U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38731988

Date: JULY 9, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a machine learning 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).

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish 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 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: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but did not establish his eligibility under the *Dhanasar* analytical framework. In particular, they found that while the Petitioner demonstrated his proposed endeavor's substantial merit, he did not show its national importance under the first prong.[2] For the reasons set forth below, we agree with SCOPS that the Petitioner has not shown his endeavor's national importance and, therefore, is not eligible for a national interest waiver. Accordingly, we will dismiss the appeal.

The Petitioner has over six years of experience in machine learning and artificial intelligence. His past positions include roles as a machine learning engineer and research assistant with experience in proposing, prototyping, piloting, and productionizing various machine learning, natural language processing, analytics-based product features.

In his initial filing, the Petitioner stated that his proposed endeavor is "to advance and integrate cutting-edge artificial intelligence (AI) technologies for efficient natural language processing (NLP) in order to enable the widespread adoption of AI technologies that enhance decision-making, foster innovation, and drive economic growth in the United States." He stated that he planned to "implement and refine state-of-the-art natural language processing and machine learning methods to build a generative artificial intelligence system for creating high-quality enterprise-marketing content, ensuring appropriateness and respectfulness in corporate communications across industries." He claimed his research would have applications across industries, including healthcare, telecom, and finance. The Petitioner planned to continue pursuing his proposed endeavor "for the foreseeable future" as a staff machine learning engineer at [redacted], where he is currently employed. In addition, he stated that his research would continue to be circulated in the field through peer-reviewed publications in journals and conference proceedings, patent applications, and industry applications.

In his response to SCOPS' request for evidence (RFE), the Petitioner stated that he planned to organize his research into three core projects: insights discovery, domain adaptation, and responsible AI framework. In addition, he planned to "pursue roles that allow [him] to advance [his] research and translate it into impactful real-world solutions" and, specifically, aimed "to work with organizations focused on adopting AI within a specific domain while addressing diverse customer needs."

In concluding the Petitioner did not show his endeavor's national importance under *Dhanasar's* first prong, SCOPS found the record did not show how the Petitioner's endeavor would impact the United States on a broader level beyond his employment with Typeface.ai. They determined the record did not show how the Petitioner's endeavor would broadly impact the field, enhance societal welfare, or otherwise have national or global implications. SCOPS also found the Petitioner did not demonstrate that his endeavor would have a significant potential to employ U.S. workers or otherwise have substantial positive economic effects, particularly in an economically depressed area.

On appeal, the Petitioner argues that SCOPS did not fully engage with or evaluate all the evidence, which he claims demonstrated his endeavor's national importance. In particular, he points to his personal statements and a letter written by [redacted], the Vice President of Investment and Head of

[2] SCOPS also concluded that the Petitioner met *Dhanasar's* second prong but did not satisfy the third prong.

[redacted] and asserts that, because SCOPS did not "fully engage" with this evidence, it reflected a general failure to evaluate all the evidence submitted, thereby constituting an abuse of discretion.

Upon de novo review, and after carefully evaluating all the evidence submitted, we agree with SCOPS' conclusion that the Petitioner has not demonstrated his proposed endeavor's national importance and, thus, has not established his eligibility for a national interest waiver.[3]

As an initial matter, we are not persuaded by the Petitioner's argument that SCOPS failed to consider all the evidence submitted or otherwise abused their discretion under *Buletini v. INS*, 860 F. Supp 1222, 1226 (E.D. Mich 1994). The court in *Buletini* did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor did it suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. In their decision, SCOPS referenced both the Petitioner's personal statements and Mr. [redacted] letter. They also discussed the Petitioner's proposed endeavor and cited to specific information and contents from the record in reaching their conclusion. Where, as here, USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor address every piece of evidence the Petitioner presents. *See, e.g.*, *Villegas Sanchez v. Garland*, 990 F.3d 1173, 1183 (9th Cir. 2021).

Turning to *Dhanasar's* first prong, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n 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 890.

In this case, the Petitioner has not met his burden to demonstrate that his proposed endeavor's prospective impact rises to the level of national importance. The Petitioner stresses the significance of AI and NLP research and contends throughout his petition that advances in AI technology like those at the center of his research "significantly reduce healthcare costs in the United States and are fundamental to the nation's business activities." He claims that his endeavor will directly contribute to U.S. economic security, bolster national economic prosperity, and provide "unambiguous" substantial positive economic effects. He also claims the benefits of his proposed research will extend beyond his employer, "facilitating critical savings in healthcare and other key national industries."

The record, however, does not provide sufficient details about his specific research activities or provide the level of focus or documentation necessary to support his claims that his proposed endeavor will have such broader impacts in the field, U.S. economy, or nation rising to the level of national importance.

[3] While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner's personal statements provide only brief, high-level summaries of his intended projects without specific details about his research activities and how his particular work will accomplish these broad objectives. For example, while the Petitioner states that his endeavor will address challenges to domain adaptation through "adaption methods with adequate data," "adaption methods with limited data," and "synthetic data generation," he provides little meaningful detail beyond these generalized descriptions to specifically explain what these activities involve, why these methods are different or an improvement from what is already available in the industry, or how his particular methods would result in the nationally important impacts claimed.

Similarly, the Petitioner also broadly speculates that his methods "could enable AI to efficiently process patient records, summarize complex information, and generate actionable insights," and estimates that these innovations could save $200 to $360 billion annually through broader AI adoption. However, he has not adequately described what these planned methods are, how he will implement them to specifically address needs in the healthcare industry, or otherwise provided sufficient detail demonstrating how his endeavor would lead to these substantial economic impacts. We also note that the Petitioner's figures appear to be based on the article entitled "The Potential Impact of Artificial Intelligence on Healthcare Spending" from the National Bureau of Economic Research, which claims that the wider adoption of AI could lead to $200 to $360 billion of savings in healthcare spending. However, this general statistic does not equate to the Petitioner's endeavor creating the same impact. Without more, the Petitioner's brief summaries of his intended research projects and broad claims of national impact are insufficient to establish his endeavor's national importance. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Additionally, we emphasize that the overall significance of the AI field does not establish, in and of itself, the national importance of the Petitioner's proposed endeavor. The Petitioner relies heavily on the potential benefits of the AI field, as well as its alignment with national priorities, to claim his endeavor's national importance. He submits various industry articles and reports discussing, for example, the benefits of AI on the economy and in healthcare. He also points to federal initiatives like the 2023 Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence. However, these generalized articles and reports do not mention the Petitioner or his proposed endeavor, or otherwise demonstrate how the Petitioner's specific endeavor would have a nationally important impact. And while we recognize the value of AI and the positive benefits that advanced technologies have on the U.S. and its economy, working in an important field alone is insufficient to establish the national importance of the proposed endeavor. *See Matter of Dhanasar*, 26 I&N Dec. at 889 (providing that, in determining national importance, the focus is on "the specific endeavor that the foreign national proposes to undertake"). The Petitioner must still demonstrate his endeavor's potential prospective impact in that area of national importance.

The Petitioner contends on appeal that his research will advance the AI field and that it directly addresses the need for enhanced utilization of unstructured data, thereby improving healthcare in the U.S. and advancing the priorities of organizations such as the Centers for Disease Control and Prevention and the National Security Commission on Artificial Intelligence. He also claims that his work on domain adaptation addresses challenges associated with limited data through novel adaptation methods and synthetic data generation, and that his research on responsible AI frameworks improves bias detection and mitigation, thereby improving transparency and accountability in key sectors. But,

again, he has not explained what his "novel adaptation methods" or "novel techniques for synthetic data generation" are, what they involve, or how his research would be an improvement over what is already being done in the market. He has not sufficiently detailed his proposed research to demonstrate how it would advance AI technologies with sufficiently broad implications for his field rising to the level of national importance.

The Petitioner also has not explained how any research and future work he will conduct as a staff machine learning engineer at [redacted] or another company will have an impact beyond his prospective employer and their clients to positively influence the AI field, economy, societal welfare, or nation at a level commensurate with national importance. For instance, the Petitioner points to his past work at [redacted] and claims his research achievements have culminated in the development of the [redacted] which was recognized as one of [redacted] of 2024. However, the article he submitted describing the product does not mention him specifically or the individual(s) who were involved in developing the product. It is unclear then what specific role the Petitioner or his research played in the creation of the [redacted] and does not show that the Petitioner's future endeavor would likely produce similar results.

Likewise, while the Petitioner claims his research and innovations at [redacted] will be promoted at the national level through the company's extensive partnerships, business applications, patented innovations, and active participation in leading conferences, he cannot rely on the national reach of [redacted] customer base, potential influence, or innovations to support his claim that *his* particular work is nationally important. We note that "benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether [the Petitioner's] endeavor has national importance. At issue is whether [the Petitioner] can demonstrate that . . . [the] individual endeavor stands to have broader implications, such as for a field, a region, or the public at large." USCIS Policy Alert PA-2025-03, *Second Preference Eligibility for National Interest Waiver Petitions* 13 (Jan. 15, 2025), https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250115-Employment-BasedNationalInterestWaivers.pdf.

The Petitioner's support letters also do not establish the endeavor's national importance. First, insofar as these letters, the Petitioner, and other evidence in the record highlight the Petitioner's skills, personal attributes, and past accomplishments, these are considerations under *Dhanasar's* second prong. *See Matter of Dhanasar*, 26 I&N Dec. at 890. When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Id.* at 889. Although some of the letters do comment on the Petitioner's work, they are largely conclusory in nature and do not provide a sufficient basis for their claims.

For instance, [redacted] the Vice President of Investment and Head of [redacted] submitted a letter in which he praises the Petitioner's past work and accomplishments on behalf of the company in the Petitioner's role as their investment advisor—which, we note, is not the proposed endeavor here. Mr. [redacted] goes on to claim that the Petitioner's contributions as an advisor "have directly resulted in the growth of businesses and the creation of new jobs, exemplifying the impact of his work on a national scale." But, he provides little additional explanation or corroborating evidence to support these broad assertions. *See, e.g., Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998) (providing that "statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight"). While the letter may support the Petitioner's influence and

benefits to [redacted] and its clients while the Petitioner was acting as an investment advisor, as stated, this is not the endeavor in this case, which relates to developing and implementing AI and NLP technologies. The letter does not speak to the endeavor proposed here or otherwise establish its impact.

Consequently, the record as it is currently stands does not show that any prospective benefits of the Petitioner's proposed endeavor would rise to a level of national importance as required under *Dhanasar's* first prong. Because the identified reasons for dismissal are dispositive of this appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether he has established eligibility under the remaining two *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

As the Petitioner has not met the national importance element requisite to the first prong of the *Dhanasar* analytical framework, he has not established 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 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.