U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41589182

Date: MAR. 12, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an engineer and applied scientist, 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 EB-2 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 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. 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

A. Eligibility for Second Preference (EB-2) Classification

Although SCOPS concluded that the Petitioner did not establish eligibility as an individual of exceptional ability, SCOPS did not provide an analysis or address whether the Petitioner qualifies as an advanced degree professional. We will reserve the issue of whether the Petitioner qualifies for the underlying EB-2 classification. The remaining issue to be determined on appeal 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.

B. Eligibility for a National Interest Waiver

The Petitioner is an applied scientist and machine learning engineer who has worked with several employers in positions involving data science solutions using artificial intelligence (AI) and machine learning (ML). He is currently employed at a company developing advanced driver assistance systems for recycling and waste management vehicles. The goals of his work include road incident reduction, waste management modernization, and environmental sustainability. His proposed endeavor is to advance energy security and critical infrastructure resilience, enhance industrial competitiveness and efficiency, and improve public safety and environmental sustainability in the United States. The Petitioner would "engineer scalable, intelligent systems that can prevent catastrophic equipment failures, enhance workplace safety, and optimize the performance of essential infrastructure across sectors such as manufacturing, energy, waste management, and transportation." Through the application of AI to "real-world industrial and environmental challenges," the Petitioner's endeavor would "reduce operational risk, cut emissions, and improve public sector efficiency—creating a transformative and lasting impact on national infrastructure and competitiveness."

Although SCOPS determined that the Petitioner's proposed endeavor has substantial merit, SCOPS concluded that the record did not establish that the endeavor is of national importance, that the Petitioner is well positioned to advance the endeavor, or that, on balance, it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner submitted a brief[2] in which he states that SCOPS erred in denying his petition, asserting that SCOPS "fundamentally misinterpreted the scope and significance" of his proposed endeavor. Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework.

[2] We note that the Petitioner's brief states that a "comprehensive legal brief" detailing the purported errors in SCOPS' decision would be submitted within thirty days. To date, we have not received additional material concerning the Petitioner's appeal.

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.* The relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* In *Matter of Dhanasar*, we further 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. If the evidence of record demonstrates that an individual's proposed endeavor has the significant potential to, for example, contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance.[3] Regarding an endeavor in the fields of science, technology, engineering, or math—also known as STEM—importance may be found in its contribution to U.S. competitiveness or security in a variety of circumstances, such as when it will help the United States remain ahead of strategic competitors or current and potential adversaries.[4]

USCIS recognizes the importance of progress in STEM fields and the essential role of persons with advanced STEM degrees, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security.[5] However, a proposed endeavor does not necessarily carry national importance based solely on its relationship to a critical and emerging technology; when evaluating the national importance of a proposed endeavor, it is not the overall importance of the industry, field, or profession in which an individual intends to work, but the particular endeavor on which an individual intends to embark. *Matter of Dhanasar*, 26 I&N Dec. at 889.

To provide context concerning the national importance of his proposed endeavor, the Petitioner submitted reports and articles, including those discussing AI and energy infrastructure, security, and sustainability, as well as government initiatives concerning AI and Nobel Prizes related to AI. This documentation discusses a number of possibilities in the AI/ML field, including its implications for the modernization of energy infrastructure to enhance reliability, resilience, and security. Letters from individuals in the field who have either worked with the Petitioner or are familiar with his work explain the importance of innovations using AI/ML to optimize operations in the energy, advanced manufacturing, and waste management industries. They emphasize the importance of retaining individuals specializing in AI and data science for technological advancement, economic prosperity, and national security. These letters generally assert that because the Petitioner is a skilled professional in the AI/ML field, his presence in the United States is critical to continue progressing in these areas and to achieve long-term energy security.

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[3] *See generally* 6 *USCIS Policy Manual* at F.5(D)(3), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.
[4] *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(4).
[5] *Id.*

The national importance of a proposed endeavor, however, is not determined by the profession in which an individual intends to work, as stated previously, nor is it defined by an individual's skills and preparedness to work in a profession; an individual's positioning to advance an endeavor is relevant not to the first prong of *Dhanasar*, but to the second. A clearly defined endeavor is necessary for a full evaluation of an endeavor's national importance. Here, although the Petitioner has emphasized that his proposed endeavor "is not to simply work as an 'AI engineer,' but to undertake a specific, focused mission," his mission as described is not focused on a specific venture. The Petitioner intends to use AI to develop computer vision and predictive maintenance systems to achieve expansive aims: "to enhance security, resilience, and efficiency of U.S. critical infrastructure, with a focused application in the energy, advanced manufacturing, and public and environmental safety sectors." His general intentions, however, are not corroborated by evidence demonstrating that he can plausibly pursue an endeavor of the broad scope he described.

Although considerations concerning an individual's plan to pursue an endeavor are related to *Dhanasar's* second prong, they are relevant to evaluating an endeavor's national importance. Whether an endeavor can realistically be carried out is pertinent to an assessment of its potential positive effects for the nation. Here, the Petitioner has not addressed logistical factors necessary for a full appraisal of his proposed endeavor's prospective national impact. For instance, he has not clarified whether his endeavor would be tied to specific employment, nor has he indicated whether or how it might involve collaboration with other engineers, scientists, or entities pertinent to actualizing its broader implications. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376

The Petitioner relies on letters of endorsement describing his work for technology solutions companies and their clients to define his proposed endeavor. Letters authored by individuals who have worked with him laude his creativity and expertise, and they describe several ways in which he has deployed AI for industrial applications. A letter from [redacted] cites the Petitioner's development of an algorithm that monitors anomalies on video-equipped waste removal trucks, and a letter from [redacted] describes the Petitioner's creation of a computer vision tool used to extract information from manual well logs for the company's petroleum clients. A letter from [redacted] describes the Petitioner's success in applying machine learning to its proprietary motion detection technology to automate predictive maintenance insights, as well as his development of an automated aluminum coil weight measurement system for a client that resulted in accelerated production and significant cost savings. Letters from former colleagues who worked with him on projects for [redacted] highlight his success designing and implementing predictive maintenance technology for the company's pipelines, contributing to its future net-zero emissions goals.

The record, however, does not contain evidence to illustrate how his work for any particular employer or client will enable him to create, as he has asserted. a "transformative and lasting impact on national infrastructure and competitiveness." Further, benefits to a specific employer, alone—even an employer with a national footprint—are not sufficiently relevant to the question of whether an individual's endeavor has national importance. At issue is whether the individual can demonstrate

that their own individual endeavor stands to have broader implications, such as for a field, a region, or the public at large.[6]

Matter of Dhanasar contemplates 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." *Id.* at 889. However, while the record demonstrates the Petitioner's value to his past and present employers, it does not clarify how the Petitioner's proposed endeavor to continue his work in the AI/ML field will have a level of impact on a scale commensurate with national importance. Again, it is not the proverbial value of the field in which an individual intends to work, but the particular endeavor an individual intends to pursue that we consider in assessing its national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889.

The record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating 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 demonstrated that the proposed endeavor has national importance. 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. The petition will remain denied.

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.

[6] *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(3).