U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40777203

Date: JAN. 21, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a physical chemist, 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 physical chemist whose proposed endeavor is to "continue his research on developing a state-of-the-art surface science machine coupled with laser excitation and in situ surface-sensitive spectroscopic techniques to study novel metal-based heterogeneous catalytic reactions in order to propel clean energy production, decarbonization strategies, and environmental remediation efforts." 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. The Record Establishes the Proposed Endeavor Has 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 "continue his research on developing a state-of-the-art surface science machine coupled with laser excitation and in situ surface-sensitive spectroscopic techniques to study novel metal-based heterogeneous catalytic reactions in order to propel clean energy production, decarbonization strategies, and environmental remediation efforts." He asserts that his work will accelerate the transition to cleaner energy alternatives, advance the development of sustainable technologies to achieve environmental goals, and maintain industrial productivity. The record includes industry reports and articles about the economic significance of fossil fuels, the global trends in fossil fuel emissions, and the rate and impact of greenhouse gas emissions and pollution. We conclude the Petitioner's proposed endeavor has substantial merit

[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 chemistry from the [redacted]. The record also contains an academic evaluation stating that his degree is equivalent to a U.S. PhD in chemistry. SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

B. The Record Does Not Establish the Proposed Endeavor is of National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. SCOPS determined that the Petitioner did not establish his proposed endeavor's national importance. On appeal, the Petitioner asserts that SCOPS failed to properly apply the law and review all relevant evidence. 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 first prong of the *Dhanasar* framework.

The Petitioner proposes to continue the research described above as a postdoctoral research associate. In pursuit of his proposed endeavor, the Petitioner specifies three research plans. First, he will research the direct conversion of natural gas to fuel on Au-Ni surface alloys. Here, he aims to make the conversion of natural gas to fuel more energy efficient by making a two-step process into a single-step process. The Petitioner claims this will revolutionize the gas-to-liquid fuel industry. Second, the Petitioner proposes an approach to develop hexagonal boron nitride based hydrogen separation and storage membranes. The Petitioner states this project is in direct alignment with the current research interest of the U.S. Department of Energy (DOE) in developing low-cost, carbon-neutral hydrogen-based fuel cells. Third, the Petitioner intends to vibrationally promote the hydrogenation of carbon dioxide which he contends will improve the efficiency of carbon dioxide conversion to high value-added products such as liquid fuels. *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 addres[s] challenges in industrial decarbonization, fin[d] new routes to generate clean energy, and articulat[e] new energy-efficient methods to synthesize chemicals from feedstocks." 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 his field.

The Petitioner asserts that his proposed endeavor meets *Dhanasar's* first prong as his work aligns with national initiatives and is within fields that the National Science and Technology Council designate as critical and emerging technologies (CETs). While the Petitioner's work may be in an important field, he must still establish his specific proposed endeavor has national importance as it is presented in the *Dhanasar* framework. On appeal, the Petitioner contends that he provided evidence "highlighting the increasingly poor quality of the air indicating that 39% of the population of the United States lived in areas with unhealthy levels of ozone or particulate pollution." While we acknowledge the record does include articles regarding fossil fuel emissions, the Paris Agreement's aim to curb carbon emissions, and "American fossil fuel statistics," this 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. The Petitioner highlights statistics that demonstrate a problem, but this evidence does not establish the proposed endeavor's impact on the problem. While we acknowledge the importance of addressing issues related to air quality; 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 [Petitioner] proposes to

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

On appeal, the Petitioner contends that SCOPS did not address his proposed endeavor's relationship to CETs. The Petitioner states that his proposed endeavor relates to the CET fields of "Clean Energy Generation and Storage" and "Directed Energy." 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. While we acknowledge that the Petitioner's work relates to these areas of CET, the evidence in the record does not establish how his proposed endeavor will advance the above-named CETs, and our focus remains on his specific proposed endeavor's prospective impact. *Id.*

The record contains evidence that projects related to the Petitioner's proposed endeavor were funded through grants from the National Science Foundation, NASA, and the Army Research Office. SCOPS determined that the Petitioner's proposed endeavor did not meet *Dhanasar's* first prong, in part, because he "did not show that [he] had been driving or initiating any of the research that received funding." On appeal the Petitioner contends that this is not a requirement for national importance, and we agree. However, the Petitioner highlights his work on projects funded by these grants stating that this funding indicates his proposed endeavor is of national importance. Here, we note that the record includes evidence that this funding was for projects the Petitioner previously worked on. 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. *Id.* 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 in the record focus on 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, on appeal, the Petitioner highlights one letter in the record where the author details "two diverse projects of vital importance." This refers to previous projects that the Petitioner worked on and not the projects detailed in his proposed endeavor statement. The author then states that the Petitioner's "novel experimental protocols and theoretical work also underpin his current exploration of catalyst design, which is crucial for the development of clean energy solutions;" but the author does

not provide any detail or evidence to support this statement. Here, the letter'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. *Matter of Dhanasar*, 26 I&N Dec. at 890.

As with the letter described above, the Petitioner submitted an additional letter of recommendation in response to the request for evidence that also focuses on the Petitioner's prior work. The author later offers general statements about the impact of the Petitioner's endeavor without detail or evidence to support them. For example, in the part of the letter that discusses the proposed endeavor, they state that the Petitioner's work "enables the United States to leverage his methods and findings in the advancement of energy production, effectively contributing to the nation's energy production capabilities and the diversity of its energy portfolio." However, they do not offer explanations for how his work will have this impact nor does the record contain sufficient evidence to support these statements. Therefore, the letters in the record mostly focus on his prior projects and where they discuss the Petitioner's proposed endeavor, the letters do not sufficiently establish the proposed endeavor's prospective impact and thus do not establish the national importance of his proposed endeavor.

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.* On appeal, the Petitioner contends that *Dhanasar* does not evaluate prospective impact solely based on economic impact and the Petitioner does not offer further assertions of the economic impact of his proposed endeavor. While we agree that national importance is not solely based on economic impact, we have already determined that the record does not establish the national or global implications of the proposed endeavor. Therefore, we will also review the record for evidence of the proposed endeavor's economic impact. The Petitioner states in the record that his proposed endeavor will contribute to resolving environmental challenges and will therefore strengthen the economic competitiveness of the United States. 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, the record does not contain sufficient evidence to support this assertion and thus we cannot conclude the Petitioner's proposed endeavor has significant potential to employ U.S. workers or other substantial positive economic effects. Accordingly, the record does not support the Petitioner's assertion that his proposed endeavor will have substantial positive economic effects and 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. 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.