U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39722712

Date: OCT. 20, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a mechanical 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 the Petitioner qualified for classification as a member of the professions holding an advanced degree, but that he had not established 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.

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 their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

Regarding the national interest waiver, the first prong relates to substantial merit and national importance of the specific proposed endeavor. *Dhanasar*, 26 I&N Dec. at 889. The Petitioner, in his initial statement submitted with the petition, indicated that his "proposed endeavor is to develop ultrasonic guided wave damage detection approaches to identify structural damage in metal and composite materials in order to support high-end equipment such as airliner siding, wind power blades, and high-speed train load-bearing structures." The Petitioner indicated his intent to "pursue a position as a postdoc researcher in the United States."

On appeal, the Petitioner 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 stands to have a broader impact on his field or implications rising to a level of 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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

In the decision denying his petition, SCOPS determined that the Petitioner had not demonstrated the national importance of his proposed endeavor. SCOPS stated that the Petitioner had not shown that his "specific proposed endeavor stands to sufficiently affect or advance the field or industry more broadly (or has wider implications in the field) at a level commensurate with national importance," nor did he establish that the proposed endeavor has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for the United States. As evidence that the benefit from his proposed endeavor has broader implications in the field, the Petitioner submitted letters from various mechanical engineers familiar with his prior research in the field. In addition, he presented copies of the publication of his prior research and information regarding the benefit of high-speed trains and the growth of wind power in the United States. Additionally, the Petitioner provided

further articles regarding bridges in the United States, information regarding "ultrasonic non-destructive testing market size," as well as statistics regarding his prior research.[2]

The Petitioner asserted that his proposed endeavor has national importance because ultrasonic guided wave damage detection approaches "hold pivotal implications for the maintenance of key infrastructure in the United States and the advancement of its industries." In support of these claims, the Petitioner submitted articles on the challenges of wind turbine blade durability, how wind energy supports remote and rural communities and the future growth of wind energy, the benefits of high-speed trains and the use of rail diagnostics based on ultrasonic guided waves. These articles discuss issues relevant to the Petitioner's research, but they do not address his specific proposed endeavor. *Cf. id.* at 892 (citing media articles and other evidence documenting Congressional interest in Dhanasar's research). Moreover, our assessment of national importance does not focus on the importance of a field or occupation in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

The Petitioner further asserts his proposed endeavor has national importance because it involves a science, technology, engineering, and mathematics (STEM) field and the critical and emerging technologies of advanced gas turbine engine technologies, advanced and networked sensing and signature management, and hypersonics. USCIS recognizes the importance of progress in STEM fields 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.* We acknowledge that the Petitioner's proposed endeavor involves critical and emerging technologies and is in a STEM field. However, simply working in a STEM field and with critical and emerging technologies alone is not sufficient to establish the national importance of a specific proposed endeavor.

The Petitioner submitted support letters from other researchers who praise his past work and skills but do not address his proposed endeavor. J-C-[3] discussed one of the Petitioner's "most prominent research studies" and concluded that the Petitioner's research in bolt looseness in high-speed trains "advanced the field of mechanical engineering." H-J- stated that their research was informed by the Petitioner's prior research on "early fatigue damage in metals" and noted that the Petitioner's research had been "published in multiple prestigious journals." P-H-M- concluded that the Petitioner's contributions have "improved the field's capacity to detect damage in materials." While they attest to the Petitioner's skills and experience, these letters do not discuss the Petitioner's specific proposed endeavor.

The Petitioner submitted evidence that, at the time of filing his petition, he had co-authored six articles published in scientific journals that had been cited a total of 62 times. The Petitioner's publication and citation record shows his past work has been recognized and relied upon by other researchers in his field. It does not, however, establish the potential prospective impact of his specific proposed endeavor. *See Matter of Dhanasar*, 26 I&N Dec. at 889 (explaining we consider the proposed endeavor's potential prospective impact when assessing national importance). For example, the record

[2] Although we do not mention every piece of evidence submitted, we have reviewed and considered each one.
[3] We use initials to protect the identity of individuals.

does not indicate that the Petitioner's published research has had national or even global implications in his field. *See id.* (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

In sum, the relevant evidence does not establish that the Petitioner's proposed endeavor would have substantial positive economic effects, national or even global implications within his field, or other broader implications indicating national importance. Consequently, the Petitioner does not meet the first *Dhanasar* prong.

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

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, he has not demonstrated that he is eligible for or merits a waiver of the job offer requirement in the national interest 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.