U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 37480563

Date: MARCH 24, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, an industrial engineer, 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 qualifies for EB-2 classification as an advanced degree professional because he submitted evidence that he holds a Doctor of Philosophy degree in industrial engineering from the [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.

In response to the Director's request for evidence, the Petitioner stated his proposed endeavor is "using cutting-edge optimization techniques to enhance strategic and operational decisions in supply chain networks." Specifically, the Petitioner stated he would work on "(1) Resilient, modern logistics and transportation system to respond during and after a natural disaster (2) Designing Novel Machine Learning-Aided Optimization Algorithms for Solving Large Scale Vehicle Routing Problems (3) Developing Multi-Agent Dynamic Order Picking in Warehouse."

### 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 that his proposed endeavor has national importance because he did not show that it had significant potential to employ U.S. workers or other substantial positive economic effects. On appeal, the Petitioner asserts the Director did not fully analyze the evidence and did not adjudicate the petition in accordance with U.S. Citizenship and Immigration Services (USCIS) policy and *Matter of Dhanasar*. We agree the Director failed to assess the national importance of the Petitioner's proposed endeavor under all the factors articulated in *Dhanasar* and we address the relevant evidence in our discussion below.

The Petitioner asserts his proposed endeavor has national importance because it addresses the high environmental and financial costs associated with transport throughout the supply chain in the United States, his project on optimizing warehouse operations using deep reinforcement learning aligns with the government's interest in advancing artificial intelligence technology, and his air taxis for urban transportation networks align with the national Advanced Transportation Technologies and Innovative Mobility Deployment program. In support of these claims, the Petitioner submitted articles on where carbon dioxide emissions in transport come from, the economic burden of the logistics industry,

sources of greenhouse gas emissions, U.S. business logistics costs, supply chain assessment of the transportation industrial base: freight and logistics, the bipartisan infrastructure law, fiscal year 2023 support for the Disaster Relief Fund, inventory of U.S. greenhouse gas emissions and sinks, artificial intelligence for the American People, Maryland connected and automated vehicle strategic framework, the future of automotive mobility, safety, and technology, Department of Homeland Security Resilience Framework, drones for disaster relief, and maintaining American leadership in artificial intelligence. These articles discuss issues relevant to the Petitioner's research, but they do not address his specific proposed endeavor. *Cf. id.* at 892 (citing media articles and other evidence documenting Congressional interest in Dhanasar's research). Moreover, our assessment of national importance does not focus on the importance of a field or occupation in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

The Petitioner further asserts his proposed endeavor has national importance because it involves a science, technology, engineering, and mathematics (STEM) field and the critical and emerging technologies of artificial intelligence reinforcement learning and autonomous systems and robotics. USCIS recognizes the importance of progress in STEM fields and the essential role that individuals with advanced STEM degrees have in fostering such progress. 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual/. However, "in all cases, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *Id.* We acknowledge that the Petitioner's proposed endeavor involves two critical and emerging technologies and is in a STEM field. However, simply working in a STEM field and with critical and emerging technologies alone is not sufficient to establish the national importance of a specific proposed endeavor.

The Petitioner also claims his proposed endeavor will have substantial positive economic effects, as evidenced by his support letters. The Petitioner submitted support letters from other researchers who praise his past work and skills but do not address his proposed endeavor. S-F- commends the Petitioner's analysis of order acceptance scheduling (OAS). F-S-G- praises the Petitioner's work on a hybrid genetic algorithm for the min-max [redacted] M-N- states the Petitioner's "work on hybrid algorithms and optimization models provides valuable insights for decision-making in supply chain management and delivery services." C-K- attests to the valuable role the Petitioner played in his research projects on developing advanced optimization algorithms for routing problems. While they attest to the Petitioner's skills and experience, S-F-, F-S-G-, M-N- and C-K- do not discuss any of the three projects specified in the Petitioner's description of his proposed endeavor.

The Petitioner submitted evidence that, at the time of filing his petition, he had co-authored seven articles published in scientific journals that had been cited a total of 27 times. The Petitioner's publication and citation record shows his past work has been recognized and relied upon by other researchers in his field. It does not, however, establish the potential prospective impact of his specific proposed endeavor. *See Matter of Dhanasar*, 26 I&N Dec. at 889 (explaining we consider the proposed endeavor's potential prospective impact when assessing national importance). For example, the record does not indicate that the Petitioner's published research has had national or even global implications in his field. *See id.* (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

In sum, the relevant evidence does not establish that the Petitioner's proposed endeavor would have substantial positive economic effects, national or even global implications within his field, or other broader implications indicating 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.