U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38265722

Date: MAY 28, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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 the Petitioner did not establish 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,[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.

[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).

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional. The remaining issue on appeal is whether the Petitioner has established that a waiver of the job offer requirement, and thus a labor certification, would be in the national interest. For the reasons below, we agree that the Petitioner did not demonstrate eligibility under the *Dhanasar* framework.

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*. In determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Id*.

SCOPS found that the record did not establish the Petitioner's proposed endeavor has substantial merit or national importance and thus he did not meet *Dhanasar*'s first prong.[2] On appeal, the Petitioner asserts that SCOPS failed to consider all relevant evidence and properly apply the *Dhanasar* framework. We conclude that the Petitioner's proposed endeavor has substantial merit, and therefore withdraw SCOPS' finding to the contrary. However, we agree with SCOPS that the evidence does not establish the proposed endeavor has national importance as contemplated by *Dhanasar*.

The Petitioner indicated in his initial petition that his proposed endeavor is to "continue his research on utilizing rigorous seismic design and practical mitigation strategies to develop innovative earthquake-resistant geotechnical systems in order to significantly reduce hazards associated with large deformations of severe earthquakes on various geotechnical systems such as high-rise buildings, bridge foundations, highway tunnels, and buried pipelines located near or on active seismic zones." He stated that specific projects related to his proposed endeavor include "developing earthquake resistant design innovations for critical urban structures and earthquake resilient solutions for critical subterranean infrastructure." Upon completion of his doctoral studies in Spain, he intends to pursue a "research-oriented position or engineering role with [redacted]," an engineering, construction management, design, and environmental professional services firm, "to contribute directly to their seismic engineering projects." The Petitioner notes that he is actively exploring opportunities with this company and has not finalized his employment plans. He aims "to assist in designing facilities that can withstand seismic loads, mitigating the risks of earthquakes on critical infrastructure, and supporting national priorities in disaster resilience."

Although the proposed endeavor as either an engineer or a researcher with a focus on utilizing seismic design and mitigation strategies to develop innovative earthquake-resistant geotechnical systems as described above has merit, the evidence does not demonstrate that it would have significant potential to employ U.S. workers, have substantial positive economic impact in this country, broadly impact the industry on a national or global level beyond his proposed employer and its prospective clients, or otherwise have broader economic or societal implications rising to the level of national importance. *Dhanasar*, 26 I&N Dec. at 889-890.

[2] SCOPS also determined that the record did not satisfy *Dhanasar*'s second and third prongs.

In determining whether the proposed endeavor has national importance, we consider and look for evidence of the endeavor's potential prospective impact. *Id.* In reasserting that his proposed endeavor has national importance, the Petitioner refers to his academic credentials and experience as a civil engineer researcher and student in Iran and Spain, support letters discussing his research, and industry articles and reports. He contends that the submitted evidence underscores the importance of seismic design and mitigation strategies for enhancing infrastructural resilience in regions that are vulnerable to earthquakes, both in the United States and around the world. The Petitioner notes that his proposed endeavor advances modeling, simulation, and renewable energy generation, which the National Science and Technology Council formally recognized as critical and emerging technologies for the United States. He indicates that the U.S. Geological Survey emphasized the severe economic cost of earthquakes in the United States, the National Earthquake Hazards Reduction Program noted the need to apply technical disciplines to solve earthquake hazard mitigation problems, and the Federal Emergency Management Agency prioritized earthquake hazard mitigation to protect American communities and prevent significant economic losses. The Petitioner argues that his work on design innovations to protect critical urban and subterranean infrastructure addresses these issues, his proposed endeavor directly contributes to the safety of the people of the United States and the nation's economic well-being, and his endeavor is nationally beneficial because of its substantial positive economic effects.

We acknowledge the documents the Petitioner provided regarding the importance of the geotechnical engineering and disaster resilience industry in the United States. However, when determining whether a proposed endeavor would have national importance, the relevant question is not the importance of the industry or profession where the Petitioner will work, but the specific impact of that proposed endeavor. *Dhanasar*, 26 I&N Dec. at 889-890. *See generally* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policymanual ("The term 'endeavor' is more specific than the general occupation; a petitioner should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation.") Employment in an occupation does not constitute an endeavor for the purposes of these proceedings. *Id.*

The Petitioner asserts on appeal that SCOPS abused their discretion in failing to address all evidence, citing *Buletini v. INS*, 850 F. Supp. 1222 (E.D. Mich. 1994) in support. The court in *Buletini*, however, did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor does the *Buletini* decision suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir.1992)). We conclude the record reflects consideration of all evidence in the totality even though SCOPS did not address each piece of evidence individually.

The Petitioner reiterates that his educational background and proposed endeavor fall within a science, technology, engineering, and mathematics ("STEM") field. However, the record does not contain sufficient evidence that the proposed endeavor to "continue his research on utilizing rigorous seismic

design and practical mitigation strategies to develop innovative earthquake-resistant geotechnical systems" and "pursue a research-oriented position or engineering role" with a U.S. company, has national importance. *See* 6 *USCIS Policy Manual* F.5(D)(2) (stating that with respect to the first prong, as in all cases, the evidence still must show that a STEM endeavor has both substantial merit and national importance). Here, the record does not establish that his proposed endeavor has broader implications for the related industries, specifically furthers STEM objectives in a nationally significant manner, or otherwise show national importance as contemplated by *Dhanasar*.

As the record does not establish the national importance of the proposed endeavor as required by *Dhanasar*, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of the Petitioner's eligibility under the second and third prongs outlined in *Dhanasar*, therefore, would serve no meaningful purpose.[3]

ORDER: The appeal is dismissed.

[3] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).