U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40248769

Date: NOV. 13, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a mechanical engineer specializing in heating, ventilation, and air conditioning (HVAC) systems and controls, 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 that is attached to this classification. 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 Petitioner did not establish that a waiver of the classification's job offer requirement, 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 because the Petitioner did not establish that his proposed endeavor has national importance and thus, he did not meet the national importance requirement of the first prong of the *Dhanasar* framework. *See Matter of Dhanasar*, 26 I&N Dec. at 884. Because this identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding the remaining *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

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. Because this classification requires that the individual's services be sought by a U.S. employer, a separate showing is required to establish that a waiver of the job offer requirement is in the national interest.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree.[1] 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or a foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

Once a petitioner demonstrates eligibility as either a member of the professions holding an advanced degree or an individual of exceptional ability, they must then establish that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. While neither the statute nor the pertinent regulations define the term "national interest," *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,[2] 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

The issue to be determined on appeal is whether the Petitioner qualifies for a national interest waiver under the *Dhanasar* framework.

The Petitioner states that he is an expert in the field of mechanical engineering. At the time of filing the instant petition, the Petitioner stated that he was pursuing his doctoral degree in mechanical and aerospace engineering at [redacted]. With the initial filing, the Petitioner stated that his proposed endeavor "is to design and model novel approaches for implementing [HVAC] system components in order to increase their efficiency and performance and to advance the air source heat pump quality for heating and cooling applications." The Petitioner stated that he plans to pursue his proposed endeavor while conducting research at [redacted] in pursuit of his degree and his research "will continue to be circulated in the field through [his] peer-reviewed publications and industry collaborations."

SCOPS determined that the Petitioner was a member of the professions holding an advanced degree.[3] After reviewing the Petitioner's initial filing, as well as evidence submitted in response to the RFE, SCOPS determined that the Petitioner had submitted sufficient evidence to demonstrate that his proposed endeavor has substantial merit. However, SCOPS concluded that the Petitioner did not establish that his proposed endeavor has national importance. SCOPS further concluded that the

[1] Profession shall include, but not be limited to, architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

[2] *See also Poursina v. USCIS*, 936 F.3d 868 (9th Cir. 2019) (finding USCIS' decision to grant or deny a national interest waiver to be discretionary in nature).

[3] The record demonstrates that the Petitioner was awarded the equivalent of a U.S. master of science degree in thermal energy engineering in 2020.

Petitioner had not demonstrated that he is well-positioned to advance his proposed endeavor, or that, on balance, waiving the job offer requirement would benefit the United States. SCOPS stated that the record did not demonstrate that the Petitioner's proposed endeavor will have a regional or national impact at a level consistent with having national importance, or that the Petitioner's work will have broader implications in his field of endeavor. SCOPS noted that the Petitioner's reliance on the importance of the field is insufficient to establish that his proposed endeavor is of national importance.

On appeal, the Petitioner asserts that SCOPS applied a heightened standard and imposed requirements outside of the framework set forth in *Matter of Dhanasar*, 26 I&N Dec. 884. The Petitioner further asserts that SCOPS abused its discretion by failing to consider the totality of the evidence and making incorrect conclusions of law and statements of the facts in analyzing the evidence.

We disagree with the Petitioner's assessment of SCOPS' decision. To determine whether a petitioner has met their burden under the preponderance of the evidence standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.; *see also Matter of E-M-*, 20 I&N Dec. 77, 79- 80 (Comm'r 1989). Here, SCOPS acknowledged documents submitted to evaluate the substantial merit and national importance of his proposed endeavor. Based on the record, SCOPS' decision is a reasoned interpretation and consideration of the evidence. The proposed endeavor, as described, and the evidence in the record do not support the Petitioner's assertions that the potential impact of his endeavor extends beyond his employer to have a broader impact to his field or implications rising to a level of national importance.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that a petitioner 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. In determining national importance, 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." *Id.*

In discussing the national importance of his proposed endeavor, the Petitioner highlights that "buildings are responsible for 40% of total energy use in the United States, including 75% of all electricity use, and generate 35% of the nation's carbon emissions." He further notes that "enhanced efficiency in heating and cooling equipment reduces energy use by up to 50%." In response to the RFE, the Petitioner provided details about three research projects that he plans to pursue that will result in "lowering energy consumption and environmental costs associated with buildings." He identifies the research projects as:

1. Heuristic control strategies for a novel defrost controller.
2. Dynamic models for predicting the effect of frosting and defrosting on air-source heat pumps.
3. Development of an efficient defrost controller prototype.

The Petitioner stated that he will continue his research now, as he pursues his doctoral degree, and later as a postdoctoral researcher, where he will circulate his work in the research community. He

stated that he also plans to seek employment with commercial HVAC manufacturers to assist companies "in modernizing their product lines, an effort that promotes job creation, drives U.S. manufacturing competitiveness, and advances national interests in sustainability and technological leadership."

In the decision, SCOPS noted that the Petitioner identified multiple activities associated with his proposed endeavor, including research projects, continuing his education and employment as an HVAC system and control engineer. SCOPS determined that the Petitioner did not describe his proposed endeavor with sufficient specificity, as he did not explain "how he will divide his time between the various facets" of the proposed endeavor. SCOPS concluded that without sufficient detail about how the Petitioner will prioritize his activities, it could not determine whether the broader implications and impact of the proposed endeavor rise to the level of national importance contemplated in *Dhanasar*. On appeal, the Petitioner asserts that SCOPS incorrectly required that he indicate the precise division of his time on each aspect of his proposed endeavor, which is outside of the framework of *Matter of Dhanasar*.

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we consider evidence documenting the "potential prospective impact" of his work. As research has the potential to impact the field differently than engineering projects would, details about the Petitioner's proposed employment and research are important for determining the potential prospective impact of the proposed endeavor. As noted above, in *Dhanasar*, we held that a petitioner must identify "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Therefore, we look to information about a petitioner's current and prospective positions to illustrate the capacity in which he intends to work when determining the national importance of the proposed endeavor.

Here, the Petitioner has not offered detailed information explaining how he will prospectively pursue his research projects, beyond his doctoral research. The record does not establish the prospective capacity, if any, in which the Petitioner will be predominantly engaged in conducting research on an ongoing basis, or how his proposed endeavor will have broader implications rising to the level of national importance. Thus, contrary to the Petitioner's assertions, details of the Petitioner's division of time and priorities of his proposed endeavor are directly relevant to considering his eligibility under *Dhanasar's* first prong.

While we acknowledge that there is a distinction between the job duties of an HVAC system and control engineer and research as part of the Petitioner's proposed endeavor, the record does not include sufficient information with which to determine how they differ. It is not apparent whether the Petitioner would have control over research projects or whether his employer would assign the project workload, which is an important factor if the focus of the projects diverges from the Petitioner's proposed research topics. It is not known how much time the Petitioner would devote to his proposed endeavor while also executing his duties with a commercial HVAC manufacturer.

Even if the record demonstrated that the Petitioner's job duties with a commercial HVAC manufacturer would include research, which it does not, this does not address how his research would be known widely enough to have a broader impact rising to the level of national importance. Beyond his own statements, the record does not demonstrate that the Petitioner, while employed with a

commercial HVAC manufacturer, would be granted permission to publish his research or present at international conferences, which he asserts will "contribute to the advancement of intelligent defrost control systems." It is not apparent that any internal research discoveries while employed with a commercial HVAC manufacturer would be made publicly available rather than maintained as proprietary information.

The Petitioner asserts that SCOPS' analysis of his proposed endeavor's national importance did not provide a meaningful review of the evidence submitted. The Petitioner cites to *Buletini v. INS,* 860 F. Supp. 1222, 1233 (E.D. Mich. 1994).[4] As an initial matter, like the Board of Immigration Appeals we are not bound by the published decisions of U.S. district courts even in matters arising within the same district. *See Matter of K-S-*, 20 I&N Dec. 715, 719 (BIA 1993). Thus, while we may consider the reasoning underlying a district judge's decision when it is properly before us, we are not required to follow it as a matter of law. We also note that there is nothing in the *Buletini* decision to suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. Rather, so long as USCIS gives 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 presented. *Ren v. USCIS*, 60 F.4th 89, 97 (4th Cir. 2023); *see also Osuchukwu v. INS*, 744 F.2d 1136, 1142-43 (5th Cir. 1984) (stating that "[the Board of Immigration Appeals] has no duty to write an exegesis on every contention").

In addition, the record does not sufficiently support the Petitioner's claim that SCOPS did not consider all relevant evidence. To the contrary – the RFE indicates that SCOPS reviewed the initially provided documentation and found it insufficient to establish that the Petitioner's proposed endeavor met the national importance requirement. SCOPS also advised the Petitioner that pursuant to *Dhanasar*, in determining national importance the relevant question is not the importance of the field or industry, or profession in which the individual will work, but the specific endeavor that the individual proposes to undertake. We cannot therefore conclude that SCOPS did not consider all relevant evidence in evaluating the Petitioner's eligibility for a national interest waiver and ultimately denying his petition.

The Petitioner makes broad claims, without corroborating evidence, that his research would impact national government policies and advance the field of mechanical HVAC engineering. His statement provides summaries, without specific details or supporting evidence, of his intended projects, each of which generally states his research will study the effects of frosting and defrosting to develop a defrost controller. While the Petitioner working for a commercial HVAC manufacturer with a focus on energy efficiency and sustainability may demonstrate the substantial merit of the proposed endeavor, it does not support or demonstrate its prospective potential impact nationally, or even globally, or through broader implications rising to a level of national importance.

The first prong relates to substantial merit and national importance of the "specific endeavor." *Matter of Dhanasar,* 26 I&N Dec. at 889. When analyzing the national importance of a petitioner's proposed endeavor under *Dhanasar's* framework, we focus on the prospective impact of the proposed endeavor, instead of limiting our analysis to a petitioner's employment at the time of filing. An endeavor is more

[4] The *Buletini* court opinion referred to SCOPS' failure to consider *forms* of evidence that the petitioner in that case submitted such as the book and the medical dictionary he authored, and his study that appeared in the largest circulation newspaper in that petitioner's home nation. *See Buletini*, 860 F. Supp. at 1232–33. The *Buletini* court did not indicate that SCOPS was required to discuss each and every piece of evidence within the record.

specific than a general occupation and should include details of the types of work a petitioner intends to undertake and describe specific projects and goals. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https: //www.uscis.gov/policy-manual. As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id*.

Here, the Petitioner summarized three research projects, but he has not provided the level of specific details or documentation as required under *Dhanasar* to support his claims that his proposed research projects have the potential to extend beyond his potential employer and impact the field of mechanical HVAC engineering or other fields and industries. The Petitioner mainly relies on his statements, without corroborating evidence, to characterize his research work as valuable for advancing the field of HVAC system and control engineering. He has not provided evidence to support his claims that his proposed research projects would advance his field more broadly or would be different from work typically performed by other researchers in the field. A petitioner must also support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. As the Petitioner has not done so here, he has not sufficiently established that his proposed endeavor in the United States will have national importance under the first *Dhanasar* prong.

The Petitioner contends that his plans to disseminate his findings through the research community show that his endeavor would have broad national impact, beyond his potential employer. He emphasizes that his research work has had a broad impact in his field, pointing to his previous research work published in reputable industry publications, and presented at industry conferences. While the Petitioner's previous research may help to understand his proposed endeavor, such previous work mainly relates to whether he is well-positioned to advance his endeavor under *Dhanasar's* second prong.

The record includes recommendation letters from academics and engineers familiar with the Petitioner's work. The authors largely discuss the same few examples of the Petitioner's past research accomplishments and how the authors believe these accomplishments contributed to the field. These examples include the Petitioner's research on polymer nanocomposites for use in cardiovascular stents, his research on additive manufacturing (3D printing), and his research on the use of solar panels for cold storage facilities. Overall, we observe that many authors broadly report the same information about the Petitioner's past research topics and how his research has been cited by other researchers. While research must add information to the pool of knowledge in some way in order to be accepted for publication, this alone is insufficient to substantiate a claim of impact to the field. Simply asserting the claim of contribution to the field does not persuasively establish actual contribution. In examining the "notable citations" referenced by the Petitioner, we observe that some citations to the Petitioner's work merely support the conclusion that research has been conducted in this area already, but not that the Petitioner's work has had an impact on the field. In other words, merely citing to the Petitioner's

work does not necessarily mean that others are utilizing his "innovations" or "recommendations" such that actual impact to the field may be established. Significantly, we note that some of the researchers who cited to the Petitioner's work also cite other researchers for the same concept. In this way, the record neither shows that the Petitioner's work is innovative or novel, as some authors claimed in their recommendation letters, nor does it show that the Petitioner, as opposed to other researchers in the field, have produced the claimed research impact.

Much of the evidence in the record and the Petitioner's arguments focus on the importance of the field of HVAC engineering and energy efficiency. To support the argument for national importance, the Petitioner submitted various articles and reports discussing energy use for HVAC in buildings, as well as national government initiatives aimed at the development of energy efficient HVAC equipment. This evidence, however, does not mention the Petitioner's specific proposed projects and their potential impact on the field or on such national initiatives.

The Petitioner claims that his proposed endeavor aligns with national government initiatives and USCIS policy guidance recognizing the importance of advancing energy efficient HVAC systems and progress in the fields of science, technology, engineering, and mathematics (STEM). He maintains that his endeavor involves research to advance STEM technologies, in particular energy efficiency technologies which are recognized by the U.S. National Science and Technology Council as being critical and emerging. While USCIS recognizes specific evidentiary considerations relating to STEM degrees and fields, "the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(4).

We acknowledge the overall value of efficient and sustainable heating and cooling systems, attracting qualified professionals in related careers, and strengthening our nation's technology, particularly technology recognized as critical and emerging, but their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. *See id.* The Petitioner has not sufficiently detailed his proposed research or provided supporting evidence to understand how it would advance STEM technologies with sufficiently broad potential implications for his field rising to the level of national importance. Moreover, the Petitioner has not demonstrated that his specific undertaking of working for a commercial HVAC manufacturer stands to have an impact beyond his prospective employer, or that his proposed research work would otherwise have broader implications for the HVAC industry, U.S. national energy and technology initiatives, or other industries.

As the Petitioner has not established the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* framework, he is not eligible for a national interest waiver and further discussion of the balancing factors under the third prong would serve no meaningful purpose. As noted above, we reserve the Petitioner's appellate arguments regarding the remaining *Dhanasar* prong.[5] *See INS v. Bagamasbad*, 429 U.S. at 25.

[5] Even if we had addressed the remaining issues, we still would have dismissed this appeal. As noted above, SCOPS concluded that the Petitioner did not establish the national importance of his proposed endeavor, that he is well-positioned to advance his proposed endeavor, or that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. On appeal, the Petitioner references the same supporting evidence submitted with the original petition and RFE response and does not provide new evidence in support of these factors. SCOPS fully addressed the previously submitted evidence and explained how it was deficient in establishing that the Petitioner met the three *Dhanasar* factors and would be eligible for a national interest waiver. The Petitioner's assertions on appeal do not establish that he meets all of the three *Dhanasar* prongs.

III. CONCLUSION

As the Petitioner has not met all of the requisite three prongs set forth in 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.

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.