U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40666192

Date: JULY 28, 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 researcher in geospatial technology, 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 Petitioner did not demonstrate she is eligible for or otherwise merits a national interest waiver as a matter of discretion. 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.[1] 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or a 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

[1] Profession shall include, but not be limited to, architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

the framework for adjudicating national interest waiver petitions. *Dhanasar* states that USCIS may, as matter of discretion,[2] 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.

Id.

II. ANALYSIS

For the underlying EB-2 immigrant classification, USCIS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree.[3] The issue on appeal is whether the Petitioner established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. USCIS determined that the Petitioner did not establish meeting any of the three prongs of the *Dhanasar* analytical framework. Upon de novo review, we agree that the Petitioner has not established the national importance of her proposed endeavor under *Dhanasar's* first prong.[4]

On appeal, the Petitioner claims that USCIS erred in its decision by ignoring or minimizing evidence and imposing novel requirements under an elevated standard of review. In the decision's analysis of *Dhanasar's* first prong, she alleges that USCIS abused its discretion relying on irrelevant considerations and not appropriately evaluating the totality of the evidence, citing *Buletini v. INS*, 850 F. Supp. 1222 (E.D. Mich. 1994). In addition, she maintains that USCIS improperly focused on her prospective employment as a geographic information system (GIS) specialist as her proposed endeavor, instead of focusing on her proposed research endeavor. The Petitioner emphasizes that while she intends to work in the United States as a GIS specialist for Schneider Geospatial or a similar employer, her prospective employment is separate from her proposed research endeavor, developing novel models of agricultural land use dynamics and soil fertility to promote sustainable agriculture, prevent fertility loss, and protect the environment. She claims that her statements and supporting evidence clearly explain her proposed research endeavor and its national importance, having impacts

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[2] *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).

[3] USCIS' determination that the Petitioner qualifies as a member of the professions holding an advanced degree was based solely on her academic credentials from a foreign academic institution being the foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). The record, however, does not include evidence sufficient to show that the Petitioner's academic credential is the foreign equivalent above that of a U.S. bachelor's degree. To qualify for the underlying EB-2 classification as an advanced degree professional, the Petitioner submitted her diploma and academic transcript indicating she earned a Master of Science in soil science from [redacted] University in [redacted] Nigeria in 2017. In addition, she submitted page one of a five page credential evaluation and authentication report dated May 12, 2023, from World Educational Services. The first page of the report is not related to her foreign Master of Science degree. Because the Petitioner did not provide the full report, instead only providing the first page of the five page report, we are unable to determine whether her foreign degree is the foreign equivalent above that of a U.S. bachelor's degree or otherwise meets the requirements for the underlying EB-2 classification. Because the record is not sufficiently clear to establish that the Petitioner possesses any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree, or a U. S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty, or otherwise demonstrates she qualifies as an advanced degree professional, she would need to address this deficiency in any future proceedings where that is required to establish eligibility. *See* 8 C.F.R. § 204.5(k)(2).

[4] While we may not discuss every document submitted, we have reviewed and considered each one.

that advance her field and the nation's agriculture sector. We disagree with the Petitioner's assessment of USCIS' decision, as discussed below.

The standard of proof in this proceeding is a preponderance of the evidence, meaning that a petitioner must show that what is claimed is "more likely than not" or "probably" true. *Matter of Chawathe*, 25 I&N Dec. at 375-76. 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 id.*; *see also Matter of E-M-*, 20 I&N Dec. 77, 79- 80 (Comm'r 1989). Here, USCIS' decision reflects a reasoned consideration of the evidence. In its description of the Petitioner's proposed endeavor, the decision quotes the Petitioner's statements about her proposed research as her intended endeavor. In addition, USCIS acknowledged and analyzed documents submitted to evaluate the substantial merit and national importance of her proposed research endeavor. Based on the record, USCIS' decision is a reasoned interpretation and consideration of the evidence. The decision acknowledges and analyzes documents submitted and weighs the evidence but determined that the evidence lacked probative value. *See Matter of Chawathe*, 25 I&N Dec. at 376. The proposed endeavor, as described, and the evidence in the record do not support the Petitioner's assertions that the potential impact of her endeavor would have a broader impact on her field or implications rising to a level of national importance.

For her proposed endeavor, the Petitioner initially submitted a statement indicating her "proposed endeavor is to develop novel models of agricultural land use dynamics and soil fertility in order to promote sustainable agriculture, prevent fertility loss, and protect the environment." In her initial statement, she explained her plans to pursue a position in the United States as a GIS specialist with Schneider Geospatial, noting that her "research at Schneider Geospatial will be promoted at the national level through their nationwide business channels and statewide association with key players in geospatial technology." In addition, she stated that she plans to circulate her work in the field through peer-reviewed journal articles.

In her request for evidence reply, the Petitioner provided a statement further explaining her research, stating she intends to develop the [redacted], a spatially driven model "that integrates agricultural land use dynamics with soil fertility parameters to support sustainable agricultural practices." She explains that "[b]y combining geospatial technologies, soil science, and predictive analytics, [she] intend[s] to provide innovative solutions that guide land use planning and soil management across diverse farming systems." In developing the [redacted], she indicates that it would be "designed to evaluate and predict soil fertility by integrating physical, chemical, and biological soil properties with environmental and land use data" with key inputs to include "soil texture, pH, organic carbon, macro and micronutrients, topography, climate data, and vegetation indices derived from satellite imagery." She explains that [redacted] would "classify soils into fertility categories (e.g., low, moderate, high) and is validated using independent soil data or crop yield records." For data analysis and mapping, "[t]he system leverages tools like QGIS, ArcMap, and Google Earth Engine," which would generate "high-resolution fertility maps" and "support[] site-specific nutrient management and precision agriculture, aiding farmers, researchers, and policymakers."

The Petitioner indicates that "[i]n the long term, she plans to collaborate with research institutions, agricultural stakeholders, government agencies, and policymakers to implement this model in real-

world settings, while also contributing to knowledge through publications, training, and community engagement." In addition, she summarizes two research projects. The first would "investigate how different land use changes, such as urbanization, deforestation, and agricultural expansion, affect the physical, chemical, and biological properties of soils across various landscapes." She explains that "[t]he goal is to develop a spatial database and predictive models that help land managers and policymakers understand which areas are more vulnerable to soil degradation and how to prioritize soil restoration efforts." For the second project, she plans to "use remote sensing, GIS, and multi-criteria analysis (MCA) with the plan to develop a model (Geo-spatial soil fertility assessment system) that aims at evaluating agricultural land suitability while preventing degradation and preserving soil health." The model would "identify vulnerable areas and prioritize them for conservation" in order to promote sustainable agricultural practices. She claims her [redacted] would help "mitigate fertility loss, reduce the need for excessive chemical inputs, and promote more efficient land use planning" to assist agricultural sustainability and environmental protection. In addition, she claims [redacted] aligns with national initiatives supporting research aimed at "precision agriculture and climate-smart farming by enabling site-specific nutrient recommendations based on real-time, high-resolution data."

The Petitioner intends to circulate her research work through peer-reviewed publications. As discussed above, her statement notes that her employment in the United States would be separate from her proposed research endeavor, and expresses her intent to work as a GIS specialist by pursing a position with Schneider Geospatial.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that a petitioner 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. In determining national importance, the relevant question 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." *Id.* 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.

The Petitioner has not offered a specific proposed endeavor for her intended research work as required under *Dhanasar*, and she has not provided the level of focus or documentation to support her claims that her proposed research has the potential to impact her field of GIS, the agriculture industry, or any other fields and industries. While the Petitioner's statements provide an overview of her proposed research by identifying two areas of focus and their potential implications, her descriptions are brief summaries lacking specific details and evidence supporting her claims of their impacts. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. The Petitioner has not done so here. The Petitioner conducting GIS research with a focus on developing a spatial model designed to evaluate and predict soil fertility in order to address challenges in sustainable agriculture, land degradation, and food security may demonstrate the substantial merit of the proposed endeavor. However, her proposed research and evidence in the record do not support or demonstrate her research endeavor's prospective potential impact nationally, or globally, or through broader implications rising to a level of national importance.

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*. Here, the Petitioner has not provided the level of specific details or documentation as required under *Dhanasar* to support her claims.

In her statements, the Petitioner asserts her proposed endeavor aligns with national government initiatives, including initiatives by the U.S. Department of Agriculture (USDA) and the U.S. Environmental Protection Agency (EPA) which support the use of geospatial technology to enforce regulations and identify areas of environmental and agricultural risk. In addition, she maintains that her endeavor aligns with USCIS policy since her endeavor involves research to advance science, technology, engineering, and mathematics (STEM) technologies, in particular space technologies and systems and remote sensing of the earth, which are recognized by the U.S. National Science and Technology Council as being critical and emerging. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(2). The Petitioner stresses the importance of the United States maintaining agricultural sustainability for economic growth, food security, and competitiveness in order to preserve national security. The record includes the first few pages from media articles and U.S. government reports and policies about world food shortages; soil erosion and degradation; climate changes to forestry; the EPA's geospatial program; soil use in the corn-belt; costs of U.S. agricultural land degradation; and the USDA food sectors and the economy.

While USCIS recognizes specific evidentiary considerations relating to STEM degrees and fields, "the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *See id*. The importance of the U.S. government initiatives is not in dispute. We acknowledge the overall value of geospatial technology to address challenges to the environment and the agricultural industry, and attracting qualified professionals in related careers, as well as strengthening our nation's technology, particularly technology recognized as critical and emerging. However, their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. *See id.* Merely conducting research utilizing space technologies and systems and remote sensing of the earth is insufficient to establish the national importance of the proposed endeavor. Moreover, the importance of an industry or field is not sufficient to meet the national importance requirement under the *Dhanasar* framework. *Matter of Dhanasar*, 26 I&N Dec. at 889. Instead, we focus on the "the specific endeavor that the foreign national proposes to undertake" and consider the endeavor's "potential prospective impact." *Id*.

The Petitioner does not quantify the proposed endeavor's expected impact in the identified areas of concern, or provide objective, probative evidence to support her contentions. The Petitioner has not sufficiently detailed her proposed research to understand how it would advance STEM technologies and those recognized as critical and emerging with sufficiently broad potential implications for her field, the economy, the agricultural industry, and the environment rising to the level of national importance. For example, the endeavor "may have national importance because it has national or even

global implications within a particular field, such as certain improved manufacturing processes or medical advances." *Id.* at 889-90. The Petitioner has not sufficiently detailed her proposed research or provided supporting evidence to understand how it would impact national initiatives or have sufficiently broad potential implications for her field rising to the level of national importance.

While the Petitioner asserts that USCIS erroneously dismissed her colleagues' recommendation letters and her previous research as corroborating her claims, the letters do not discuss her proposed endeavor and her plans to introduce novel methodologies in her field. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. The Petitioner submitted two letters to support the national importance of her work, but they do not identify or address her specific proposed endeavor. Instead, the letters focus on the Petitioner's previous geospatial technology research work and her accomplishments, while making general statements that the Petitioner is an experienced geospatial researcher whose contributions would advance knowledge and solutions for challenges connected to the intersection of agriculture, the environment, and technology. While the letters indicate the authors value the Petitioner's research skills and work in GIS, they do not mention the Petitioner's specific proposed endeavor or how her intended research would impact her field or otherwise be of national importance.

We acknowledge the Petitioner's academic achievements and research contributions, but she has not offered sufficient information and evidence based on the recommendation letters and her previous research work to demonstrate her claims of providing new innovative methodologies that would impact her field or any other industries. While the recommendation letters and her prior research may help to better understand her proposed endeavor and its potential impact, such evidence mainly relates to the second prong of the *Dhanasar* framework, instead of speaking to the national importance of the Petitioner's proposed endeavor. The second prong of the *Dhanasar* framework "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar,* 26 I&N Dec. at 890. The issue here is whether the specific endeavor that the Petitioner proposes to undertake has national importance under *Dhanasar's* first prong. To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of her proposed research work. *Id.* at 889.

The Petitioner mainly relies on her statements, without corroborating evidence, to characterize her proposed research work as valuable for advancing her field and impacting economic growth, the agricultural industry, the environment, national security, and national initiatives. The Petitioner has not detailed or established with supporting evidence her claims to introduce novel innovations or advancements that may be disseminated to or adopted by others operating in her field or any industry. A petitioner must 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, she has not sufficiently established that her proposed endeavor in the United States will have national importance under the first *Dhanasar* prong.

USCIS further determined that the Petitioner did not establish that she is well-positioned to advance the proposed endeavor under *Dhanasar's* second prong, and 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 for the first prong of the *Dhanasar* precedent decision, she 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, she has not established her eligibility for a national interest waiver as a matter of discretion. The appea\l 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.