U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40104350

Date: OCT. 31, 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).

Service Center Operations (SCOPS) denied the petition, concluding 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 he or she is 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, he or she must then demonstrate that he or she merits 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 his or her 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

For the underlying EB-2 immigrant classification, SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] At the time of filing, the Petitioner submitted his signed statement describing his proposed endeavor and future plans, letters of recommendation, academic credentials, copies of articles published in scholarly publications and evidence of citations to the work, and evidence describing the Petitioner's peer review activities, purported funding sources for his research, documents supporting the Petitioner's bibliometric assertions, and other government policy and industry articles and reports. In response to the request for evidence (RFE), the Petitioner submitted an updated signed statement describing his proposed endeavor and future plans that provided more detail about his endeavor's subject matter, as well as additional copies of articles published in scholarly publications and evidence of citations to the work, new documents supporting the Petitioner's bibliometric assertions, and other government policy and industry articles and reports.

The issue on appeal is whether the Petitioner 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 whilst the Petitioner met the second prong of the *Dhanasar* analytical framework, he did not demonstrate meeting the first and third *Dhanasar* prongs. 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. In particular, the Petitioner claims that SCOPS erroneously conflated his proposed endeavor with his employment. He maintains that his personal statements clearly explain that his proposed endeavor is to conduct research work which would be separate from his employment as a staff system R&D engineer for [redacted]. Based on evidence in the record, he asserts his proposed endeavor is of national importance. We disagree with the Petitioner's assessment of SCOPS' decision. Upon de novo review, we agree with SCOPS' determination that the Petitioner did not establish the national importance of his proposed endeavor under *Dhanasar's* first prong.[3]

The Petitioner asserts SCOPS abused its discretion, citing *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994) in support. The court in *Buletini* contemplates examination of the quality of the evidence presented to determine whether it establishes a petitioner's eligibility. To determine whether a petitioner has met his or her 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). Based on the record, SCOPS' decision is a reasoned interpretation and consideration of the evidence. SCOPS' decision summarizes the Petitioner's proposed research work as his intended endeavor, acknowledges documents submitted, and weighed the evidence but determined that the evidence lacked probative value. *See Matter of Chawathe*, 25 I&N Dec. at 376.

[2] To qualify for the underlying EB-2 classification as an advanced degree professional, the Petitioner submitted a diploma and academic transcript indicating he earned a PhD in electrical engineering from [redacted] in [redacted], Indiana. Based on the evidence, the Petitioner has established he is an advanced degree professional.

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

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 would have national or even global impact on his field or broader implications rising to a level of national importance.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that a petitioner 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. 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." *Id.* An endeavor is more specific than a general occupation and should include details of the types of work a petitioner intends to undertake and describe specific projects and goals. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual.

For his proposed endeavor, the Petitioner states he intends to "conduct advanced research on the creation of state-of-the-art design techniques for complex autonomous cyber-physical systems in order to advance the development of scalable and correct-by-construction formal theories for these systems to allow sophisticated performance requirements to be met even in the presence of system disturbances and environmental uncertainties." To progress his endeavor, he intends to "utilize [his] extensive experiences with motion planning, mechatronics, control theory, robotics, and autonomous systems." He stressed that his research will "be circulated in the field through peer-reviewed publication in top-tier journals, conference proceedings, and granted patents, as well as through industrial deployment supported by [his] employer."

The conduit he proposed utilizing to house and facilitate his endeavor was his employment as a staff system R&D engineer at [redacted]. The Petitioner emphasized that [his] proposed endeavor is distinct from [his] position of employment." The Petitioner described his employment duties as "propos[ing] performance-guaranteed design methods by examining functionality modules relevant to autonomous driving systems" and "designing and promoting the implementation of data-driven systems analysis test plans as well as improving the iteration efficiency of research and development by conducting fault mode analysis and root cause exploration."

In response to SCOPS' RFE, the Petitioner further clarified that fulfillment of his proposed endeavor would "explore novel decision-making algorithms, motion planning strategies and control policies for autonomous [cyber-physical systems], with a special focus on [autonomous vehicles, autonomous mobile robots and multi-agent systems]" and "elaborate[ing his] study in performance-guranteed formal synthesis methods for autonomous [cyber-physical systems]" whilst "proposing planning and control strategies that meet safety and security design requirements." The Petitioner's statement also summarized four proposed research projects he intends to pursue to advance his endeavor. He stated that the employer hosting the employment serving as the conduit for his proposed endeavor "collaborates closely with top-tier automative manufactures and actively integrates research results into mass-production vehicle platforms."

The summary the Petitioner provided of the four research projects did not contain adequately specific details or documentation to support his claim that the benefits anticipated to emanate from his proposed endeavor could extend beyond his employer to nationally or even globally impact the field

of cyber-physical systems or broadly implicate nationally important matters in other fields or industries. The Petitioner mainly relies on his statements, without corroborating evidence, to characterize his proposed research work as valuable for advancing his field. He has not provided sufficient evidence to support his claims that his proposed research projects performed as he prosecuted his duties as a staff system R&D engineer at [redacted] would have national or even global impact or implicate matters in his field more broadly at a level commensurate with those of national importance.

Whilst his initial statement in combination with his updated statement provides more details of his intended projects, the record lacks evidence supporting his claims about his proposed endeavor and the place it occupies in matters rising to a level of national importance through national or even global impact on the field or through its broader implications. Instead, it appears that the main benefits of the proposed endeavor will flow to the employer benefitting from the employment duties the Petitioner identifies are the conduit to his performance of his proposed endeavor. But the Petitioner indicates that the potential realization of the anticipated fruits of his proposed endeavor at [redacted] "extend well beyond his employer" to include the auto manufacturers that choose to engage his employer and the "millions of Americans who buy [his employer's client's] products and the tens of million of Americans who share the roads with" cars manufactured by his employer's clients. We note that benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a petitioner's endeavor has national importance. *See generally* 6 *USCIS Policy Manual*, F.5(D)(3), https://www.uscis.gov/policy-manual. We stated in *Dhanasar* that "we consider [a proposed endeavor's] potential prospective impact." As described above, that potential prospective impact is diminished when benefits from an endeavor flow to a specific employer or are otherwise narrowly described without demonstrating national, or even global, impact or broader implications rising to a level of national importance.

The Petitioner's work pursuing his proposed endeavor and "continu[ing his] proposed research projects" require that he fulfill "[t]he major responsibilities of [his] current job include[ing]" such matters as "motion planning and control in both urban and highway driving scenarios, implementing the developed planning and control algorithms into product-level software, working on the implementation of different functionality modules of the driving systems, designing test plans to evaluate system performance and finally promoting iterative improvements in each functionality module and the overall architecture of the driving system" to the benefit of the employer and its automobile manufacturing clients. The record does not persuasively demonstrate that prosecuting his proposed endeavor by performing his job duties with his employer has national or even global impact or broader implications rising to a level of national importance in his field.

The Petitioner stated he expects that his research work will be published in scholarly articles and presented at conferences. But the Petitioner has not detailed or established his plans for dissemination with supporting evidence. A petitioner must also support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. As the Petitioner has not done so here, he has not sufficiently established that his proposed endeavor in the United States will have national importance under the first *Dhanasar* prong.

Moreover, the Petitioner has not sufficiently supported his claims of the potential prospective impact of his intended research work. As stated above, his statement provides general summaries of research

goals. But a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. The Petitioner has not done so here. Instead, much of the evidence in the record focuses on describing nuances in his field. For example, the Petitioner submitted several articles describing the importance of cyber-physical systems. Although these articles contributed to demonstrating the importance of the field within which the Petitioner occupies space, the articles do not demonstrate the national importance of the Petitioner's specific work. Or in other words, whilst this may demonstrate the substantial merit of the proposed endeavor it does not support or demonstrate the potential prospective impact nationally, or even globally, or through broader implications rising to a level of national importance. The record does not sufficiently demonstrate how the articles relate to the specific endeavor the Petitioner intends to undertake and how the articles support the national, or even global, impact the proposed endeavor will exert or identify any broader implications sprouting forth from the proposed endeavor in a manner elevating to a level of national importance. For example, the record does not adequately identify how the articles support the Petitioner's proposed endeavor's projects as described in his statements contribute national, or even global, impact or broader implications ascending to a level of national importance.

The Petitioner notes that his proposed endeavor is supported by "funding from the National Science Foundation and the Army Research Laboratory." In support, the Petitioner submitted two copies of scholarly articles purportedly published in [redacted] 2017 and [redacted] 2014. The acknowledgments sections in the article noted the work was supported (wholly or partially) by the National Science Foundation and the Army Research Laboratory. But the record does not indicate details about the grant funding, such as the purpose, amount, mission, or even the recipient such that we could evaluate the Petitioner's claims that the funding reflected the national importance of his proposed endeavor due to its national, or even global, impact or broader implications rising to a level of national importance. Or in other words the record does not demonstrate the purpose or interest behind the granting of the funding, nor does the record indicate the funding supported the Petitioner's proposed endeavor or otherwise demonstrated an interest in the work the Petitioner proposed to undertake as part of his proposed endeavor.

The Petitioner makes claims, without corroborating evidence, that his research would impact national government policies and advance the field of cyber-physical systems. The Petitioner highlights that his proposed endeavor "implicated the development of numerous AI technologies, areas of research that are recognized by the NSTC [National Science and Technology Council] as CETs [critical and emerging technologies]." The Petitioner also noted that his endeavor "was consistent with programs established by the U.S. Department of Energy, the U.S. Department of War, the National Security Commission on Artificial Intelligence ("NSCAI") and the Department of Homeland Security. But in evaluating national importance we are not concerned with the importance of the field; we are evaluating the specific proposed endeavor. Simply proposing an endeavor adjacent to an area of substantial merit or special concern to the United States does not render such an endeavor nationally important as a default.

And the Petitioner contends that SCOPS erroneously dismissed recommendation letters corroborating his claims, the letters and his statements have not detailed or established his plans to introduce the claimed novel and innovative advancements which may be disseminated to or adopted by others operating in the field or industry. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Instead, the letters mainly provide

general summaries of his previous research projects without mentioning or describing his proposed endeavor and the claimed novel and innovative advancements he asserted nationally, or even globally impact the field of cyber-physical systems or have other broader implications elevating to a level of national importance.

In sum, the record does not contain relevant, probative, or material evidence establishing the Petitioner's proposed endeavor has potential positive impact either through national or even global impact to the field or broader implications rising to a level of national importance. So, we conclude that the Petitioner has not established that his proposed endeavor is of national importance.

III. CONCLUSION

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. Because this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the remaining arguments concerning eligibility under the remaining *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 1976) ('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-I*, 26 I&N Dec. 216, 526n.7 (BIA 2015) (declining to reach alternate issues on appeal where an applicant is otherwise eligible). So, we conclude the Petitioner has not established that he is eligible for or otherwise merit a national interest waiver of the job offer requirement, and thus of a labor certification. Accordingly, the appeal will be dismissed.

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 removal from the United States and possible ineligibility for future visas or other immigration benefits.