, fields essential for maintaining U.S. technological leadership globally." The Petitioner states that the Beneficiary's work in this field would have a transformative impact on critical sectors, economic growth, and global competitiveness. The Petitioner also pointed to significant labor shortages in skilled welding and manufacturing and indicated that its AI-powered robots could alleviate this problem.

SCOPS later issued a request for evidence (RFE) stating that although the Beneficiary's proposed endeavor appeared to involve a critical and emerging technology, the Petitioner did not establish that the Beneficiary's work would have broader implications within the field of applied machine learning and AI or within the public at large. As such, SCOPS requested that the Petitioner submit additional evidence including a more detailed description of the Beneficiary's proposed endeavor and why it had

national importance, and how it would have national implications within her field, significant potential to employ U.S. workers or have substantial positive economic effects, broadly enhance societal welfare, and/or impact a matter that a government entity described as having national importance.

In response, the Petitioner stated that its innovations in autonomous welding and fabrication "aim to revitalize U.S. industrial capabilities, reduce reliance on foreign manufacturing, and address critical labor shortages" in the field. The Petitioner indicated the Beneficiary would ensure that its machine learning models "are robust, scalable, and deployed reliably into production." The Petitioner asserted that her work would lead to several national and international implications including strengthening U.S. manufacturing independence, addressing a shortage of skilled welders and fabricators, driving innovation in industrial AI, helping the U.S. maintain a competitive advantage against international leaders in robotics, and ensuring mission-critical infrastructure such as transportation and defense are properly supported by self-sufficient manufacturing.

The Beneficiary also submitted a letter emphasizing that her proposed endeavor would revitalize the U.S. domestic manufacturing sector through intelligent automation. She pointed to her "breakthrough contribution" which was "the implementation of real-time adversarial model validation within production welding environments" representing "a fundamental advancement in translating research prototypes into hardened industrial solutions." The Beneficiary asserted that her work at the Petitioner would have a broad impact in various industries, including the manufacture of truck and trailer chassis, railroad equipment, machinery and heavy equipment, utility poles, highway structures, grain towers, structural mining frames, excavator attachments, aerial work platforms, among numerous other items. She further indicated that her work for the Petitioner aligned with top federal priorities such as a National Institute of Standards (NIST) emphasis on bridging the gap between AI in academic research to feasible and implementable solutions in the real world as well as a U.S. Department of Commerce focus on supply chain resilience critical to national and economic security and U.S. technological leadership. The Beneficiary also pointed to the White House Office of Science and Technology (OSTP) who has identified AI and advanced manufacturing as nationally critical technologies and a skills gap in the U.S. manufacturing sector which could be alleviated through AI-driven workflows in factory operations.

In concluding that the Petitioner did not demonstrate the national importance of the Beneficiary's proposed endeavor, SCOPS indicated that while the Beneficiary described her work as a breakthrough in her field, the submitted evidence did not sufficiently support this assertion. SCOPS also determined that the evidence did not demonstrate how the Beneficiary's proposed work would extend beyond the Petitioner and its clients and lead to a broader national impact. SCOPS further acknowledged support and recommendation letters submitted on the record but concluded that these did not support the impact of the Beneficiary's proposed endeavor on her field.

On appeal, the Petitioner largely reiterates the previous assertions on the record and points to the already submitted evidence. The Petitioner states the evidence reflects that the Beneficiary's proposed endeavor has the potential to impact key areas of U.S. economic competitiveness, workforce development, industrial innovation, and national security. The Petitioner emphasizes on appeal that the Beneficiary's work for the company positions the United States as a global leader in intellectual manufacturing, "a field central to the nation's innovation economy and recognized by the Department of Defense (DoD) and the [NIST] as vital for long-term industrial security."

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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.

As a preliminary matter, on appeal, the Petitioner does not clearly articulate an error of fact or law in SCOPS' denial, but only reiterates previous assertions and evidence, and briefly, discusses a potential national impact based on U.S. national security interests. The reason for filing an appeal is to provide an affected party with the means to remedy what they perceive as an erroneous conclusion of law or statement of fact within a decision in a previous proceeding. *See* 8 C.F.R. § 103.3(a)(1)(v). By presenting only a generalized statement without explaining the specific aspects of the denial they consider to be incorrect, the affected party has failed to specifically identify the basis for the appeal. *Matter of Valencia*, 19 I&N Dec. 354, 354–55 (BIA 1986); *Matter of Garcia*, 28 I&N Dec. 693, 693 n.1 (BIA 2023) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012). This deficiency alone is grounds for dismissing the appeal; regardless, we will analyze the Petitioner's assertions with respect to the national importance of the Beneficiary's proposed endeavor.

The Petitioner provided a wide array of potential prospective national impacts in differing, large industries and societal issues. However, the Petitioner provided insufficient detail and documentation to substantiate that her proposed endeavor would have this wide-ranging impact on U.S. society. For instance, in support of the petition, the Petitioner and those who drafted letters of recommendation indicated that her proposed endeavor would have a national level impact on numerous differing issues such as U.S. manufacturing and economic growth, global competitiveness in the AI and machine learning field as well as a potential prospective impact on significant labor shortages in skilled welding and manufacturing. The Petitioner asserts that Beneficiary's work would lead to several broad national implications in strengthening U.S. manufacturing independence, and ensuring mission-critical infrastructure such as transportation, self-sufficient manufacturing, and defense. Even further, the Petitioner contends that the Beneficiary's work for the company would have a broad national level impact in various industries, including the manufacture of truck and trailer chassis, railroad equipment, machinery and heavy equipment, among several other manufacturing industries. Now, on appeal, the Petitioner emphasizes the potential prospective national impact the Beneficiary's employment would have on maintaining it as a global leader in intellectual manufacturing, and in turn impact United States national security.

The Petitioner is required to demonstrate that the Beneficiary's proposed endeavor will have national or even global implications within a particular field or the significant potential to broadly enhance societal welfare or the advancement of valuable technology or a field of study. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual. However, the Petitioner's wide-ranging assertions as to potential prospective national impact crossing numerous industries and societal issues leaves substantial question as to whether the Beneficiary's proposed work with the company would have a significant impact on any of them. To illustrate, the Beneficiary emphasized

in her letter submitted in response to the RFE that a shortage of qualified welders was becoming a national security concern projecting that by 2029 there would be over 300,000 welding jobs available nationwide. Without more specific probative evidence, it is uncertain that the Beneficiary's proposed work with one company would have a potential prospective national level impact on this large national projected employment gap. A mere potential contribution to various matters of national-level interest does not establish that a proposed endeavor is of national importance. The proposed endeavor must have broad and significant national implications. Generalized conclusory statements that do not identify a specific impact to the field have little probative value. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and provided substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id.*

Here, the Petitioner's assertions of potential prospective national importance are non-specific and based on a wide range of potential national level impacts. There is also little indication that there is specific interest from the U.S. government regarding the advancement of Beneficiary's work or that her employment with the Petitioner would contribute significantly to the nation's ability to compete internationally in the field of applied machine learning and AI. In fact, the Petitioner indicated that the Beneficiary was hired in November 2024, only a few months prior to the time the petition was filed in January 2025. Despite this, the Petitioner questionably asserted the Beneficiary was already playing a "pivotal role" in advancing innovative technology applicable to manufacturing that would have substantial national impacts on various aspects of U.S. society from the manufacturing of automobile parts to U.S. national security. The Petitioner submitted little evidence to substantiate that the Beneficiary stands significantly apart from her colleagues both within the company and in the field.

To illustrate, the Beneficiary emphasized a peer reviewed publication from 2024 she co-authored titled [redacted]" indicating that she would adapt this concept to develop a transfer learning framework for robotic welding. However, it is not clear how this work within the Petitioner would have nationwide impact on the field of applied machine learning and AI and have the far-reaching asserted societal and economic impacts, particularly since the article she co-authored with several others was cited only 10 times as of the time the petition was filed. Further, the Beneficiary's other published works, all dated in 2024, were related to potential impacts on differing fields, such as using AI and machine learning in detecting thyroid cancer. In sum, it appears unlikely that the Beneficiary's proposed endeavor would have a potential prospective national impact on the various major issues cited given her apparent lack of experience in the field and the lack of supporting evidence supporting that her work would have significant potential to broadly enhance the advancement of the technology in her field. The Petitioner must resolve ambiguities in the record with

independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

SCOPS further concluded that the Petitioner did not sufficiently demonstrate how her proposed endeavor would extend beyond her employer to effectuate a national-level impact. 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. It is noteworthy that the Petitioner does not directly address this material issue on appeal. 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. For instance, an individual developing a particular technology for use or sale by a given company may not be able to establish national importance based on evidence that this technology will have benefits for the company or its clients alone. To establish broader public or commercial implications at a level consistent with national importance for this field or industry, the petitioner could demonstrate, through the submission of relevant evidence, widespread interest in adoption or licensing of the technology, a novel and important manufacturing or operational process, or how the technology stands to impact the development of similar technology by other companies. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https: //www.uscis.gov/policy-manual. The substantive nature of the Petitioner's planned employment is directly relevant to considering her eligibility under *Dhanasar's* first prong.

However, the Petitioner did not sufficiently clarify how the Beneficiary's proposed employment with the company would allow her asserted innovations in industrial manufacturing to disseminate beyond the scope of her employment, leaving question as to its potential prospective national impact. The Petitioner stated that the Beneficiary would ensure that its machine learning models "are robust, scalable, and deployed reliably into production," and there is little indication she would work beyond the company and its clients. For instance, it is not clear whether the Beneficiary's claimed innovations would be owned and/or controlled by her employer and whether she would be granted permission to disseminate this information. As the Petitioner would be working with a private company, it is not apparent how internal discoveries by the Beneficiary would be made publicly available rather than maintained as proprietary information, particularly since the Petitioner indicates that it is a recognized leader in the industry known for innovative contributions to robotics. The record does not establish how the Beneficiary's proposed endeavor will have broader implications rising to the level of national importance.

The Petitioner further claims that her proposed endeavor aligns with national government initiatives emphasized by various government entities such as NTSC, DoD, NIST, OSTP, among others, pointing to their importance in promoting the "long-term industrial security" of the United States. While USCIS recognizes specific evidentiary considerations relating to Science, Technology, Engineering, and Math (STEM) degrees and fields, "the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(2). We acknowledge the overall value of the advancement of machine learning and AI technologies particularly in manufacturing, as well as technology recognized as critical and emerging, but its overall significance does not establish the national importance of the Beneficiary's particular proposed endeavor. *See id.* The Petitioner has not sufficiently established how the Beneficiary's work in STEM technology would have sufficiently broad potential implications for her field rising to the level of national importance. Moreover, the Petitioner does not offer a sufficiently direct connection

between the Beneficiary's employment and the asserted national level impacts on various aspects of large national industries and societal issues.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under *Dhanasar*'s third prong. *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).[2]

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.

[2] We note that SCOPS concluded that the Petitioner demonstrated that the Beneficiary is well-positioned to advance her proposed endeavor consistent with the second prong of *Dhanasar*.