U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42090683

Date: MAR. 26, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a machine learning 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).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish the Petitioner is eligible for or otherwise merits a national interest waiver as a matter of discretion. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. On appeal, the Petitioner contends that SCOPS abused its discretion in analyzing his petition, mischaracterized the evidence submitted, and did not apply the preponderance of the evidence standard. The Petitioner maintains that the evidence supports his eligibility for a national interest waiver.

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 that they are an advanced 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:

[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 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

SCOPS determined that the Petitioner qualified for the EB-2 visa classification as an individual holding an advanced degree based on his master's degree in computer science from [redacted] and we agree. SCOPS further decided that the Petitioner's proposed endeavor has substantial merit, and he is well positioned to advance the proposed endeavor, but the Petitioner did not establish that his proposed endeavor is of national importance, and, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus a labor certification. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer would be in the national interest. For the reasons we will discuss below, we determine that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework. While we may not address each piece of evidence individually, we have reviewed and considered each one.

The Petitioner obtained a bachelor's degree in software engineering from the [redacted] in 2018 and a master's degree in computer science from [redacted] in 2024. He previously worked at [redacted] as a research assistant from 2018 to 2024, and his present employment at [redacted] as a machine learning engineer began in October 2024.

The Petitioner intends to work in the United States as a software engineer in the field of machine learning and autonomous systems. The Petitioner stated that his proposed endeavor is "to develop and advance reliable Artificial Intelligence (AI) frameworks for safe autonomous driving and robotics systems by creating hybrid multi-agent prediction and planning models that combine learning-based and rule-based approaches in order to enhance the safety, efficiency, and real-world deployment capabilities of intelligent autonomous systems." The Petitioner further stated that his "research projects address autonomous system safety through three complementary parts: developing methods to train autonomous systems to follow safety rules (Project 1), creating real time monitoring systems to verify safe operation (Project 2), and building adversarial-robust defenses against cyber attacks (Project 3)."

Except where a different standard is specified by law, a petitioner must prove eligibility for the requested immigration benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Under the preponderance of the evidence standard, the evidence must demonstrate that the petitioner's claim is "probably true," where the determination of "truth" is made based on the factual circumstances of each case. *Id.* at 376. Thus, USCIS must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true. *Id.* When USCIS provides a reasoned consideration to the petition and has made adequate findings, it will not be required to

specifically address each claim the petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993). Here, we have reviewed each piece of evidence, both individually and within the context of the totality of the evidence, and conclude that the Petitioner has not established by a preponderance of the evidence the national importance of his proposed endeavor.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* An undertaking may have national importance, for example, 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.* An 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.

The Petitioner claims that he provided "considerable evidence of the national importance of [his] proposed endeavor, including evidence of the rise of industrial robotics and professional service robots in the United States, with the latter reaching 158,000 units in 2022," and evidence demonstrating "the importance of robot safety and efficiency to integration in real-world settings, facilitating improvements in manufacturing and service sectors." He asserts that "[g]iven the importance of robotics technologies to the United States across industries, as well as the need for enhanced safety and reliability in robotics," his proposed research, which "directly enhances robots' ability to predict and respond to dynamic environments, making robotic systems safer and more reliable," is of national importance.

In addition, the Petitioner asserts that "his proposed work on training autonomous systems for safety alignment directly support the National Institute of Standards and Technology (NIST)'s Artificial Intelligence Risk Management Framework and advances the Federal Aviation Administration's call for a method that assures safety in AI," "his proposed work on monitoring autonomous systems for runtime safety furthers DARPA's Assured Autonomy program," and "his proposed work on protecting autonomous systems from attacks addresses the NIST's prioritization of mitigation approaches for AI systems, and in particular defensive frameworks ensure reliable operation of autonomous systems."

The record includes executive summary of federal automated vehicle policy issued by the U.S. Department of Transportation, the White House's blueprint for an artificial intelligence bill of rights, and a few selected pages of various documents, including the National Security Commission's report on artificial intelligence, artificial intelligence risk management framework issued by the National Institute of Standards and Technology, and the Federal Aviation Administration's roadmap for artificial intelligence safety assurance, and information about the Defense Advanced Research Project Agency (DARPA) and DARPA's assured autonomy program. The Petitioner also provided various articles and industry reports on adversarial machine learning, the autonomous vehicle market in the United States, autonomous driving's future, self-driving rideshare, the industrial robots market in the United States, the impacts of automated vehicles on the workforce and recommendations for the U.S.

automated vehicles industry, the impacts of automated commercial motor vehicles on society, the supply chain, and the U.S. economic leadership.

In determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work. Instead, we focus on the specific endeavor that the foreign national proposes to undertake. *See Dhanasar*, 26 I&N Dec. at 889. The articles and reports address concerns, risks, and potential impacts of automated systems and discuss the importance of promoting technological innovations for the U.S. national security, the significance of automated motor vehicles technology development and the safe integration into the United States' transportations network to maintain the U.S. economic leadership, potential economic benefits of trucking automation to U.S. employment, and the importance of the automated vehicles industry and the industrial robots market to the U.S. economy. However, they do not address the Petitioner's specific proposed endeavor and his planned research projects and their impact rising to the level of national importance. *See id.* None of the documents specifically mention the Petitioner's name or his research work or discuss the U.S. Government's or federal agencies' interest in promoting the use of the Petitioner's research work, such that it has "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or otherwise has broader implications, such as "significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area." *See id.* at 889-90.

The Petitioner claims that a letter from a professor of computer science at [redacted] and his doctoral advisor illustrates the broad recognition of his work and its national importance more generally. The professor states that "[a]s AI systems become more common in safety-critical applications – autonomous vehicles, industrial robots, medical devices – being able to guarantee their safety becomes essential," and the Petitioner's "methods provide practical solutions to these challenges." The professor explains that "one example of [the Petitioner's] work involved developing a framework for verifying reinforcement learning controllers," and his "approach synthesizes interpretable programs from neural controls while maintaining their performance and enabling formal verification," and "[h]e also developed a safety supervisor that monitors the system at runtime with minimal computational costs."

As a matter of discretion, we may use advisory opinions statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. *Matter of Caron International, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). Nevertheless, we are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought, and the submission of expert opinion letters is not presumptive evidence of eligibility. *See id.* Here, the letter discusses the Petitioner's research work on applying formal verification techniques to machine learning systems, the importance of his research work, and his contributions in the field of safe artificial intelligence deployment. However, the letter does not offer sufficient information and evidence to establish that the Petitioner's proposed research projects "to develop and advance reliable artificial intelligence frameworks for safe autonomous driving and robotics systems by creating hybrid multi-agent prediction and planning models that combine learning-based and rule-based approaches" will have an impact on the automated vehicles industry or the industrial robots industry in the United States at a level commensurate with national importance. *See Dhanasar*, 26 I&N Dec. at 889.

The letter from the professor also discusses the Petitioner's academic and professional achievements, such as his publication of a conference article, services as a reviewer for top conferences and journals, and citations of his work by other researchers. In addition, the Petitioner asserts that his research has been supported with funding from the [redacted] DARPA, and the National Science Foundation (NSF), and funding from these sources demonstrate federal interest in his specific research. The Petitioner provided copies of three conference articles co-authored by him in 2019, 2022, and 2025 while he was a graduate student at [redacted], and these articles acknowledge that the work was supported in part by [redacted] or the NSF. The Petitioner's academic and professional achievements, research contributions in the field, and evidence of grants from federal government entities with authority over the field of endeavor are relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *See id.* at 890. While we recognize the Petitioner's experience, expertise, and contributions in the field of machine learning and autonomous systems, without sufficient documentary evidence of its broader impact, the record does not sufficiently show that the Petitioner's proposed endeavor meets the national importance element of the first prong of the *Dhanasar* framework. *See id.* at 889.

Because the record does not sufficiently establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Therefore, further analysis of his eligibility under the second and third prongs outlined in *Dhanasar* would serve no meaningful purpose, and we will reserve these issues for future consideration should the need arise.[2]

III. CONCLUSION

Although the Petitioner has shown that he is a member of the professions holding an advanced degree, and his proposed endeavor has substantial merit, he has not established by a preponderance of the evidence that his proposed endeavor is of national importance. Accordingly, we conclude that the Petitioner is ineligible 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.

[2] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("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 alternate issues on appeal where an applicant is otherwise ineligible).