U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37095002

Date: MAR. 25, 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 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 though the Petitioner qualified for classification as a member of the professions holding an advanced degree, he had not established 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. While neither the statute nor the pertinent regulations define the term "national interest," *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 concluded that the Petitioner qualifies as a member of the professions holding an advanced degree. Accordingly, 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.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *See 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. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact.

The Petitioner intends to "continue his research on developing advanced mathematical approaches to inform and guide processes in complex real systems, supporting decision-making for both private and public agencies." He notes that he is currently employed as a "consultant, IT operations research and advanced analytics" with a U.S.-based airline; "among other applications, his research is relevant to management of catastrophic events and the U.S. healthcare crisis management and public health"; and his research addresses critical healthcare management problems during varied crises "by leveraging advanced mathematical tools to enhance the adaptability and responsiveness of healthcare systems." He contends that his work "revolutionizes healthcare crisis management in the U.S., providing actionable insights for policymakers, healthcare professionals, and administrators to navigate and mitigate the impact of crises on public health." In support of his eligibility, the Petitioner submitted recommendation letters, copies of industry articles and reports, and information related to his publications, citation records, and previous funding for his research.

The Director determined, in part, that the Petitioner's initial filing did not demonstrate the proposed endeavor's national importance and issued a request for evidence. In response, the Petitioner submitted an updated personal statement and indicated that he plans to "leverage his extensive experience in optimization techniques, stochastic programming, statistical analysis, and machine learning"; "create innovative solution methods using a range of analytical tools and programming languages"; and continue to "contribute to the field through peer-reviewed publications and conference presentations." He noted that the benefits of his work include "innovative decision-making strategies that have broad applications across several critical U.S. sectors, including healthcare, natural hazard preparedness, supply chain management, and military operations." He also provided advisory opinion letters, articles, and publication information.

The Director concluded that though the Petitioner's proposed endeavor had substantial merit, the record contained insufficient evidence to demonstrate that the prospective impact of his endeavor rises to the level of national importance. The Director found that the Petitioner did not establish the importance of his proposed endeavor, rather than the significance of his field; that the benefits of his endeavor would impact his field more broadly; or that the endeavor has significant potential to offer

substantial positive economic effects for the regional or national economy as contemplated by *Dhanasar*. *Id.* at 890. On appeal, the Petitioner claims that the Director failed to give due weight to the evidence and erred by focusing on economic benefits of the proposed endeavor. He asserts that the record establishes by a preponderance of the evidence the national importance of his endeavor.

Upon review, the Director properly weighed the evidence to evaluate whether he had demonstrated, by a preponderance of the evidence, that he meets the first prong of the *Dhanasar* framework. In determining national importance, we look to evidence documenting the "potential prospective impact" of a petitioner's work, rather than the importance of the field, industry, or profession in which the individual will work. Here, the Petitioner contends that the submitted documents, such as recommendation and advisory opinion letters, publication and citation history, and industry articles and reports, attest to the national importance of his proposed endeavor. While the letters attest to the Petitioner's skills and experience and the articles and reports discuss issues relevant to his research field, they do not demonstrate the national importance of his specific proposed endeavor. The 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." *Dhanasar*. *Id.* at 889. Regarding the Petitioner's publication and citation record, it shows his past work has been recognized by other researchers in his field but does not establish the potential prospective impact of his specific proposed endeavor.

The Petitioner further argues that the record shows how his "previous research furthering his proposed endeavor's aims was funded by the Air Force Office of Scientific Research (AFOSR), the Office of Naval Research (ONR), and the National Science Foundation (NSF)." Evidence of the funding includes an article published by the Petitioner and two individuals titled "[redacted]" that indicates [redacted]pported the work with funding, and a paper published by the Petitioner and two others titled "[redacted]" that indicates research was partially funded by AFOSR and NSF. However, the record lacks sufficient evidence concerning past or future funding commitments to support the Petitioner's specific proposed endeavor.

The Petitioner also asserts his endeavor has national importance because it involves a science, technology, engineering, and mathematics (STEM) field and critical and emerging technologies. He indicates that he has proven expertise in the field of industrial engineering and "applications in the advancement of data processing and analysis techniques, machine learning, and planning, reasoning, and decision making, which are formally recognized as critical and emerging technologies" and his "continued work is critical to the goal of achieving and preserving the United States' technological leadership." 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, working in a STEM field and with critical and emerging technologies is not sufficient to establish the national importance of a specific proposed endeavor and "in all cases, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *Id.*

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not demonstrated eligibility for a national interest waiver, as a matter of discretion. Further analysis of his eligibility under the second and third prongs outlined in *Dhanasar*, therefore, would

serve no meaningful purpose. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make 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 alternate issues on appeal where an applicant is otherwise ineligible).

ORDER: The appeal is dismissed.