U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43066902

Date: JUN. 3, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an automotive business, seeks to employ the Beneficiary as a process controls engineer. The Petitioner requests the Beneficiary's classification 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).

Service Center Operations (SCOPS) denied the petition, concluding that, although the Beneficiary qualified for the classification as a member of the professions holding an advanced degree, the Petitioner had not established 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 because the Petitioner did not establish that the proposed endeavor has national importance. Thus, it did not meet the required first prong of the *Dhanasar* framework. *See Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016). Because this identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding the remaining *Dhanasar* prongs. *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).

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:

- 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

The Beneficiary has over nine years of experience in mechanical engineering, with a specialty in specialization controls engineering. He earned a U.S. master of science degree in mechanical engineering in 2017, and a master of business administration and management degree in Canada in 2022. Since 2023, the Beneficiary has worked for the Petitioner in process controls engineering for electric vehicle batteries. He designed and implemented the control systems for the Petitioner's first "high-volume battery assembly system for electric trucks." The Beneficiary's proposed endeavor is to advance electric vehicle (EV) battery manufacturing by optimizing the assembly and testing processes. The Petitioner states that the Beneficiary's proposed endeavor will enhance the safety and operational efficiency of EVs and will contribute to reduced reliance on foreign oil and fossil fuels. Through the proposed endeavor, the Beneficiary will deliver "advanced, software-agnostic control engineering and automation solutions designed to optimize manufacturing operations across diverse industries, including automotive, electronics, aerospace, and energy."

SCOPS determined that the Beneficiary is a member of the professions holding an advanced degree. The issue to be determined on appeal is whether the Petitioner qualifies for a national interest waiver under the *Dhanasar* framework.

After reviewing the Petitioner's initial filing, as well as evidence submitted in response to a request for evidence (RFE), SCOPS determined that the Petitioner had submitted sufficient evidence to demonstrate that the proposed endeavor has substantial merit. However, SCOPS concluded that the Petitioner did not establish that the proposed endeavor has national importance, that the Beneficiary is well-positioned to advance the proposed endeavor, or that, 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).

SCOPS stated that the record did not demonstrate that the proposed endeavor will have broader implications in the field of endeavor, and that the Petitioner's reliance on the importance of the field is insufficient to establish that the proposed endeavor is of national importance. In discussing national importance, SCOPS determined that the impact of the proposed endeavor "appears to be localized to [the Petitioner] and would be of most benefit to that entity and its immediate customers/clients and business partners."

On appeal, with regard to national importance, the Petitioner states that the Beneficiary's proposed endeavor will have national implications by advancing electric vehicles and battery manufacturing and assembly. The Petitioner asserts that SCOPS' decision is arbitrary and capricious, in that it includes legal errors and ignores evidence in the record. The Petitioner asserts that SCOPS conflated the importance of the field with the specific proposed endeavor. The Petitioner maintains that the proposed endeavor is the subject of national initiatives, in the form of advancing EV manufacturing competitiveness, which will "strengthen domestic manufacturing capabilities, enhance supply chain resilience, and preserve American jobs."

A. Substantial Merit and National Importance

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.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. As discussed below, the Petitioner has not established that the potential prospective impact of the Beneficiary's proposed work indicates national importance.

The record includes a statement from the Beneficiary regarding the practical applications of his work. The statement describes these applications as:

- Development of new error proofing technology for battery assembly to "significantly increase process flexibility, system standardization, and simplification of both software and hardware components within [the Petitioner's] battery manufacturing operations."
- Development of the [redacted] "- a landmark high-volume EV battery assembly facility at [the Petitioner's] plant. This highly complex line represents [the Petitioner's] premier in-house battery assembly initiative for its electric truck segment."
- Co-leading the Global Read Across process for battery assembly, "addressing cross-plant and supplier issues related to battery assembly across all [of the Petitioner's] sites, including identification, root cause analysis, and implementation of standardized solutions."

Each of these descriptions specifically references applications to the Petitioner. The statement, however, does not discuss the applications of the Beneficiary's specific projects as a process controls engineer outside of the Petitioner's company. Nor does the statement describe the impact of the Beneficiary's work in EV battery manufacturing and assembly to demonstrate that his proposed work holds national importance. The Beneficiary states that his work in EV battery assembly "contributed significantly to [the Petitioner's] ability to meet rapidly growing market demand for electric trucks [and] in turn, delivers long-term environmental benefits, economic growth, and technological innovation in manufacturing at a national level." However, it is insufficient to claim a proposed endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. The Petitioner has not demonstrated the proposed endeavor's broader implications in the field or industry.

The record also includes letters of support and recommendation discussing the Beneficiary's work.[2] A March 2025 letter from [redacted] the Beneficiary's former supervisor at [redacted] states that the Beneficiary served as an automation engineer designing and programming robotics equipment for construction technology. Mr [redacted] highlights the Beneficiary's contributions to a welding robot system that "improved production efficiency [and] contributed significantly to sustainability in construction."

The Beneficiary's skills, knowledge, and prior work in his field relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the specific endeavor that he proposes to undertake has national importance under *Dhanasar's* first prong.

A March 2025 letter from [redacted], engineering group manager with the Petitioner, describes the Beneficiary's contribution to the Petitioner's [redacted] for EV battery assembly. Mr. [redacted] states that the Beneficiary was "vital in addressing critical issues, improving efficiency, and ensuring the line's success in producing EV truck batteries, thereby supporting [the Petitioner's] shift toward sustainable transportation, and enhancing its position the competitive EV market." Mr. [redacted] describes the importance of this work to the Petitioner, but he does not, however, address how the Beneficiary's proposed endeavor stands to have an impact at a meaningful level for U.S. interests.

The Petitioner also provided an "Analysis and Advisory Evaluation" letter from Dr. [redacted] Associate Professor at the [redacted], in support of the Beneficiary's national interest waiver. Dr. [redacted] contends that the Beneficiary's proposed work is of national importance because his generic occupation in the field of automotive engineering in which he works and the importance of automotive safety and quality stand to benefit the U.S. economy. The issue here, however, is not the national importance of the profession or industry in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar,* 26 I&N Dec. at 889. The letters from [redacted] and [redacted] do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Beneficiary's specific proposed work offers broader

[2] While we discuss a sampling of these letters, we have reviewed and considered each one.

implications in his field or industry or substantial positive economic effects for our nation that rise to the level of national importance.

Furthermore, the Petitioner submitted articles on the importance of manufacturing engineering, automated vehicle safety technologies, system diagnostics for safer vehicles, software-defined vehicles, the automotive industry, electric vehicles (EVs), boosting EV manufacturing capacity, and building a national EV charging network. The record also includes information about thermal runaway, carbon pollution from transportation, the impact of global warming on the automotive industry, limiting Chinese components in American vehicles, U.S. critical infrastructure sectors, critical and emerging technologies, the Bipartisan Infrastructure Law, and the Biden-Harris Administration's actions to attract STEM talent.[3] The Petitioner claims that these articles support the national importance of the Beneficiary's proposed endeavor. The determination of national importance does not focus on the importance of one's field or industry in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar,* 26 I&N Dec. at 889. Here, none of the articles mention the Beneficiary or his assigned projects or otherwise speak to the potential prospective impact of his specific proposed endeavor.

The Petitioner points to USCIS policy guidance relating to national interest waivers sought by persons with advanced science, technology, engineering, and mathematics (STEM) degrees. While the policy manual explains how the *Dhanasar* framework can apply to STEM graduates and entrepreneurs, the Petitioner still must meet the three prongs set forth in *Matter of Dhanasar* to establish it is in the national interest that USCIS waive the requirement of a job offer, and thus the labor certification. We agree that the proposed endeavor involves STEM technologies and has substantial merit in relation to U.S. science and technology interests, but the Petitoiner must also demonstrate that it has sufficiently broad potential implications to demonstrate national importance.

The Petitioner asserts that the Beneficiary's proposed endeavor has national importance due to the Bipartisan Infrastructure Law. The Petitioner argues that its efforts for efficiency in EV manufacturing "align with national goals to enhance energy security and support the transition to sustainable transportation," but it has not demonstrated that benefits resulting from its overall operations would be attributable to the Beneficiary's particular role as a process controls engineer to an extent that his specific proposed work holds national importance.

The Petitioner further claims that the Beneficiary's work in the development of EV and hybrid vehicles supports environmental sustainability and decreases reliance on fossil fuels. The Petitioner states, "[The Beneficiary's] contributions positively influence both the United States and the international community, pushing the boundaries of automotive innovation and promoting a more interconnected and eco-friendlier world." But the evidence does not show that his proposed work stands to offer broader implications in his field or industry beyond his projects for the Petitioner. The issue here is not the broader implications of the company's innovations in EV technologies and sustainability, but

[3] With respect to *Dhanasar's* first prong, as in all cases, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance. *See generally* 6 *USCIS Policy Manual*, F.5(D)(4), https://www.uscis.gov/policy-manual.

rather the potential prospective impact of the Beneficiary's specific work as a process controls engineer.[4]

In addition, the Petitioner presented information about its business operations and environmental priorities. The Petitioner indicated that it "is the largest American automobile manufacturer," and "delivered more than 5,939,000 vehicles worldwide" in 2022. Benefits to a specific employer alone, even an employer with a national footprint such as the Petitioner, are not sufficiently relevant to the question of whether a person's endeavor has national importance. At issue is whether the Beneficiary's own individual endeavor stands to have broader implications in the industry or field beyond his employer and its EV battery manufacturing.

To evaluate whether the Beneficiary's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of his work. *Matter of Dhanasar,* 26 I&N Dec. at 889. While the Petitioner's statements reflect the Beneficiary's intention to improve his employer's EV battery manufacturing, it has not offered sufficient information and evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id*. at 893. Here, we conclude the record does not show that the Beneficiary's specific proposed endeavor stands to sufficiently extend beyond his employer and its operations to impact the field of software engineering, the U.S. EV industry, societal welfare, public safety, or our country's economy more broadly at a level commensurate with national importance. Nor has the Petitioner demonstrated that the Beneficiary's specific undertaking offers broader implications in the automotive manufacturing or renewable energy industries, reducing greenhouse gas emissions, affecting U.S. energy independence, or advancing our country's national security.

Additionally, the Petitioner has not shown that the specific endeavor the Beneficiary proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. While the Petitioner asserts that the national importance of the Beneficiary's endeavor is evident from the scope of its vehicle manufacturing operations, it has not demonstrated that the economic implications of its vehicle production would be attributable to the Petitioner's specific projects to an extent that his proposed work holds national importance. Here, the Petitioner has not shown that the wider economic effects it claims are implications of the Beneficiary's specific proposed endeavor to improve his employer's EV battery manufacturing. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to the Beneficiary's specific proposed work, the Petitioner has not shown that the benefits to the U.S. regional or national economy resulting from his projects would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id*. at 890.

The Petitioner has not established that the Beneficiary's proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field or industry, or has other broader implications indicating national importance.

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[4] The evidence does not indicate, for example, that the Beneficiary is an inventor of the Petitioner's patented technologies or that he publishes or presents technological research.

On appeal, the Petitioner relies upon the evidence it previously submitted and asserts that SCOPS required evidence beyond the *Dhanasar* framework and disregarded substantial evidence. While we acknowledge the Petitioner's assertion that SCOPS did not consider evidence that the Beneficiary's "innovations are designed to be software-agnostic and vendor-neutral, fostering supplier diversity and reducing reliance on single-vendor expertise," beyond the Petitioner's statements, the record does not include corroborating documentary evidence to support this assertion. Although the Petitioner states, "This vendor-neutral design philosophy inherently broadens the potential impact beyond [the Petitioner]," it is the Petitioner's burden to establish eligibility for the requested benefit. *Matter of Chawathe*, 25 I&N Dec. 369 at 275. The Petitioner continues to rely upon the asserted merits of the services the Beneficiary will provide, his personal and professional qualities and achievements, and the trends in automotive technology. However, as set forth above, the evidence does not sufficiently demonstrate the proposed endeavor's national importance. Therefore, we conclude that the Petitioner has not met the requisite first prong of the *Dhanasar* framework.

As the Petitioner has not established the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* framework, it is not eligible for a national interest waiver and further discussion of the balancing factors under the second and third prongs would serve no meaningful purpose. As noted above, we reserve the Petitioner's appellate arguments regarding the two remaining *Dhanasar* prongs.[5] *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

As the record does not establish that the Petitioner has met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner is not eligible for 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 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.

[5] Even if we had addressed the remaining issues, we still would have dismissed this appeal. As noted above, SCOPS concluded that, although the proposed endeavor has substantial merit, the Petitioner did not establish its national importance, that the Beneficiary was well-positioned to advance the proposed endeavor, or 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. On appeal, the Petitioner references the same supporting evidence submitted with the original petition and RFE response and does not provide any new evidence. SCOPS fully addressed the previously submitted evidence and explained how it was deficient in establishing that the Petitioner met the three *Dhanasar* factors and would be eligible for a national interest waiver. The Petitioner's assertions on appeal do not establish that all of the three *Dhanasar* prongs have been met.