U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43887816

Date: SEP. 01, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) 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).

USCIS denied the petition, concluding that the record did not establish that the Petitioner is eligible for a national interest waiver as a matter of discretion. 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). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

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.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner proposes to "continue his research on exploring the failure mechanics of soft materials and their composites." USCIS determined that the Petitioner established his eligibility for the EB-2 classification as a member of the professions holding an advanced degree.[2] However, USCIS further concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that USCIS erred in this determination. We conclude that the record does not establish the Petitioner's proposed endeavor is of national importance and therefore he is not eligible for a national interest waiver as a matter of discretion.

A. The Record Establishes the Proposed Endeavor Has Substantial Merit

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* As stated above, the Petitioner's proposed endeavor is to "continue his research on exploring the failure mechanics of soft materials and their composites." He asserts that his work has applications in biomedicine, polymer science, materials design, artificial intelligence (AI), aerospace, and telecommunications. The Petitioner further contends that his proposed endeavor impacts areas that the National Science and Technology Council list as critical and emerging technologies (CET); including advanced engineering materials, machine learning, and semiconductors and microelectronics. We conclude the Petitioner's proposed endeavor has substantial merit.

B. The Record Does Not Establish the Proposed Endeavor is of National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* USCIS determined that the Petitioner did not establish the broader implications of his proposed endeavor and therefore he did not establish its national importance. On appeal, the Petitioner asserts that "this conclusion reflects a mischaracterization of both the scale and the nature of [the Petitioner's] work." Upon review, we conclude that the Petitioner's proposed endeavor does not meet the standard for national importance set forth in the *Dhanasar* framework.

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[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).

[2] The Petitioner is a mechanical engineer who submitted a diploma and transcripts of his PhD in mechanical engineering from the [redacted] USCIS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

Dhanasar states that an undertaking may have national importance because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Matter of Dhanasar*, 26 I&N Dec. at 889. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the evidence in the record does not support the proposed endeavor's national or global implications within a particular field for the reasons explained below.

In the initial petition, the Petitioner proposed to "explore the failure mechanics of soft materials and their composites through the use of finite element analysis in order to enhance their applicability in biomedicine, polymer science, and materials design." He states that his proposed endeavor improves the quality of soft polymer composites for biomedical applications, informs the development of resilient polymers for advanced medical technologies such as tissue engineering scaffolds, implantable devices, and diagnostic tools, and improves safety and efficiency of manufacturing processes throughout American aerospace and mechanical engineering. His proposed endeavor statement further details that he will pursue his proposed endeavor through his employment at [redacted] as a packaging design engineer. On appeal, the Petitioner contends that USCIS "frequently conflated [the Petitioner's] proposed endeavor with his proposed employment." However, the record establishes that the Petitioner's employment is how he intends to execute his proposed endeavor and how he intends for his endeavor to meet the standard of national importance. For example, in the proposed endeavor statement, the Petitioner highlights that his "research at [redacted] is promoted at the national level through [redacted]"[3] Therefore, his employment is a critical piece of the prospective impact of his proposed endeavor and is part of our analysis.

In response to the request for evidence (RFE), the Petitioner provides a new personal statement which contains conflicting information from what he initially submitted. He details his employment as a packaging design engineer at [redacted] where he "advance[es] the proposed endeavor by applying finite element simulations and failure analysis to evaluate reliability risks in semiconductor products, propose[s] design mitigations, and optimize[s] material selection at early stages." The Petitioner specifies two projects, '[redacted]' The Petitioner further asserts that these projects will directly benefit U.S. semiconductor manufacturing by "enhanc[ing] the durability, yield, and lifecycle performance of semiconductor devices, which are foundational to data centers, [AI] hardware, telecommunications, automotive electronics, and defense systems." While the Petitioner describes broader impacts to the semiconductor manufacturing industry, these are different impacts than the impact on the biomedical and aerospace industries that were presented in the initial petition. The Petitioner must resolve this discrepancy in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Here, the record contains inconsistencies on how the Petitioner will execute his proposed endeavor and what field the Petitioner's proposed endeavor will impact without clear supporting evidence to where the truth lies.

[3] We note that on appeal, the Petitioner provides new evidence of employment as a principal packaging engineer at [redacted] Therefore, the record does not establish that his work will be disseminated through [redacted] as was initially stated.

With the initial petition, the Petitioner provides articles such as [redacted] and [redacted]" However, these articles do not further establish the national importance of the Petitioner's updated proposed endeavor and its impact on the semiconductor industry. Furthermore, the Petitioner provides two letters of recommendation in support of his proposed endeavor's broader impact. In the first letter, written by Dr. R-L-, the author states that the Petitioner's "research into failure mechanics of soft material holds importance for enhancing product reliability across critical electronics, defense, and manufacturing sectors." But the research the author details is not the Petitioner's proposed endeavor, but two specific research projects the Petitioner previously completed. Further, in the second letter written by Dr. J-H-, the author also details previous projects and publications and how the Petitioner's research is applicable to the aerospace and automotive industries; not the semiconductor industry. While both authors contend that the Petitioner's research is important, the focus is on the impact of his prior work; not the prospective impact of his proposed endeavor. While we acknowledge the Petitioner's experience in the field; evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the Petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890.

On appeal, the Petitioner contends that USCIS erred in its determination that his work would be proprietary to his employer and therefore lack broader impact. The Petitioner contends that this does not "reflect current industry practices in semiconductor development." He provides an article about the [redacted] 2026, [redacted] between [redacted] which "is explicitly designed to establish an open, interoperable ecosystem for next-generation AI [redacted] architectures." Although the article describes the "joint workstream" between these two companies, it does not establish how this alliance furthers the proposed endeavor's prospective impact. In addition, the USCIS decision concluded that the Petitioner did not establish how much time he would dedicate to research while employed by [redacted] On appeal, the Petitioner provides a letter from his new employer, [redacted] stating that his work consists of more than 80% research and development activities. While we acknowledge the employer letter and its details on the Petitioner's duties as a principal packaging engineer with [redacted] the letter does not provide sufficient information on how his work is disseminated to the broader field in order to have a prospective impact that rises to the level of national importance. In *Dhanasar*, we determined that the Petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. Here, without sufficient evidence of a broader impact, the record establishes a prospective impact limited to the Petitioner's employer and its clients.

The Petitioner contends that his proposed endeavor is aligned with federal semiconductor and packaging initiatives. He states that the U.S. government has identified advanced packaging as a critical technology area through the CHIPS and Science Act, and by the Department of Commerce awarding $285 million to establish the SMART USA Institute, which "focuses specifically on semiconductor manufacturing and advanced packaging innovation." Although we acknowledge the importance of the industry; the relevance of the Petitioner's proposed endeavor to important issues and industries does not establish national importance as it does not demonstrate its prospective impact. The relevant question is not the importance of the field in which the individual will work; instead, we

focus on the "the specific endeavor that the [Petitioner] proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner asserts that in *Matter of Dhanasar*, "the AAO considered that Dr. Dhanasar's activities conducting research on propulsion systems had sufficiently broad implications for technologies in which the U.S. had a substantial interest in supporting." However, in *Dhanasar*, the record was supported by additional evidence such as probative expert letters regarding the U.S. strategic importance of the Petitioner's endeavor, as well as letters documenting U.S. government interest and investment in his research. *Id.* at 893. Here, the Petitioner improperly relies upon the importance of the industry to further establish the national importance of his proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's potential broader impact in the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

Dhanasar states that an endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance. *Id.* at 890. On appeal, the Petitioner contends that his proposed endeavor is within an industry that has a large economic impact. He states that "the global semiconductor industry has reached approximately $1.3 trillion in annual economic impact in 2026, with the memory segment alone accounting for over $200 billion." However, the record does not offer evidence of the economic impact of the Petitioner's specific proposed endeavor. Statements of the economic impact of the industry do not equate to the economic impact of the Petitioner's specific proposed endeavor. Therefore, the record does not support the Petitioner's assertion of his proposed endeavor's substantial positive economic effects and therefore does not further establish the national importance of his proposed endeavor.

We conclude that the Petitioner did not satisfy his burden to establish, by a preponderance of the evidence, his proposed endeavor's national importance because he has not submitted sufficient evidence to support his claims of national importance. While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *Dhanasar* prongs. *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

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence 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.