U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37066941

Date: MAY 21, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an automotive quality manager, 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 EB-2 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 the record did not establish that the Petitioner qualified for a national interest waiver. The matter is now before us on appeal. 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification, as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act.

If a petitioner demonstrates eligibility for the underlying EB-2 classification, they must then establish that they merit a discretionary waiver of the job offer requirement "in the national interest." *Id. 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.

[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 to be discretionary in nature).

See Dhanasar, 26 I&N Dec. at 888-91, for elaboration on these three prongs.

II. ANALYSIS

The Director concluded that the Petitioner qualified as an advanced degree professional. 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 Petitioner initially stated his proposed endeavor as follows:

> My proposed endeavor is to work in the Automotive Manufacturing Industry, as a Quality Manager, Quality Director, or in similar positions, where I will provide necessary and vital services that will benefit the automotive industry, society, and U.S. economy.
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> Specifically, through my specialized training in quality control, continuous improvement, and production manufacturing, through this work in the United States I will:
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> - Lead quality management and implement quality systems and tools.
> - Implement and lead continuous improvement, lean manufacturing, and industry certifications.
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> I believe that these activities will provide many benefits to the national and local economies, such as:
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> - Promote the production of essential parts for the manufacturing of vehicles, including vehicles for personal and cargo transport, agriculture, and leisure.
> - Ensure that essential parts are manufacture[d] according to safety regulations to prevent catastrophic failures that can lead to property damage, injury, and death.
> - Optimize production processes to promote the growth and scaling of domestic automotive production in the United States.
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> Therefore, my proposed endeavor in the United States is to continue to provide my expertise to promote domestic automotive manufacturing activities in the United States, ensure compliance for safety to prevent catastrophic failures and injuries, and optimize production processes to support automotive industry growth as a whole—all of which directly benefit the United States, as well as ensure the wellbeing of the population through quality production. My work is essential to the safe and efficient manufacturing of critical parts used in widely used automotive vehicles.

. . .

> While I am certainly qualified and capable of working as a team member, my intent in the United States is to hold high-level leadership roles in quality departments in automotive manufacturing companies. Thus, I will continue the trajectory of my career and maximize the value of my services at these companies.

A cover letter from the Petitioner's attorney further explains his intentions, stating,

> [The Petitioner] intends to work in high-level leadership roles in quality departments at U.S. automotive manufacturing companies, where he will ensure all production facilities are aligned with the Quality Management System, lead continuous improvement activities, and manage the Quality Assurance Strategy to certify product flow is consistent with established process standardization and customer requirements. Finally, he will act as a liaison between the facilities and the customer to ensure desired specifications are implemented and requested volumes are produced with the lowest defect rates possible.

Although the Director determined that the Petitioner's proposed endeavor has substantial merit and that he is well positioned to advance the endeavor, the Director concluded the record did not establish that the endeavor is of national importance. On appeal, the Petitioner asserts that the Director did not fully understand the proposed endeavor as described in the record. Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his endeavor in order to establish his eligibility under the first prong of the *Dhanasar* analytical framework.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. We agree with the Director that the Petitioner established his proposed endeavor has substantial merit.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Dhanasar*, 26 I&N Dec. at 889. 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.* 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. Further, to evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of his work. *Id.* at 889.

As evidence of the purported national importance of the Petitioner's endeavor, he submitted letters of support from former colleagues and customers discussing his skills and abilities, as well as his professionalism, engineering expertise, and dedication. However, these letters do not provide specific

information concerning the Petitioner's proposed endeavor. Although the letters laude the Petitioner's qualifications overseeing and implementing quality standards, they do not speak to how the Petitioner's specific proposed endeavor would be of national importance to the United States. We note that—as presented both initially and on appeal—the Petitioner's assertions concerning the purported national importance of his proposed endeavor point continually to his experience and performance in his employment roles—e.g., on appeal, the Petitioner states that his "vast experience in Quality Industrial Engineering in the automotive industry was repeatedly mentioned in order to emphasize the ***prospective impact*** of his work in the United States" (emphasis in the original). Evidence of work experience, however, generally relates not to the national importance of an endeavor, as discussed in the first prong of *Matter of Dhanasar*, but to the second,[2] which evaluates whether an individual is well positioned to advance an endeavor.

As additional evidence of the purported national importance of his proposed endeavor, the Petitioner has provided reports and articles about the automotive industry, including material discussing road traffic injuries, manufacturing, product recalls, and supply chains, as well as documentation outlining government initiatives concerning American jobs. Regarding this material, a cover letter initially included with the petition provides the following:

> [T]hese articles and reports confirm that [the Petitioner's] proposed endeavor holds paramount importance across various dimensions within the automotive manufacturing industry. First and foremost, it is a critical driver of public safety. Quality control in this field is not solely about product perfection; it directly impacts the safety and well-being of individuals. By implementing rigorous quality control processes, [the Petitioner's] work safeguards against hidden defects and catastrophic accidents, making it a vital endeavor for society's welfare.
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> Beyond its role in ensuring public safety, this endeavor significantly mitigates economic costs. Manufacturing defects in the automotive industry lead to extensive financial burdens, such as recall expenses, legal costs, and loss of life. [The petitioner's] expertise in quality control helps prevent these defects, thereby bolstering the industry's financial stability and resilience.
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> . . .
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> Additionally, the endeavor promotes continuous improvement within the automotive manufacturing sector. Guided by "the Petitioner's expertise in continuous improvement and lean manufacturing, companies can introduce products more efficiently. This enhances both product quality and cost-efficiency, contributing to the industry's competitiveness and overall efficiency.
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> . . .

[2] Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* framework, determinations concerning the second and third prongs are unnecessary to the ultimate decision; therefore, they will be reserved in this decision.

> Additionally, research by the National Institute of Standards and Technology (NIST) . . . highlights that the automotive industry relies on a diverse network of suppliers for its components and parts. These suppliers operate in various regions of the United States, including economically depressed areas. The demand for high-quality components and parts is essential to maintain the competitiveness of the entire industry. By promoting quality control and compliance, [the Petitioner] can indirectly support suppliers, many of which are located in various regions, including economically depressed areas. This indirectly fosters economic development in those regions.

Although the Petitioner asserts that his endeavor will further certain objectives described in this documentation, such as improving roadway safety through increased quality control measures, the material itself does not specifically address the Petitioner's proposed endeavor to work in a quality control position for vehicle manufacturing companies or speak to how his work as a liaison "in high-level leadership roles in quality departments at U.S. automotive manufacturing companies" would have a potential prospective impact of national importance. In determining national importance within the *Dhanasar* framework, the relevant question is not the importance of the field, industry, or profession in which the individual will work, but the specific endeavor that the individual will undertake. *Id.* at 889.

In his appeal brief, the Petitioner also states as follows:

> As a Quality Director/Manager in the auto industry, I hold significant influence over national automobile safety standards and overall improvement of vehicle safety within the country. By strictly enforcing compliance with national safety regulations set by organizations such as the National Highway Traffic Safety Administration (NHSA) and the Insurance Institute for Highway Safety (IIHS) . . . I will ensure that vehicles meet or exceed mandated safety requirements before reaching the market . . . . Implementing a culture of continuous improvement within an organization, I will enable the ongoing enhancements to vehicle safety features and designs in order to protect the lives for all Americans.
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> . . .
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> Through my endeavor, I intend to oversee lean initiatives to broadly reduce manufacturing recalls and promote efficiency at manufacturing facilities, all to support the national reduction of car defect related incidents. I will innovate how manufacturers imagine design approaches, production processes, and the implementation of technologies such as automation that will fuel industrial growth.

The Petitioner's assertions both initially and on appeal broadly describe widespread ambitions, but he has not provided probative evidence demonstrating how he will execute his ambitions to impact national issues related to the automotive industry. And although the Petitioner generally states that he "will innovate how manufacturers imagine design approaches, production processes, and the implementation of technologies such as automation that will field industry growth," he has not offered examples of his proposed innovations relating to designs, production, or technology implementation that he might offer to manufacturers in order to achieve his stated goals. The Petitioner's general

assertions about the impact of his proposed endeavor do not serve as objective evidence of its national importance. He has not provided any evidence concerning, for instance, technology he has developed or improved upon that would have an application scalable to the automotive industry and that, in turn, could potentially have a broader impact on a national or global level.

In addition, the Petitioner has not provided sufficient evidence, such as a business plan, demonstrating how his proposed endeavor can credibly be undertaken and carried out successfully within a realistic timeframe such that it would benefit the United States on a national scale. These considerations are essential to an assessment of the proposed endeavor's potential prospective impact. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. He has not done so here.

Further, while we may consider whether a proposed endeavor has national importance in terms of whether it has significant potential to broadly enhance societal welfare or cultural or artistic enrichment, or to contribute to the advancement of a valuable technology or field of study,[3] the Petitioner's assertions here are broad and unsubstantiated. Although the proposed endeavor as described is one of substantial merit, it is unclear how the Petitioner's individual role would address these issues on a level that is nationally impactful.

For example, on appeal, the Petitioner emphasizes that his endeavor will promote and support American "car culture," which he characterizes as "a symbol of American ingenuity, innovation, and aspiration" that "reflects the nation's economic prowess and industrial heritage" with an impact that "reverberates throughout the economy, driving growth in various sectors, including manufacturing, retail, and services." The Petitioner highlights the value placed on the collection and restoration of classic vehicles, which "encapsulate the technological strides and societal shifts that have molded the United States." He asserts his commitment to supporting the display of restored vehicles at automobile showcase events, offering the following:

> Through my endeavor, I am dedicated to safeguarding vintage and classic automobiles through adherence to expert quality control standards, restoration practices, and preservation techniques. I will ensure that restored cars adhere to exacting quality standards to ensure their optimal performance and safety, emphasizing their economic value to enthusiasts and collectors alike. Furthermore, my endeavor contributes to a vibrant industry that fuels economic growth, spurs job creation, and bolsters tourism.

Here, the acknowledgment of cultural touchstones does not confer national importance on the Petitioner's specific proposed endeavor to operate within industries related to specific societal values. Again, in determining national importance within the *Dhanasar* framework, the relevant question is not the importance of the field, industry, or profession in which the individual will work, but the specific endeavor that the individual will undertake. *Id.* at 889.

[3] *See* 6 USCIS Policy Manual F.5(D)(1).

Finally, the Petitioner again highlights his experience and references USCIS Policy Manual guidance recognizing the importance of progress in fields related to science, technology, engineering, and math, or STEM.[4] He states:

> The impacts in the STEM field are obvious and logical—a track record of success [that the Petitioner] has achieved in reducing faults and errors while increasing productivity ***will be clearly transformative for the STEM field and his STEM-related profession***. These are exactly the implications and importance of STEM professionals, as anticipated by *Dhanasar* and the USCIS policy manual, that elevate the profile and importance of [the Petitioner's] proposed endeavor (emphasis in the original).

Like the other general assertions made by the Petitioner and discussed above, the Petitioner does not elaborate on how his employment accomplishments "will be clearly transformative" for any STEM-related field or profession. We note that education or experience in a STEM field, alone, does not demonstrate the prospective positive impact of an individual's proposed endeavor. We also note that the USCIS Policy Manual states that a person's education and skillset are relevant to whether the person is well positioned to advance the endeavor under the second prong of the *Dhanasar* adjudicative framework, not the first. Further, the USCIS Policy Manual states that we may conclude that a STEM endeavor has national importance when the evidence sufficiently demonstrates that it would help the United States to remain ahead of strategic competitors or current and potential adversaries, or when it relates to a field where appropriate activity and investment may contribute to the United States achieving or maintaining technology leadership or peer status among allies and partners.[5] The Petitioner has not explained how his proposed endeavor to generally liaise with automobile manufacturing companies regarding quality control would position the United States ahead of other nations or achieve or retain technology leadership or peer status with other countries.

The Petitioner has not provided sufficient evidence to support—or otherwise explained—how his proposed endeavor would have a prospective national impact on any locality or the United States overall. The Petitioner has not demonstrated that his proposed endeavor has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for the nation. As such, the Petitioner has not demonstrated that the prospective benefits to the regional or national economy resulting from his endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

The record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. at 25; *see also Matter of L-A-C-*, 26 I&N Dec. at 526 n.7.

[4] *See generally* 6 *USCIS Policy Manual* at F.5(D)(2).
[5] *Id.* at F.5(D)(2).

III. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The petition will remain denied.

ORDER: The appeal is dismissed.