U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39106718

Date: JUL. 09, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a research scientist in solar physics, 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).

SCOPS 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.

Id.

II. ANALYSIS

SCOPS 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 applied mathematics. The issue on appeal is whether the Petitioner has established that a waiver of the job offer requirement is in the national interest. SCOPS determined that while the Petitioner demonstrated the substantial merit of the proposed endeavor, he did not establish its national importance, as required by the first prong of *Dhanasar* analytical framework. Upon de novo review, we agree that the Petitioner has not established the national importance of the proposed endeavor under *Dhanasar's* first prong. While we may not discuss every piece of evidence submitted, we have reviewed and considered each one.

The first prong of the *Dhanasar* analytical framework focuses on the specific endeavor that the individual proposes to undertake. *Matter of 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.* 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 SCOPS "misidentified" the Petitioner's proposed endeavor by stating that the Petitioner is a research scientist in the field of solar physics. The Petitioner contends that SCOPS conflated the Petitioner's proposed endeavor with his proposed employment. The Petitioner also claims that SCOPS did not sufficiently consider the totality of the evidence submitted, and in particular points to the two support letters submitted in response to SCOPS' request for evidence (RFE) and the evidence related to the federal government's goal of improving forecasting and preparation for solar events to protect infrastructure.

The Petitioner states that his proposed endeavor is to "develop modern research analysis tools for understanding both large and small scale events on the Sun, in order to predict solar events that impact the national infrastructure of the United States, such as power grids, communication systems, and satellite operations, improving infrastructure resilience." The Petitioner further states that he plans to pursue this endeavor through a position as a research scientist at the [redacted] The Petitioner states that in this position he plans to "provide scientific programming and data analysis supports," including developing research analysis tools and supporting satellite instrument operations.

In response the SCOPS' request for evidence (RFE), the Petitioner submitted a supplemental statement in which he described his proposed endeavor as continuing his work on "the creation of cutting-edge research software" and "research both small- and large-scale explosive events on the solar surface by creating and training [m]achine [l]earning models to understand the underlying physical processes." The Petitioner described two specific research projects: one to create analysis codes to support

scientific findings within solar physics, and the other to use "physics-informed neural networks" to "investigate how the eruptive events on the sun evolve with time." He asserts that his research work will be published within scientific journals and that his research software will be published and shared.

The Petitioner, however, has not sufficiently supported the claims of the potential prospective impact of his intended research work. His statement provides general summaries of the software and analysis codes that he intends to develop and how they may be used in analyzing solar events data. 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.

The first prong relates to substantial merit and national importance of the "specific endeavor." *Matter of Dhanasar,* 26 I&N Dec. at 889. 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, instead of limiting our analysis to a petitioner's employment at the time of filing. An endeavor is more specific than a general occupation and 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* F.5(D)(2), https: //www.uscis.gov/policy-manual. 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 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*.

Here, the Petitioner provides brief summaries of his intended research projects and makes broad claims, without sufficient corroborating evidence, that his work would impact national government initiatives; protect the infrastructure of the United States; and improve the interpretation of solar data 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 the field of solar physics. For example, the Petitioner submitted as evidence of the national importance of his work articles regarding the cost of infrastructure in the United States and the potential impact of solar events and weather on infrastructure. The Petitioner also submitted an excerpt from a paper that discusses the need for developing and maintaining a workforce of software engineers and physicists to help monitor solar data. Although this information helps demonstrate the importance of the field, it does not demonstrate the national importance of the Petitioner's specific work.

In his supplemental statement, the Petitioner quotes from the survey results of a National Academies decadal survey that, "a sustained, professional workforce is paramount to meeting the nascent modeling challenges in solar and space physics but is not being achieved within the current hierarchy of funding programs," and he asserts that he is "in a strong position to support the future generation

of [U.S.]-grown talent." But the Petitioner's participation in the workforce, even in a critical field, does not demonstrate the national importance of his specific endeavor.

The Petitioner stresses on appeal that the SCOPS decision improperly conflated his employment with his endeavor. The Petitioner points to the language in the decision that the "benefits provided by a single [research scientist in the field of solar physics], working for a private employer is too attenuated to have national importance" and that he has "not provided independent evidence or otherwise explained how his specific endeavor to work" as a research scientist, "one of many operating in the field . . . would have a prospective national impact on the field or on the economy on any scale."

Although the Petitioner objects to this characterization, the evidence in the record primarily shows the Petitioner to be a single member of a team, and discusses the impact of the larger missions of which the Petitioner is a part, rather than demonstrating the potential impact of his specific endeavor. For example, the letters submitted in response to the RFE, which the Petitioner also points to on appeal, do not specifically identify the Petitioner's proposed endeavor and its potential impact. Rather, the letters discuss some of the Petitioner's previous work and make general statements that the Petitioner's contributions are critical. One letter describes the Petitioner as being "a key member" of research projects; asserts that his "contributions are critical for the success" of the missions; and states that has "contributed to" two scientific papers in his work. The other letter submitted in response to the RFE similarly states that "the NASA-funded scientific missions [the Petitioner] works on provide data for space weather forecasting, which is crucial for the [United States] because of the harm that these space weather events can do."

Rather than demonstrating the national importance of the Petitioner's specific endeavor, these letters reflect that he is working in an important field. We may, in our discretion, use advisory opinion statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. However, where an opinion is not in accord with other information or is in any way questionable, we are not required to accept or may give less weight to that evidence. *See Matter of Caron Int'l*, 19 I&N Dec. 791 (Comm'r 1988). For the foregoing reasons, we conclude that the record is insufficient to establish the national importance of the proposed endeavor.

SCOPS further determined that while the Petitioner established that he is well-positioned to advance the proposed endeavor under *Dhanasar's* second prong, 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 the Petitioner's appellate arguments and eligibility under the second and third prongs of *Dhanasar. See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

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 as a matter of discretion. The appeal will be dismissed for the above stated reasons.

ORDER: The appeal is dismissed.