U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39380443

Date: SEP. 30, 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 that the Petitioner qualified for classification as a member of the professions holding an advanced degree, but that he had not established 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 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;

[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

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree with this determination.[2] Thus, the issue on appeal is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

At the time of filing, the Petitioner was working as a lecturer in the [redacted] at [redacted] in Malaysia. The Petitioner indicates that he intends to work as an assistant professor at [redacted] (or other similar institution), and pursue research and publish his research. The Petitioner states that in addition to teaching, researching and publishing, his proposed endeavor in the United States is to develop an analytical program and digitizable carbon emission inventory to address environmental issues associated with the built environment. He contends that his endeavor will help decision makers in managing "complex environmental and financial constraints" in construction projects which will "improve the environmental performance of buildings and address the climate change concerns associated with the built environment." Furthermore, he intends to disseminate his research through publication in peer-reviewed publications and at academic and industry conference presentations.

SCOPS determined that the Petitioner demonstrated the substantial merit of his proposed endeavor, and we agree. However, SCOPS further determined that the Petitioner did not establish the national importance of his proposed endeavor to fully establish his eligibility under *Dhanasar's* prong one. As to prong two of the *Dhanasar* framework, SCOPS concluded he was well-positioned to advance his proposed endeavor, however, we disagree and will withdraw that finding for the reasons explained below. Finally, SCOPS determined the Petitioner did not establish his eligibility under the third *Dhanasar* prong – a finding we also agree with.

A. National Importance of the Proposed Endeavor

In determining national importance under the first *Dhanasar* prong, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on "the specific endeavor that the [individual] proposes to undertake" and "we consider its potential prospective impact," looking for "broader implications." *Matter of Dhanasar*, 26 I&N Dec. at 889. *Dhanasar* provided examples of endeavors that may have national importance, as required by the first prong, having "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or those with "significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area." *Matter of Dhanasar*, 26 I&N Dec. at 889-90.

[2] The Petitioner received a PhD degree in civil engineering (2017) from a university in Malaysia.

The record includes documentation to establish the Petitioner's professional and educational background as well as his published and presented work, and peer review services. The Petitioner also offered evidence of articles that cited to his published work, citation metrics, and letters of support discussing his research contributions to the field of civil engineering with a particular focus on ways to mitigate the environmental impacts of the field of construction. As it relates to the endeavor's national importance, some of the letters of support describe the impact his work has had on his field, and he has provided reports and information related to climate change, the environmental impact of construction, and the goal of reducing carbon emissions to mitigate the effects of climate change.

The Petitioner contends on appeal that SCOPS did not correctly evaluate evidence in the record, and that this evidence establishes his proposed endeavor is of national importance as contemplated by our decision in *Dhanasar*. The Petitioner further asserts that SCOPS did not consider his evidence concerning the United States' goal of achieving net-zero emissions by 2050, and efforts to achieve this goal in light of the projected demand increases in building construction that is energy-efficient. His evidence further describes the construction industry's impact as a major contributor to greenhouse gas emissions and other adverse environmental impacts of construction. However, for the reasons discussed below, the record supports SCOPS' determination that the evidence is insufficient to demonstrate that the proposed endeavor is of national importance under the first prong of the *Dhanasar* analytical framework.

On appeal, the Petitioner cites government reports related to climate and energy challenges facing the globe and asserts that because his research is aimed at addressing these challenges, his proposed endeavor is of national importance. The documents provide general information regarding climate change, the environmental impact of the construction industry and building, building waste, and the need to transition to low carbon energy, among other related topics. However, none of the information provided discusses the Petitioner, the specific endeavor he proposes to undertake, and whether the specific endeavor may have national or even global implications, such as those resulting from certain improved manufacturing processes or medical advances, significant potential to employ U.S. workers, or other indicia of national importance, limiting their probative value.

We acknowledge that the Petitioner indicated he intends to share his future research in unspecified peer-reviewed journals and at conferences; however, the record does not establish that, more likely than not, doing so would have national or even global implications within the field of construction or the built environment, beyond simply engaging in ordinary research activities similar to all other researchers. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90; *see also Matter of Chawathe*, 25 I&N Dec. at 376 (providing that a petitioner must establish that a claim is more likely than not true). The Petitioner does not assert—and the record does not support the conclusion—that his proposal to continue researching and publishing his work as an assistant professor at a U.S. university may have significant potential to employ U.S. workers or other substantial positive economic effects. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. Rather, he asserts that his endeavor will have broad societal benefits and that his intention to design models to develop automated construction that is more energy efficient will save costs, reduce environmental damage and that by leveraging artificial intelligence, machine learning, and data science, he will help the United States reduce carbon emissions by 50% in 2030 and 80% in 2050.

The Petitioner cites his development of a "novel assessment model" that helps decision makers evaluate the environmental impact of a building throughout its life cycle as an example of the positive, broad-based impact his work could have, and he provides letters of reference to describe this work's impact. However, while the writers claim that he is a top researcher, and that his research has had an impact on urban walkability studies, research into the sustainability of the built environment and that his "reliable AR-BIM" model has had a positive impact on interorganizational collaboration, there is no evidence that decision-makers have adopted his model. Thus, the writers' assertions indicate that the proposed endeavor will be primarily confined to other researchers in his field, but do not support the broader societal benefits that he describes. In *Dhanasar*, we highlighted that while the field of STEM education may be of national importance, the duties of a STEM teacher in a classroom would not necessarily be of national importance. *Matter of Dhanasar*, 26 I&N Dec. at 893 (stating "[w]hile STEM teaching has substantial merit in relation to U.S. educational interests, the record does not indicate by a preponderance of the evidence that the petitioner would be engaged in activities that would impact the field of STEM education more broadly.") Similarly here, while his endeavor is of substantial merit, a preponderance of the evidence does not establish its national importance.

We note that the letter from the manager of planning and development for the '[redacted]' in [redacted] Malaysia is insufficient to establish his research has been adopted by relevant parties or has already impacted the field of sustainable building development. The letter states that the Petitioner's research has "informed" specific building strategies and design choices to reduce carbon emission in [redacted] and that is has helped establish an "Industrialized Building System" for the green construction industry, as well as helped them "invest in eco-friendly measures in other areas by conducting environmental impact assessments." However, the letter does not provide any background for understanding the broader impact of the Petitioner's involvement in these initiatives. For instance, the letter does not state what the investments were prior to the Petitioner's involvement to best understand his impact. *See Matter of Caron Int'l, Inc.*, 19 I&N Dec. 7991, 795 (Comm'r 1988) (standing for the proposition that we may, in our discretion, use opinion statements submitted by a petitioner as advisory, but where an opinion is not in accord with other information or is in any way questionable, we are not required to accept or may give less weight to that opinion.) Further, the letter does not explain how [redacted] measures the impact of their green and efficient development projects to substantiate the claimed impacts stemming specifically from the Petitioner's research and consultation. *Id.* Lastly, the letter is insufficient to establish that the Petitioner's collaboration with [redacted] has brought about the broad societal benefits he purports his endeavor will bring. *Id.* Thus, the record does not establish that the impact from the research he intends to carry out would extend beyond other researchers to affect the construction industry or government policy, more broadly.[3]

The Petitioner generally asserts that those seeking a national interest waiver are not required to demonstrate that their endeavors will ultimately succeed. We agree. However, the Petitioner's general assertions that his proposed research and collaboration with others in his field will mitigate the environmental impact of construction in the United States and the costs associated with climate change is not supported with sufficient probative evidence. Instead, the information he has provided

[3] On appeal, the Petitioner asserts SCOPS erred when it determined that the Petitioner's proposed endeavor was not sufficiently detailed to understand its broader economic implications. Although the Petitioner's description of his endeavor included its intended broader implications within his field, we agree with SCOPS that the Petitioner has not supported his assertions with sufficient evidence establishing that his endeavor will more likely than not have broad economic impacts that rise to the level of national importance.

establishes the scale of climate-related disasters and the ensuing costs, but it does not sufficiently touch on the Petitioner's research or how his proposed endeavor will have a broader positive impact on this issue. Thus, contrary to the Petitioner's assertion, merely working in an important industry or field does not establish the national importance of his proposed endeavor.

On appeal, the Petitioner asserts that SCOPS "inattention to detail and failure to consider the totality of the evidence" constitutes an abuse of discretion as contemplated by *Buletini v. INS*, 860 F. Supp. 1222, 1231 (E.D. Mich. 1994). Specifically, the Petitioner asserts that SCOPS' decision contains some problematic language. For example, several times in the decision, SCOPS mentions the healthcare industry which is not relevant to the proposed endeavor. Furthermore, the Petitioner asserts SCOPS overlooked the cost of climate-related disasters in the United States in its evaluation of the endeavor's national importance, and that SCOPS held the Petitioner to an improper standard when it suggested that the Petitioner had not "created a new research in civil engineering that has impact on the field on a nationally important scale." First, the decision in *Buletini* was issued by a district court that does not carry precedential weight in our decisions. *Matter of K-S-*, 20 I&N Dec. 715 (BIA 1993). Moreover, *Buletini* does not suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration to the petition and makes adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (*citing Martinez v. INS*, 970 F.2d 973, 976 (1st Cir.1992); s*ee also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993). Here, SCOPS's decision contained a reasoned analysis of the totality of the evidence, thus we find no abuse of discretion based on minor typos or a failure to give more probative weight to the costs of climate-related disasters to the U.S. economy or by stating that the Petitioner's research was not so novel or innovative as to render the proposed endeavor of national importance under prong one of the *Dhanasar* framework.

Finally, USCIS recognizes the importance of progress in STEM fields and the essential role of persons with advanced STEM degrees in fostering this progress, especially in focused critical and emerging technologies, or other STEM areas important to U.S. competitiveness or national security. We may find that a STEM area is important to competitiveness or security in a variety of circumstances, for example, when the evidence in the record demonstrates that an endeavor will help the United States remain ahead of strategic competitors or current and potential adversaries, or relates to a field, including those that are research and development-intensive industries, where appropriate activity and investment, both early and later in the development cycle, may contribute to the United States achieving or maintaining technology leadership or peer status among allies and partners. *See generally* 6 *USCIS Policy Manual*, F.5(D)(4), https://www.uscis.gov/policy-manual. Here, while the petition concerns a STEM field (civil engineering), the record does not establish that the Petitioner's specific endeavor will help the United States remain ahead of strategic competitors or contribute to the United States achieving or maintaining technology leadership or peer status among allies and partners.

B. Well Positioned to Advance the Endeavor

We disagree with SCOPS' determination that the Petitioner provided sufficient evidence to establish he is well positioned to advance the proposed endeavor, and as such, we will withdraw that finding. The second prong shifts the focus from the proposed endeavor to the individual. To determine whether

the Petitioner is well positioned to advance the proposed endeavor, we consider factors including, but not limited to, the individual's education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Id*. at 890. Upon de novo review, the Petitioner has not established that he is well positioned to advance his endeavor under *Dhanasar*'s second prong.

The record includes the Petitioner's curriculum vitae, academic records for his 2017 doctorate degree in civil engineering, articles citing his research work, his citation record, information about peer-reviewed articles he has reviewed, book chapters he has authored, conference papers he has authored, letters of recommendation, evidence of his work organizing research conferences, and acknowledgements of his review of peer conference papers. He specifically highlights his educational credentials, citation history from his research, a research grant he received through the [redacted] letters of reference from others in his field, and his evaluation of work of his peers to support how well he is positioned to advance his proposed endeavor. While his degree is sufficient to show his eligibility for the underlying immigrant classification, the Petitioner has not provided sufficient evidence to establish he is well positioned to advance his proposed endeavor.

As stated above, USCIS recognizes the importance of progress in STEM fields and the role of persons with advanced STEM degrees, particularly with a Ph.D., in fostering progress, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(4). Further, we agree that the Petitioner's doctorate degree in a STEM field tied to his proposed endeavor is an especially positive factor for establishing the second *Dhanasar* prong. However, when considered with other evidence in the record, the Petitioner has not shown that he is well-positioned to advance his proposed endeavor as contemplated by *Dhanasar*. In addition to education, we look to a variety of factors in determining whether a petitioner is well-positioned to advance their proposed endeavor and education is one factor among many that may contribute to such a finding. *Id.*

In *Dhanasar*, the petitioner held three advanced degrees, including a Ph.D., tied to his proposed research which had significant implications for U.S. national security and competitiveness. To determine whether the petitioner was well-positioned to continue to advance his proposed endeavor, we also favorably considered the significance of his research which had been corroborated by evidence as having peer and government interest; the significance of his role in his research projects; consistent funding from government agencies of his research projects; and his existing position with a U.S. university where he intended to conduct his proposed research work. *Matter of Dhanasar*, 26 I&N Dec. at 892-93. Here, the Petitioner has not provided any evidence that his intended research is supported through the allocation of funding by a U.S. based education, government or private institution. Without further evidence, the Petitioner has not demonstrated he is well positioned to obtain a position as an assistant professor and to carry out research in his area of expertise in the United States.

We emphasize that although employment or a job offer is not a requirement for a national interest waiver, the Petitioner has not submitted evidence of interest from [redacted] or any other U.S. university. Where a petitioner does not intend to be self-employed, we consider job offers or

communications with prospective employers, while not required, relevant to show the circumstances or capacity in which the petitioner intends to carry out the proposed endeavor and the feasibility of that plan. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3) n. 77. Further, while we consider the Petitioner's plan for conducting his research work at [redacted] or another U.S. university useful in understanding his proposed endeavor, he has not provided evidence relevant to the feasibility of his plan. Without sufficient probative evidence demonstrating the means or financial support to undertake his proposed research in the United States, the Petitioner has not demonstrated that he is well positioned to advance his plan for future activities and his proposed endeavor.

In sum, while the Petitioner has conducted productive research that has been useful to other researchers in his field, he has not demonstrated sufficient progress or success in his field, or interest in his work from relevant parties, to show that he is well positioned to advance his proposed research endeavor.

Because the record does not establish prongs one or two of the *Dhanasar* framework, which is dispositive, we reserve our opinion regarding whether the record establishes the third *Dhanasar* prong. *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

As the Petitioner has not met the requisite prongs of the *Dhanasar* analytical framework, we conclude that he has not established his 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.