U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40494059

Date: JULY 1, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a mechanical engineer researching renewable energy, seeks classification as a member of the professions holding an advanced degree. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. *See* section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so.

USCIS denied the petition, concluding that the record did not establish that the Petitioner qualifies for the national interest waiver. The matter is now before us on appeal under 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 a national interest waiver, a petitioner must first show eligibility for the underlying EB-2 visa classification, as either an advanced degree professional or an alien of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act. The petitioner must then establish 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 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 alien is well positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

[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).

II. ANALYSIS

USCIS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree. The remaining 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. USCIS determined that the Petitioner had established the substantial merit of his proposed endeavor, but had not established its national importance and had not satisfied the other prongs of the *Dhanasar* national interest test.

The Petitioner earned his bachelor's degree in mechanical engineering at [redacted] in Iran in 2020. The Petitioner's research there involved solar powered heating and cooling systems. The Petitioner then worked as a graduate research assistant at the [redacted] Canada, from 2021 to 2023. That university awarded him a master's degree in chemical and biological engineering, equivalent to a U.S. master's degree, in May 2024. That same month, he began working in Canada as a junior mechanical designer at [redacted], an engineering and building consulting firm. He filed his immigrant petition six months later, in November 2024. He seeks to continue working for [redacted] in [redacted], California.

The Petitioner stated:

> My proposed endeavor is to investigate and enhance the thermal and electrical efficiencies of solar energy systems using numerical modeling, experimental setups, and data-driven techniques in order to create cost-effective solar energy solutions for residential applications. To progress this endeavor, I will leverage my expertise with various solar technologies, such as photovoltaics and parabolic solar collectors, along with skills in computational fluid dynamics, heat transfer, and system optimization.
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> . . . My planned research topics include reducing greenhouse gas emissions by integrating cutting-edge technologies like photovoltaics, solar collectors, and heat pumps. A key research topic will be the use of phase change materials for generating domestic hot water at night, a solution that lowers both costs and carbon emissions. Additionally, I will explore innovative methods for incorporating solar energy into buildings, supporting [redacted] mission to achieve carbon neutrality and improve building resilience.

The Petitioner stated that he is "most interested" in remaining at [redacted], but that his "proposed endeavor is in no way connected to any one employer."

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the alien 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. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. We look for broader implications. 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.* at 889-890.

In denying the petition, USCIS did not dispute the substantial merit of the Petitioner's proposed endeavor, but concluded that the Petitioner had not established its national importance. USCIS stated:

> [T]he submitted evidence does not demonstrate that the beneficiary's proposed endeavor as a Mechanical Engineer in the field of Renewable Energy has national importance as there is no further detail and no documentary evidence demonstrating a significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area once the petitioner received a job offer from [redacted] located in [redacted], California.

We agree with the Petitioner's observation, on appeal, that *Dhanasar* does not require a proposed endeavor's national importance to be rooted in economic benefits. Economic impact is one of several ways a proposed endeavor can have national importance. The petitioner in *Dhanasar* established "the importance of hypersonic propulsion research as it relates to U.S. strategic interests." *Matter of Dhanasar*, 26 I&N Dec. at 892.

In the present case, the Petitioner asserted that his proposed endeavor has national importance because it "increases the efficacy of solar power as an effective renewable energy source."

If a petitioner shows that the proposed endeavor has the significant potential to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance. *See, generally*, 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual.

To establish broader public or commercial implications at a level consistent with national importance for a particular field or industry, a person developing a particular technology might submit relevant evidence to demonstrate 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. *Id.*

The *USCIS Policy Manual* also sets out specific evidentiary considerations for aliens with advanced degrees in science, technology, engineering, or mathematics (STEM) fields. Many proposed endeavors that aim to advance STEM technologies and research, whether in academic or industry settings, not only have substantial merit in relation to U.S. science and technology interests, but also have sufficiently broad potential implications to demonstrate national importance. *Id.* at F.5(D)(4).

The Petitioner submitted letters from mechanical engineers and college faculty members who stated that the Petitioner's work improves the efficiency of solar energy panels, with implications for household energy needs. These improvements appear to amount to the sort of novel operational processes contemplated in the *USCIS Policy Manual*. If widely implemented, the Petitioner's improvements could have a significant impact.

We therefore conclude that the Petitioner has established the national importance of his proposed endeavor.

B. Well Positioned to Advance the Proposed Endeavor

The second *Dhanasar* prong shifts the focus from the proposed endeavor to the alien. To determine whether an alien is well positioned to advance the proposed endeavor, we consider factors including, but not limited to: their education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Matter of Dhanasar*, 26 I&N Dec. at 890.

The first *Dhanasar* prong concerns the implications of the Petitioner's research if it were to be widely implemented. For the second *Dhanasar* prong, discussion shifts to the practical questions of how, or even whether, that implementation would occur.

In denying the petition, USCIS emphasized the Petitioner's published work, acknowledging that the Petitioner had submitted evidence of citations by others, but concluding that the Petitioner had not established the extent of the impact of his published research on his field. We will therefore begin our discussion there.

We acknowledge the Petitioner's argument that USCIS mischaracterized the Petitioner's publications as "review articles," which summarize existing publications rather than report new research. This conclusion was erroneous, but it is not the sole basis for the determination that the Petitioner had not satisfied the second *Dhanasar* prong.

The Petitioner submitted copies of two scholarly articles and a published conference presentation relating to his proposed endeavor, along with evidence showing that two of those publications had been cited 67 and 68 times, respectively. The Petitioner asserted that these citations show favorable interest from others in the field. The Petitioner also asserted this his "research . . . will continue to be circulated in the field through [his] peer-reviewed publications and conference presentations."

We acknowledge the citation evidence, but at the same time the claimed significance of the proposed endeavor revolves around the practical impact from real-world implementation of his work, in the form of more efficient solar power generation and capture of waste heat. The Petitioner has emphasized implementation of the technology in residential buildings. The citations do not demonstrate the impact, if any, that the Petitioner's past research has had on the design of solar power equipment, and they do not show that the Petitioner's innovations have been incorporated into home solar power systems or that companies that build and install such systems are making preparations to do so.

Also, the three papers relevant to his proposed endeavor were all submitted for publication in 2019-2020, deriving from his undergraduate studies in Iran. The record does not show that the Petitioner continued to conduct or publish research relevant to his proposed endeavor after he earned his bachelor's degree. The record also does not show that the Petitioner's subsequent work, outside of an academic setting, has continued to attract comparable notice.

The Petitioner asserts on appeal that ongoing citation of his work "shows that [he] continued to make progress towards achieving his proposed endeavor." The Petitioner does not explain how third-party citation of previously published articles demonstrates his own continued progress toward achieving the proposed endeavor.

Consideration of the Petitioner's post-baccalaureate work leads to another factor in *Dhanasar*'s second prong, relating to the alien's education, skills, knowledge and record of success in related or similar efforts. An advanced degree, particularly a Ph.D., in a STEM field tied to the proposed endeavor can be a positive factor under the second prong, considered along with other evidence in the record. *See, generally*, 6 *USCIS Policy Manual*, *supra*, at F.5(D)(4).

In this instance, the Petitioner holds a master's degree in a STEM field, but the record does not show that the master's degree relates directly to the proposed endeavor. While the Petitioner seeks to work as a mechanical engineer, improving the efficiency of solar energy technology, his master's degree is in chemical and biological engineering. The Petitioner stated that his graduate research work consisted of "[s]ynthesizing new quantum dots and molecularly imprinted polymer in order to measure lactate in human sweat." The Petitioner, on appeal, cites this degree as evidence that he is "extraordinarily well qualified," but he does not explain how his degree is relevant to his proposed endeavor.[2]

Following completion of his bachelor's degree, the Petitioner claimed only about six months of employment experience relating to his proposed endeavor, at [redacted] in [redacted] from May to November 2024. The Petitioner's minimal post-baccalaureate experience relating to solar power also reflects on the degree of progress he has made toward achieving the proposed endeavor. The record does not show to what extent the Petitioner has been able to influence the design and manufacture of more efficient solar power equipment. The Petitioner has not submitted evidence from his employer to describe how his current work relates to the proposed endeavor.

The Petitioner provided few details with respect to a model or plan for future activities. Although the Petitioner contended that his proposed endeavor is not contingent on employment with any one employer, he nevertheless tied the impact and implementation of that endeavor to his present employer, stating: "As a leader in sustainable building design, [redacted] is involved in major projects worldwide," and "the work carried out there is influential on a national scale." In this respect, it bears noting that the Petitioner has not submitted any evidence that [redacted] intends to employ him in the United States. As such, his present claimed employment with [redacted] in Canada does not serve to establish that he is well positioned to advance his proposed endeavor in the United States.

The lack of evidence that [redacted] or any other U.S. employer seeks the Petitioner's services is relevant to the factor relating to the interest of potential customers, users, investors, or other relevant entities or individuals. Letters praising articles published several years before the petition's filing date do not suffice to establish ongoing interest in supporting the Petitioner's research and using its results.

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[2] Although the Petitioner's advanced degree has no evident relation to his proposed endeavor or the occupation in which he seeks employment, USCIS did not explore how this issue might be relevant to the fundamental question of whether the Petitioner qualifies for classification as a member of the professions holding an advanced degree. *Cf. Matter of Katigbak*, 14 I&N Dec. 45, 46 (Reg'l Comm'r 1971) ("The degree or major must be academically appropriate to the profession for which petitioned."). This issue may bear consideration in future filings.

For the above reasons, we conclude that the Petitioner has not established that he is well positioned to advance the proposed endeavor.

In light of the above conclusions, detailed discussion of the remaining third prong cannot change the outcome of this appeal. Because the Petitioner has not otherwise established eligibility for the classification sought, we need not reach, and therefore reserve, the third *Dhanasar* 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).

III. CONCLUSION

The Petitioner has not established that he is well positioned to advance the proposed endeavor. Therefore, the Petitioner has not shown eligibility for the national interest waiver, and we will dismiss the appeal 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.