U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38393655

Date: MAY 15, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a computer and information research scientist, 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 continue [my] automotive technology research in the United States, particularly focusing on cabin intelligence systems for increased vehicular safety." More specifically the Petitioner asserted that his endeavor would entail continuing his research for his employer, [redacted] The Petitioner summarized his research for [redacted] including developing "vision models for precise facial and behavioral analysis in driver monitoring systems with the integration of deep learning techniques . . . for tasks such as face detection, facial landmarks generation, and gaze estimation." He asserted that his research would "enable the detection of driver behaviors such as fatigue, distraction, and unsafe actions, contributing directly to enhanced vehicular safety."

SCOPS acknowledged that "the [P]etitioner's activities may add to the positive cumulative effect of the work of all computer vision engineers in the United States." However, SCOPS determined that the record does not establish that the proposed endeavor's benefits "will extend beyond his current employer or its clientele or employees to impact the STEM or the artificial intelligence and the automotive fields more broadly." Therefore, SCOPS concluded that the record does not establish whether the proposed endeavor may have national importance, as required in part by the first *Dhanasar* prong. *See id.* SCOPS further determined that the proposed endeavor has substantial merit, also required by the first *Dhanasar* prong, and that the Petitioner is well-positioned to advance the proposed endeavor, as required by the second *Dhanasar* prong; however, SCOPS concluded the record does not establish, on balance, whether waiving the job offer requirement would benefit the United States, as required by the third *Dhanasar* prong. *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 proposed endeavor has substantial merit, as required in part by the first *Dhanasar* prong, and 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, the Petitioner reasserts, in relevant part, that the record demonstrates the proposed endeavor has national importance because it will contribute to the advancement of a valuable technology or field of study, and have significant potential to broadly enhance societal welfare, citing the USCIS Policy Manual. *See generally* 6 USCIS *Policy Manual* F.5(D)(1), https://www.uscis.gov/policy-manual. The Petitioner also reasserts that his proposed endeavor "will revolutionize AI-driven automotive

technology by pioneering advanced deep learning frameworks . . . and image signal processing [to] reshape the future of smart transportation." In support of those reassertions, the Petitioner references publications in the record providing generalized information regarding automobiles, public safety, engineering, and related topics. The Petitioner also references research publications he co-authored, contained in the record, regarding topics including lithium batteries, stereo vision systems, inserting photorealistic objects in videos, petrology and basin pore systems, deltaic distributary channels, and an endoscope for the diagnosis of maxillary sinusitis. The Petitioner further notes that the USCIS Policy Manual "recognizes that critical and emerging technologies, including AI, are vital to national security" and he states, "Given the strong alignment of the Petitioner's work with critical U.S. priorities in AI-driven automotive technology, it must be recognized that his proposed endeavor commensurate [sic] with national importance."

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 first note that, other than the Petitioner's own personal statements, the evidence in the record—which we have reviewed in its entirety—referenced on appeal does not inform how the proposed endeavor may have national importance. The publications in the record providing generalized information regarding automobiles, public safety, engineering, and related topics, do not discuss the Petitioner or the specific endeavor he proposes to undertake. Instead, they provide generalized, background information regarding the industry, field, or profession in which the Petitioner will work, which, as noted above, is not the relevant focus for determining whether a specific endeavor may have national importance. Without discussing the Petitioner or the specific endeavor he proposes to undertake, the generalized publications cannot—and do not—establish how the potential prospective impact of the specific endeavor the Petitioner proposes to undertake may have broader implications indicative of national importance. *See id.* Therefore, we need not address the generalized publications further.

In turn, the record does not clarify how the Petitioner's prior research, regarding topics including lithium batteries, stereo vision systems, inserting photorealistic objects in videos, petrology and basin pore systems, deltaic distributary channels, and an endoscope for the diagnosis of maxillary sinusitis, may be material to his proposed endeavor to develop facial detection technology for automobile drivers. Thus, whatever importance the Petitioner's prior, unrelated research may have is immaterial to determining whether the specific endeavor he proposes to undertake may have national or even global implications within the field of automotive engineering or any other field, such as those resulting from certain improved manufacturing processes or medical advances, significant potential to employ U.S. workers, or other substantial positive economic effects. *See id.* Therefore, we need not address the Petitioner's prior research further.

We next note that the Petitioner's references to the USCIS Policy Manual on appeal and throughout the record selectively mischaracterize relevant policy. The USCIS Policy Manual provides that, in determining whether an endeavor implicating science, technology, engineering, or mathematics (STEM) fields may have national importance, as in all cases, the record must establish that the specific proposed endeavor—rather than the occupational classification, field, or industry in general—has national importance, as provided in *Dhanasar*, such as by broadly impacting the relevant STEM field. *See generally* 6 USCIS *Policy Manual, supra,* at F.5(D)(1)-(2). Thus, contrary to the Petitioner's assertions, the USCIS Policy Manual does not compel USCIS to determine his proposed endeavor "must be recognized [as] commensurate with national importance" by virtue of it aligning with "priorities in AI-driven automotive technology," instead of considering whether its potential prospective implications are sufficiently broad. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90.

As SCOPS acknowledged, the record establishes that the Petitioner's proposed endeavor of developing facial detection technology for drivers of automobiles manufactured by [redacted] may benefit his employer, its business partners, and the individuals who purchase and operate vehicles his employer manufactures. However, the record does not establish how the specific endeavor the Petitioner proposes to undertake may have broader implications indicative of national importance.

For example, the record does not establish that the number of individuals who purchase and operate [redacted] is significant within the total number of vehicles purchased and operated, whether in the United States or elsewhere. Therefore, it does not establish the significance of any direct effects of those activities, whether in the form of substantial positive economic effects, enhancing societal welfare, or otherwise. *See generally* 6 USCIS *Policy Manual, supra,* at F.5(D)(1)-(2). Likewise, although [redacted] may implement technology the Petitioner researches and develops, the record does not establish that, more likely than not, other automobile manufacturers would implement the technology he researches and develops. *See Matter of Chawathe*, 25 I&N Dec. at 376 (providing that a petitioner must establish that a claim is more likely than not true). On the contrary, the record indicates that other automobile manufacturers are currently developing their own similar, proprietary technology. Therefore, the record does not establish that the specific endeavor the Petitioner proposes to undertake may have broader implications within the field automobile engineering, or any other field, such as those resulting from certain improved manufacturing processes or medical advances. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. Instead, the record indicates that the specific endeavor the Petitioner proposes to undertake is similar to other automobile manufacturers' ongoing research and development projects.

Relatedly, the potential advancements the Petitioner's research may create appear to be limited as proprietary technology for the benefit of his employers and its business partners, clients, and customers, rather than more broadly contributing to the advancement of a valuable technology or field of study, as the Petitioner reasserts on appeal. *See generally* 6 USCIS *Policy Manual, supra,* at F.5(D)(1)-(2). In turn, the Petitioner does not assert, and the record does not support the conclusion, that the proposed endeavor may have significant potential to employ U.S. workers or other substantial positive economic effects, as other examples of indicia of national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90.

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.