U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39695465

Date: NOVEMBER 7, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a postdoctoral scholar in civil and environmental engineering, 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 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, self-petitioners must establish that they are advanced degree professionals or individuals of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act.

If self-petitioners demonstrate 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 beneficiary 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 determined the Petitioner qualified for EB-2 classification as an advanced degree professional because he submitted evidence that he holds the foreign equivalent of a U.S. doctoral degree in civil and environmental engineering. We agree. The only issue on appeal is whether he qualifies for and merits a waiver of the job offer requirement in the national interest.

The Petitioner is a postdoctoral scholar at the [redacted] The Petitioner initially stated his proposed endeavor "is to develop and implement advanced traffic safety and transportation management solutions using machine learning algorithms and Automated Traffic Signal Performance Measures (ATSPM) analysis in order to reduce traffic conflicts, predict and prevent crash incidents, and enhance the efficiency of urban transportation systems." In response to SCOPS' request for evidence (RFE), the Petitioner further explained that he will pursue his endeavor "by integrating emerging technologies, including ... ATSPM and high-resolution GPS trajectories from connected vehicles. The research will involve the application of machine learning algorithms to identify traffic conflicts and reduce crashes across various settings such as intersections, highways, and local roads." The Petitioner stated he will also apply his expertise "in driving risk assessment and autonomous vehicle safety to support the development and deployment of autonomous driving technologies."

A. Substantial Merit and National Importance

The first *Dhanasar* 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.* SCOPS determined the Petitioner's proposed endeavor has substantial merit. We agree.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* 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 other broader implications indicating national importance. *Id.* at 889-90. SCOPS determined the Petitioner did not establish the national importance of his proposed endeavor because he did not demonstrate that his proposed endeavor would broadly impact his field. On appeal, the Petitioner asserts SCOPS mischaracterized, diminished or ignored his evidence, imposed requirements beyond the *Dhanasar* framework, and applied a heightened standard of review.

The Petitioner asserts his proposed endeavor has national importance because it addresses the need for improved traffic safety in the United States. The Petitioner submitted articles discussing road traffic injuries, car accident statistics, the Vision Zero Network, evaluating the benefits and costs of implementing ATSPM, prediction of safety opportunities using ATSPM, sample ATSPM use cases, assessing the collective safety of automated vehicle groups, and the cost of traffic crashes. While

these articles attest to the volume and cost of motor vehicle accidents and the significance of ATSPM, they do not address the Petitioner's specific proposed endeavor. Our assessment of national importance does not focus on the importance of a field or issues impacting a field in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

The Petitioner also asserts that his proposed endeavor has national importance because it addresses the critical and emerging technologies of artificial intelligence (AI); highly automated, autonomous, and uncrewed systems (UxS) and robotics; autonomous command and control; advanced and networked sensing and signature management; and transportation-sector sensing. The Petitioner submitted the Critical and Emerging Technologies (CETs) List Update of the National Science and Technology Council (NSTC) which identifies AI as a CET, advanced and networked sensing and signature management as a CET and transportation-sector sensing as a subfield of this CET, highly automated, autonomous, and UxS and robotics as a CET and autonomous command and control as a subfield of this CET.

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.* While we acknowledge that the Petitioner's proposed endeavor encompasses CETs and associated subfields, our focus remains on the specific proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 889. Working in a field of national importance alone is not sufficient to establish that a specific proposed endeavor itself has national importance.

The Petitioner further asserts his proposed endeavor has national importance because it has significant economic effects as it would mitigate the substantial economic losses from motor vehicle crashes. The Petitioner submitted data from the National Highway Traffic Safety Administration (NHTSA) stating that motor vehicle crashes cost the United States $340 billion in 2019. The Petitioner did not, however, submit evidence that his proposed endeavor involves any practical applications that would directly reduce these costs. The record also does not indicate that the Petitioner's proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), or has other substantial positive economic effects. *See id.* at 890 (discussing economic effects).

The Petitioner claims his research is "dedicated to cost-effective strategies to reduce traffic accidents." He asserts that by using existing ATSPM and GPS data, his proposed endeavor "accurately pinpoint[s] hazardous road segments" and "enables agencies such as the USDOT [U.S. Department of Transportation] and FHWA [Federal Highway Administration] to effectively identify and prioritize dangerous locations, maximizing the impact of safety interventions within limited budgets." The Petitioner also explains that his proposed endeavor will explore "the psychological risks perceived by passengers in autonomous vehicles" and "will guide the development and refinement of self-driving algorithms" which "can expedite the adoption of autonomous vehicle technologies, thereby achieving safety and economic benefits sooner than other nations." The Petitioner cites and submits no evidence to support these claims. For example, the Petitioner does not submit evidence that his research has received funding from USDOT or FHWA or that his proposed endeavor will expedite the adoption of autonomous vehicle technologies.

The Petitioner asserts that M-A-A-[2], Professor of Civil, Environmental, and Construction Engineering and the Petitioner's collaborator at the [redacted] attests to the national importance of the Petitioner's proposed endeavor. In his letter, M-A-A- states the Petitioner and their team "have developed a comprehensive approach that leverages high-resolution event data to transform ATSPM into a tool for monitoring near-miss incidents, thereby enabling more effective interventions at intersections. . . . a benefit that resonates strongly with public agencies such as the Department of Transportation and the Federal Highway Administration." M-A-A- does not identify any policy or program of USDOT or FHWA that addresses the Petitioner's specific proposed endeavor and, as previously noted, the record does not indicate that the Petitioner's research has been funded by USDOT or FHWA.

M-A-A- also explains that the Petitioner and their team are "conducting cutting-edge research in GPS-based crash risk assessment," which involves "proactive analysis [that] allows decision-makers to pinpoint hazardous areas well before a crash occurs, facilitating timely and targeted safety improvements." M-A-A- does not identify any decision makers that have applied the Petitioner's research and does not discuss any other researchers that have relied upon the Petitioner's work.

While M-A-A- attests to the significance of the Petitioner's research, he does not discuss any practical applications of the Petitioner's work, how his publications have impacted other researchers in his field, or otherwise indicate that his proposed endeavor has broader implications in his field commensurate with national importance. *Cf. id.* at 892 (stating Dhanasar submitted probative expert letters describing the importance of his specific research as it related to U.S. strategic interests).

The Petitioner submitted evidence that he has co-authored six articles published in scientific journals that have been cited a total of 72 times. He also submitted copies of three articles that cite his work, but do not discuss it in-depth. These articles cite three of the Petitioner's co-authored articles after just one and two sentences in the introductions, and after just one sentence in a summary of related studies. The record does not indicate that the Petitioner's publication and citation record reflect that his work has national or global implications in his field or has otherwise broadly impacted his field in a manner commensurate with national importance. *See id.* at 889 (explaining "we look for broader implications").

The record indicates that the Petitioner's proposed endeavor is within a field of national significance and his work has been published and cited by other researchers. The evidence does not, however, establish that the Petitioner's proposed endeavor will have substantial positive economic effects, national or even global implications or will otherwise broadly impact his field in a manner indicative of national importance. Consequently, the Petitioner has not demonstrated that his proposed endeavor has national importance.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of his specific proposed endeavor and does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's

[2] We use initials to protect the privacy of the referenced individual.

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).

III. CONCLUSION

The Petitioner has not established the national importance of his proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that he is eligible for and merits a waiver of the job offer requirement in the national interest.

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.