U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 41086632

Date: SEP. 03, 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).

U.S. Citizenship and Immigration Services (USCIS) denied the petition, concluding that the Petitioner did not establish that he 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 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.

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

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

## II. ANALYSIS

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 as he did not establish the national importance of his proposed endeavor, that he is well positioned to advance the proposed endeavor, and that, on balance, it would be beneficial to the United States to waive the job offer requirement. 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 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.* The Petitioner's proposed endeavor is "to explore theoretical and experimental aspects of non-reflective traveling waves in finite media, inspired by observations in the [redacted] with a goal to develop cost-effective biomechanical models to non-invasively study [redacted] functionality. The record includes industry reports and articles on the costs of untreated [redacted] statistics and predictions surrounding hearing loss, and evidence of U.S. government initiatives to support these issues. USCIS determined that the Petitioner's proposed endeavor has substantial merit, and we agree.

### B. The Proposed Endeavor Does Not Have 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 his proposed endeavor's national importance. On appeal, the Petitioner asserts that USCIS "failed to acknowledge or address many of [his] submitted documents" and "deviate[d] from the proper 'preponderance of the evidence' standard." 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 submitted a diploma, transcripts, and an academic evaluation as evidence of the equivalent of a U.S. master of science degree in aerospace engineering. USCIS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

As stated above, the Petitioner proposes to "explore theoretical and experimental aspects of [redacted] in finite media, inspired by observations in the [redacted]" with a goal to develop cost-effective biomechanical models to non-invasively study [redacted] functionality. He intends to do this by developing echo-free [redacted] to "biomechanically characterize the [redacted] and its interaction with the [redacted]." *Dhanasar* states that an undertaking may have national importance for example, 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. The Petitioner contends that his research aligns with federal priorities, advances the treatment of [redacted] and eases the economic burden for individuals and the healthcare system. 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 a determination of national or global implications within the Petitioner's field.

On appeal, the Petitioner asserts that the evidence in the record satisfies the requirements of national importance, in part, because of how his proposed endeavor relates to an important field and aligns with U.S. government initiatives. The Petitioner provides statistical evidence relating to the prevalence of [redacted] in the United States and how costly it can be if left untreated. He highlights reports in the record such as the [redacted]" and the Health Resources and Services Administration's [redacted]" program. While the articles in the record support his statements of the prevalence of [redacted], how costly it is if untreated, and U.S. government initiatives related to this issue, they do not further the Petitioner's claim of his proposed endeavor's national importance. As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. The articles in the record do not corroborate the proposed endeavor's impact on the documented issues. While we acknowledge the importance of addressing issues related to [redacted] the relevance of the Petitioner's proposed endeavor to important issues does not establish national importance as it does not demonstrate its prospective impact. The relevant question is not the importance of the 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.* 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 as sufficient to establish the national importance of his proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's broader impact on the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

In addition, the Petitioner states that the importance of his research is further supported by letters of recommendation from fellow experts in his field. However, the authors focus on the impact of his prior work, which does not demonstrate the prospective impact of his proposed endeavor. For example, in the letter written by Dr. P-T-, the author praises the Petitioner's work stating that the

Petitioner's "outstanding work in mechanical engineering research has significantly advanced the modeling techniques used to understand the [redacted] effectively facilitating the creation of superior [redacted] for the global fight against [redacted]." In addition, in the letter written by Professor H-L-, the author focuses on the Petitioner's prior research and his citation record, stating that the Petitioner has "produced valuable research." On appeal, the Petitioner highlights a letter from Dr. M-A-, in which the author states that "his work provides strategic innovations and high-performing tools for U.S. industry and defense applications." Here, the work the author details is a prior project he worked on with the Petitioner which, he contends, will help the Petitioner in his future endeavor. The letters of recommendation focus on the impact of the Petitioner's 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.

*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.* As it relates to economic impact, the Petitioner highlights the economic burden of untreated [redacted]. He provides statistics which demonstrate the economic impact of the condition and that [redacted] is the United States' [redacted] most common chronic physical condition, "resulting in the reduced productivity and incomes as well as higher health care expenses for affected individuals with a total lifetime cost of $297,000 per individual." Further, the Petitioner references an article which states that "every $1 invested into [redacted] initiatives translates into an estimated $15 gain in health and productivity." The Petitioner contends that his research will "allow for evaluating [redacted] and at a fraction of current costs" which will "shorten the design cycle for [redacted] and diagnostic tools, thereby lowering the financial burden of [redacted] in the United States. As stated above, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the Petitioner does not offer sufficient supporting evidence of the economic impact of his specific proposed endeavor. Statements and evidence related to the economic burden 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, the 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.