U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42793793

Date: MAY 18, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a researcher, 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 that the Petitioner is eligible for 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.

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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

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

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner's proposed endeavor is to "conduct research on [the] development of advanced computational fluid dynamics (CFD) models and simulations integrated with advanced material characterization methods for optimizing key processes in additive manufacturing, focusing on molten pool behaviors, keyhole dynamics, and defect control." SCOPS determined that the Petitioner is eligible for the EB-2 classification as a member of the professions holding an advanced degree,[2] and that the record establishes his proposed endeavor's substantial merit. However, SCOPS ultimately concluded that the Petitioner did not establish eligibility for a national interest waiver as the record did not establish the proposed endeavor's national importance, that he is well-positioned to advance the proposed endeavor and that, on balance, waiving the job offer requirement would benefit the United States. On appeal, the Petitioner contends that SCOPS erred in this conclusion and that he meets all three prongs of the *Dhanasar* framework. Upon de novo review, we conclude the record does not establish the Petitioner's proposed endeavor is of national importance and therefore he is not eligible for a national interest waiver as a matter of discretion.

A. The Record Establishes the Proposed Endeavor Has Substantial Merit

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* As stated above, the Petitioner intends to "conduct research on [the] development of advanced . . .(CFD) models and simulations integrated with advanced material characterization methods for optimizing key processes in additive manufacturing, focusing on molten pool behaviors, keyhole dynamics, and defect control." He asserts that his work will support the aerospace, defense, and automotive industries. The record includes industry reports and articles about U.S. initiatives on issues related to the Petitioner's endeavor such as manufacturing, supply chain resilience, and energy conservation and environmental sustainability. We conclude the Petitioner's proposed endeavor has substantial merit.

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[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).

[2] The Petitioner is a researcher in the materials engineering field. He submitted evidence of a master's degree in materials engineering from [redacted] in China. In addition, the record includes an evaluation which states that the Petitioner's foreign degree is equivalent to a U.S. master of science degree in materials engineering. SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

B. The Record Does Not Establish the Proposed Endeavor Has National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. SCOPS determined that the record did not establish the proposed endeavor's national importance. On appeal, the Petitioner asserts that SCOPS erred in this determination. Upon review, we conclude that the record does not establish the national importance of the proposed endeavor.

As an initial matter, on appeal, the Petitioner contends that "[b]y finding substantial merit in science and technology, USCIS necessarily acknowledged the endeavor addresses scientifically and technologically important challenges. The agency cannot then conclude the same endeavor lacks national importance. . . ." However, the first prong of the *Dhanasar* framework requires the proposed endeavor have both substantial merit *and* national importance. This requires a separate analysis to determine if a proposed endeavor has substantial merit in the field in which it operates and if its prospective impact rises to the level of national importance. Therefore, SCOPS properly conducted a separate analysis for each part of the first prong of the *Dhanasar* framework.

In a review of national importance, *Dhanasar* states that 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.* The Petitioner states that his proposed endeavor will address additive manufacturing bottle necks such as "defect control, process repeatability, material performance, and [high-pressure die casting] longevity" which he asserts are critical in the aerospace, defense, and automotive industries. The Petitioner contends that his proposed endeavor supports U.S. efforts to reduce reliance on foreign manufacturing, enhances domestic production capabilities, aligns with U.S. goals for sustainable manufacturing practices, and contributes to the competitiveness of U.S. manufacturing. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the evidence in the record does not support a determination of national or global implications within the materials engineering field for the reasons discussed below.

On appeal, the Petitioner states that SCOPS ignored the "industry implementation mechanism" of the North American Die Casting Association (NADCA) network and the federal policy alignment which "together demonstrate broader implications." The record reflects that NADCA provided funding through their research and development program to a project the Petitioner is working on titled, [redacted] The Petitioner contends that NADCA membership includes over 400 U.S. companies and that his research will be disseminated to the entire network. The evidence he highlights in support of his statements indicates that the Petitioner is named on this project and that the project has funding from NADCA. While the evidence provides background information on NADCA funding and affirms the Petitioner's participation on the project, this is not evidence of the prospective impact of the Petitioner's proposed endeavor as it does not demonstrate his endeavor's impact. In addition, the Petitioner submitted evidence of previous papers he has written that were accepted by NADCA. However, this too is insufficient to establish the prospective impact of his proposed endeavor. While we acknowledge the Petitioner's experience in the field and the papers he has written; evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's

experience and qualifications and not the proposed endeavor's prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890.[3]

The Petitioner also asserts that his research aligns with federal priorities. He cites to the National Science and Technology Council's (NSTC) list of "Critical and Emerging Technologies" and contends that his proposed endeavor relates to three named technologies; specifically, advanced computing, advanced engineering materials, and advanced manufacturing. USCIS recognizes the importance of progress in science, technology, engineering, and mathematics (STEM) fields, especially in focused critical and emerging technologies 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, "in all cases, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *Id.* Here, the record does not demonstrate how the Petitioner's proposed endeavor will advance these CETs to result in national or global implications within a particular field. *Matter of Dhanasar*, 26 I&N Dec. at 889. While we acknowledge that the Petitioner's work relates to these areas of CET, the evidence in the record does not establish how his proposed endeavor will advance the above-named CETs, and our focus remains on his specific proposed endeavor's prospective impact. *Id.*

Further, the Petitioner highlights various government initiatives related to the endeavor's field such as an executive order titled, "Using Additive Manufacturing to Improve Supply Chain Resilience," the U.S. Department of Energy's "Ultrahigh Temperature Impervious Materials Project Lists," and NSTC's "National Strategy for Advanced Manufacturing." The Petitioner asserts that his proposed endeavor has national importance, in part, because his research addresses the challenges identified in these articles and reports. While the articles and reports in the record support his statements on the challenges related to these fields, the articles do not further the Petitioner's claim of his proposed endeavor's national importance as they do not provide evidence of the prospective impact of his proposed endeavor. As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* While we acknowledge the importance of addressing the identified issues; the relevance of the Petitioner's proposed endeavor to important issues does not establish national importance as it does not demonstrate his proposed endeavor's prospective impact. The relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* Here, the Petitioner improperly relies upon evidence of the importance of the industry as sufficient to establish the national importance of his proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's broader impact on the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

[3] The Petitioner also contends that SCOPS erred in stating that there is no evidence in the record that governmental initiatives funded the [P]etitioner's proposed endeavor. . . ." The Petitioner contends this is incorrect and that "NADCA is a quasi-governmental organization that serves as the implementation mechanism for federal advanced manufacturing policy." We conclude that SCOPS erred in its analysis as this is more appropriate for a prong two discussion on if the Petitioner is well positioned to advance the endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889.

Dhanasar states that 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. *Matter of Dhanasar*, 26 I&N Dec. at 890. On appeal, the Petitioner contends that SCOPS erred in requiring "quantifiable job creation or economic metrics," which he states, are "an example, not a requirement." While we agree that national importance is not solely based on economic impact, we have already determined that the record does not establish the national or global implications of the proposed endeavor. Therefore, we will also review the record for evidence of the proposed endeavor's economic impact. The Petitioner states in response to the request for evidence that his proposed endeavor has a "demonstrable path from technical outputs to broader economic and supply-chain impact." However, as stated above, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the record does not contain sufficient evidence to support this assertion and thus we cannot conclude the Petitioner's proposed endeavor has significant potential to employ U.S. workers or other substantial positive economic effects. Accordingly, the record does not support the Petitioner's assertion that his proposed endeavor will have substantial positive economic effects and does not further establish the national importance of his proposed endeavor.

For the reasons stated above, we conclude that the record does not establish the national importance of the Petitioner's proposed endeavor under the *Dhanasar* framework. While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence that he is eligible 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.