U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43129009

Date: JUNE 4, 2026

Appeal of USCIS Decision

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

The Petitioner, a chemical engineer, 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 the record did not establish 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.

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: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

II. ANALYSIS

The Petitioner claims he has over five years of experience within the pharmaceutical and biotechnology industry. His past positions include roles as an engineer in analytical development, as well as various internships in engineering, chemical engineering, quality control, and undergraduate research.

The Petitioner stated that his proposed endeavor is to "apply my chemical engineering expertise to support the advancement and commercialization of novel vaccines and therapeutics." He stated that he "will develop advanced analytical methods to characterize drug products and raw materials used in vaccine and therapeutic production; design, optimize, and scale up processes for manufacturing both drug substances (active ingredients) and drug products (final formulations); translate scientific discoveries into manufacturable processes; ensure those manufacturing processes are safe, scalable, and in regulatory compliance; and drive innovation and efficiency from lab to market." He claims that his endeavor "centers on developing, optimizing, and validating advanced analytical methods for characterizing drug products and raw materials in vaccine and therapeutic production."

USCIS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that he did not establish his eligibility under the *Dhanasar* analytical framework. Specifically, although USCIS found substantial merit in the proposed endeavor, they concluded the Petitioner did not establish that his proposed endeavor has national importance and that, on balance, waiving the job offer requirement would be beneficial to the United States. For the reasons discussed below, we agree with USCIS that the Petitioner has not shown his endeavor's national importance under *Dhanasar's* first prong and, therefore, is not eligible for a national interest waiver. Accordingly, we will dismiss the appeal.[2]

The first prong, substantial merit and national importance, focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we 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.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, USCIS found that the Petitioner did not present sufficient evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. They found that the Petitioner did not show how his proposed endeavor stands to sufficiently extend beyond his employer or future employer to impact the industry more broadly. USCIS also noted that, while the Petitioner stated that he intends to work in the field of chemical engineering for a major pharmaceutical and biotechnology company, he did not provide sufficiently detailed statements or evidence concerning the national importance of his proposed future work.

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

On appeal, the Petitioner argues that USCIS disregarded the facts, improperly dismissed evidence, and misapplied the law. He asserts that the evidence was sufficient to establish his eligibility.

Upon de novo review, and after carefully evaluating all the evidence submitted, we agree with USCIS' conclusion that the Petitioner has not demonstrated that his proposed endeavor's prospective impact rises to the level of national importance. The Petitioner's description of his future work is vague. The record does not sufficiently establish how his proposed work "apply[ing] [his] chemical engineering expertise to support the advancement and commercialization of novel vaccines and therapeutics" at a U.S. pharmaceutical or biotechnology company would have the type of broader implications indicative of national importance. For instance, the Petitioner claims that his endeavor "centers on developing, optimizing, and validating advanced analytical methods for characterizing drug products and raw materials in vaccine and therapeutic production." However, the Petitioner's proposed activities as described—developing advanced analytical methods, designing, optimizing, and scaling up processes for manufacturing, translating discoveries into manufacturing processes, ensuring those processes are safe, scalable, and compliant, and driving innovation and efficiency from lab to market—appear to be activities which are generally encompassed within the role of a chemical engineer. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual (providing that"[t]he term 'endeavor' is more specific than the general occupation"). The Petitioner has not explained how the work he plans to perform is meaningfully distinct from the occupation of a chemical engineer, and these broad and vague descriptions of his proposed endeavor do not provide a level of specificity sufficient to demonstrate how his specific proposed endeavor will have a broader impact beyond his future company consistent with national importance.

The Petitioner also points to his past accomplishments while he was employed as an analytical development engineer at [redacted] and as an engineering intern at [redacted] to support his claims that his work "has been widely used, adopted, and implemented" by these companies, thereby reportedly showing that his work has implications beyond any single employer.[3] The Petitioner contends that he "already made significant advances in his field of chemical engineering by developing advanced analytical methods that have already been used and are continuing to be used to advance and commercialize novel vaccines and therapeutics including FDA-approved [redacted] . . . as well as [redacted] He claims this work has had broad impacts of national and international importance.

The Petitioner's expertise and past successes, however, are considerations under *Dhanasar's* second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar*, 26 I&N Dec. at 890. The issue under the first prong is whether the Petitioner has demonstrated the national importance of the proposed endeavor itself. Furthermore, despite his claims, the record does not adequately detail what his specific roles and contributions were in these projects, including, for example, whether his claimed activities were self-initiated or whether they were directed and supervised by his employers. And, as acknowledged by the Petitioner, "his work at

[3] USCIS' decision incorrectly referenced the Petitioner's work as a chemist at [redacted]. However, it is clear that this was a typographical error and did not impact their conclusion. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless scrivener's errors).

these companies has been confidential and proprietary, meaning he would generally be prohibited from sharing his work outside the company for which he was working." Here, the record is unclear as to whether the Petitioner's future proposed work would also be proprietary to his future employer, which would limit the extent to which he could show broader impacts beyond that company. While we acknowledge the Petitioner's argument that the law does not state that an individual carrying out their proposed endeavor at a single company or employer cannot demonstrate the national importance of their proposed endeavor, the Petitioner must nevertheless establish how his specific endeavor would have broader implications for the industry. And here, particularly in light of the lack of detail and specificity in the description of his proposed endeavor, the Petitioner has not established through the documentary evidence how his proposed activities would extend beyond his company to have broader, nationally important implications.

The Petitioner also submitted industry articles and reports discussing various topics such as [redacted] vaccine approvals and supply agreements with the U.S. government, as well as various governmental initiatives including efforts to strengthen the U.S. supply chain. While this evidence speaks to the substantial merit of the proposed endeavor, in determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work. Instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889. While we recognize importance of the pharmaceutical and biotechnology industries, as well as the value of chemical engineers, working in an important industry or sector, even one that is the subject of national priorities, is not sufficient in and of itself to establish the national importance of the proposed endeavor. *See id.* at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes to undertake"). The Petitioner must still demonstrate the proposed endeavor's potential prospective impact in that area of national importance. Again, in this case, the evidence does not establish how the Petitioner's work would sufficiently extend beyond his future employer to produce the nationally important impacts claimed.

We also recognize the importance of progress in STEM fields and the role of individuals with advanced STEM degrees in fostering this progress. But with respect to the first prong, as in all cases, the evidence must still 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 (stating that with respect to the first prong, as in all cases, the evidence still must show that a STEM endeavor has national importance). While we agree with USCIS that the proposed endeavor has substantial merit, as discussed above, without more—particularly regarding the specifics of his future activities—the Petitioner has not established the national importance of the proposed endeavor simply because it relates to a STEM field.

The Petitioner also generally claimed that his proposed endeavor would positively impact the nation's national security and economic prosperity. However, aside from these vague assertions, he has not elaborated how his work will specifically accomplish such objectives and, importantly, how any impact produced would be direct and significant enough to rise to a nationally important level. General conclusory statements without a sufficiently direct evidentiary tie between the proposed endeavor and the claimed impacts are insufficient. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Lastly, we have also considered the Petitioner's support letters but they also do not establish the endeavor's national importance.[4] The letters largely discuss the Petitioner's skills, expertise, and record of success at his previous companies, which are more relevant to *Dhanasar's* second prong and whether the petitioner is well positioned to advance the proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 890. While the letters also comment on the Petitioner's various projects and their ensuing benefits, these benefits as described appear to flow primarily to his employing companies rather than to the field. For example, the Petitioner submitted a letter written by Dr. [redacted] a senior scientist at [redacted] Among other things, Dr. [redacted] described the Petitioner's work on developing [redacted] He claimed "[t]his innovation directly supports [redacted] program and has broad applicability across the U.S. biopharmaceutical sector." While we acknowledge the potential positive benefits of the Petitioner's work to [redacted] Dr. [redacted] does not explain how the Petitioner's work has the claimed "broad applicability" for the industry including, for instance, how it has been disseminated or is being used beyond [redacted] or how it otherwise has or will impact the field.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the record does not establish his proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether he has established eligibility under the remaining two *Dhanasar* 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).

III. CONCLUSION

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.

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.

[4] We note that, while letters from interested U.S. government agencies or quasi-governmental entities in the United States may be helpful in determining whether an endeavor rises to the level of national importance, they are not required to establish eligibility.