U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37288422

Date: MARCH 7, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a textile researcher, seeks employment-based second preference (EB-2) immigrant classification as an advanced degree professional, 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).

The Director of the Texas Service Center denied the petition, concluding that 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:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance their proposed endeavor; and

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Director determined the Petitioner qualified for EB-2 classification as an advanced degree professional because he submitted evidence of his Master of Science degree from [redacted] We agree. The only issue on appeal is whether the Petitioner qualifies for a waiver of the job offer requirement in the national interest.

The Petitioner initially stated his proposed endeavor was "to enhance the protective and functional properties of personal protective textiles in order to improve their sustainability, ergonomic design, and long-term wearability." The Petitioner explained he would pursue his proposed endeavor while earning his doctoral degree from the [redacted] and would circulate his work through peer-reviewed publications in journals and conference proceedings.

In response to the Director's request for evidence (RFE), the Petitioner further specified that his "goal is to develop sustainable PPTs [personal protective textiles] that reduce dependency on traditional energy sources and generate electricity from incorporated nanomaterials." The Petitioner explained he aimed to develop "innovative personal protective textiles that integrate piezoelectric and photovoltaic nanomaterials" and evaluate "the thermal properties, ergonomics, and comfort levels of personal protective textiles integrated with nanogenerators."

A. Substantial Merit and National Importance

The first *Dhanasar* 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 Director determined the Petitioner's proposed endeavor has substantial merit. We agree.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* 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.

The Director determined the Petitioner did not establish his proposed endeavor would have broad implications or significantly contribute to resolving critical national challenges. On appeal, the Petitioner asserts the Director did not address the relevant evidence submitted and erroneously imposed a "national in scope" standard. To the extent the Director indicates a proposed endeavor must be national in scope, we withdraw those portions of the Director's decision.

The Petitioner asserts his proposed endeavor has national importance because it will optimize the sustainability and effectiveness of the U.S. textile industry to protect both the nation's environment and its population. In support of this claim, the Petitioner cites his eight co-authored articles published

in journals and conference proceedings. The Petitioner submitted evidence that his articles have been cited a total of 14 times. The Petitioner did not submit evidence of how many of these citations were by independent researchers.

The Petitioner initially submitted two support letters. C-F-,[2] Associate Professor in Fashion Design and Merchandising at [redacted] describes the Petitioner's work on mitigating the environmental impacts of textile engineering processes in Bangladesh and praises the Petitioner for advancing the field of textile engineering through his capacity to inform sustainable practices in the textile industry, but does not discuss the Petitioner's proposed endeavor. L-B-, Professor of Design and Merchandising at [redacted] praises the Petitioner's work on the use of compression socks to ensure postural stability and sustainability in clothing production, but also does not discuss his proposed endeavor.

In response to the Director's request for evidence, the Petitioner submitted additional support letters. D-S-, Chief Executive Officer of [redacted] discusses how three research teams relied on the Petitioner's work in their own research and states the Petitioner's research has paved the way "for the widespread implementation of sustainable production practices that reduce the carbon footprint in textile manufacturing." D-S- praises the Petitioner as "an extremely influential researcher," but does not specifically discuss the Petitioner's proposed endeavor. H-G-, Assistant Professor of Textile Development and Marketing at the [redacted] praises the Petitioner for significantly advancing the field "through his implementation of eco-friendly practices for sustainable textile production" and describes how another research team relied on the Petitioner's work, but also does not discuss the Petitioner's proposed endeavor. M-R-R- praises the Petitioner's research on the optimization of sub-clinical and clinical compression socks to improve postural stability and describes how two other research teams relied upon his work, but does not address the Petitioner's proposed endeavor.

The Petitioner also submitted a second letter from C-F- describing the Petitioner's role in research on trawler fishermen's personal flotation devices which was funded by the Centers for Disease Control and Prevention's National Institute for Occupational Safety and Health. C-F- commends the Petitioner's leadership role, but does not articulate how his work on this project relates to the specific goals of his proposed endeavor.

The Petitioner submitted articles on issues related to his research areas including personal protective equipment (PPE), the environmental impact of textile production, sustainable fabrics, environmental risks, fishing and hunting injuries, other workplace injuries and illnesses, smart protective apparel in workplace safety, revolutionary fibers and textiles manufacturing, manufacturing efficiency, energy-harvesting clothes, nanotechnology, nanomaterials, the textiles industry, clean energy, piezoelectric fibers, photovoltaic fabrics, nanoparticle modified textiles for protective clothing, first responders' protective gloves, thermal sterilization of PPE, NIOSH protective clothing, heat-transmitting NyCo textile, thermoelectric-integrated welder suit, and PPE manufacturing in the United States. While they attest to the importance of these topics, these articles do not discuss the Petitioner's proposed endeavor. Our assessment of national importance does not focus on the importance of a field or issues impacting

[2] We use initials to protect the privacy of the referenced individual.

a field in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

The record shows the Petitioner has published his research in articles cited by other researchers in his field and has made significant contributions to his field. The Petitioner also submitted evidence that his proposed endeavor involves advanced engineering materials and development of materials with new properties, a critical and emerging technology and subfield included in the National Science and Technology Council's Critical and Emerging Technologies List Update. The Petitioner has not, however, established that citations to his previous work indicate that his proposed endeavor will have broad implications in his field on a level commensurate with national importance. Overall, the relevant evidence does not demonstrate that the Petitioner's proposed endeavor will have a potential prospective impact indicative of national importance. Consequently, the Petitioner does not meet the first *Dhanasar* prong.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of his specific proposed endeavor and he does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of his eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating 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

The Petitioner has not established the national importance of his proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, he has not demonstrated that he is eligible for or merits a waiver of the job offer requirement in the national interest as a matter of discretion.

ORDER: The appeal is dismissed.