U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43548050

Date: JUL. 20, 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 manufacturing engineer, seeks to qualify under the 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 the record did not establish the Petitioner's eligibility for the requested 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. An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(K)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

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] *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).

- 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.

Id.

II. NATIONAL INTEREST WAIVER

USCIS determined that the Petitioner qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. We agree with this determination. Therefore, the remaining issue is whether the Petitioner established that he is eligible for a national interest waiver under the *Dhanasar* framework.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* USCIS concluded that the Petitioner's proposed endeavor has substantial merit. We agree with this determination, as the Petitioner's proposed endeavor falls within the range of areas of substantial merit, namely business and technology. *Id.* However, while the Petitioner has established that his proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner indicates he holds a master of science degree in industrial engineering and that as of the date the petition was filed, he worked as a contractor performing services for a client S-, "an internationally renowned leader [redacted] industry critical to the development of semiconductor[s]." The Petitioner states that his proposed endeavor is to "develop and manufacture complex new electronics and electro-mechanical products used for pre-silicon emulation [redacted] for development of semiconductors." More specifically, the Petitioner explains that he intends to transition new products from development to mass production by executing a carefully planned and managed product development process. He asserts that this proposed endeavor has significant national and global implications in his field, noting that he already helped develop new products and that he would continue to "set a new standard for semiconductor development and manufacturing industry-wide."

The Petitioner further states that his semiconductor designs would broadly enhance societal welfare by creating more job opportunities and driving advances in critical technologies such as artificial intelligence, data center infrastructure, autonomous vehicles, IoT [internet of things], cloud computing, 5G mobile services, and countless other applications. He also promised advancement in "key sectors" such as medicine, material science, physics, and biology, as well as "fueling growth of manufacturing" by making it more effective and efficient in the United States. In addition, the Petitioner points to the alignment of his proposed endeavor would national initiatives, including semiconductor supply chain investments by the U.S. Departments of Treasury and Commerce and the CHIPS Act aimed at strengthening domestic semiconductor research, design, and manufacturing to "fortify [U.S.] economic and national security."

USCIS later issued a request for evidence (RFE) indicating that the Petitioner did not submit a sufficient explanation of his proposed endeavor but only information on his general work in the field of semiconductors for his employer. USCIS stated that the Petitioner did not submit sufficient information and evidence reflecting the leading roles he would fulfill, economic impact or job creation attributable to his work, or how his work would extend beyond his employer to effectuate a broad national impact. As such, USCIS requested that the Petitioner submit additional evidence including a more detailed description of his proposed endeavor and why it had national importance, and how it would have national implications within his field, significant potential to employ U.S. workers or have substantial positive economic effects, broadly enhance societal welfare, and/or impact a matter that a government entity described as having national importance.

In response, the Petitioner stated that his proposed endeavor is to "lead the development and manufacturing of novel electronic and electro-mechanical products used for pre-silicon emulation and prototyping of advanced integrated circuits used for the development of semiconductors, while onshoring and scaling up domestic manufacturing in the United States." The Petitioner indicated that he had since been hired by S- as a full-time employee, rather than working as a contractor, and that he would work on "critical technologies" addressing urgent hardware-based manufacturing concerns while improving end-system quality and efficiency. He emphasized his direct contributions to scaling advanced hardware manufacturing and technology development for the [redacted] product lines for his employer.

With respect to the national importance of his endeavor, the Petitioner pointed to the significant role the semiconductor industry plays in the overall U.S. economy and the success of numerous key sectors, from industrial manufacturing to mobile communications. The Petitioner stated that the "chips verified on [redacted] systems underpin countless technologies" the public relies on, including vehicle safety systems, medical imaging and health diagnostics, communication technology, financial systems, and critical data center and cloud infrastructure. The Petitioner also pointed to U.S. government funding provided to his employer for [redacted] The Petitioner emphasized that his employer acts as contractor for [redacted] The Petitioner contended that this was direct evidence that the federal government considers his work of national importance.

In concluding that the Petitioner did not demonstrate the national importance of his proposed endeavor, USCIS acknowledged the importance of semiconductors, but reasoned that the Petitioner did not submit sufficient evidence as to the nature of his endeavor, how it would rise to national importance, and its claimed broad impact on his field. On appeal, the Petitioner contends that USCIS made a factual error by referring to a prior employer, rather than his current employer in the denial decision. The Petitioner asserts that he provided numerous details regarding his proposed endeavor and the specific products he works on and emphasizes that they have been commercialized in the semiconductor industry. The Petitioner points to letters from the management at his employer he claims, "clearly describe the critical, specialized, and indispensable individual contributions of [the Petitioner] as a primary NPI lead and the impact of the proposed endeavor beyond the employer." The Petitioner states he has demonstrated that his work impacts a matter that government entities have

identified as nationally important, has significant potential to broadly enhance societal welfare, and would result in novel manufacturing processes.

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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.

The Petitioner stated many times on the record that his development of electronic and electro-mechanical products used for pre-silicon emulation and prototyping of advanced integrated circuits for the development of semiconductors was "innovative" or "novel." However, the Petitioner provided little detail on how the Petitioner's specific work for his employer "set a new standard for the industry" or give the United States a "leg up on foreign competition." For instance, the Petitioner stated in support of the petition that he *would* develop "complex new electronics and electro-mechanical products," leading to commercialization of these products, suggesting his proposed endeavor was entirely prospective. Now on appeal, the Petitioner appears to assert that his claimed innovative work with semiconductor technology has already been commercialized, pointing to media releases related to his employer's products.

However, the Petitioner does not explain with specificity what portions of his work were novel, led his company to commercialize nationally, and set a new standard for the industry as claimed. For instance, the Petitioner discusses his asserted important work with the [redacted] product lines, but he does not provide sufficient detail as to the nature of these technologies or how they are innovative in his field. It is also not clear whether or not the Petitioner was instrumental in inventing or developing these technologies or how many other employees within his employer work on these product lines. In fact, it appears reasonable to conclude that, since the Petitioner was only recently changed from a contract employee to a permanent employee between the date the petition was filed and the RFE, there are many employees within his employer's organization with intimate knowledge of the [redacted] product lines. Although we acknowledge that the Petitioner's employer appears to be a leader in semiconductor technology field, his employer is not applying for the benefit sought, and the Petitioner has not submitted sufficient evidence of his specific contributions to the commercialization of his employer's products to demonstrate that his specific work would likely have a potential prospective national impact. The Petitioner must resolve ambiguity in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

On appeal, the Petitioner contends that it provided support letters from his employer's management clearly describing his critical and indispensable contributions "as the primary NPI lead." The Petitioner points to a letter from the vice president of manufacturing and operations stating that the Petitioner is a "central management and execution-critical contributor" who holds a specialized role "difficult to replace," referencing his work on the company's [redacted] product lines. Yet, the vice president does not clarify the Petitioner's specific contributions to these product lines or

how these product lines are innovative, or novel as claimed. Further, the letter provides little detail on how the Petitioner's work for the company would likely lead to a potential prospective national impact, only vaguely indicating that it is "the foundation of AI and other technologies that are increasingly tied to U.S. national security and economic strength" and would "benefit U.S.-based manufacturing operations and technology advancement."

Likewise, the Petitioner emphasized a letter from its project/program management principal who discussed the Petitioner's "critical role in the operations of our company, leading mission-critical product development projects to support the design of critical innovative design and development tools the semiconductor industry relies on." However, the project/program management principal provided little detail on how the company's [redacted] product lines and how they will have a national level impact, and he does not describe in detail the Petitioner's specific contribution to launching these technologies. For instance, the project/program management principal only generically indicates that "semiconductors are critical for numerous fields that are beneficial to society" and that they are promising to advance key fields such as medicine, material science, physics, and biology. Although it appears likely that the Petitioner is a valued and important employee, there is little to demonstrate in the support letters that his work for the company would likely lead to a potential prospective national impact. Again, it is not the overall work of the Petitioner's employer that demonstrates national importance, but the Petitioner's specific proposed endeavor, and his assertions as to the potential prospective impact are largely based on the previous work he performed with his employer, rather than based on any future proposed endeavor.

While it is true that a petitioner's expertise and record of success in previous positions are considerations under *Dhanasar*'s second prong, the second prong does not evaluate the prospective impact of an endeavor, but instead "shifts the focus from the proposed endeavor to the foreign national." *Id.* As such, while a Petitioner's background may be helpful in describing the nature of their field and prior work, it is not sufficient to establish the national importance of their proposed endeavor. As discussed, the Petitioner did not properly articulate and document his innovations while working for his employer to properly substantiate its potential national impact.

The Petitioner is required to demonstrate that the Beneficiary's proposed endeavor will have national or even global implications within a particular field or the significant potential to broadly enhance societal welfare or the advancement of valuable technology or a field of study. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual. However, the Petitioner provided insufficient detail and documentation to substantiate that his proposed endeavor would have a national-level impact on the semi-conductor industry. Without more specific probative evidence, it is uncertain that the Beneficiary's proposed work with his employer would have a potential prospective national level impact on the large semiconductor industry and its technology, an industry the Petitioner indicated could grow to $25 billion in gross domestic product by the end of 2026.

The Petitioner further submitted a wide array of potential prospective national impacts leaving question as to the likelihood of such broad-based impacts on so many industries and societal issues resulting from his work with one employer. For example, the Petitioner stated that [redacted] systems underpin countless technologies the public relies on, asserting potential prospective national impacts on industrial manufacturing, mobile communications, vehicle safety systems, medical imaging and health diagnostics, financial systems, and critical data center and cloud

infrastructure. In addition, the Petitioner discussed potential national impacts on several other large industries and societal issues including artificial intelligence, data center infrastructure, autonomous vehicles, IoT [internet of things], cloud computing, 5G mobile services, and countless other applications, as well as medicine, material science, physics, and biology, and U.S. manufacturing. The Petitioner provides insufficient evidence to substantiate that his work with one employer would have an impact on many major industries and societal and government issues. The Petitioner asserts such wide ranging societal impact that it leaves question as whether his proposed endeavor would have a meaningful impact on any of the large industries or societal issues he references.

Similarly, the Petitioner asserts that his proposed work with his employer would lead to contributions to numerous government departments, initiatives, and programs, including the Department of War, the U.S. Departments of Treasury and Commerce, DARPA, AISS, NIST programs as well as priorities involving semiconductors specified in the CHIPS Act, among several others. However, general alignment with, or a mere potential contribution, to matters of national-level interest does not establish that a proposed endeavor is of national importance. Likewise, the importance of semiconductors in various aspects of industry and society does not establish national importance. The specific proposed endeavor must have broad and significant national implications. Generalized conclusory statements that do not identify a specific impact to the field have little probative value. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

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 provided 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's assertions of potential prospective national importance are insufficiently detailed and not properly supported. For instance, there is little indication that there is specific interest from the U.S. government regarding the advancement of the Petitioner's work and that it would contribute significantly to the nation's ability to compete internationally in the field of semi-conductors. We acknowledge that the Petitioner submitted evidence suggesting that his employer received $17.5 million in awards from the federal government related to 438 transactions, but there is no indication how this funding applies specifically to the Petitioner's work with the company. This leaves further doubt as to the likelihood of a significant national-level impact resulting from his specific proposed endeavor. It is reasonable to conclude, given the size and prominence of the semi-conductor industry, that there are many companies and professionals focused on technologies meant to enhance their efficiency and capabilities. However, the specific nature of the Petitioner's methods, their innovative nature, and potential national impact is left largely unexplained. In sum, it appears unlikely that the Beneficiary's proposed endeavor would have a potential prospective national impact on the various major economic and societal issues claimed given the lack of supporting evidence to substantiate that his work would have significant potential to broadly enhance the advancement of methods or

technology in his field. Again, the Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. at 582, 591-92.

The Petitioner further did not sufficiently demonstrate how his proposed endeavor would extend beyond his employer to effectuate a national-level impact. Benefits to a specific company alone, even a company with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance. At issue is whether the petitioner can demonstrate that his individual endeavor stands to have broader implications, such as for a field, a region, or the public at large. For instance, an individual developing methods or technology for use or sale by a given company may not be able to establish national importance based on evidence that this technology will have benefits for the company or its clients alone. To establish broader public or commercial implications at a level consistent with national importance for the field or industry, the petitioner could demonstrate, through the submission of relevant evidence, widespread interest in adoption or licensing of the technology, a novel and important manufacturing or operational process, or how the technology stands to impact the development of similar technology by other companies. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https: //www.uscis.gov/policy-manual.

The Petitioner did not sufficiently clarify his specific contribution to the company's technologies and how he was instrumental in the widespread adoption or licensing of the technology or its claimed novel or innovative aspects. Again, it appears likely given the scope of the operations of the Petitioner's employer that there a numerous employees working on advancing the [redacted] product lines and it is not clear how his work would disseminate beyond the scope of his company to effectuate the claimed broad impacts on societal welfare. The Petitioner also does not establish how the Petitioner's work would extend beyond his employer and its immediate clients. Therefore, the record does not establish how the Petitioner's proposed endeavor will have broader implications rising to the level of national importance.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under *Dhanasar*'s second and third 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).

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.