U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39658928

Date: OCT. 27, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

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

Id.

[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).

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional. Based on the evidence in the record, we agree. The remaining issue on appeal is whether the Petitioner has established that a waiver of the job offer requirement, and thus a labor certification, would be in the national interest. For the reasons below, we agree with SCOPS that the Petitioner did not demonstrate eligibility under the *Dhanasar* framework.

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 national importance, the relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Id.*

The Petitioner listed his occupation as "Ph.D. (Research Assistant)" on the Form I-140, Immigrant Petition for Alien Workers, filed in September 2023. The brief submitted with the petition noted the following: the Petitioner's doctoral research at [redacted] focuses on "Data-Driven Decision Making in Capital Resource Management." His "dissertation revolves around a data-driven decision-making approach to urban resource management, focusing on a macro-level state-wise capital project workforce prediction/allocation, a micro-level overweight truck impact analysis, including location optimization of weigh-in-motion stations, and predictive modeling of overweight truck traffic using machine learning/neural network models." The Petitioner works as a graduate research assistant at the [redacted] led by [redacted] which "uses cities as living laboratories to study challenging transportation problems and find solutions from the unprecedented recent advances in communication and smart technologies." The Petitioner is participating in several [redacted] projects, such as leading teams for the [redacted] to forecast delivery resource requirements and the [redacted] to enhance "agencies' capacity to anticipate infrastructure deterioration and quantify the impact of traffic loads on their assets." Considering the Petitioner's "record of success, [he] will certainly contribute much more than would an average data scientist in the same field" and his "outstanding expertise is required for meaningful progress to continue in his highly important ongoing work."

In support of his eligibility, the Petitioner submitted support letters, information about the projects he participated in with [redacted] and [redacted] and documents related to his education and professional experience. SCOPS determined, in part, that the Petitioner's filing did not include a detailed description of his proposed endeavor, or demonstrate the proposed endeavor's substantial merit and national importance, and issued a request for evidence (RFE). In response, the Petitioner noted he has a newly earned Ph.D. in [redacted], a record of applied research, including four peer-reviewed publications, and real-world project leadership, and recently founded a company, [redacted] He submitted a personal statement that indicated the following: his proposed endeavor is to "lead ongoing research and consulting at the intersection of artificial intelligence (AI), infrastructure management, healthcare, and urban data systems." His endeavor advances the U.S. government priorities of AI, infrastructure modernization, and healthcare innovation; improves the sustainability

and resilience of U.S. infrastructure and urban systems; promises broad national impact; and responds to pressing national needs of the present and future. He "will continue developing advanced AI-driven decision support tools for public agencies and urban communities and apply these tools through [his] consulting work. The unifying goal of these efforts is to improve the efficiency, resiliency, and well-being of U.S. cities and infrastructure by harnessing cutting-edge data analytics." He plans to build on his doctoral research and pursue further research and development in smart infrastructure and health data systems. In his Ph.D. dissertation, he "developed a data-fusion framework to predict workforce needs for state-level capital projects, enabling transportation departments to allocate engineering and construction resources more effectively." He intends to refine this research and apply it to other states and agencies, helping them plan infrastructure projects with greater accuracy and efficiency. He plans to advance his research on "sensor networks for transportation safety and infrastructure monitoring" and refers to his recent coauthored study that proposes "an AI-powered, multi-objective model to optimize the placement of Weigh-In-Motion stations, which can help cities like New York monitor overweight trucks and protect critical roads and bridges." In the future, he "will explore integrating this model with real-time data and expanding it to national freight corridors, supporting infrastructure resiliency, longevity, and safety." He will also continue research on AI applications for public health and urban well-being, such as improving patient navigation systems with AI, and noted he coauthored a 2024 study on adopting AI technologies to support patient navigators.

The Petitioner indicated that "research alone is not enough – [he is] equally committed to translating these innovations into practice." He founded '[redacted], a startup consultancy, in 2024 to drive AI transformation in infrastructure and urban systems." Through [redacted] he plans to work directly with U.S. public agencies, municipalities, and related organizations to implement data-driven solutions. He "will partner with transportation departments, urban planning bodies, and healthcare organizations to help them adopt the tools emerging from [his] research." He envisions deploying the capital project workforce forecasting model at state transportation departments across the country so they can better manage the billions of dollars in new projects being undertaken. He also plans to collaborate with city transportation agencies and customize "the approach to local needs and thus preventing infrastructure damage and improving road safety nationwide. In healthcare, [he] will offer consulting to hospital networks or public health departments on building robust data dashboards and AI-assisted patient outreach programs (taking inspiration from [his] experience with the [redacted] COVID-19 dashboard and patient navigation research)." [redacted] is "in contact with clients such as [redacted] (a major U.S. infrastructure engineering firm) and [redacted] in New Jersey (a community development organization)." Through these projects, he is "helping both large and small entities make better decisions with data - for example, advising an urban neighborhood on using data to drive revitalization efforts, and guiding an engineering firm in deploying AI for smarter infrastructure maintenance." His future endeavor is to "expand these consulting services nationally, developing tailored AI and data solutions for many more cities, state agencies, and community organizations."

With the RFE response, the Petitioner provided documentation showing he received his Ph.D. in 2024; four articles he coauthored (three in 2024 and one in 2023); 2025 email communication regarding the [redacted] implementation of the [redacted] documentation reflecting the Petitioner established his company, [redacted] Inc., in 2024; and two additional support letters. SCOPS concluded that though the Petitioner's proposed endeavor had substantial merit, the record contained insufficient evidence to demonstrate the prospective impact of his endeavor rises to

the level of national importance as contemplated by *Matter of Dhanasar*. SCOPS found that the Petitioner did not provide sufficient evidence to establish the importance of his proposed endeavor, rather than the significance of his field, or that his work has significant potential to broadly impact the industry on a national or global level beyond his prospective clients, or otherwise have broader economic or societal implications rising to the level of national importance. SCOPS noted that the Petitioner's proposed activities and goals lack a clear focus and the record lacked sufficient details to establish the endeavor's prospective impact. For example, the Petitioner did not clarify how his consulting company will prioritize projects, assign research duties, or implement research projects.

On appeal, the Petitioner claims that SCOPS misconstrued the nature and scale of his proposed endeavor, misunderstood the technical and strategic coherence of the endeavor, and misapplied the standards set forth in *Matter of Dhanasar*. He asserts that his proposed endeavor holds national importance because it has already been adopted by major public institutions, directly supports federal legislative and policy mandates, has nationwide scaling across underserved jurisdictions, and contributes to the long-term modernization of public service infrastructure. The Petitioner submits an updated personal statement and a support letter from the Assistant Director of Research at [redacted] School of Engineering, who worked with the Petitioner at the [redacted] center. Upon review, SCOPS properly analyzed the Petitioner's documentation and weighed the evidence to evaluate whether he had demonstrated, by a preponderance of the evidence, that he meets the first prong of the *Dhanasar* framework. Further, the record supports SCOPS' determination that the Petitioner did not establish the national importance of his proposed endeavor. We recognize the importance of research and projects related to artificial intelligence, infrastructure management, healthcare, and urban data systems. However, 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." *Dhanasar* at 889. Generally, we look to evidence documenting the "potential prospective impact" of a petitioner's work.

The Petitioner contends in his updated statement that his endeavor "represents a research-to-impact pipeline that directly supports national interests"; his new consulting company transforms "published, peer-reviewed innovations into practical AI agents now being adopted by public and institutional partners"; and his consulting company endeavor is not designed to benefit only a private business, but instead to serve as a mission-driven delivery platform for public platform AI tools. He claims that while this approach is "not yet at peak development," it "is not speculative – it is already underway and being sustained by technical validation, inter-agency collaboration, and scalable infrastructure." However, the record lacks specific information with supporting documentation to support these assertions. For example, the evidence does not sufficiently show how his proposed endeavor will transform research into actionable projects that will have national impact. Further, the Petitioner has not provided adequate details to show how his company will operate, whether his company has secured funding or contractual commitments to implement the research projects, or other corroborating evidence to demonstrate the potential prospective impact of his proposed endeavor. Accordingly, the Petitioner has not established that his specific endeavor has significant potential to broadly impact the industry on a national or global level beyond his prospective clients, or otherwise has broader economic or societal implications rising to the level of national importance. *Dhanasar* at 889-890.

The Petitioner also asserted that his publication history and support letters demonstrate the national importance of his endeavor. Regarding his publication record of four coauthored articles, it shows his

past work has been recognized by other researchers in his field but does not establish the potential prospective impact of his specific proposed endeavor. We recognize the record contains multiple support letters that discuss the Petitioner's technical skill and expertise, the value of his work as part of [redacted] and [redacted] research projects, and the national relevance of his plan to apply artificial intelligence tools to real agency needs. While the publications and letters mostly discuss the Petitioner's research assistant expertise and accomplishments, his skills and abilities relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the specific endeavor he proposes to undertake has national importance under *Dhanasar*'s first prong. Additionally, the articles and letters fail to establish that the Petitioner's specific endeavor has significant potential to result in substantial positive societal or economic effects for the United States. Moreover, most of the articles were published after the petition was filed in September 2023. Similarly, the record reflects the Petitioner established his consulting company in 2024, after the petition's filing date. A petitioner must establish eligibility for the benefit he is seeking at the time the petition is filed. 8 C.F.R. § 103.2(b)(1). A visa petition may not be approved based on speculation of future eligibility or after a petitioner becomes eligible under a new set of facts. *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971).

In asserting that his proposed endeavor has national importance, the Petitioner refers to U.S. government initiatives and claims his endeavor directly supports federal legislative and policy mandates. Though the record may reflect the importance of the industry or occupation where the Petitioner will work, the submitted evidence does not demonstrate the specific impact of his proposed endeavor. *See generally* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policymanual ("The term 'endeavor' is more specific than the general occupation; a petitioner should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation.") Employment in an occupation does not constitute an endeavor for the purposes of these proceedings. *Id.* Here, the record does not establish that his proposed endeavor has broader implications for the fields of artificial intelligence, infrastructure management, healthcare, and urban data systems, or otherwise show national importance as contemplated by *Dhanasar*. As the record does not establish the national importance of the proposed endeavor as required by *Dhanasar*, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of the Petitioner's eligibility as outlined in *Dhanasar*, therefore, would serve no meaningful purpose.[2]

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.

[2] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).