U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40230103

Date: NOV. 25, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a nanofabrication engineering specialist, requests classification under the employment-based, second-preference (EB-2) immigrant visa category and a waiver of the category's job-offer requirement. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(B)(i), 8 U.S.C. § 1153(b)(2)(B)(i). U.S. Citizenship and Immigration Services (USCIS) has discretion to excuse job offers in this category – and thus the need for certifications from the U.S. Department of Labor (DOL) – if petitioners demonstrate that waivers of these U.S.-worker protections are "in the national interest." *Id.*

Service Center Operations (SCOPS) denied the petition. SCOPS found that – although the Petitioner qualifies for EB-2 classification, has a "substantially meritorious" proposed endeavor, and is "well positioned" to advanced it – he did not demonstrate the merits of a national interest waiver. On appeal, the Petitioner contends that – in finding insufficient evidence of his endeavor's "national importance" and a waiver's ultimate benefit to the United States – SCOPS misapplied legal standards and misunderstood evidence.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that he established the national importance of his proposed endeavor and that SCOPS did not adequately explain its finding that he is well positioned to advance the venture. We will therefore withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

I. LAW

To establish eligibility for national interest waivers, petitioners must first demonstrate their qualifications for the EB-2 category, either as members of the professions holding "advanced degrees" or aliens of "exceptional ability" in the sciences, arts, or business. *See* section 203(b)(2)(A) of the Act; *see also Ghaly v. INS*, 48 F.3d 1426, 1428 n.2 (7th Cir. 1995). To protect jobs for U.S. workers, this immigrant visa category generally requires prospective U.S. employers to offer aliens work and to obtain DOL certifications to permanently employ them in the country. Section 212(a)(5)(D) of the

Act, 8 U.S.C. § 1182(a)(5)(D). Petitioners may avoid the job-offer and labor-certification requirements by demonstrating that waivers of the U.S.-worker protections would be "in the national interest." Section 203(b)(2)(B)(i) of the Act.

Neither the Act nor regulations define the term "national interest." So, to adjudicate these waiver requests, we have established a framework. If otherwise qualified as advanced degree professionals or aliens of exceptional ability, petitioners may warrant waivers of the job-offer and labor-certification requirements by demonstrating that:

- Their proposed U.S. work has "substantial merit" and "national importance;"
- They are "well positioned" to advance their intended endeavors; and
- On balance, waivers of the job-offer and labor-certification requirements would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. 884, 889-91 (AAO 2016); *see generally* 6 *USCIS Policy Manual* F.(5)(D)(1), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and His Proposed Endeavor

The record shows that the Petitioner earned a bachelor of engineering degree from a university in his home country of India and worked in the semiconductor industry as a maintenance/process engineer for almost 20 years. Since 2022, a U.S. university has employed him as a nanofabrication engineering specialist at its semiconductor facility. His current job involves providing technical guidance, expertise, and process engineering support and services to users of the university's "cleanroom."[1] He also trains users on the facility's equipment and performs preventative maintenance and repairs on its machines and devices.

The Petitioner proposes to continue working for his U.S. employer in his current role and to implement his own methodology for operating and maintaining semiconductor research facilities. He calls the program: "Cost Effective Research Techniques (CERT)." CERT would include: cost-effective equipment upgrades; strategies to replace obsolete parts; improved repair and maintenance capabilities; CERT training for researchers, engineers, and lab specialists; promotion of open-source tools and data sharing; and use of artificial intelligence (AI) to predict and analyze equipment failures. The Petitioner also states that he would write research papers about trouble-shooting techniques, process optimizations, and AI integrations. "In an environment where access to expensive fabrication equipment and the ability to optimize novel processes are paramount," he states, "CERT provides an essential framework for driving innovation and ensuring the sustainability of vital academic research across the nation."

The record supports SCOPS' findings that:

[1] A cleanroom is "a room for the manufacture or assembly of objects (such as precision parts) that is maintained at a high level of cleanliness by special means." *Clean room*, Merriam-Webster Online Dictionary, www.merriam-webster.com/dictionary/clean%20room.

- The Petitioner qualifies for EB-2 classification as an advanced degree professional;[2] and
- His proposed endeavor has substantial merit.

We will first review SCOPS' determination that the Petitioner did not demonstrate the claimed national importance of his proposed endeavor.

B. National Importance

When determining whether a proposed endeavor has national importance, USCIS must focus on the particular venture, specifically on its "potential prospective impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. "An undertaking may have national importance, for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *Id.* Also, "[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.

> Ultimately, if the evidence of record demonstrates that the person's proposed endeavor has the significant potential to broadly enhance societal welfare or cultural or artistic enrichment, or to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance.

6 *USCIS Policy Manual* F.5(D)(3).

SCOPS found that the Petitioner:

> ha[s] not established how a single Nanofabrication Engineering Specialist will have national or global implications within the field, will have significant potential to employ U.S. workers, will broadly enhance societal welfare or will impact a matter that the government has deemed as having national importance. The benefits provided by a single Nanofabrication Engineering Specialist are too attenuated to have national importance.

On appeal, however, the Petitioner notes that SCOPS overlooked evidence that he would share his cleanroom methodology with other university research facilities across the United States. He documented that the university for which he works has entered into multiple partnerships with other schools to boost U.S. semiconductor research and production. The Petitioner's employer is part of a federally formed "innovation hub" with three other U.S. universities and has separately agreed to partner with 11 other U.S. schools to advance semiconductors and microelectronics. The Petitioner states:

> [M]y work and future undertaking will be shared amongst other universities that participate in [the partnerships] where members are sharing knowledge and technical

[2] An "advanced degree" includes a baccalaureate followed by at least five years of progressive experience in a specialty. *See* 8 C.F.R. § 204.5(k)(2) (defining the term "advanced degree").

> know-how to achieve the common goal of advancing semiconductor research, innovation and production in the United States.

He states that his work would "support researchers and designers in the nanofabrication facilities [and] therefore serves as an important conduit and enabler for the success of 'lab[oratory]-to-fab[rication]' initiatives." Thus, the Petitioner has shown that his methodology has implications beyond the university for which he works. Schools and researchers across the United States could also access the program.

The Petitioner notes that examples of potentially nationally important ventures in *Dhanasar* include endeavors leading to advancements in fields. As previously indicated, *Dhanasar* stated: "An undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *Matter of Dhanasar*, 26 I&N Dec. at 889 (emphasis added). The Petitioner's methodology could potentially advance the field of semiconductor research and production. For example, the methodology includes a proposal to upgrade atomic layer deposition (ALD) equipment with dual gauge switches by replacing existing pressure controllers with new valves that can read dual pressure sensors. The Petitioner states that, depending on the process pressure, this would allow fabrication systems to automatically switch between the sensors, extending the pressure control range while maintaining high resolution. He states that the upgrades would extend the range of ALD equipment and eliminate the need for separate specialized equipment, potentially contributing to increased throughput and reduced processing times. Thus, consistent with *Dhanasar*, the Petitioner's proposed methodology has significant potential to improve the U.S. semiconductor research field. *See also* 6 *USCIS Policy Manual* F.5(D)(3) ("To establish broader public or commercial implications at a level consistent with national importance for [a] field or industry, the petitioner could demonstrate, through the submission of relevant evidence, … a novel and important manufacturing or operational process.")

The Petitioner also submitted letters from experts in the semiconductor field supporting his methodology's potential significance. A senior vice president of a U.S. research institute, who is also a former U.S. Department of Defense official, stated: "[The Petitioner]'s proposed endeavor on CERT directly addresses an 'impediment challenge' facing the U.S. semiconductor research field in this era: constrained funding, limited grant availability, and rising research costs." He stated that the Petitioner's proposed methodology would "extend[] the utility of existing semiconductor tools and boost[] efficiency of cleanrooms." A letter from a dean of a U.S. engineering college further described CERT's implications. She stated:

> The increasing sophistication and complexity of leading edge semiconductor manufacturing has led to escalating costs of research and development; together with reductions in federal funding, these pose tremendous challenges to maintaining U.S. technological leadership in semiconductors, which is strategically important for long-term economic prosperity and national security. Therefore [the Petitioner]'s proposal to improve the cost-effectiveness of semiconductor research facilities has tremendous potential impact in the nation's interest.

In *Dhanasar*, we found that a hypersonic propulsion researcher demonstrated the national importance of his endeavor with letters describing how research in his field "enhances our national security and defense by allowing the United States to maintain its advantage over other nations in the field of hypersonic flight." *Matter of Dhanasar*, 26 I&N Dec. at 892. Similarly, the Petitioner has provided letters describing how his proposed methodology would enhance U.S. national security by allowing the country to maintain leadership in the semiconductor field.

For the foregoing reasons, the Petitioner has demonstrated the claimed national importance of his proposed endeavor. We will therefore withdraw SCOPS' contrary finding.

B. Well Positioned

This prong of our *Dhanasar* framework focuses on petitioners. *Matter of Dhanasar*, 26 I&N Dec. at 890. They need not demonstrate the likelihood of their proposed endeavors to succeed. *Id.* But petitioners must establish that they are well positioned to advance their ventures. *Id.*

Relevant factors include:

- A petitioner's education, skills, knowledge, and record of success in related or similar efforts;
- A model or plan for future activities;
- Any progress towards achieving the proposed endeavor; and
- The interest of potential customers, users, investors, or other relevant entities or individuals.

Id.

As previously indicated, SCOPS found the Petitioner well positioned to advance his proposed endeavor. SCOPS, however, did not explain its reasoning. Without applying the relevant factors to the facts of the Petitioner's case, the decision states: "Based on the evidence provided with the initial petition and RFE [requested for additional evidence] response[,] you have established that [you are] well positioned to advance the proposed endeavor."

When issuing decisions, USCIS must "explain in writing the specific reasons" for the decisions. 8 C.F.R. § 103.3(a)(1)(i). Conclusory decisions prevent us from meaningfully reviewing them. SCOPS' decision does not discuss its reasons for finding the Petitioner well positioned to advance his proposed endeavor. We are therefore unable to adequately review SCOPS' second-prong conclusion.

We will remand the matter for SCOPS to review the record and enter a new decision. SCOPS should apply the relevant factors stated in *Dhanasar*, including consideration of the Petitioner's record of success in related or similar efforts and any interest in his proposal from the U.S. universities partnering with his employer to boost semiconductor research activities. *See Matter of Dhanasar*, 26 I&N Dec. at 890.

C. A Waiver's Benefit

Dhanasar's final prong requires USCIS to balance the pros and cons of granting the Petitioner a national interest waiver.

> On the one hand, Congress clearly sought to further the national interest by requiring job offers and labor certifications to protect the domestic labor supply. On the other hand, by creating the national interest waiver, Congress recognized that in certain cases the benefits inherent in the labor certification process can be outweighed by other factors that are also deemed to be in the national interest.

Matter of Dhanasar, 26 I&N Dec. at 890.

When considering this prong, USCIS must "assess[] whether the person's endeavor and the person being well-positioned to advance that endeavor, taken together, provide benefits to the nation such that a waiver of the labor certification requirement outweighs the benefits that ordinarily flow from that requirement." 6 *USCIS Policy Manual* F.5(D)(3).

As previously discussed, SCOPS did not fully explain why it found the Petitioner well positioned to advance his proposed endeavor. Thus, we are unable to accurately weigh the venture's potential benefits, and his ability to carry the endeavor forward. We therefore decline to review SCOPS' balancing of a waiver's pros and cons.

On remand, SCOPS should consider how its second-prong findings regarding the Petitioner's positioning to advance his proposed endeavor affect its third-prong balancing analysis.

III. CONCLUSION

Contrary to SCOPS' finding, the Petitioner has demonstrated that his proposed endeavor has national importance. But, because SCOPS insufficiently explained why it found him well positioned to advance the endeavor, we are unable to adequately review its conclusions under *Dhanasar*'s second and third prongs.

ORDER: The decision is withdrawn. The matter is remanded for entry of a new decision consistent with the foregoing analysis.

NOTICE: Aliens who are unlawfully present, or who are otherwise inadmissible or deportable, may receive Forms I-862, Notices to Appear, placing them into removal proceedings. *See* section 240 of the Act, 8 U.S.C. § 1229a. Removal proceedings may result in an alien's removal from the United States and ineligibility for future U.S. visas or other immigration benefits.