U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37897358

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 environmental 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 that the Petitioner had not established the national importance of the proposed endeavor, among other conclusions. 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.

Id.

II. ANALYSIS

SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree, a determination the record supports. Accordingly, 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. SCOPS determined that the Petitioner had not established that his proposed endeavor had the requisite substantial merit or national importance under the first prong of the *Dhanasar* framework. Based on our de novo review of the record, we agree that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* at 889. The term "endeavor" is more specific than the general occupation; an individual should offer details not only as to what the occupation normally involves, but what types of work they propose to undertake specifically within that occupation. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. We also stated in *Dhanasar* 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.

In the initial petition, the Petitioner described himself as an environmental engineer. He stated that he would work in a new, full-time permanent position as a research associate. Specifically, he would research and develop thermodynamic-based models and electrochemical water treatment processes to enable the universal prediction of scale formation and brine treatment in clean and sustainable environmental, energy, and manufacturing industry applications. He planned to accomplish this by utilizing his experience with mineral scaling and inhibition, computational modeling, and water analysis. He would pursue his endeavor while earning his Ph.D. in environmental engineering at [redacted]. Upon completion of his degree, he would pursue a research associate position at the same university. The record additionally includes support letters from academics in the engineering or

[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).

environmental field, the Petitioner's publications, information regarding citations of his publications, and industry reports and articles.

In the decision denying the petition, SCOPS concluded that while the Petitioner's proposed endeavor had substantial merit, he had not established its national importance.[2] Specifically, SCOPS determined that the Petitioner had not submitted sufficient evidence that his work would have global or national implications in the field or would offer substantial positive economic impacts. SCOPS acknowledged the support letters in the record but determined that they did not show that the Petitioner had served as an impetus for progress in the field. SCOPS also noted that the record did not contain letters from interested U.S. government or quasi-governmental entities in the United States establishing the Petitioner's expertise in the proposed endeavor such that it would advance critical technology or otherwise help maintain the United States' technological prominence.

On appeal, the Petitioner submits a brief and asserts his eligibility for the national interest waiver. He contends that SCOPS applied novel requirements that are not supported by relevant precedent and policy. For example, he notes that he is not required to submit letters of support for interested U.S. government or quasi-governmental entities in the United States, as the SCOPS decision appeared to characterize. The Petitioner is correct that this is not a specific requirement for establishing national importance, rather, the petitioner in *Dhanasar* submitted governmental support letters as independent, corroborating evidence of the national importance of his own endeavor. *Id.* at 892. Even so, our review of the record indicates that SCOPS correctly applied the factors by which a Petitioner may show national importance within the first prong of the *Dhanasar* framework. *Id.* at 889-90. The SCOPS decision mentioned the absence of such letters in the context of conclusions about whether the record demonstrated the national importance of the Petitioner's proposed endeavor, particularly whether there was sufficient evidence of substantial economic benefits, enhancement of societal welfare, or broad impact on the field. The Petitioner must still meet his burden regarding these topics with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. We therefore determine that the arguments that SCOPS applied improper requirements are unavailing.[3]

Furthermore, the Petitioner claims that SCOPS failed to sufficiently weigh and evaluate the evidence in the record. He states that he presented considerable evidence of the national importance of his proposed endeavor, including statistics indicating that U.S. oil and gas companies dedicate over $1 billion to internal scale and corrosion prevention. He contends that this demonstrates the need to protect U.S. water resources and the importance of electrochemical methods in doing so, which his endeavor would address. Additionally, he asserts that his work helps the United States meet its climate goals and is consistent with the USCIS Policy Manual's emphasis on the importance of STEM professions.

The Petitioner's emphasis on the goals his endeavor seeks to address is misplaced. The relevant question is not the importance of the *field, industry, or profession* in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake."

[2] SCOPS also concluded that the Petitioner had not shown that the Beneficiary was well-positioned to advance the proposed endeavor or that, on balance, it would be beneficial to the United States to waive the requirements of a job offer.

[3] On appeal, the Petitioner also contests the SCOPS decision to disregard an initial cover letter by counsel of record because it was not signed. We agree that an unsigned letter need not be excluded from the record and have considered it in our de novo review of the record.

Matter of Dhanasar, 26 I&N Dec. at 889. We agree with SCOPS that the Petitioner's endeavor has substantial merit and do not seek to diminish the value of researching water treatment processes and protecting U.S. water resources. But merely addressing an important topic or working in an important field is not sufficient to establish national importance without evidence documenting the "potential prospective impact" of a petitioner's work.

In this case, the record does not contain sufficient evidence analyzing the impact of Petitioner's specific proposed endeavor such that it rises to the level of national importance. The Petitioner's endeavor consists of continuing his current research at the institution where he is currently a Ph.D. student. The support letters from the Petitioner's professional associates praise his qualifications and publications, including how his findings have influenced their own work. Nonetheless, they do not contain specific, probative details regarding how his research has or would impact his field aside from contributing to the general pool of information on this topic. As previously discussed, the Petitioner in *Dhanasar* submitted probative expert letters from individuals holding senior positions in academia, government, and industry that described the importance of hypersonic propulsion research as it relates to U.S. strategic interests. *Id.* at 892. Here, the record does not contain evidence from external stakeholders who can independently and objectively corroborate the importance of the Petitioner's proposed endeavor to research and develop thermodynamic-based models and electrochemical water treatment processes to enable the universal prediction of scale formation and brine treatment. Turning to the Petitioner's published work, the record did not show that the rate at which his publications have been cited is high relative to others in the field such that his particular endeavor is of national importance. Finally, the industry reports and articles discuss the topics he has researched and are not specific to the Petitioner or his research.

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. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of his eligibility under the second and third prongs of the *Dhanasar* framework. *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).

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 and the petition will remain denied.

ORDER: The appeal is dismissed.