U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37779459

Date: JUL. 07, 2026

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

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

The Petitioner, an entomology professor, 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. at 889.

II. ANALYSIS

USCIS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional, based upon obtaining the foreign equivalent of a Ph.D. in medical entomology and vector control. 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*. Regarding the first *Dhanasar* prong, USCIS determined that the Petitioner established the proposed endeavor's substantial merit but not its national importance. Upon de novo review, we agree that the Petitioner has not established the national importance of the proposed endeavor and we will dismiss the appeal on that basis.

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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

The Petitioner's proposed endeavor is to pursue his research in the field of entomology and vector control. The Petitioner states that his specific area of intended research is to study insecticide resistance mechanisms in German cockroaches in order to help develop better pest control solutions. The Petitioner states that he intends to conduct this research in collaboration with leading entomology programs in the United States, such as those at Purdue University or University of California, Riverside.

On appeal, the Petitioner submits a brief and additional evidence.[2] The Petitioner claims that USCIS did not properly apply the preponderance of the evidence standard, used arbitrary and capricious reasoning, and abused its discretion in denying the petition. Regarding USCIS' national importance finding, the Petitioner asserts that USCIS failed to properly consider the evidence that the proposed endeavor aligns with federal research priorities, failed to consider the public health and economic implications of the German cockroach's insecticide resistance, and erred by finding that the endeavor is limited geographically. The Petitioner particularly references on appeal the support letters submitted and the evidence from government agencies such as the California Department of Pesticide Regulation (DPR), the U.S. Department of Agriculture (USDA), and the Environmental Protection Agency (EPA).

[2] Because the Petitioner was previously put on notice and given a reasonable opportunity to provide this evidence, we will not consider it for the first time on appeal. *See Matter of Furtado*, 28 I&N Dec. 794, 801-02 (BIA 2024) (declining to consider new evidence on appeal when the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it) (citing *Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988)); *see also* 8 C.F.R. § 103.2(b)(11) (requiring that in response to a request for evidence or notice of intent to deny, all evidence must be submitted together at one time and that submitting only some of the requested evidence will be considered a request for a decision on the record).

We disagree with the Petitioner's characterization of the USCIS decision. First, we note that the decision does not rely on potential geographic limitations of the proposed endeavor; this finding is not in the decision. Moreover, for the reasons discussed below, we agree with USCIS that the record does not sufficiently establish by a preponderance of the evidence the endeavor's national importance. To determine whether a petitioner has met their burden under the preponderance of the evidence standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.; *see also Matter of E-M-*, 20 I&N Dec. 77, 79- 80 (Comm'r 1989). We conclude that the proposed endeavor, as described, and the evidence in the record, including that evidence specifically discussed on appeal, do not support the Petitioner's assertions that the potential impact of the endeavor would have a broader impact on the field or implications rising to a level of national importance.

In the Petitioner's initial statement, he did not provide a specific a proposed endeavor. Instead, the Petitioner described his intent in general to continue working as a researcher in the field of entomology and vector control. He stated that he was "eager to continue [his] research in the United States and contribute further to the field," that there is an ongoing demand for experts in his field, and that he has significant expertise to contribute to address critical issues in entomology. However, a proposed endeavor is more specific than a general occupation; a petitioner should offer details not only as to what the occupation normally involves, but what type of work the person proposes to undertake specifically within that occupation. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), www.uscis.gov/policy-manual.

In response to USCIS' request for evidence (RFE), the Petitioner described a specific proposed research project, titled "[redacted]"
The Petitioner stated that cockroaches pose significant health risks because of their resistance to conventional insecticides and because they are a leading vector for allergens and disease, particularly in densely populated urban areas. The Petitioner stated that his research would focus on understanding "both metabolic and non-metabolic resistance mechanisms," such as "kdr-type mutations (knockdown resistance mutations)" and "enzyme-based detoxification." The Petitioner claimed that this "comprehensive analysis will help identify the most common genetic mutations and enzyme overproduction pathways" to develop pest control strategies that "effectively neutralize both mechanisms."

While the Petitioner's statement in the RFE response provides some information about an intended research project, the record lacks evidence supporting his claims about the proposed endeavor and its potential prospective impact. The Petitioner has not provided the level of specific details or documentation as required under *Matter of Dhanasar* to support his claims that his proposed endeavor has the potential to impact the field of entomology, vector control, or public health at a level commensurate with national importance. The Petitioner mainly relies on his statements, without sufficient corroborating evidence, to characterize the proposed research project as valuable for advancing the field and impacting public health. A petitioner must also support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. As the Petitioner has not done so here, he has not established that his proposed endeavor in the United States will have national importance under the first *Dhanasar* prong.

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 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 Petitioner's statements, the support letters, and the evidence from government agencies in the record here does not establish a similar level of connection between the Petitioner's proposed research project and any potential broad impact on public health.

The Petitioner claims that the support letters demonstrate the endeavor's national importance, and that these were erroneously dismissed by USCIS. But we conclude that the letters do not provide sufficient specific details to establish that the Petitioner's proposed research topic is novel, innovative, or otherwise likely to advance the field or have a broad impact on pest control or public health. The letter from Dr. S.O.R.,[3] an associate professor of chemical engineering, primarily provides general, conclusory statements about the proposed endeavor. For example, he writes that the project "addresses critical public health challenges" and "aligns with sustainable pest management priorities." He further concludes that the Petitioner's "proposed pest management strategy" is "scalable across major U.S. urban centers." These statements primarily mirror the Petitioner's own claims about the potential impact of the endeavor, rather than credibly establishing its national importance. Moreover, the letter is unclear because, while the Petitioner describes a research topic that he is pursuing as his proposed endeavor, Dr. S.O.R. appears to be describing a particular pest control method or strategy that has already been implemented and developed. For these reasons, we find the letter to be of little probative value.

The letter from Dr. M.P., also a professor, is similar in that it primarily repeats claims about the "persistent issue of pesticide resistance in German cockroaches," that cockroach infestations pose public health risks and that the Petitioner's research "directly addresses these gaps" by investigating genetic and biochemical mechanisms in cockroaches. Dr. M.P. does not provide further specific details about the proposed endeavor and its potential impact and instead repeats the Petitioner's own assertion about "addressing gaps" in insecticide resistance research. We conclude that this letter is also of little probative value.

While the Petitioner contends that USCIS erroneously dismissed the support letters corroborating his claims, the letters do not provide sufficient relevant, probative details about the proposed endeavor to demonstrate that it is novel, offers potential advancements in the field, or otherwise has the potential to broadly impact the field. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Instead, the letters mainly discuss the writers' knowledge of the Petitioner's prior projects and then restate the Petitioner's broad assertions about problem of pesticide resistance and the Petitioner's intention to address it.

[3] We use initials to protect individuals' privacy.

The Petitioner also contends that the national importance of the proposed endeavor is established by its "alignment" with funding initiatives of the USDA, the EPA, and the California DPR. The Petitioner submitted evidence related to the California DPR Alliance Grants Program, the USDA-NIFA grant funding program, and the EPA Pesticide Environmental Stewardship Program, grant programs which provide funding for projects to promote or implement IPM programs in California or across the United States, with the aim or reducing risk to public health and the environment.

We are not persuaded with the Petitioner's claim that his proposed research is nationally important because it aligns with federal priorities. We acknowledge that the Petitioner provided evidence that these federal and state government agencies have funding programs to promote the use of IPM methods to reduce risk to public health. We agree that this evidence can be helpful in demonstrating the potential need for, or interest in, additional research in the field. While such evidence could also be a positive factor in determining national importance, it is not, by itself, sufficient for the Petitioner to meet his burden of proof. The Petitioner did not submit, for example, letters from interested government agencies discussing the Petitioner's specific proposed research topic and its potential to impact public health or pest control on a broad scale. This evidence provides background information, but it does not discuss the Petitioner's specific proposed endeavor or help demonstrate interest in this specific topic or its potential prospective impact. As such, the evidence establishing this claimed "alignment" with U.S. federal government priorities does not establish the proposed endeavor's national importance.

We acknowledge the overall value of the public health and pest control, but their significance does not establish the national importance of the Petitioner's proposed endeavor in particular. *See generally* 6 *USCIS Policy Manual, supra* at F.5.(D)(4). The importance of an industry or field is not sufficient to meet the national importance requirement under the *Dhanasar* framework. *See id.* In determining national importance, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on the "specific endeavor that the foreign national proposes to undertake." *See Matter of Dhanasar*, 26 I&N Dec. at 889. The evidence submitted to support the Petitioner's claims does not discuss the Petitioner's specific research work. The Petitioner has not provided supporting evidence to understand how it would advance public health with sufficiently broad potential implications for the vector control field rising to the level of national importance.

We acknowledge that the Petitioner intends to continue his research in the field, including this proposed research topic, and hopes to contribute to the understanding of insecticide resistance mechanisms in German cockroaches. But we must consider the scope of the specific proposed endeavor, as established by the record. *See id.* The record here does not include sufficient evidence to demonstrate the potential prospective impact of the specific, proposed endeavor. Therefore, the Petitioner has not established the endeavor's national importance or his eligibility under the first *Dhanasar* prong.

USCIS further determined that the Petitioner did not establish either that he is well-positioned to advance the proposed endeavor under *Dhanasar's* second prong, or 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 Petitioner has not met the requisite first *Dhanasar* prong,

we conclude that he has not established that he is eligible for a national interest waiver. We reserve our opinion regarding whether the record satisfies the second or third *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

Because the Petitioner has not established eligibility under the requisite first prong of the *Dhanasar* analytical framework, he has not established 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.