U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42218573

Date: JUL. 09, 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 professor and researcher, 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 he is eligible for a national interest waiver. 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
- 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).

Id.

II. ANALYSIS

Service Center Operations (SCOPS) concluded that the Petitioner qualifies as a professional holding an advanced degree and the record supports this determination. The Petitioner has a master's degree in international relations and international economics from [redacted] and a doctorate in political science from the [redacted] The remaining issue to be determined on appeal 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.

The Petitioner is a research scholar with several years of experience working in academia, and he has served in a number of advisory positions for the South Korean government. His research has focused on the geo-economic and geo-political dynamics in East Asia. His proposed endeavor "is to advance the U.S. Indo-Pacific strategy through policy research and analysis" at major U.S. think tanks, such as the Center for Strategic and International Studies, the Brookings Institute, and the Wilson Center, to inform foreign policymaking for the United States.

Although SCOPS determined that the Petitioner established the substantial merit of his proposed endeavor and that he is well positioned to advance the endeavor, SCOPS concluded that he did not establish the endeavor's national importance or that, on balance, it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner asserts that SCOPS' decision was erroneous and maintains that he has established his eligibility for a national interest waiver.

The first prong, substantial merit and national importance, 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 is not the importance of the industry or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* In *Matter of Dhanasar*, we further 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.

To provide context for his endeavor, the Petitioner submitted information about U.S. domestic and foreign policy initiatives and think tanks that conduct research to inform policymakers. He also submitted letters of support from individuals in the field who have knowledge of his work and who have collaborated with him directly, as well as documentation of his research. In response to a request for evidence, the Petitioner emphasized that his proposed endeavor has national importance because

it "addresses a domain explicitly prioritized by the U.S. government; supplies expert analysis vital to American policymakers; and enhances the U.S.' capacity to maintain peace, economic strength, and strategic influence throughout the Indo-Pacific region." SCOPS determined, however, that the Petitioner did not demonstrate the prospective impact of his endeavor beyond his immediate employer.

On appeal, the Petitioner maintains that his proposed endeavor has national importance because it directly supports U.S. economic prosperity, foreign-policy leadership, and national security interests in a strategically consequential region. He disagrees with SCOPS' assessment concerning the impact of his endeavor, reiterating that the role of think tanks is to inform U.S. policy. He states that the institutions he "intends to work for, by their very nature, serve the nation by providing evidence-based, actionable policy solutions directly related to national- and global-level consequences." He acknowledges that, while working for a think tank alone does not mean that an individual's work will result in broader implications, the evidence of record concerning his expertise—numerous publications, citations, and several letters of support—demonstrates that further research with these influential institutions will only amplify the national importance of his future work. "It stands to reason," he states, "that the very act of conducting research as a policy expert at a U.S. think tank is to be in a position to produce policy-relevant knowledge and generate actionable policy recommendations capable of directly influencing national- and global-level outcomes . . . ."

As stated above, it is not the overall importance of the industry, field, or profession in which an individual intends to work, but the particular endeavor on which an individual intends to embark that we consider in evaluating whether it is of national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner acknowledges the specificity of this guidance on appeal, stating that "the question should not be whether the instant field is important . . . [but] whether or not the specific type of work [he] intends to engage in has national importance." Likewise, our assessment focuses on the specific pursuit in assessing its national importance. In *Matter of Dhanasar*, the petitioner intended to continue his research designing and developing hypersonic propulsion systems—research focused on a specific technology demonstrated by evidence in the record to be strategically important for the United States to further develop.

The endeavor of the petitioner in *Matter of Dhanasar* was determined to have substantial merit because it aimed to advance scientific knowledge and further national security interests. Here, the Petitioner's endeavor has substantial merit because it aims to further national security and economic interests. But the Petitioner's proposed endeavor only draws the contours of an endeavor around a complex and far-reaching field of study concerning a region of the world. While his proposal offers potential contributions to entities that may inform the decisions of U.S. policymakers, he proposes to continue research on numerous topics in a broad area of study. Although the evidence demonstrates that the Petitioner is an experienced and valued scholar within his field of study—key points of consideration under *Dhanasar's* second prong—the endeavor is not defined to a degree at which its national importance can be fully evaluated.

Namely, on appeal the Petitioner states that his "body of work and research direction provide substantial utility to the broader field." The record indicates that the Petitioner has researched an array of topics concerning trade and national security between the United States and the Indo-Pacific region and between countries within that region, and published articles that he has authored and co-authored discuss several issues: the role of China in the semiconductor industry; the challenge of securing

critical technologies without undermining global cooperation; the maritime order and the South China Sea; and interactions between trade, finance, and security regimes in Asia. While these articles present evidence of the Petitioner's scholarly work in the field of Indo-Pacific economic statecraft, they do not support a defined endeavor that the Petitioner will pursue. He asserts that his publications serve as the best evidence to demonstrate that his proposed endeavor—which he describes as entailing his continued investigation into the subject areas of those publications—has importance. However, he has not specified what line of inquiry he will investigate or outlined an agenda identifying a research outcome or impact to provide insight into any wider implications of his proposed endeavor for U.S. trade or national security policy.

The Petitioner asserts that his publications demonstrate that his future research and the policy recommendations resulting from it carry critical importance for the United States as it seeks a genuinely mutually advantageous economic relationship with China and to deter conflict in the Indo-Pacific. But an intention to work in an important field, or an endeavor's alignment with government initiatives, cannot alone demonstrate an endeavor's national importance. Without a defined endeavor of importance distinguishable from the general importance imbued in the role of think tanks or in the overall importance of informed policymaking, we cannot meaningfully consider its potential prospective impact. An undertaking may have national importance, for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Matter of Dhanasar*, 26 I&N Dec. at 889. Here, while the Petitioner's field of focus—to make foreign policy recommendations to advance U.S. interests—may align with nationally recognized priorities, the record does not demonstrate that the Petitioner's work, specifically, will have broader implications for foreign relations or positively impact the U.S. economy on a scale rising to the level of national importance.

The Petitioner points to letters of support as additional evidence demonstrating that his endeavor will have broader implications for his field. He cites the opinion of Dr. B-A-S-, a professor at the [redacted] who states, "I am confident that [the Petitioner's] efforts to further conduct research on the rise of maritime China will be an insightful resource for scholars in the field as experts endeavor to provide counsel on the global affairs to U.S. policymakers." The Petitioner also cites an opinion letter from Dr. V-K-E at the [redacted] which refers to his dissertation project as thought-provoking stating, "in the early 2000s, not many scholars in the U.S. paid attention to the rising conflicts in the South and East China Seas . . . ." The Petitioner asserts that this affirmation of the "prescient nature" of his work "will only amplify its broad implications in the field." The Petitioner further asserts that his work has broader implications in the field internationally, citing a letter from a professor at [redacted] that attests to his participation as part of a research team on social science in Korea, stating that his "contribution to [the team's project] has been particularly noteworthy in examining how international norms and regimes are effectively integrated into domestic policies through the process of knowledge diffusion . . . ." These opinions, however, do not identify a specific endeavor, such as a specific area of research within his field that the Petitioner intends to undertake to influence a particular area of U.S. policy.

For instance, Dr. V-K-A- of the [redacted] states that he and the Petitioner have collaborated on multiple research projects regarding their "overlapping interests in East Asian economic integration and its impact on extra-regional countries." He adds that he has "no do doubt that [the Petitioner's] uniquely specialized expertise in interpreting and analyzing complex

international politics, economy, and other issues and challenges particularly in Indo-Pacific arena will strongly support the U.S.' long-time commitment in promoting peace and stability around the world." Another professor at [redacted] Dr. T-J-P-, discusses the Petitioner's contributions to the work of other scholars studying East Asia, expressing his "full confidence that [the Petitioner's] exceptional expertise will play a pivotal role in bolstering our nation's paramount objective of fortifying its foreign policy." The professor at the [redacted] discusses the Petitioner's research on trade policies between the European Union and Korea and the rise of China as a maritime power, expressing her belief that "his in-depth knowledge and experience in this field will render an invaluable asset for the U.S. in its effort to better understand international affairs and relations and to improve its ability to handle related challenges and crises."

These letters laud the Petitioner's intellect and research talents, and they describe several of his publications and his contributions to the work of others in the field. They express confidence that his continued research will serve as a valuable resource for scholars in the field and for individuals who provide guidance on global affairs to U.S. policymakers. But they do not discuss a particular endeavor that the Petitioner will pursue within the larger sphere of international relations concerning East Asia or the Indo-Pacific region. The evidence of record does not identify a specific endeavor that the Petitioner proposes to undertake such that we are able to evaluate whether it is an endeavor of national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889.

The record does not establish the national importance of the proposed endeavor as required by the first prong of *Matter of Dhanasar*. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("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

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite 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. The petition will remain denied.

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.