U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37195863

Date: MAR. 20, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a climate economics researcher, 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).

The Director of the Texas Service Center denied the petition, concluding that the Petitioner did not establish the national importance of the proposed endeavor. 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 doctoral degree is customarily required for the specialty, the non-citizen must possess a U.S. doctorate or a foreign equivalent 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.

Id.

II. ANALYSIS

The Director determined the Petitioner qualifies for the underlying EB-2 immigrant classification as an advanced degree professional.[2] Therefore, the remaining issue is whether the Petitioner has established eligibility for a national interest waiver under the *Dhanasar* framework.

The Petitioner proposes to come to the United States to continue research into the economics of carbon cap and trade markets and green job creation. In his original personal statement to the Director the Petitioner stated:

> My proposed endeavor is to analyze the economics of carbon markets, cap-and-trade programs, and green job creation in order to drive informed policy decisions, foster sustainability, and promote equitable and inclusive global development.

The Petitioner further stated that he intends to "pursue a position as an assistant professor in the United States." Specifically, the Petitioner states he wants to pursue a position with [redacted] University where he plans to undertake research.

> My planned research topics include investigating the economic implications of renewable energy adoption and its potential to create green jobs. Additionally, I intend to explore the effectiveness of carbon trading mechanisms in mitigating climate change and their impact on global economic development.

The Director determined that the Petitioner's proposed endeavor had substantial merit but lacked sufficient evidence to establish that it rose to level of national importance and issued a request for evidence. In response, the Petitioner provided an additional personal statement as well as supplementary evidence related to his prior research accomplishments and letters of recommendation. In his supplemental personal statement, the Petitioner provided additional context for his proposed endeavor, including relevant legislation, international agreements, executive orders, and government

[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] We note the Petitioner was awarded a three-year bachelor's degree in Nepal prior to attending graduate school. According to AACRO Edge's analysis of university degrees from Nepal, "The *Bachelor's degree* awarded after 3 years of study represents attainment of a level of education comparable to 3 years of university study in the United States." www.aacrao.org. USCIS has long considered a baccalaureate degree as one that requires four years of education. *See Matter of Shah*, 17 I&N Dec. 244, 245 (BIA 1977), s*ee also Viraj, LLC v. U.S. Atty. Gen.,* 578 F. App's 907, 910 (11th Cir. 2014).

policies related to climate change and green job creation. He further provided additional clarity on the avenue of research he seeks to progress:

> I am currently working on understanding the U.S. voluntary carbon markets in agriculture. My passion lies in addressing carbon market issues in agriculture – a critical sector for livelihoods – where the U.S. can take the lead and provide solutions to the entire world.

The Petitioner also provided reference material related to his personal statement, USCIS policy material, and precedent decisions.

A. National Importance of the Proposed Endeavor

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 Director determined that the evidence provided was insufficient to establish the national importance of the Petitioner's proposed endeavor, noting that the Petitioner had not identified the specifics of his proposed research or how it was likely to impact the United States more broadly. The Director emphasized our finding in *Dhanasar* in pointing out that simply researching or working in an industry or field that is nationally important is not sufficient to show that the Petitioner's specific contribution to that industry or field will rise to the level of national importance.

On appeal, the Petitioner asserts that the evidence in the record establishes that he is currently engaged in research for future publications and that the Director did not properly consider the evidence establishing his record of success in his field or his plans for continued research in environmental economics. In doing so, he relies on *Buletini v. INS*, 850 F. Supp. 1222 (E.D. Mich. 1994) and *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989) to support his assertion that the Director erred in failing to consider all the evidence in its totality. We note that *Buletini* is a district court decision and that the present case does not rise from the Eastern District of Michigan because the Petitioner resides abroad. Even so, neither the court in *Buletini* nor the regional commissioner in *Matter of E-M-* rejected the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor do the decisions suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration of the petition, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *See, e.g., Ren v. USCIS*, 60 F.4th 89, 97 (4th Cir. 2023) ("[S]o long as [USCIS] has given reasoned consideration to the petition, and made adequate findings, we will not require that it address specifically each claim the petitioner made or each piece of evidence the petitioner presented." (cleaned up)); *Osuchukwu v. INS*, 744 F.2d 1136, 1142-43 (5th Cir. 1984) ("[The Board of Immigration Appeals] has no duty to write an exegesis on every contention").

The Petitioner further argues that he established the national importance of his endeavor by a preponderance of the evidence. The Petitioner emphasizes his prior statements made to the Director regarding the importance of carbon markets, the United States' commitment to mitigating greenhouse gas emissions, the economics of carbon markets, and legislation and international climate agreements entered by the United States under the prior administration. While this information highlights the importance of the sector itself, it does not show the importance of the Petitioner's contribution to that sector. In his original submission, the Petitioner provided expert opinion letters as evidence that his work rises to the level of national importance. The letter from D-K-B-[3] states that the Petitioner has produced a considerable amount of research on the economic impact of climate change on food grain production in Nepal. The letter did not provide any concrete examples of how the Petitioner's past research relates to his proposed endeavor or provide insight into the merits of his potential future research in the United States. A second letter from S-S- again discusses his research in rice production in Nepal and the economics of climate change adaptation. The letter further discussed the Petitioner's research into green banking. The letter did not provide insight into the Petitioner's proposed endeavor in the United States to study cap-and-trade markets or green job creation. The focus of both letters is on the Petitioner's past accomplishments which is relevant to the second prong of *Dhanasar* but does not establish the national importance of the Petitioner's future research or teaching activities.

The majority of the Petitioner's argument regarding the national importance of his proposed endeavor centers around his past success in unrelated research and the importance of climate change research generally. The Petitioner cites to the U.S. government's various policy positions related to combating climate change, including cap-and-trade markets and green job creation, and emphasizes that his proposed research would further these policy initiatives.[4] Based on the totality of the record, including the Petitioner's statements, expert opinion letters, and prior research, the Petitioner has not established that his proposed endeavor will have a sufficient economic, cultural, or educational effect that rises to the level of national importance.

B. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. *Matter of Dhanasar*, 26 I&N Dec. at 890. To determine whether they are well-positioned to advance the proposed endeavor, we consider factors including, but not limited to: their education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Id.*

On appeal, the Petitioner claims that the Director determined he is well-positioned to advance his proposed endeavor. We disagree. The Director did not make an affirmative finding that the Petitioner is well-positioned to advance his proposed endeavor. Because the Petitioner was not eligible for a

[3] We use initials to protect the privacy of individuals.

[4] We note that U.S. policy shifts over time to meet the needs of the nation. To the extent the Petitioner argues that his research supports reaching carbon emission targets under the Paris Climate Agreement and would support green job creation, we note that the United States has withdrawn from the Paris Climate Agreement and re-focused U.S. resources to maximizing traditional carbon-based fuel sources and remove some of environmental regulatory mechanisms the Petitioner intends to research. *See Putting America First in International Environmental Agreements; Unleashing American Energy;* and *Declaring a National Energy Emergency,* January 20, 2025 www.whitehouse.gov.

national interest waiver under the first prong of *Dhanasar*, the Director chose not to address the second and third prongs. Though not necessary for our final decision in this case, we note that the Petitioner has not provided sufficient evidence to establish that he is well-positioned to advance his endeavor. We acknowledge the Petitioner's academic record and his prior research related to his proposed endeavor, however, not every individual who has academic credentials will be well-positioned to advance academic study in the United States. The Petitioner has not provided a sufficient model or plan for conducting his research or shown that he has received interest from businesses, government entities, non-governmental organizations, or academic institutions in funding or cooperating with his research endeavor. Moreover, while the Petitioner claims to seek an assistant professorship from an academic institution "like [redacted] University," he has not shown that he has been offered an assistant professorship at [redacted] University or any similar academic or research institution that would allow him to engage in his proposed research.

The record demonstrates that the Petitioner has conducted, published, and presented research during his graduate studies and professional career, but he has not shown that this work renders him well-positioned to advance his proposed research. While we recognize that research must add information to the pool of knowledge in some way in order to be accepted for publication, presentation, funding, or academic credit, not every individual who has performed original research will be found to be well-positioned to advance his proposed endeavor. Rather, we examine the factors set forth in *Dhanasar* to determine whether, for instance, the individual's progress towards achieving the goals of the proposed research, record of success in similar efforts, or generation of interest among relevant parties supports such a finding. *Id.* at 890. The Petitioner, however, has not sufficiently demonstrated that his published and presented work has served as an impetus for progress in the carbon cap-and-trade market or green job creation field or that it has generated substantial positive discourse in the environmental science or economic community. Nor does the evidence otherwise show that his work constitutes a record of success or progress in advancing research relating to carbon cap-and-trade markets. As the record is insufficient to demonstrate that the Petitioner is well-positioned to advance his proposed research endeavor, he has not established that he satisfies the second prong of the *Dhanasar* framework.

C. Balancing Factors to Determine Waiver's Benefit to the United States

As explained above, the third prong requires the petitioner to demonstrate that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. Here, the Petitioner claims that he is eligible for a waiver due to the importance of his field and the impracticality of labor certification. However, as the Petitioner has not established the national importance of his proposed endeavor or that he is well-positioned to advance his proposed endeavor as required by the first and second prongs of the *Dhanasar* framework, he is not eligible for a national interest waiver and further discussion of the balancing factors under the third prong would serve no meaningful purpose.

III. CONCLUSION

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

as a matter of discretion. The appeal will be dismissed for the above-stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.