U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40874814

Date: JAN. 30, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary 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 Beneficiary qualified for classification as a member of the professions holding an advanced degree, but that the Petitioner had not established that a waiver of the required job offer, and thus of the 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 the beneficiary is 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 the beneficiary's eligibility for the underlying EB-2 classification, they must then demonstrate that the beneficiary merits 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;

[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 individual is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Beneficiary 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.

At the time of filing, the Beneficiary was working for the Petitioner as a machine learning (ML) engineer.[3] The Petitioner indicated that the Beneficiary's proposed endeavor "is to further the development of efficient and scalable deep learning and natural language processing (NLP) models." It further stated:

> [The Beneficiary] has been deeply involved in building and optimizing model-serving infrastructure to handle ML models with hundreds of millions of parameters. His goal is to build an efficient and scalable artificial intelligence (AI) system that can bring intelligence to different products in a cost-effective way. In relation to this goal, he is currently working on building an efficient serving platform for complex multi-modal foundation models and building a scalable, low-cost embedding service to empower search applications across the organization. These projects provide the opportunity to understand ML model architectures in depth and find opportunities to optimize the performance of these models using techniques like efficient batching on graphics processing units (GPUs), model quantization to reduce the model's size, and advanced kernel optimization.

In response to SCOPS' request for evidence (RFE), the Beneficiary provided a personal statement reiterating that his proposed endeavor is aimed at "development of efficient and scalable deep learning and NLP models." He explained that his undertaking focuses on addressing deficiencies in deep learning and NLP and "making powerful AI systems efficient and scalable." The Beneficiary also indicated that his work involves optimizing "model-serving infrastructure for ML models with hundreds of millions of parameters, aiming to deliver cost effective and resource optimized AI models across various products."

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[2] The Beneficiary received a Master of Computer Science degree from [redacted] in 2023.

[3] On Form ETA-9089, Appendix A: Foreign Worker Information, the Beneficiary indicated that his "job duties" in this capacity include "[b]uilding advanced model serving infrastructure that serves ML models with hundreds of millions of parameters implementing performant distributed systems and keep up to date with best practices and new technologies. Working closely with ML engineers to ensure their algorithms can be deployed efficiently on device and in the cloud. Building ML model Optimization infrastructure that optimized ML models in various aspects, including reducing size of ML models, convert ML models with mixed precision, rewrite models with Tensor Flow op and custom CUDA kernel etc. Designing and building ML monitoring infrastructure that tracks the model status. Designing and building a ML training platform that scales to hundred of machines for efficient training." As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for the Beneficiary to have a job offer from a specific U.S. employer. However, we will consider information about his position to illustrate the capacity in which he intends to work in order to determine whether the proposed endeavor meets the requirements of the *Dhanasar* framework.

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* We agree with SCOPS' determination that the "evidence supports the Petitioner's statements that the proposed endeavor has substantial merit."

SCOPS concluded, however, that the Petitioner did not establish the national importance of the Beneficiary's proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. SCOPS determined the Petitioner did not establish the potential prospective impact of the Beneficiary's proposed work.

On appeal, the Petitioner argues that it presented "relevant, probative, and significant evidence to support that the proposed endeavor has potential prospective impact broadly on the field on a national, and potentially global, level, which is in the U.S. national interest." The Petitioner contends that its evidence, including the White House's "Critical and Emerging Technologies List Update," demonstrates "the interest of the United States Government to further develop certain technologies, specifically in furthering the development of efficient and scalable deep learning and NLP models to advance U.S. competitiveness in both technology and cybersecurity."

USCIS recognizes the importance of progress in science, technology, engineering, and mathematics (STEM) fields and the essential role that individuals with advanced STEM degrees have in fostering such progress. 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual/. The record shows the Beneficiary's proposed endeavor involves ML and deep learning which are identified on the National Science and Technology Council's Critical and Emerging Technologies List Update. While the Beneficiary's engagement in work related to a critical and emerging technology is a positive consideration, the Petitioner must still demonstrate that the Beneficiary's specific proposed endeavor has national importance.

The Petitioner asserts that it "provided industry reports and articles to reflect the national importance of the Beneficiary's endeavor." The record includes articles on the general benefits of AI and deep learning technologies in healthcare, cybersecurity, education, economic growth, national security, multilingual education, disaster response, and hydrometeorological hazard assessment. While the Petitioner claims that these articles support the national importance of the Beneficiary's proposed endeavor, the determination of national importance does not focus on the importance of one's field or industry in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the Beneficiary or his planned projects, or otherwise speak to the potential prospective impact of his specific proposed endeavor to develop deep learning and NLP models for the Petitioner.

In addition, the Petitioner points to letters of support from the Beneficiary's colleagues that it claims "describe the importance of AI, specifically in furthering the development of efficient and scalable deep learning and NLP models." The Petitioner offered letters from F-C-, J-E-K-, E-G-, J-K-, W-L-, and J-B- who mainly discuss the Beneficiary's capabilities and experience in deep learning technologies and his graduate work at [redacted].[4] For example, E-G-, a professor at [redacted], asserted that the Beneficiary "has extensive expertise in efficient deep learning and its applications, specifically in the resource constrained environments such as educational AI." The Beneficiary's education, skills, knowledge, and prior work in his field relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the specific endeavor that he proposes to undertake has national importance under *Dhanasar's* first prong.

Regarding the Beneficiary's proposed endeavor's prospective impact, F-C-, Director of the Petitioner's Information Intelligence Infrastructure Organization, indicated that he oversees the Beneficiary's work relating to "resource efficient inference of foundation models on GPUs" and that the Beneficiary's efforts have assisted in "making intelligent applications like [redacted] more efficient." F-C- further stated that the Beneficiary's "work in optimizing model deployment on GPUs ensures high performance while addressing these challenges, making AI more sustainable, reducing its carbon footprint, and enabling equitable access to AI-driven solutions in sectors such as healthcare, finance, and education." F-C- also asserted that the Beneficiary's "specialization in resource-efficient AI models holds critical importance for the national interests of the United States, addressing key challenges in energy efficiency, technological innovation, and national security," but the record does not include evidence to corroborate F-C-'s claims that the Beneficiary's specific deep learning and NLP models stand to make "AI more sustainable" nationally, or to otherwise offer broader implications for our nation's "energy efficiency, technological innovation, and national security." Unsupported assertions and speculation have no evidentiary value and are insufficient to establish a filing party has satisfied their burden of proof. *See Matter of Mariscal-Hernandez*, 28 I&N Dec. 666, 673 (BIA 2022).

Likewise, W-L-, a former coworker of the Beneficiary, stated that they collaborated on a "project focused on internal image- and video-generation models." He asserted that because of "the growing emphasis on efficient and scalable AI systems, [the Beneficiary's] contributions clearly advance national priorities in artificial intelligence." W-L- further claimed that the Beneficiary's "work directly supports efforts to reduce energy consumption. GPUs at the datacenter level require gigawatts of power to run at scale. By improving inference efficiency, it becomes possible to achieve the same performance using fewer chips, thereby reducing overall energy consumption." The Petitioner, however, has not presented evidence showing that the Beneficiary's specific deep learning and NLP projects stand to "reduce energy consumption" on a significant scale in the industry or to otherwise offer broader implications at a level indicative of national importance. The issue here is not the broader implications of the Beneficiary's employer's product innovations, but rather the potential prospective impact of the Beneficiary's specific work as a machine learning engineer.[5]

[4] While we discuss a sampling of these letters, we have reviewed and considered each one.

[5] Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a beneficiary's endeavor has national importance. At issue is whether a petitioner can demonstrate that the beneficiary's own individual endeavor stands to have broader implications, such as for a field, a region, or the public at large. *See generally* 6 *USCIS Policy Manual*, F.5(D)(3), https://www.uscis.gov/policy-manual.

While the Beneficiary's proposed endeavor offers an efficient and scalable AI system that can bring intelligence to different products in a cost-effective way, the Petitioner has not provided evidence demonstrating that his proposed work would affect his industry or field at a level indicative of national importance. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. The letters from F-C-, J-E-K-, E-G-, J-K-, W-L-, and J-B- do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Beneficiary's specific proposed work offers broader implications in his field or industry or substantial positive economic effects for our nation that rise to the level of national importance.

To evaluate whether the Beneficiary's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of his work. The Beneficiary's statements reflect his intention to develop deep learning and NLP models for his employer, but he has not offered sufficient information and evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. 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, we conclude the Petitioner has not shown that the Beneficiary's specific proposed endeavor stands to sufficiently extend beyond his company and its projects to impact his field, the AI industry, or U.S. technological interests more broadly at a level commensurate with national importance.

Furthermore, the Petitioner has not demonstrated that the specific endeavor the Beneficiary proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to his future work, the record does not show that benefits to the regional or national economy resulting from the Beneficiary's projects would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id*. at 890.

The Petitioner has not established that the Beneficiary's proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

Because the documentation in the record does not establish the national importance of the Beneficiary's proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated his eligibility for a national interest waiver. As this issue is dispositive of the Petitioner's appeal, we need not reach, and therefore reserve, determination of the Beneficiary's eligibility under the second and third prongs of the *Dhanasar* framework. *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

As the Beneficiary has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

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.