U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37810614

Date: MAY 9, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a software 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, concluding that although the Petitioner qualified for the classification as a member of the professions holding an advanced degree,[1] the Petitioner 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. *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,[2] grant a national interest waiver if the petitioner demonstrates that:

---

[1] The Petitioner earned a Master of Science in computer science from the [redacted] in 2024.

[2] *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

The Petitioner proposes to develop an artificial intelligence (AI) and machine learning (ML) powered voice biometrics authentication system. SCOPS found the Petitioner qualifies for the underlying EB-2 classification. The remaining issue to be determined 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. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the proposed endeavor's national importance under the first prong of the *Dhanasar* analytical framework.

In denying the petition, SCOPS found that the Petitioner did not establish the proposed endeavor's substantial merit and national importance. SCOPS also concluded that the Petitioner did not demonstrate that he is well positioned to advance the proposed endeavor, and that, on balance, it would benefit the United States to waive the job offer requirement. On appeal, the Petitioner asserts that SCOPS' decision was "unduly narrow" and contradicted the *Dhanasar* principles. The Petitioner further contends SCOPS' interpretation of the evidence appears inconsistent, while also mischaracterizing the roles described in the record. Additionally, the Petitioner claims that SCOPS failed to consider relevant evidence.

On appeal, the Petitioner clarifies that his proposed endeavor is not to work as a software engineer in the United States. Rather, the Petitioner states that he intends to "develop advanced machine learning algorithms to enhance the accuracy and reliability of voice biometrics." The Petitioner explains that he will pursue this endeavor by designing and implementing a "multimodal biometric authentication" system intended to prevent the "misuse of sensitive information." He further asserts that he plans to collaborate with "industry leaders, research institutions, and government bodies to create a comprehensive framework that addresses not only the current vulnerabilities but also anticipates future threats as biometrics technology continues to evolve." The record includes the Petitioner's academic transcripts, prior employment offer letters, letters of intent expressing an interest in collaborating with the Petitioner, industry reports, and a financial support letter from the Petitioner's aunt. While we do not discuss every piece of evidence individually, we have reviewed the record and have considered the Petitioner's eligibility for the national interest waiver.

The Petitioner claims that by developing a new, advanced, and sophisticated voice detection system as well as automated response mechanisms, his endeavor will contribute to enhancing the biometrics industry on a national level. 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.* Here, the Petitioner contends that the social implications of his proposed endeavor extend beyond conventional metrics. He further contends that protecting governmental financial transactions and commercial institutions from far-reaching disruptions is critical to the country's economic stability. While we agree with the Petitioner that advancing current voice biometric authentication processes through the incorporation of

AI and ML, securing financial systems, and combating cyber fraud has substantial merit, merely working in an important field is insufficient to establish the proposed endeavor's national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the [petitioner] proposes to undertake." *Id.* at 889. In *Dhanasar*, we further noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n 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. Although we acknowledge the Petitioner's proposed endeavor of developing a voice biometrics system, his evidence does not sufficiently demonstrate the national level impact on the voice biometrics and cybersecurity industries as a whole.

The record contains an industry report from [redacted] where the author acknowledges the Petitioner as one of a team of software engineers who helped develop the Speech-to-Text Tunning Advisor. However, the report does not detail the Petitioner's specific task in the project; and thus, it is not clear the extent of the Petitioner's involvement in that project. We also acknowledge the letters of interest from different organizations indicating an interest in collaborating with the Petitioner as well as the prior employment offer letters and projects. Although an individual's experience, qualifications, contributions, and achievements are material, they are misplaced in the context of the first *Dhanasar* prong. The Petitioner's professional experience is generally material to *Dhanasar*'s second prong—whether an individual is well positioned to advance a proposed endeavor—but they are generally immaterial to the first *Dhanasar* prong—whether a specific, prospective, proposed endeavor has both substantial merit and national importance. *See id.* at 888-91.

The Petitioner asserts that his proposed endeavor will create new employment opportunities for U.S. workers across multiple fields. He states, "the development, deployment, and operation of the system will require a team of professionals, including engineers, data scientists, and other technology specialists." He further explains that his business model "includes a subscription-based platform that will require continuous technical support and system updates." The Petitioner claims that by the fifth year, his endeavor will generate a net income of $1,336,185. He also argues that his endeavor will enhance competitiveness "in the biometrics industry and will result in a measurable and positive impact on the U.S. labor market by generating new jobs, advancing specialized skills, and promoting the growth of related industries." However, the Petitioner does not provide sufficient detail regarding the basis for these projections or adequately explain how the proposed staffing targets and revenue forecasts will be reached, aside from referencing an [redacted] The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without sufficient evidence regarding the projected U.S. economic impact or job creation directly attributable to his future work, the record does not show that the benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See Dhanasar*, 26 I&N Dec. at 890.

The Petitioner contends that his proposed endeavor aligns with government initiatives due to his proposed endeavor's focus on cybersecurity and fraud prevention as well as minimizing risks to financial institutions and commercial banks. He argues that his endeavor will support national initiatives by integrating real-time data analysis, forensic investigations, and implementing specialized employee training. As previously mentioned, in determining whether the proposed endeavor has national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Although the Petitioner argues that his endeavor aligns with government initiatives, alignment with government initiatives alone is not sufficient for national importance. Here, the record lacks adequate corroborating evidence that the Petitioner's contributions would be adopted or implemented on a national scale or result in broader impact to his field.

For the aforementioned reasons, the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework. Because the documentation in the record does not 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. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding his eligibility under the second and third prongs outlined in *Dhanasar*. *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 alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

As the Petitioner has not met the requisite first 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.

ORDER: The appeal is dismissed.