U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40784619

Date: JUL. 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, 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).

USCIS denied the petition, concluding that the record did not establish that a waiver of the job offer requirement is 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.

Matter of Dhanasar, 26 I&N Dec. 884.

II. ANALYSIS

USCIS determined that the Petitioner qualifies for the underlying EB-2 classification as a member of the professions holding an advanced degree, based upon obtaining the foreign equivalent of a Ph.D. in mechanical engineering.[2] The issue on appeal is whether the Petitioner has established that a waiver of the job offer requirement is in the national interest under the analytical framework set forth in *Matter of Dhanasar*. USCIS determined that the Petitioner demonstrated neither the substantial merit nor the national importance of the proposed endeavor, as required by the first prong of *Dhanasar* analytical framework. Upon de novo review, we withdraw USCIS' finding that the proposed endeavor lacks substantial merit, and we conclude that this requirement has been met. However, we agree that the Petitioner has not established the national importance of the proposed endeavor under *Dhanasar's* first prong, and we will dismiss the appeal on that basis. While we may not discuss every piece of evidence submitted, we have reviewed and considered each one.

The Petitioner's proposed endeavor is to "employ advanced fault diagnosis techniques and maintenance strategies on onshore and offshore structures and machinery in order to reduce maintenance costs and enhance the safety and durability of machinery in the heavy industry sector." The Petitioner states that he will advance this endeavor with his extensive experience in various topics such as vibration analysis, vibration reduction in ships and offshore structures, developing predictive maintenance tools, and improved tools to estimate the useful remaining life of ball bearings. The Petitioner states that to advance his proposed endeavor, he intends to pursue a position as a professor in the United States. In response to USCIS' request for evidence (RFE), the Petitioner submitted a supplemental personal statement in which he maintains that he intends to continue his research on advanced fault diagnosis techniques and maintenance strategies and described three specific research topics that he intends to pursue: improving rotor dynamics, using artificial intelligence (AI) and condition monitoring (CM) in predictive maintenance, and developing AI software to estimate remaining useful life for ball bearings.

The first prong of the *Dhanasar* analytical framework focuses on the specific endeavor that the individual proposes to undertake. *Id.* 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.* The relevant question in the national importance determination is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *See id.*

On appeal, the Petitioner claims that USCIS made several errors in its analysis of the first *Dhanasar* prong. The Petitioner asserts that USCIS conflated the Petitioner's proposed endeavor with his

[2] As the Petitioner states on appeal, USCIS' discussion of the Petitioner's eligibility for EB-2 classification includes unclear language as to whether USCIS intended to find that the record is deficient because the position sought may not qualify as a profession. Nevertheless, USCIS ends its analysis by stating that "the Petitioner meets this eligibility," and we agree.

proposed employment, that USCIS erred by failing to properly assess the positive and negative factors as required of a discretionary analysis, and that USCIS made "absurd statements" suggesting that the Petitioner must demonstrate that it is necessary for him to be in the United States to pursue his proposed endeavor. The Petitioner contends that, contrary to USCIS' findings, he did provide sufficient detail as to his proposed endeavor, demonstrated its substantial merit, and demonstrated that it potential prospective impact would extend beyond a single organization and its clients.

We withdraw USCIS' finding that the Petitioner has not established the substantial merit of the proposed endeavor. We disagree with USCIS' finding that the record did not establish the endeavor's merit because the Petitioner's statement "failed to provide specific insight as to what he intends to do as a researcher in the United States." Additionally, we agree with the Petitioner that USCIS' statement that the Petitioner did not demonstrate "that he needs to be in the United States to complete his research" and the petition is therefore "purposeless" is not in accord with the framework set forth in our decision in *Matter of Dhanasar*. In the first *Dhanasar* prong, we consider the merit and national importance of the proposed endeavor, not whether the Petitioner must be in the United States to pursue it. As stated above, an endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Matter of Dhanasar*, 26 I&N Dec. at 889. Based on the evidence in the record that the Petitioner intends to pursue a scientific endeavor, specifically research to improve fault diagnosis techniques and predictive maintenance in heavy machinery, we conclude that the record is sufficient to demonstrate the endeavor's substantial merit.

Regarding the national importance of the proposed endeavor, we acknowledge that USCIS erred in finding, again, that the petition was "purposeless" because the Petitioner did not demonstrate that he needs to be in the United States. Although we acknowledge that this specific statement is not consistent with the *Dhanasar* framework, we nevertheless agree with USCIS' ultimate conclusion that the Petitioner has not established the national importance of the proposed endeavor.

First, the Petitioner objects to USCIS' finding that he did not establish that the proposed endeavor "stands to sufficiently extend beyond an organization and its clients" because the Petitioner has not described a specific organization that is part of his proposed endeavor and this finding is based on "speculations regarding his employment." He claims that because he intends to disseminate his research in the field, the proposed endeavor is not limited to a potential future employer and has the potential to broadly impact the field.

We recognize that an individual's proposed endeavor differs from their occupation. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual (explaining that an endeavor is more specific than the general occupation and that we focus on what the person will be doing rather than the specific job title or occupational classification). The Petitioner, however, has not sufficiently supported the claims of the potential prospective impact of his intended research work. His personal statement provides general summaries of the research topics in predicative maintenance and fault diagnosis that he is interested in pursuing, in addition to an AI software program for analyzing the lifespan of ball bearings, and claims that this research will contribute to reliable, safe work environments. He claims that AI-based predicative maintenance is a "fast-growing sector" in the United States and that as a "well-known and internationally experienced individual in the field," he will add tremendous value to the market. While this may demonstrate the substantial merit of the

proposed endeavor, it does not support or demonstrate the potential prospective impact nationally, or even globally, or through broader implications rising to a level of national importance.

When analyzing the national importance of a petitioner's proposed endeavor under *Dhanasar's* framework, we focus on the prospective impact of the proposed endeavor. An endeavor should include details of the types of work a petitioner intends to undertake and describe specific projects and goals. *See generally* 6 *USCIS Policy Manual, supra*. Here, the Petitioner provides brief summaries of his intended research projects and makes broad claims, without sufficient corroborating evidence, that his work would advance the field of fault diagnosis, improve predicative maintenance, and improve worker safety on a scale that rises to the level of national importance. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

But the Petitioner has not done so here. Instead, much of the evidence in the record focuses on the importance of worker safety and the size of relevant global markets. For example, the Petitioner submitted as evidence of the national importance of his work an article from the World Health Organization about the number of people who die from work-related injuries each year and a news release from the Bureau of Labor Statistics on the national census of fatal occupational injuries. The Petitioner also submitted articles about the size of the machine safety and the predictive maintenance markets globally and their projected growth, and the size of the market for rotating machinery. Although these articles provide helpful background information about worker safety statistics and the field of predictive maintenance, we conclude that they are not sufficiently probative as to the national importance of the Petitioner's endeavor. Specifically, this evidence does not demonstrate a sufficiently direct connection between his proposed area of research and any potential broad impacts on the field that would rise to the level of national importance.

As a comparison, the petitioner in *Matter of Dhanasar* demonstrated that he was conducting 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 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 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*. The evidence in the record here does not provide the same connection between the Petitioner's proposed research endeavor and a potential broad impact on the field.

Finally, the Petitioner asserts that USCIS did not properly consider the fact that the proposed endeavor relates to several fields that are considered "critical and emerging technologies" (CETs). The Petitioner references the U.S. National Science and Technology Council's 2024 Critical and Emerging Technologies List Update, which includes the fields of advanced gas turbine engine technologies, AI, and renewable energy generation and storage. The Petitioner claims that his expertise in mechanical engineering and his work on advanced fault diagnosis techniques and preventative maintenance on onshore and offshore structures and machinery in the heavy industry sector will have applications in these fields. While USCIS recognizes specific evidentiary considerations relating to science,

technology, engineering, and mathematics (STEM) fields, especially those in focused CETs, "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)(4). We acknowledge that "advanced gas turbine engine technologies" and "artificial intelligence" are recognized as CETs on this list, but the importance of these fields does not establish the national importance of the Petitioner's proposed endeavor in particular. *See id.* The importance of an industry or field is not sufficient to meet the national importance requirement under the *Dhanasar* framework. As discussed above, the evidence submitted to support his claims does not discuss the Petitioner's specific research work or establish its national importance. The Petitioner has not provided sufficient supporting evidence to understand how his proposed endeavor would advance STEM technologies, including any critical and emerging technologies, with sufficiently broad potential implications that would rise to the level of national importance.

USCIS further determined that while the Petitioner established that he is well-positioned to advance the proposed endeavor under *Dhanasar's* second prong, but that he did not establish that, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus of a labor certification under *Dhanasar's* third prong. Because the documentation in the record does not sufficiently establish the Petitioner qualifies under the first prong of the *Dhanasar* precedent decision, he has not demonstrated eligibility for a national interest waiver. This identified basis for dismissal is dispositive of the Petitioner's appeal, and therefore we decline to reach and hereby reserve our opinion on the Petitioner's appellate arguments and his eligibility under the second and third prongs of *Dhanasar*. *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 Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established his eligibility for a national interest waiver. The appeal will be dismissed for the above stated reasons.

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.