U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41737925

Date: MAR. 02, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an operations research analyst, 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).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner is eligible for 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. 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.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner's proposed endeavor is to "develop and implement data-driven strategies with innovative decision making and machine learning techniques that address critical issues in the supply chain management and financial market to improve efficiency, reduce cost[s,] and enhance resilience." SCOPS determined that the Petitioner established her eligibility for the EB-2 classification as a member of the professions holding an advanced degree.[2] However, SCOPS further concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that SCOPS erred in this determination. We conclude that the record does not establish the Petitioner's proposed endeavor is of national importance and therefore she is not eligible for a national interest waiver as a matter of discretion.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* The Petitioner proposes to use her expertise in machine learning and probability theory to "researc[h] and develo[p]data-driven strategies that aim to drive profitability, mitigate risks, gain market insights, and identify new opportunities by adapting to market dynamics." She asserts that her proposed endeavor will "address critical issues in the supply chain management and financial market to improve efficiency, reduce cost[s,] and enhance resilience." We conclude the Petitioner's proposed endeavor has substantial merit.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* SCOPS determined that the Petitioner did not establish the broader implications of her proposed endeavor and therefore she did not establish its national importance. On appeal, the Petitioner asserts that SCOPS overlooked the evidence in the record and misapplied *Matter of Dhanasar*. Upon review, we too conclude that the Petitioner's proposed endeavor does not meet the standard for national importance set forth in the *Dhanasar* framework.

On appeal, the Petitioner addresses many of the issues that were raised in SCOPS' decision. SCOPS concluded that the Petitioner's proposed endeavor did not meet the standard for national importance, in part, because the record did not establish where she would be conducting her research, how it would

[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).

[2] The Petitioner is an operations research analyst. The record contains evidence of a PhD from [redacted] SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

be funded, and how it would be disseminated. The Petitioner addresses these issues on appeal by stating that the:

> [c]oncerns raised in the decision are based on assumptions that do not accurately reflect the norms of research in operations research and supply chain management. [The Petitioner's] work does not require substantial funding, proprietary constraints do not prevent dissemination, and [her] past record already demonstrates [her] capacity to produce research with broad, field-wide impact."

We acknowledge the Petitioner's clarifications regarding the logistics of her proposed endeavor, however, even so, the record does not establish its national importance.

Dhanasar states that an undertaking may have national importance because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner asserts that her "proposed research will continue to contribute to issues of national importance. . . ." She references articles and reports on the U.S. government's emphasis on building supply chain resilience and cites background information on issues related to dynamic pricing. We first note, in response to the request for evidence, the Petitioner submitted additional evidence, however, the evidence provided was in the form of the names of the referenced articles and reports; not the printed articles themselves. While we are able to find some of the articles, we cannot confirm if these are the same articles that the Petitioner referenced since the printed articles were not provided. It is ultimately the petitioner's burden to establish eligibility for the requested benefit. *See* section 291 of the Act; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013); *Matter of Skirball Cultural Center*, 25 I&N Dec. 799, 806 (AAO 2012); *Matter of Ho*, 19 I&N Dec. 582, 588-89 (BIA 1988); *Matter of Brantigan*, 11 I&N Dec. 493, 495 (BIA 1966); *Matter of D-Y-S-C-*, Adopted Decision 2019-02 (AAO Oct. 11, 2019). Here, the Petitioner did not provide printed copies of the articles, and therefore, the record only contains very general, broad descriptions on the importance of supply chain resilience and the use of dynamic pricing in the perishable food industry.

However, even if we assume that these articles are the same articles that the Petitioner referenced, the articles do not establish the proposed endeavor's national importance because 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 specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889. While this evidence supports the Petitioner's statements about government support for enhancing the resilience of supply chains and background information on dynamic pricing, it does not further the Petitioner's claim of her proposed endeavor's national importance. As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* While we acknowledge the importance of the field the Petitioner proposes to work in; the relevant question is not the importance of the field in which the individual will work; instead, we focus on the "the specific endeavor that the [Petitioner] proposes to undertake *Id.* Here, the Petitioner improperly relies upon the importance of the industry to further establish the national importance of her proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's broader impact on the industry, the Petitioner's proposed endeavor does not meet the national importance element of the first prong of the *Dhanasar* framework.

Moreover, the Petitioner's experience in the field also does not establish the proposed endeavor's national importance. On appeal, the Petitioner reiterates the impact of her previous research projects. For example, she highlights that her research was cited in a technical report supported by the U.S. Department of Transportation and states that this demonstrates her "prior work has already achieved influence rising to the level of national importance." We note that the Petitioner submits new evidence on appeal, a letter of recommendation, which likewise focuses on the Petitioner's previous projects.[3] However, again, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. While we acknowledge the Petitioner's experience in the field; evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Id.* Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890.

Dhanasar states that an 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.* The Petitioner states that "national economic strength and quality of life depend on the safe and efficient movement of goods." However, the Petitioner has not provided evidence to support her specific proposed endeavor's economic impact. As stated above, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the record does not contain sufficient evidence to determine her proposed endeavor will result in substantial positive economic effects. Accordingly, the record does not support the Petitioner's assertion that her proposed endeavor will have substantial positive economic effects and does not further establish the national importance of her proposed endeavor.

While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *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

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence that she is eligible for or otherwise merits a national interest waiver as a matter of discretion.

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[3] We note this letter briefly addresses the prospective impact of the Petitioner's proposed endeavor by stating "[t]his line of research is expected to yield new analytical and computational tools that can significantly improve efficiency, reduce costs, and enhance resilience in U.S. manufacturing and distribution networks." However, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the letter does not provide details on how the Petitioner's proposed endeavor will provide these results, nor are these assertions supported by corroborating evidence.

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.