U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39253877

Date: SEP. 22, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a field engineer and X-ray fluorescence analyst, 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).

SCOPS denied the petition, concluding the Petitioner did not establish that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The matter is now before us on appeal. 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act.

Once a petitioner demonstrates eligibility for the underlying classification, the petitioner must then establish eligibility for a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so. *Matter of Dhanasar,* 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states 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 to be 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

For the underlying EB-2 immigrant classification, SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] 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 while the Petitioner established meeting the second prong of the *Dhanasar* analytical framework, he did not demonstrate meeting the first and third *Dhanasar* prongs. 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]

On appeal, the Petitioner argues that SCOPS' decision has numerous errors because it violated USCIS policy, misapplied the legal standard set forth in *Dhanasar*, and failed to adjudicate the petition using the preponderance of the evidence standard of proof. In particular, the Petitioner asserts that SCOPS did not properly assess his proposed endeavor, and the decision lacked reasoned consideration and analysis of all arguments and evidence submitted in support of his endeavor's national importance.

To determine whether a petitioner has met their 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). Here, SCOPS acknowledged documents submitted to evaluate the substantial merit and national importance of his proposed endeavor. Based on the record, SCOPS' decision is a reasoned interpretation and consideration of the evidence. 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 having a broader impact to his field or 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" and the prospective impact of the proposed endeavor, instead of limiting our analysis to a petitioner's employment at the time of filing. *Id.*; *see generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual. 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*, *supra*, at F.5(D)(2).

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

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

On appeal, the Petitioner claims that SCOPS misidentified his proposed endeavor by limiting his endeavor to his job title and employment as a field engineer and X-ray fluorescence. He maintains that his statements and letters from his employer explain how he intends to continue to work at his current employment, but his intended research work is his proposed endeavor and is separate from his job responsibilities as a field engineer and X-ray fluorescence analyst.

In his initial petition, the Petitioner stated that his proposed employment in the United States is to continue working as a field engineer and X-ray fluorescence analyst for his employer, [redacted] in Texas. He submitted a letter from his employer confirming he has worked in his position since January 2024. In addition, the Petitioner included his statement explaining his current employment responsibilities and indicating that for his proposed endeavor, he would "conduct research utilizing advanced technological approaches to improve oil [and] gas exploration and drilling activities through automation." Through automated, robotic drilling and exploration technology methods, such as his employer's [redacted] technology, he proposed remotely collecting, cleaning, and analyzing drilled cutting samples. He explained that his goal is to mitigate methane emissions in underground hydrogen storage by repurposing abandoned wells, mitigating leakage underground, and creating reservoirs for hydrogen storage. In addition, he claimed his work has the potential to increase the production of oil and gas, as well as facilitate the supply of hydrogen as a clean energy resource.

With his request for evidence reply, the Petitioner submitted additional letters from his employer to help better explain his research work and support his claims of national importance. We agree with the Petitioner that SCOPS erred in failing to consider these follow-up letters by deeming them inadmissible solely because they were dated after the petition's filing date. The letters, however, do not overcome the ultimate basis for the petition's denial, as they do not sufficiently detail the Petitioner's proposed research or support his claims that his endeavor is of national importance. Instead, the letters mainly focus on the Petitioner's current employment responsibilities and him having contributed to developing his employer's automated technological system, the [redacted] while generally encouraging the Petitioner to conduct research related to his work responsibilities.

For instance, the letter from his employer's chief operations officer states, "[the Petitioner] has been working on some interesting research on identifying and quantitatively measuring methane emissions from abandoned wells in the [redacted] – one of the areas of our primary operation" and the "research has the potential to address methane leakage and emissions from our production facilities which impact the communities near our operations and beyond." The letter also mentions that the data collection from the company's [redacted] technology could support the Petitioner's research. The chief operations officer, however, does not sufficiently detail the Petitioner's research and its potential impact, and instead mainly discusses the company's technology and its potential impacts on economic growth; oil and gas production; energy security; the environment; and public health and safety.

Similarly, a letter from his employer's chief executive officer attests to the Petitioner's professional knowledge and dedication to his work, while offering encouragement for the Petitioner to use the company's technology for his research. The letter notes that the Petitioner's research aligns with the company's investigation of repurposing underground hydrogen reservoirs for hydrogen storage and its commitment to supporting alternative energy solutions such as hydrogen reservoirs. While the

Petitioner's employer values his work and encourages his conducting research which aligns with its business activities and the Petitioner's job responsibilities, the letters do not clearly distinguish the Petitioner's work responsibilities with his employer from his proposed endeavor conducting research work.

The Petitioner's statements and documentary evidence lack specific detail about his research projects as required under *Dhanasar*, and he has not provided the level of focus or documentation to support his claims that his research has the potential to impact national government policies; contribute to improving public health and the environment; promote science, technology, engineering, and math education (STEM); enhance U.S. energy security; and promote economic growth. 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. While working as a petroleum engineer and X-ray fluorescence analyst and researching abandoned underground oil and gas wells with a goal of mitigating methane emissions demonstrates the substantial merit of the proposed endeavor, it does not support or demonstrate its prospective potential impact nationally, or even globally, or through broader implications rising to a level of national importance.

In contrast, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id.*

The Petitioner argues that SCOPS failed to consider a letter from a government agency interested in the Petitioner's research work, specifically an independent opinion from a petroleum engineer with the [redacted] Such letter, he maintains is favorable to show the U.S. government agency is interested in his work to mitigate methane emissions, noting the Petitioner's immigration status is an obstacle preventing them from collaborating professionally. The letter, however, mainly discusses the Petitioner's previous academic research and it being helpful for the opinion author's Ph.D. dissertation. The letter only briefly mentions the Petitioner's current research "investigating the feasibility of repurposing . . . abandoned wells for underground hydrogen storage," while noting without specific details that the Petitioner's "unique ability to explore creative and innovative solutions to critical problems in Petroleum Engineering through relevant cutting-edge research."

Next, the Petitioner claims that his proposed endeavor has the potential to impact national government initiatives recognizing the importance of supporting automated technology in the field of petroleum engineering for national security and progress in the STEM fields. In particular, he asserts that his research would utilize automated technologies to promote clean energy resources and mitigate hazardous emissions, which are recognized by the U.S. National Science and Technology Council as being critical and emerging. To support his claims, the Petitioner submitted pages from articles, reports, and U.S. government policies about the importance of STEM professionals to the U.S.

economy and national security; U.S. priorities for building a clean energy infrastructure; advancing oil and gas technologies to produce cleaner fuels; hydrogen as an alternate energy source; U.S. government funding to help close hazardous orphaned oil and gas wells; and creating jobs from radiation plans for orphaned wells. This evidence, however, does not mention the Petitioner's specific proposed projects and their potential impact on the field or on such national initiatives.

While USCIS recognizes specific evidentiary considerations relating to STEM degrees and fields, "the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(2). We acknowledge the overall value of the field of petroleum engineering, the oil and gas industry, attracting qualified professionals in related careers, and strengthening our nation's technology and clean energy resources, particularly technology and clean energy resources recognized as critical and emerging, but their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. *See id.* Moreover, the growth and importance of an industry are not sufficient to meet the national importance requirement under the *Dhanasar* framework. Instead of focusing on the importance of an industry or field, or a shortage of workers in a field, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar,* 26 I&N Dec. at 889.

The Petitioner has not sufficiently detailed his proposed research to understand how it would advance STEM technologies with sufficiently broad potential implications for his field rising to the level of national importance. Being employed as a petroleum engineer and X-ray fluorescence analyst whose work involves advanced technologies is insufficient to establish national importance. The Petitioner has not sufficiently detailed his proposed research with supporting evidence to understand how it would advance STEM technologies with sufficiently broad potential implications for his field, U.S. national clean energy initiatives, or other industries rising to the level of national importance.

He contends that his plans to disseminate his findings through scholarly publications and industry conferences show his endeavor would have broad national impact, beyond his employer. The Petitioner emphasizes that his academic research has had a broad impact in his field, pointing to his previous research work having been published in industry publications. While the Petitioner's previous academic research may help to understand his proposed endeavor, such previous work mainly relates to whether he is well-positioned to advance his endeavor under *Dhanasar's* second prong.

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. We noted that "[a]n 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." *Id.* at 889. Beyond general assertions, he has not demonstrated with sufficient corroborating independent and objective evidence that the research he proposes to undertake offers the claimed innovations that contribute to advancements in his industry or otherwise would have broader implications for his field or the nation commensurate with national importance. The claimed potential impacts of his endeavor depend on numerous factors, and the Petitioner did not offer a sufficiently direct evidentiary tie between his proposed work and the claimed potential impacts.

SCOPS further determined that while the Petitioner established that he is well-positioned to advance the proposed endeavor under *Dhanasar's* second prong, he did not establish that, on balance, it would

be beneficial to the United States to waive the requirements of a job offer, and thus of a labor certification under *Dhanasar's* third prong. Because the documentation in the record does not sufficiently establish the Petitioner qualifies for the first prong of the *Dhanasar* precedent decision, he has not demonstrated eligibility for a national interest waiver. This identified basis for dismissal is dispositive of the Petitioner's appeal, and therefore we decline to reach and hereby reserve the Petitioner's appellate arguments and eligibility under the second and third prongs of *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting 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 established eligibility under the requisite first prong of the *Dhanasar* analytical framework, he is not eligible for a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

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.