U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40304497

Date: NOV. 24, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a civil 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).

SCOPS denied the petition. SCOPS determined that the Petitioner qualifies as a member of the professions holding an advanced degree. However, SCOPS concluded that the record does not establish that a waiver of the job offer requirement, and thus of a 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;

[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 individual is well-positioned to advance the proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree. However, for the reasons discussed below, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong. *See id.*

The Petitioner described the endeavor as a plan to use artificial intelligence to automate the generation and analysis of construction documents and project workflow, and to predict powered exoskeletons' locomotion. He noted that, at the time he filed the Form I-140, Immigrant Petition for Alien Workers, he worked as a graduate assistant at [redacted] where he also pursued a Ph.D., although he worked elsewhere at the time he filed the appeal, having completed his doctoral research. He submitted letters of recommendation; copies of publications providing generalized information regarding science, technology, engineering, and mathematics (STEM) fields, civil engineering, and workplace health and safety; and information related to research to which he contributed.

SCOPS concluded that the proposed endeavor has substantial merit, as required in part by the first *Dhanasar* prong, and that the Petitioner is well-positioned to advance the proposed endeavor, as required by the second *Dhanasar* prong. *See id.* However, SCOPS determined that the record does not establish that the proposed endeavor has national importance, as also required in part by the first *Dhanasar* prong. More specifically, SCOPS observed that the Petitioner—and the letters of support and copies publications he submitted—addressed the importance of the industry and occupation in general, but the record does not establish how the specific endeavor the Petitioner proposes to undertake has the type of broader implications indicative of national importance, as contemplated by *Dhanasar*. *See id.* SCOPS further concluded that the record does not satisfy the third *Dhanasar* prong. *See id.*

Because we determine that the record does not establish whether the proposed endeavor may have national importance, which is dispositive, we reserve our opinion regarding whether the record satisfies the second and third *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *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).

On appeal, the Petitioner asserts that SCOPS' decision "violated USCIS policy" because it "fail[ed] to review all relevant, specific facts and circumstances, as required by the USCIS Policy Manual . . . [i]n particular, Volume 1, Part E – Adjudications, Chapter 9, Section 3." He also states that SCOPS' decision misapplied language in *Matter of New York State Dep't of Transp.*, 22 I&N Dec. 215 (Acting Assoc. Comm'r 1998), vacated, (*NYSDOT*) regarding the extent to which evidence of a funded project may establish national importance or a record of success, and that the decision conflated language from *Dhanasar*'s second prong with its analysis of *Dhanasar*'s first prong. The Petitioner further characterizes SCOPS' decision as having inadequately reviewed the letters of recommendation he

submitted, instead summarizing the letters as having failed to "provide specific examples of how the [Petitioner's] work has significantly impacted the field at large or otherwise constitutes original contributions of major significance."[2] He also submits on appeal a supplemental statement regarding the proposed endeavor and additional copies of publications providing generalized information regarding STEM fields, civil engineering, and workplace health and safety.

In determining national importance under the first *Dhanasar* prong, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on "the specific endeavor that the [individual] proposes to undertake" and "we consider its potential prospective impact," looking for "broader implications." *Matter of Dhanasar*, 26 I&N Dec. at 889. *Dhanasar* provided examples of endeavors that may have national importance, as required by the first prong, having "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or those with "significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area." *Matter of Dhanasar*, 26 I&N Dec. at 889-90.

We first address the Petitioner's assertion on appeal that SCOPS "fail[ed] to review all relevant, specific facts and circumstances, as required by the USCIS Policy Manual." The section of the Policy Manual the Petitioner references on appeal requires SCOPS to explain the reasons why it denies a benefit request. *See generally* 1 *USCIS Policy Manual* E.9(B)(3), https://www.uscis.gov/policy-manual; *see also* 8 C.F.R. § 103.3(a)(1)(i) (requiring USCIS to explain in writing the specific reasons for denying a benefit request).

We have reviewed the record—including SCOPS' decision—in its entirety. SCOPS' summarization of evidence, such as the Petitioner's descriptions of the proposed endeavor, the letters of recommendation, and the publications providing generalized information, describes the record. We note that SCOPS not only acknowledged the Petitioner's statements and the letters of support while explaining SCOPS' reason for denying the Petitioner's Form I-140, SCOPS' decision also quotes the Petitioner's description of the proposed endeavor and a letter of support—as an example of other, similar letters—at length. The Petitioner cites *Matter of Chawathe*, stating that SCOPS "must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. at 376.[3] However, it does not follow that SCOPS must address in

[2] The Petitioner makes other assertions on appeal that we need not address. For example, the Petitioner asserts that SCOPS "failed to apply the STEM adjudication guidelines from the USCIS Policy Manual [to his] advanced STEM degrees." However, SCOPS determined that the record, including the information regarding the Petitioner's academic history, establishes that he is well-positioned to advance the proposed endeavor, as required by the second *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. Therefore, the Petitioner's assertions on appeal that SCOPS misapplied USCIS policy to the analysis of his academic history, despite determining that he is well-positioned to advance the proposed endeavor, does not identify a determination on an issue to which that evidence is material that is unfavorable to him. *See, e.g.*, 8 C.F.R. § 103.3(a)(1)(ii) (providing that certain unfavorable decisions may be appealed).

[3] The Petitioner also references several of our unpublished decisions in which we determined that SCOPS' discussion of evidence was insufficient. However, these decisions were not published as precedents and, therefore, they do not bind USCIS officers in future adjudications. 8 C.F.R. § 103.3(c). Moreover, the Petitioner's references to these non-precedential decisions are duplicative of his primary assertion that SCOPS' decision insufficiently articulated the denial basis. Therefore, we need not address more specifically the Petitioner's selection of non-precedential decisions.

writing all aspects of each piece of evidence it examined in order to explain the specific reasons for denying a benefit request, as required by 8 C.F.R. § 103.3(a)(1)(i). *See, e.g., Osuchukwu v. INS,* 744 F.2d 1136, 1142-43 (5th Cir. 1984) ("[The Board of Immigration Appeals] has no duty to write an exegesis on every contention"); *see also Larita-Martinez v. INS*, 220 F.3d 1092, 1095-96 (9th Cir. 2000) (joining the Seventh Circuit and the Federal Circuit Courts of Appeals in presuming that the Board reviewed all of the evidence of record).

We next address the Petitioner's assertion on appeal that SCOPS misapplied language from *NYSDOT*, which our *Dhanasar* decision vacated, to SCOPS' analysis of whether the proposed endeavor has national importance. *Matter of Dhanasar*, 26 I&N Dec. at 888. In response to SCOPS' request for evidence (RFE), the Petitioner submitted an award abstract for a standard grant that the National Science Foundation (NSF), Division of Civil, Mechanical and Manufacturing Innovation, awarded to [redacted] in 2022. The award abstract lists seven publications produced as a result of research funded by the NSF grant, two of which identifying the Petitioner, alphabetically, as the first researcher. However, the grant names another individual as the principal investigator for the research funded by the grant, and it does not otherwise acknowledge the Petitioner as a recipient of the grant or his role within the research funded by the grant.

After citing *NYSDOT*, SCOPS' decision states, "With regard to the one NSF-funded project co-contributor [sic] by the [P]etitioner, the [P]etitioner must demonstrate that his innovations have demonstrably impacted the field as a whole or otherwise equate to original contributions of major significance in the field." Although SCOPS cited *NYSDOT* in the preceding sentence, its statement, essentially, that the Petitioner must demonstrate that the proposed endeavor has the type of broader implications indicative of national importance is consistent with the first prong of *Dhanasar*'s framework, requiring that proposed endeavors must have both substantial merit and national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. Moreover, as noted above, the grant does not name the Petitioner as the principal investigator for the research funded by the grant and, based on the naming sequence of all listed publications, the Petitioner's name appears to be listed before the principal investigator for the publications to which he contributed simply because the authors are listed in alphabetical order and his surname alphabetically precedes the principal investigator's surname, not necessarily because he was the primary researcher.

That the Petitioner contributed to two of seven publications funded by an NSF grant that lists another individual as a principal researcher bears limited probative value regarding the significance of the Petitioner's contributions to the research funded by the grant, and regarding whether the proposed endeavor may have the type of broader implications contemplated by the first *Dhanasar* prong. For example, without more, being simply listed as one of multiple authors on a research project publication does not establish how that research has national or even global implications within the field of civil engineering or any other particular field, such as those resulting from certain improved manufacturing processes or medical advances, or the significance of a given contributor's role in that research and its publication. *See id.* Relatedly, although SCOPS referenced language regarding the second *Dhanasar* prong with its analysis of whether the proposed endeavor may have national importance as contemplated by the first *Dhanasar* prong, SCOPS nevertheless explained why the record does not support the latter conclusion. More specifically, SCOPS contextualized its observation regarding whether the Petitioner's research projects constitute original contributions of major significance as "a basis to suggest that future work will have a similar impact," as applied to the issue of whether past

endeavors may support the conclusion that the proposed endeavor will have the type of broader implications indicative of national importance contemplated by the first *Dhanasar* prong. Based on the foregoing, these claimed errors are, at most, harmless. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless or scrivener's errors).

We now turn to the issue of whether the record establishes the proposed endeavor has national importance, as required by the first *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. We recognize the importance of progress in STEM fields and the essential role of persons with advanced STEM degrees in fostering this progress, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual. However, as in all cases, a proposed endeavor implicating a STEM field must demonstrate not only substantial merit but also national importance, such as by having national or even global implications within a particular field, beyond merely being in a STEM field. *See generally id.*; *see also Matter of Dhanasar*, 26 I&N Dec. at 889-90.

Here, the record does not establish how the specific endeavor the Petitioner proposes to undertake may have sufficiently broad potential implications to demonstrate national importance as contemplated by the first *Dhanasar* prong, beyond merely being in a STEM field. *See generally* 6 *USCIS Policy Manual* F.5(D)(4); *see also Matter of Dhanasar*, 26 I&N Dec. at 889-90. Although the Petitioner cumulatively describes his proposed endeavor and its potential applications within a STEM field in his various statements in the record, he does not sufficiently substantiate his statements with documentary evidence in order to demonstrate that his claims are more likely than not true, and that the specific endeavor he proposes to undertake will have the type of national or even global implications within a particular field indicative of national importance, as contemplated by the first *Dhanasar* prong. *See Matter of Chawathe*, 25 I&N Dec. at 375-76 (providing that petitioners must establish that claims are more likely than not true).

The various publications in the record providing generalized information regarding STEM fields, civil engineering, and workplace health and safety, noted above, do not identify the Petitioner or the specific endeavor he proposes to undertake, and they do not address how the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance as contemplated by the first *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. For example, the publications do not explain how the specific endeavor the Petitioner proposes to undertake may have national or even global implications within the field of civil engineering, or any other particular field, such as those resulting from certain manufacturing advances. *See id.* As another example, the publications do not clarify how the specific endeavor the Petitioner proposes to undertake may have significant potential to employ U.S. workers or have other substantial positive economic effects indicative of national importance. *See id.* Because the publications providing generalized information do not establish how the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance as contemplated by the first *Dhanasar* prong, they bear minimal probative value to this prong and we need not address them further. *See id.*

In turn, the letters of recommendation in the record bear limited probative value for determining whether the proposed endeavor may have national importance. For example, in response to SCOPS'

RFE, the Petitioner submitted a letter of recommendation from the graduate program advisor who is the principal investigator named on the NSF grant, addressed above. As a matter of discretion, we may use opinion statements submitted by a petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we may give an opinion less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.* We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.*; *see also* Fed. R. Evid. 702 (providing that an expert opinion may "help the trier of fact to understand the evidence or to determine a fact in issue," not that it is evidence of fact itself).

The letter of recommendation the Petitioner submitted in response to SCOPS' RFE notes how the Petitioner's "research trajectory . . . align[s] closely with [the letter author's] focus on advancing construction through cutting-edge solutions." The letter also contains conclusory statements, such as that the Petitioner's "initiative in designing and testing this agent has yielded impressive results, significantly improving accuracy and safety over earlier methods," without elaborating on the change in methodology and why the Petitioner's design and testing results are impressive, which we note is a subjective opinion and not an observation of the proposed endeavor's implications. The letter further opines that the Petitioner's "work has not only enriched our research but also positioned our team to deliver transformative outcomes in construction safety and automation."

The letter of recommendation's focus on how the Petitioner's research affects his research group does not address how the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance as contemplated by the first *Dhanasar* prong. For example, similar to the publications providing generalized information noted above, the letter does not establish how the specific endeavor the Petitioner proposes to undertake may have national or even global implications within the field of civil engineering, or any other particular field, such as those resulting from certain improved manufacturing processes or medical advances. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. As another example, the letter does not establish how the specific endeavor the Petitioner proposes to undertake may have significant potential to employ U.S. workers or have substantial positive economic effects. *See id.* Because the letter of recommendation the Petitioner submitted in response to SCOPS' RFE consists of unsubstantiated, conclusory, and subjective statements and it focuses on how the Petitioner's research aligns with that of the letter's author and affects his research group, rather than having broader implications within the field of civil engineering or any other particular field, it provides little help for us to determine a fact in issue and it bears minimal probative value for establishing whether the proposed endeavor may have national importance. *See Matter of Caron Int'l, Inc.*, 19 I&N Dec. at 795; *see also* Fed. R. Evid. 702. The other letters of recommendation in the record also bear minimal probative value for determining whether the specific endeavor the Petitioner proposes to undertake may have national importance for similar deficiencies, which we do not address at length for brevity.[4]

In summation, the Petitioner has not established that the specific endeavor he proposes to undertake has the type of broader implications indicative of national importance, as required by the first *Dhanasar* prong; therefore, he is not eligible for a national interest waiver.

[4] Although we do not address each item of evidence in the record for brevity, we have reviewed the record in its entirety. *See, e.g., Osuchukwu v. INS,* 744 F.2d at 1142-43; *see also Larita-Martinez v. INS*, 220 F.3d at 1095-96.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner has not established eligibility 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.