U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38181238

Date: JUNE 11, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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).

SCOPS denied the petition, concluding that although the Petitioner qualified for classification as a member of the professions holding an advanced degree, she 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. 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;

[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 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

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree. The remaining issue to be determined 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. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of their proposed endeavor under the first prong of the *Dhanasar* analytical framework.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Dhanasar* 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 the initial filing, the Petitioner stated that her proposed endeavor was to work as an "NPI Operation Project Manager" and "innovate semiconductor chip testing by pioneering high-performance test solutions" with the objective being to "achieve unparalleled signal integrity at the highest data rates for the latest generation of DRAM devices for technologies like 5G, AI, cloud computing, autonomous vehicles, AR/VR, and applications with high definition graphics." She asserted that the advancements resulting from her efforts will "contribute to higher product quality and performance," "enhance the skills and capabilities of the semiconductor workforce" and "bolster economic prosperity in the United States."

SCOPS issued a request for evidence in which they requested, in part, additional evidence to establish that the Petitioner's proposed endeavor had national importance.[2] In response to the request for evidence, the Petitioner provided an updated personal statement asserting that her proposed endeavor "is to innovate and enhance the field of semiconductor chip testing through the development of an interactive program management dashboard." Her contributions would "directly support U.S. goals to strengthen domestic supply chains, reduce reliance on foreign manufacturers, and maintain global leadership in technology." The Petitioner did not provide further details on the specific prospective occupation or proposed endeavor that she would focus on to illustrate the nature of the work that she would perform during her day-to-day work activities. Nor did the Petitioner provide a detailed description explaining the manner through which she would prospectively deliver these services, supported by documentary evidence.

SCOPS denied the petition, concluding that the record did not establish that the Petitioner qualified for a national interest waiver because she did not meet the 3-prong *Dhanasar* framework. In regard to prong one, SCOPS determined that while the Petitioner had established substantial merit, she had not offered sufficient information and evidence to demonstrate that the prospective benefit of her proposed endeavor rose to the level of national importance.

[2] SCOPS also requested additional documentation to establish the second and third *Dhanasar* prongs.

On appeal, the Petitioner first contends on appeal that SCOPS employed a standard of review that was much stricter than the preponderance of the evidence standard normally used in immigration proceedings. The standard of proof for the EB-2 immigrant classification is preponderance of the evidence. *Chawathe* at 375-376. In putting forward the argument that SCOPS did not correctly apply this standard, the Petitioner does not explain exactly how the standard was wrongly applied. The Petitioner argues generally that in determining the record did not establish the proposed endeavor was of national importance, SCOPS misapplied the standard. The Petitioner does not support this assertion with specificity as to the record or to SCOPS' conclusions.

The Petitioner further highlights the evidence she submitted in support of her petition and in response to SCOPS' request for evidence and maintains on appeal that she has demonstrated the proposed endeavor's national importance. While we do not discuss every piece of evidence individually, we have reviewed the record and have considered the Petitioner's eligibility for the national interest waiver.

The Petitioner's general objections on appeal regarding her eligibility for the EB-2 classification are insufficient to overcome the conclusions SCOPS reached based on the evidence submitted by the Petitioner. The Petitioner has not sufficiently articulated on appeal how SCOPS erred in finding that the record did not demonstrate the proposed endeavor has national importance. While the evidence of record indicates that the Petitioner has extensive experience, the record does not include a plan or other indication of how the Petitioner's endeavor "to innovate and enhance the field of semiconductor chip testing through the development of an interactive program management dashboard" will impact business at the level of national importance contemplated under the first prong of the *Dhanasar* framework. The Petitioner has not established on appeal that her intent to apply this knowledge to "relevant stakeholders, including engineering teams, project managers, and executives" is an activity that will have a broad impact.

Furthermore, we acknowledge the articles submitted by the Petitioner addressing the importance of improving the nation's cybersecurity; strengthening semiconductor supply chains; boosting semiconductor research, development, and production; and ensuring safe, secure, and trustworthy artificial intelligence. The Petitioner claims that these articles support the national importance of her 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." *Dhanasar* at 889. Here, none of the articles mention the Petitioner or her assigned projects or otherwise speak to the potential prospective impact of her specific proposed endeavor.

Additionally, the Petitioner has not shown that the specific endeavor she 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 her endeavor will "be pivotal in strengthening the economic might and international standing of the United States" and "also holds significant potential to employ U.S. workers and generate substantial economic effects," without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to her future work, the record does not show that benefits to the U.S. regional or national economy resulting from the Petitioner's pursuits would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See Id.* The record does not offer evidence sufficient to translate *how* the Petitioner's

proposed endeavor stands to sufficiently impact U.S. interests or the relevant sector more broadly at a level commensurate with national importance.

Regarding the Petitioner's assertions that her past experience in the technical and operational aspects of semiconductor testing and manufacturing have given her a "deep appreciation for the complexities of semiconductor testing and the critical role of efficient project management," we note although an individual's experience, qualifications, contributions, and achievements are material, they are misplaced in the context of the first *Dhanasar* prong. The Petitioner's professional experience is generally material to *Dhanasar*'s second prong—whether an individual is well positioned to advance a proposed endeavor—but they are generally immaterial to the first *Dhanasar* prong—whether a specific, prospective, proposed endeavor has both substantial merit and national importance. *Dhanasar* at 888-91.

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 agree with SCOPS that the Petitioner did not sufficiently demonstrate how her proposed endeavor stands to extend beyond the purported stakeholders to impact the industry more broadly at a level commensurate with national importance. Nor has the Petitioner shown that her particular work offers original innovations that contribute to advancements in the industry or otherwise has broader implications for the field. Accordingly, without sufficient documentary evidence of their broader impact, the Petitioner's proposed work does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

Because the documentation in the record does not establish the national importance of her proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding her eligibility under the second and third prongs outlined in *Dhanasar*. *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

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that she has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.