U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39152377

Date: SEP. 10, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, [redacted], seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary, a driver information applications engineer, 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 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;

[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).

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

Id.

II. ANALYSIS

The Beneficiary is a driver information applications engineer for [redacted] The Petitioner asserts the Beneficiary has impact on its success "in the field of connected autonomous vehicle manufacturing and specifically developing and implementing Over-the-Air (OTA) software updates, conducting security analyses for autonomous vehicles, improving software algorithm resiliency, and advancing ADAS and passenger safety features." The Petitioner contends these features are necessary for their vehicles to protect "against cyber threats, maintain optimal performance, and comply with the highest safety standards."

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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We concur with SCOPS determination that the Petitioner's proposed endeavor has substantial merit.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n 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. SCOPS determined the Petitioner did not establish the "economic implications and technological advancements resulting from the company's operations would be directly attributable to the [B]eneficiary's particular role." Overall, SCOPS found the Petitioner had not established the Beneficiary's proposed endeavor has implications at a level sufficient to demonstrate national importance.

On appeal, the Petitioner asserts SCOPS erred in assessing the evidence and applying the proper standard of proof. The Petitioner contends SCOPS erroneously found "that any national impact attributed to the Beneficiary must be disregarded if that impact is also closely related to the Beneficiary's employment." And while the Petitioner acknowledges the impact of the Beneficiary's endeavor on [redacted] own success "in the field of connected autonomous vehicle manufacturing," the Petitioner also asserts her endeavor "is vital to the U.S. national interests in maintaining global leadership in intelligent vehicle systems, given the broad scope of [redacted] influence and reach in these technological domains." However, the Petitioner misstates SCOPS decision findings, as they did not assert that work performed for an employer would foreclose finding that this work has implications at a level of national importance. Rather, SCOPS indicated that absent evidence supporting the national

importance of a proposed endeavor, the act of merely continuing employment does not itself constitute a sufficient endeavor for this prong. SCOPS concluded that though the Petitioner demonstrated the benefit of the Beneficiary's work to her employer, they had not established "how this benefit rises to the level of national importance that will impact the field more broadly." As such, SCOPS found the Petitioner similarly did not demonstrate the Beneficiary's proposed work has implications beyond her "current employer . . . their business partners, alliances, clients or their workplace at a level sufficient to demonstrate the national importance of [her] endeavor." The Petitioner also claims that evidence submitted evidence corroborating the national importance of the Beneficiary's endeavor need not mention the Beneficiary or her endeavor by name and that "the national impact of the employer's contributions do not need to be solely or even wholly attributed to the [B]eneficiary to qualify for the waiver." We agree that articles and reports submitted in support of this prong are not required to mention the Beneficiary or her endeavor by name and SCOPS did not assert otherwise in its decision. However, we concur with SCOPS that as we focus on the specific endeavor that a beneficiary proposes to undertake, the national impact of her employer's [redacted] contributions is insufficient to demonstrate the Beneficiary's own proposed endeavor rises to the level of national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 889. SCOPS found the Petitioner had not demonstrated "the economic implications and technological advancements resulting from the company's [redacted] operations would be directly attributable to the [B]eneficiary's particular role as a [d]river [i]nformation [a]pplications [e]ngineer." While acknowledging the articles and reports submitted by the Petitioner in support of this prong, SCOPS highlighted that the issue is not the broader implications of [redacted] innovations "or the utilization of its products by the government and industry," but the potential prospective impact of the Beneficiary's own endeavor. We do not find error in SCOPS's determination.

On appeal, the Petitioner reiterates that the Beneficiary leads "the development and implementation of Over-the-AIR (OTA) integration within instrument clusters, security analyses for autonomous vehicles, and the enhancement of Advanced Driver Assistance Systems (ADAS) and passenger safety features." The Petitioner highlights letters of support indicating the Beneficiary "directly contributed [to] improved vehicle user interface and enhanced driver safety," "helped develop state of the art fuel efficient hybrid vehicles and enhanced driver safety features," "is responsible for implementing security measures to protect the clusters against potential security threats and vulnerabilities," and "is engaged in critical endeavors at [redacted] that advance strategic priorities to combat security and improve ADAS features that enhance driver safety." However, we agree with SCOPS that these statements do not contain a level of clarity and explanation as to the Beneficiary's work that would demonstrate these company advancements are attributable to her role as a driver information applications engineer to the level of national importance. Similarly, though the Petitioner emphasizes a letter of support identifying the impact of the Beneficiary's contributions as extending "far beyond [redacted] organization" and establishing "new standards for the field of software security and . . . the development of autonomous and connected vehicle technologies," the author does not specify the nature of the Beneficiary's work or how it would extend beyond her employer and broadly impact the fields of software security and vehicle technology.

The Petitioner asserts that record evidence demonstrates the "scale and impact of [redacted] operations" and describes "in detail the significant impact [redacted] has on the field of automotive technology generally and on connected autonomous vehicles specifically." In addition, the Petitioner references executive orders indicating that "the development and integration of artificial intelligence across key sectors" is

a priority for the United States. However, we do not question the impact of [redacted] on the field of automotive technology nor the import of artificial intelligence integration to our government. We also do not question whether the Petitioner's work for [redacted] is related to these fields. However, the submitted letters of support and Petitioner's statements generally assert the Beneficiary led, directly contributed, helped develop, and is engaged in critical features for [redacted] As stated, these vague assertions are not sufficient to establish the national importance of the Beneficiary's specific proposed endeavor. On appeal, the Petitioner has not asserted or otherwise demonstrated the Beneficiary's proposed endeavor has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Overall, the Petitioner has not established the Beneficiary's proposed endeavor has significant potential to employ U.S. workers, has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance.

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.