U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41954807

Date: MAR. 24, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a mechanical engineer, 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).

SCOPS denied the petition. SCOPS determined that the Petitioner qualifies as a member of the professions holding an advanced degree. However, SCOPS concluded that the record does not establish that a waiver of the job offer requirement, and thus of a 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;

[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).

- The individual is well-positioned to advance the proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree. However, for the reasons discussed below, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong. *See id.*

The Petitioner described the endeavor as a plan "to develop and improve model-based control algorithms for enhanced motion planning and the control of legged robots in order to advance the applications of robotics in real-world scenarios and reduce the need for human intervention in dangerous tasks." He informs that he has worked as a software engineer at [redacted] since August 2024, "developing model-based control motion-planning algorithms for a humanoid robot being deployed for warehouse logistics and automotive factories" and conducting similar robotic locomotion research for his employer. However, he noted, "My proposed endeavor is my overarching goal for my research career, and it will not change regardless of where I am employed." He also referenced three research projects he conducts or proposes to conduct with an associate professor at the [redacted] apparently while also working for [redacted], noting that he and the assistant professor ultimately plan to provide an open-source algorithm for public use. Similarly, he generally asserts that his future research "will continue to be circulated in the field through . . . peer-reviewed publications in journals and conference proceedings."

We note that, on the Form I-140, Immigrant Petition for Alien Workers, the Petitioner stated that his employment in the position of "software engineer – legged controls" is on a full-time basis, and the record does not reconcile when the Petitioner would conduct the research projects with the assistant professor that he proposes while also working full time for [redacted] Petitioners must resolve incongruities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988); *see also Matter of Chawathe*, 25 I&N Dec. at 376 (providing that petitioners must establish that claims in the record are more likely than not true).

The Petitioner also submitted, in relevant part, copies of publications that provide generalized information regarding workplace injuries, weather-related hazards, and workplace automation; letters of support from individuals who have either collaborated with the Petitioner on his prior research projects or cited his prior research; and a letter from the associate professor at the [redacted] expressing his intent to conduct research with the Petitioner.

SCOPS concluded that the proposed endeavor has substantial merit, as required in part by the first *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. However, SCOPS determined that the record does not establish that the proposed endeavor has national importance, as also required in part by the first *Dhanasar* prong. *See id.* More specifically, SCOPS observed that the record does not establish how the Petitioner would allocate his time among his various proposed projects while continuing to work for [redacted], how the proposed endeavor may have national or even global implications within a particular field as opposed to merely continuing the Petitioner's work in the

field, or how the proposed endeavor may have substantial positive economic effects. *See id.* SCOPS also concluded that the record does not satisfy the second and third *Dhanasar* prongs. *See id.*

Because we determine that the record does not establish whether the proposed endeavor may have national importance, which is dispositive, we reserve our opinion regarding whether the record satisfies the second and third *Dhanasar* prongs. *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); *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).

On appeal, in relevant part, the Petitioner references the publications in the record that provide generalized information regarding workplace injuries, weather-related hazards, and workplace automation, and he asserts that his research addresses these issues and, thus, it "furthers the priorities of the United States government as outlined in [one of those publications]." He also objects to SCOPS' analysis of the limited information he provided about his proposed endeavor, although he does not identify specific evidence in the record that clarifies what he describes as SCOPS' confusion. He states that "the broad benefits of [his] research are abundantly clear" and he supports his claim by describing the benefits of robotics as a general field.[2]

In determining national importance under the first *Dhanasar* prong, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on "the specific endeavor that the [individual] proposes to undertake" and "we consider its potential prospective impact," looking for "broader implications." *Matter of Dhanasar*, 26 I&N Dec. at 889. *Dhanasar* provided examples of endeavors that may have national importance, as required by the first prong, having "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or those with "significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area." *Matter of Dhanasar*, 26 I&N Dec. at 889-90.

We recognize the importance of progress in science, technology, engineering, and mathematics (STEM) fields and the essential role of persons with advanced STEM degrees in fostering this progress, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual. However, as in all cases, a proposed endeavor implicating a STEM field must demonstrate not only substantial merit but also national importance, such as by

[2] The Petitioner also claims that SCOPS imposed a novel requirement, constituting an abuse of discretion, citing *Love Korean Church v. Chertoff*, 549 F.3d 749, 758 (9th Cir. 2008); *Buletini v. INS*, 860 F. Supp. 1222, 1226 (E.D. Mich.1994). However, the Petitioner objects to the language of merely a portion of one sentence in SCOPS' decision. The remainder of that page, paragraph, and even the remainder of the sentence in question clarifies that SCOPS addresses the issue that the record does not establish how the Petitioner's proposed endeavor would be distinguishable from the "cumulative effect of the work of all research services, and professionals in the United States," in order to demonstrate broader, national or even global implications in a particular field indicative of national importance, as contemplated by the first *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. Therefore, a natural reading of the full context of the language in question does not support the conclusion that SCOPS imposed a novel requirement, as the Petitioner asserts.

having national or even global implications within a particular field, beyond merely being in a STEM field. *See generally id.*; *see also Matter of Dhanasar*, 26 I&N Dec. at 889-90.

We first note that several of the letters of support referenced above bear abnormal, faded, fuzzy, or pixelated signatures, which indicate that they are low-resolution scans or facsimiles of signatures that have been applied to the letters via word processor by some unidentified individual, rather than actually signed by the purported signatories. *See* 8 C.F.R. § 103.2(a)(2) (providing that, other than on certain benefit requests that may be filed electronically, acceptable signatures must be handwritten). This casts doubt on whether the letters express the personal knowledge and opinions of the purported authors and, thus, it undermines the reliability and sufficiency of both the letters in question and also the remainder of the record. *See Matter of Ho*, 19 I&N Dec. at 591 (BIA 1988) (providing that doubt cast on any aspect of a petitioner's proof may undermine the reliability and sufficiency of the remaining evidence offered in support of the visa petition).

Even to the extent that the letters of support—and the remainder of the record—may be deemed reliable and sufficient, the letters from individuals who have either collaborated with the Petitioner on his prior research projects or cited his prior research are material to the second *Dhanasar* prong—whether an individual may be well-positioned to advance a proposed endeavor. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. However, information regarding the Petitioner's prior research projects does not inform how the specific endeavor the Petitioner proposes to undertake prospectively may have national importance, as required by the first *Dhanasar* prong. *See id.* For example, the letters do not discuss how the specific endeavor the Petitioner proposes to undertake—not his prior research projects—may have national or even global implications within the field of mechanical engineering or any other field, such as those resulting from certain improved manufacturing processes. *See id.* As another example, the letters do not address how the specific endeavor the Petitioner proposes to undertake may have significant potential to employ U.S. workers, or other substantial positive economic effects, as contemplated by the first *Dhanasar* prong. *See id.*

In turn, publications in the record that provide generalized information regarding workplace injuries, weather-related hazards, and workplace automation address the importance of the field of mechanical engineering and in particular robotics and automation. However, none of the publications that provide generalized information regarding workplace injuries, weather-related hazards, and workplace automation address the Petitioner, the specific endeavor he proposes to undertake, and how the specific endeavor may have national or even global implications within the field of mechanical engineering or any other field, substantial positive economic effects, or other indicia of national importance. *See id.* Therefore, the letters that provide generalized information bear minimal probative value for determining the issue of whether the proposed endeavor may have national importance.

Essentially, the Petitioner proposes to continue researching and developing algorithms that control robots, when opportunities to do so arise throughout his career. However, as SCOPS observed, the record contains limited information regarding what the proposed endeavor will actually entail, what it will produce, when it will produce those unspecified results, how the research will be funded, and more to the point how it may have national importance. For example, although the Petitioner is collaborating or will collaborate with an associate professor at the [redacted] on three research projects—apparently while also working full-time for [redacted]—that ultimately will produce an open-source algorithm, the record does not establish what the Petitioner actually

contributes to these research projects, the time(s) and place(s) in which he performs whatever tasks he contributes to the research projects, how the research projects are funded and how he pays for whatever unidentified resources he uses for his contributions to these research projects, and other details to substantiate this claimed aspect of the specific endeavor he proposes to undertake. In short, the Petitioner's description of the specific endeavor he proposes to undertake lacks specificity. He claims, "since most of the proposed development involves algorithmic and software development, there is minimum to no hardware requirements," but this does not explain what equipment the Petitioner actually uses, where that equipment is located, the times in which the Petitioner uses that equipment, the costs—including rent and utilities—for using that unspecified equipment at the unstated time(s) and place(s), the source of funds for paying those costs, and other details about when, where, and how the proposed endeavor may tangibly occur. We note that, if the Petitioner proposes to use [redacted] equipment and resources to conduct his separate research projects with the associate professor at the [redacted] the record does not establish that [redacted] is both aware of the Petitioner's plan to do so and has approved him to use their equipment and resources for those purposes.

Moreover, the record does not establish how the ultimate open-source algorithm the Petitioner intends to disseminate to the public upon the research projects' eventual completion may have national or even global implications within the field of mechanical engineering or any other field, such as those resulting from certain improved manufacturing processes, rather than merely contributing to an aggregate pool of knowledge with all other mechanical engineering research projects. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. Likewise, although the Petitioner asserts that his future research results "will continue to be circulated in the field through . . . peer-reviewed publications in journals and conference proceedings," the record does not establish that, simply by being published and circulated, the Petitioner's research results may have any particular level of implications within the field of mechanical engineering or any other field. *See id.* As noted above, the relevant question for determining national importance is not the importance of the industry, field, or profession implicated by a proposed endeavor—rather, we consider how a specific endeavor may have broader implications within that industry, field, or profession. *See id.* In turn, although the Petitioner posits that the proposed endeavor will generally address workplace injuries and weather-related hazards, the record does not substantiate what tangible results the specific endeavor he proposes to undertake may have that may constitute a significant potential to employ U.S. workers or other substantial positive economic effects, as contemplated by the first *Dhanasar* prong. *See id.*

Additionally, once the Petitioner completes the research projects with an associate professor at the [redacted] on some unspecified date(s), the record does not establish what else the Petitioner would do to accomplish his general desire to develop robotics algorithms other than continuing to work for [redacted]—or any other employer. The Petitioner provided only a brief summary of the work he performs for [redacted] on a full-time basis, and the record does not establish how that work may have broader implications within the field of mechanical engineering or any other field rather than benefitting merely his employer and its clients and business partners. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. He does not clarify how working for [redacted]—or any other employer—has significant potential to employ U.S. workers, creates substantial positive economic effects, or otherwise bears indicia of national importance. *See id.*

In summation, considering the record in its entirety, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, he is not eligible for a national interest waiver.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner has not established eligibility for, or otherwise merits, a national interest waiver as a matter of discretion.

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.