U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39602427

Date: OCT. 02, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a senior reliability 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).

Service Center Operations (SCOPS) denied the petition, concluding that although the Petitioner established his eligibility for EB-2 classification as an advanced degree professional, 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, 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. An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2).

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:

[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 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

SCOPS concluded that the Petitioner, who received a Ph.D. in mechanical engineering from [redacted] in 2017, qualifies for the underlying EB-2 classification as a member of the professions holding an advanced degree. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

SCOPS determined that the Petitioner's proposed endeavor has substantial merit and that he is well-positioned to advance it. SCOPS concluded, however, that the Petitioner did not establish the national importance of the proposed endeavor, and that, on balance, it would benefit the United States to waive the job offer requirement. On appeal, the Petitioner contends that SCOPS failed to consider key probative evidence supporting his eligibility under the *Dhanasar* framework and misapplied guidance applicable to persons with advanced degrees in STEM fields.[2]

Upon de novo review, for the reasons provided below, we conclude the Petitioner has not established by a preponderance of the evidence that his proposed endeavor has national importance.

A. The Proposed Endeavor

The record indicates that the Petitioner has been employed within [redacted] multinational organization since 2017, initially with [redacted] Limited in China, and, since September 2024, with [redacted] in the United States.[3] In a personal statement submitted in response to SCOPS' request for evidence (RFE), the Petitioner stated:

> I am currently a senior hardware reliability engineer at [redacted] and my main responsibility is to ensure excellent quality and durability of [redacted] products so that our customers can use the products for many years without issues like product repair or replacement. I work with our team to choose safe, reliable and environmentally friendly materials in our products like lead free solder. After choosing materials and designing the product, I design reliability tests to mimic user scenarios to see if the

[2] The Petitioner also alleges on appeal that SCOPS erroneously determined the proposed endeavor was "insufficiently articulated such that USCIS could not evaluate its national importance." While SCOPS asked for clarification regarding the nature of the proposed endeavor in its request for evidence, it expressly stated in its decision that "the petitioner has sufficiently detailed their proposed endeavor." Therefore, contrary to the Petitioner's contention on appeal, SCOPS' conclusion that the Petitioner did not satisfy *Dhanasar*'s first prong was not based on a determination that he had insufficiently articulated the nature of his proposed endeavor.

[3] The record indicates that [redacted] transferred the Petitioner to the United States as an L-1B intracompany transferee with specialized knowledge under section 101(a)(15)(L) of the Act, 8 U.S.C. § 1101(a)(15)(L).

product can meet [redacted] requirements . . . or if improvements will be needed through design or process changes.

. . . My proposed endeavor is to continue my hardware reliability engineering at [redacted] with the application of my doctorate knowledge and skills, with the goal of enriching people's lives, improving the standards of electronics industry, boosting US economy and contributing to better environment. Particularly, I will continue to connect my academic research with my daily work in the industry to make the best electronic products for people in the US and around the world.

In addition to his personal statement, the Petitioner provided his academic records, letters of recommendation, published materials relating to the field and industry in which he works, information regarding [redacted] products and reliability testing processes, his Google Scholar profile, articles he published in journals and conference proceedings between 2012 and 2018, and copies of non-precedent AAO decisions.[4]

B. Substantial Merit and National Importance

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.*

To establish the substantial merit of his proposed endeavor, the Petitioner provided information relating to the hardware reliability engineering profession, the consumer electronics industry, the environmental impacts of electronics waste, and industry-wide efforts to increase consumer product safety, reliability, and longevity. Based on a review of this and other relevant evidence, we agree with SCOPS' conclusion that the Petitioner's proposed endeavor has substantial merit.

However, in determining national importance, the relevant question is not the importance of the field, industry or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposed to undertake." *Dhanasar*, 26 I&N Dec. at 889. We therefore "look for broader implications" of the proposed endeavor. *Id.* In this regard, we observed that "[a]n 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.*

Thus, the issue is not whether the field of hardware reliability engineering or the consumer electronics manufacturing industry is of national importance. Rather, the Petitioner must demonstrate the national importance of his specific, proposed endeavor, which involves his continued work for [redacted] as a senior reliability engineer. While the record contains industry reports and articles that generally relate to the area of the proposed endeavor, this evidence does not speak to how the Petitioner's work as an engineer responsible for coordinating and conducting product reliability testing activities for assigned [redacted] hardware modules would have a potential prospective impact of national importance.

[4] While we may not discuss every document submitted, we have reviewed and considered each one.

On appeal, the Petitioner acknowledges that he cannot satisfy *Dhanasar*'s first prong by relying on the national importance of his field or profession alone. However, he emphasizes that "USCIS has considered whether a specific research endeavor directly advances and implicates matters described as of national importance by federal entities." He further claims his own endeavor "directly furthers and implicates consumer electronics, which is a critical and emerging technology (CET) with the potential to benefit the American people, expand economic prosperity and opportunity and realize and defend democratic values." The Petitioner states that the United States currently depends on other countries for advanced manufacturing of many key consumer electronics products, prompting the federal government to include Advanced Manufacturing Technology on its list of CETs. He maintains that his "current research effort and proposed endeavor, namely hardware reliability engineering R&D, clearly is part of the advanced manufacturing, and is of national importance."

As discussed in SCOPS' decision, USCIS recognizes the importance of progress in STEM fields and the essential role of persons with advanced STEM degrees in fostering this progress, especially if focused on CETs, or other STEM areas important to U.S. competitiveness or national security. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual. Some proposed endeavors that aim to advance STEM technologies and research, whether in academic or industry settings, not only have substantial merit in relation to U.S. science and technology interests but may also have sufficiently broad potential implications to demonstrate national importance. *Id.*

Here, the Petitioner's proposed endeavor relates to fields identified as critical and emerging technologies. However, in all cases, including those involving STEM-focused endeavors, it is the Petitioner's burden to demonstrate that the endeavor has both substantial merit and national importance. In *Dhanasar*, we highlighted that while the field of STEM education may be of national importance, the duties of a STEM teacher in a classroom would not necessarily be of national importance because the impact that would flow from the teacher's activities would not sufficiently extend beyond the students sitting in their classroom. *See* 26 I&N Dec. at 893 (stating "[w]hile STEM teaching has substantial merit in relation to U.S. educational interests, the record does not indicate by a preponderance of the evidence that the petitioner would be engaged in activities that would impact the field of STEM education more broadly.")

SCOPS emphasized in its decision that the record did not address how any hardware reliability research the Petitioner conducts as an [redacted] employee would be known widely enough to have a broader impact rising to the level of national importance. Specifically, SCOPS noted that the Petitioner did not establish that any internal research he conducts would be made publicly available, rather than maintained by [redacted] as proprietary information. Therefore, it determined that the Petitioner had not demonstrated that the impacts of his proposed endeavor would have sufficiently broad potential implications for the advancement of STEM technologies and research.

On appeal, the Petitioner asserts that he provided evidence that he has been publishing his research in scholarly journals, noting that USCIS has consistently determined that such evidence is sufficient to establish that a research endeavor has broader implications sufficient to meet the national importance element of *Dhansasar*'s first prong. He further claims that his "intent to continue publishing his research findings is evident through several pieces of evidence." Specifically, he states that he "intends to disseminate his research outcomes to a broad audience of fellow scientists and specialists in the field and related fields through patents and publications."

While we have considered the Petitioner's claims, we agree with SCOPS that the record does not establish how any research he conducts in hardware module reliability testing, and any resulting technological advances, would sufficiently extend beyond his employer such that his work would have broader implications for the field. The record shows that the Petitioner has published research in professional journals, but those publications derived from his graduate studies, and his most recent article was published in 2018. While the Petitioner generally states that he will undertake research and development tasks in his position with [redacted] and at times characterizes his proposed work as a "research endeavor," he has not explained, nor does the record document, the specific nature of any research activities he would undertake in the course of his employment.

For example, the Petitioner included a detailed description of the senior reliability engineer position on the Application for Permanent Employment Certification (Form ETA-9089) submitted with his petition. That description indicates that he plans and executes reliability tests, analyzes and reports reliability test data, refines and improves [redacted] proprietary test data processes, works with vendors and their testing labs, and documents and presents reliability findings to other [redacted] teams. The Petitioner provided a similar summary of his work in his curriculum vitae. While he states that one of his responsibilities is to provide design and process input to improve product reliability in [redacted] devices, the list of duties does not clearly indicate that the position is research-oriented or involves, for example, publication of research findings, representation of the company at industry conferences, or other activities that would involve dissemination of any research findings or technological advancements resulting from his work outside of the [redacted] organization.

In addition, we note the Petitioner has neither claimed nor documented any research findings or technological advances made during his tenure with the company to date nor has he provided information regarding any planned research activities. A recommendation letter from one of his peers at [redacted] states that they have been collaborating on "new technologies and designs that haven't been published or released to the public yet." But the Petitioner himself has not mentioned any past or potential "new technologies and designs" attributable to his work as a senior reliability engineer or indicated his intent to disseminate his findings.[5] Overall, the record does not support the Petitioner's claim that his "intent to continue publishing his research findings is evident through several pieces of evidence" or his assertion that, because his work will be disseminated, it would "also be applicable to other advanced technologies in the US market and economy."

The record also includes letters of recommendation from experts in his field who speak favorably about the Petitioner's graduate research on the mechanical behavior and microstructure of lead-free solder materials. In examining the authors' claims concerning the Petitioner's past research and achievements, we observe that the authors focus on those achievements and do not offer relevant information regarding his proposed endeavor or its broader implications for the field. For example, a letter from a [redacted] professor provides a detailed explanation of the Petitioner's published studies on the mechanisms of metal fatigue and states that his work supports the development of more efficient technology for "important industrial and aerospace products, including commercial aircraft and rockets," but does not mention the Petitioner's current work as a senior

[5] The Petitioner's curriculum vitae lists his "major accomplishments" with [redacted] as "supporting 6 module vendors for multiple programs simultaneously without issues," achieving good field performance with a low customer return rate for the modules he supports, training other engineers in internal [redacted] systems and tools, training a module vendor's reliability team, and mentoring other [redacted] employees.

reliability engineer at [redacted] The letters primarily emphasize the Petitioner's past research experience and accomplishments and relate more to the second *Dhanasar* prong which evaluates whether an individual is well positioned to advance an endeavor.

As a matter of discretion, we may use opinion statements submitted by the Petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, 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.* Here, although the authors discuss the nature of the research work the Petitioner has performed in the past, they do not meaningfully address the details of the proposed endeavor and why it would have national importance under *Dhanasar*'s first prong.

For all the reasons discussed, there is insufficient evidence demonstrating that any research findings or technological advancements resulting from the Petitioner's work would be shared within the field or industry, such that it would potentially have broader implications that extend beyond [redacted] its vendors and its customers.

Likewise, the record lacks adequate evidentiary support for the Petitioner's claims that his proposed endeavor would have impacts on the U.S. economy, the environment, societal welfare, or other U.S. interests at a level commensurate with national importance. The Petitioner states that [redacted] products "are being used extensively by people in the US and around the world" and as such his work "has a big impact on people's lives, the technology industry, US economy and the environment." He indicates that by designing hardware modules that are "safe, reliable, environmentally friendly and high quality" his work "will benefit the entire US society as it can significantly reduce the electronics waste and contribute to a better environment." Finally, the Petitioner asserts that the work he performs through his proposed endeavor will "raise the bar for the industry and motivate other companies to improve their products."

However, the Petitioner cannot establish the national importance of his specific proposed endeavor by relying on his employer's expansive customer base, large market share, or leadership position in an industry that is important to U.S. economic or technology interests. Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance. Therefore, the Petitioner cannot meet his burden by showing the broader implications of the company's innovations in product design and reliability and the widespread use of its products. At issue is whether a petitioner can demonstrate that his or her own individual endeavor stands to have broader implications, such as for a field, a region, or the public at large. *See generally* 6 *USCIS Policy Manual*, supra at F.5(D)(3).

The Petitioner claims that he is [redacted] "top-level engineer on reliability" and "the lead scientist of ongoing projects at [redacted]" However, even if he had submitted a statement from [redacted] corroborating these and other claims regarding his importance to the company, additional evidence would be needed to demonstrate how any technological advances and economic results resulting from the company's operations would be attributable to the Petitioner's particular role as a senior reliability engineer. To meet his burden, the Petitioner must go beyond showing how his work benefits his employer, or how his employer benefits or impacts its industry or the U.S. economy. Instead, he must show that any potential

economic, societal, technological or other broader implications in the field or industry would be attributable to his individual proposed endeavor. The Petitioner has not made such a showing.

Although he generally claims that his proposed endeavor will benefit the U.S. economy, he did not sufficiently explain or demonstrate how his employment alone would have any projected economic impact or create jobs at a level indicative of national importance. On appeal, the Petitioner does not directly address this issue, and the previously submitted statements and evidence did not sufficiently explain or demonstrate any potential or projected economic impacts likely to result from his ongoing employment with [redacted] Without such evidence, the record does not show any benefits to the U.S. regional or national economic resulting from the Petitioner's proposed endeavor would reach the level of "substantial positive economic effects" as contemplated by *Dhanasar*. 26 I&N Dec. at 890.

Our guidance explains that if the proposed work would "broadly enhance societal welfare . . . or contribute to the advancement of a valuable technology" at nationally important levels, an endeavor may be considered of national importance. *See generally* 6 *USCIS Policy Manual*, *supra* at F.5(D)(1). However, as noted above, the evidence mainly focuses on the importance of the field and industry and the Petitioner's employer's market prominence rather than the potential of his proposed endeavor to broadly enhance societal welfare or contribute to the advancement of a valuable technology at nationally important levels.

Finally, we acknowledge that, in response to the RFE and on appeal, the Petitioner has referred to several of our non-precedent decisions that included analyses of case-specific facts relating to national importance under *Dhanasar*'s first prong. The Petitioner compares the facts presented here to those described in the non-precedent decisions and asserts that he, unlike the appellants in most of the referenced cases, has demonstrated the national importance of his proposed endeavor. However, the referenced decisions were not published as precedents and therefore do not bind USCIS officers in future adjudications. *See* 8 C.F.R. § 103.3(c). Based on the foregoing analysis of the facts and evidence presented here, the Petitioner has not shown that his proposed endeavor has national importance as required under *Dhanasar*'s first prong.

A petitioner must meet all three prongs of the *Dhanasar* analytical framework to establish eligibility for a national interest waiver. Since the Petitioner has not demonstrated eligibility under prong one, we need not reach and therefore reserve his remaining arguments concerning his eligibility under *Dhanasar*'s third prong. *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

As the Petitioner did not establish that he meets the requisite first prong of *Dhanasar's* analytical framework, he has not met his burden to demonstrate that 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.