U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39599118

Date: OCT. 27, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a project 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 record did not establish that a waiver of the required job offer, 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;
- The individual is well-positioned to advance their proposed endeavor; and

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner is employed as a project engineer at [redacted], where he intends to "develop advanced simulation software and models for the design of products for the mechanical engineering industry, in order to enhance product efficiency, reliability, and innovation across various engineering applications." Specifically, the Petitioner intends to develop "cutting-edge three-dimensional simulation models for thermal and fluid systems, innovate new simulation methods, and analyze key physical phenomena to optimize mechanical designs, particularly in energy-efficient technologies and electric vehicle systems."

SCOPS determined the Petitioner is a member of the professions holding an advanced degree. The remaining issue to be determined is whether the Petitioner has established a waiver of the requirement of a job offer, and thus a labor certification, would be in the best interest. SCOPS concluded that the Petitioner's proposed endeavor met the requirements of the second *Dhanasar* prong as he is well-positioned to advance his proposed endeavor. However, SCOPS also concluded that the Petitioner had not established the national importance of his proposed endeavor under the first *Dhanasar* prong. In addition, SCOPS determined that, on balance, the Petitioner had not met the third *Dhanasar*'s prong requirements to show it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification.

A. 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.* The Petitioner has demonstrated that his proposed endeavor has substantial merit.

SCOPS concluded, however, that the Petitioner did not establish the national importance of his proposed endeavor. Specifically, SCOPS determined that the Petitioner's endeavor does not appear to go beyond his occupation and the general work performed in that occupation for his employer. SCOPS noted the Petitioner's published 2024 papers originated from his work at Purdue University, not his current employer, and found the Petitioner had not established his work "offer[s] original innovations of such significance that they will advance the field . . . [or] sufficiently extend beyond [his] employer to impact the field or the nation more broadly at a level commensurate with national importance."

On appeal, the Petitioner asserts that SCOPS' denial decision erred in several respects. The Petitioner asserts SCOPS erred in failing to consider documents demonstrating the Petitioner began his employment with [redacted] in April 2023, and that his employer "clearly articulated that his research is intended to extend beyond the company." We acknowledge evidence indicating the Petitioner has been employed by [redacted] since April 2023. However, the Petitioner does not

assert, and the record does not otherwise demonstrate, his published 2024 papers originated from work performed under his employer. As such, the Petitioner has not established SCOPS erred in its findings that the Petitioner's 2024 publication was based on his work at [redacted] The Petitioner further asserts SCOPS erroneously determined that the field of project engineering, rather than the Petitioner's proposed endeavor of "fostering, developing, and deploying advance[d] simulation software for the mechanical engineering industry," relates to a critical and emerging technology. Similarly, the Petitioner contends SCOPS erroneously conflated his occupation and endeavor and applied eligibility standards that are not applicable for this petition. We agree with the Petitioner that SCOPS' decision contains some problematic language. For example, there is no requirement that a petitioner demonstrate that their work "offer[s] original innovations of such significant that they will advance the field." These issues, however, are not so significant as to undermine SCOPS' finding that the Petitioner did not establish that his proposed endeavor sufficiently extends beyond his employer to rise to the level of national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90.

The Petitioner asserts his intent to continue his development of advanced simulation software models has national importance as his current research plans focus on "electric vehicle (EV) transmission systems, hydrogen combustion engines, hybrid drivetrains, and battery systems." The Petitioner contends that his work implicates critical and emerging technologies that will support efforts to reduce "the nation's domestic greenhouse gas emissions." On appeal, the Petitioner asserts that he has provided documents from sources including the U.S. Environmental Protection Agency, Argonne National Laboratory, the U.S. Department of Transportation, the U.S. Department of Energy, the National Renewable Energy Laboratory Cummins, Inc., the Oak Ridge National Laboratory, Reuters, the National Energy Technology Laboratory, and the Associated Press, "all of which support the national importance of [Petitioner's] proposed endeavor." We acknowledge the importance of the fields implicated by the Petitioner's proposed endeavor. However, the determination of national importance does not focus on the importance of these fields in general, but rather "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

Here, the Petitioner asserts that he intends to pursue his proposed endeavor as a project engineer at [redacted] including the: 1) development of advanced simulation models to optimize the design of transmission systems for electric vehicles, 2) enhancement of simulation software to optimize the design and performance of hydrogen combustion engines and hybrid drivetrains, and 3) computational modeling of batteries focusing on thermal management, battery management systems, and material optimization to optimize the design and performance of battery systems. The Petitioner claims that at least 50% of his time as a project engineer is dedicated to research activities. The record contains a letter from the Petitioner's employer indicating that the Petitioner "is responsible for developing and implementing advanced computational fluid dynamics (CFD) methods and models for a variety of applications," and "collaborates with engineering teams to apply these simulation tools," and letters of support from individuals attesting to the importance of the Petitioner's research. However, the Petitioner has not met his burden of demonstrating that his proposed endeavor's benefits would extend

beyond his employer to have a sufficiently broad impact on the field. We acknowledge that the Petitioner's employer asserts the results of the Petitioner's work are "expected to be published in the near future," and "his work on a battery thermal runaway modeling is expected to be published in the [redacted] 2026 conference." As discussed above, the record is not clear concerning whether the Petitioner has previously published work that originated under his employer. In addition, the Petitioner's employer's letter does not detail which aspects of the Petitioner's work are prospectively intended for dissemination outside of his workplace. Rather, the letter generally asserts the results of the Petitioner's work are expected to be published, including his work on battery thermal runaway modeling. Absent this detail, it is not clear that the contents of such dissemination would impact the field and industry more broadly, to the level of national importance.

On appeal, the Petitioner also does not assert or otherwise demonstrate the impact of his proposed endeavor would amount to substantial positive economic effects under this prong or have significant potential to employ U.S. workers, including in an economically depressed area.

For the reasons discussed above, the Petitioner has not demonstrated the national importance of his endeavor.

B. Additional *Dhanasar* Prongs and Ineligibility

As our finding on this issue is dispositive of the Petitioner's appeal, we decline to reach and reserve whether the Petitioner has met the additional 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

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