



**U.S. Citizenship  
and Immigration  
Services**

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

In Re: 37260920

Date: MAR. 12, 2025

Appeal of Nebraska Service Center Decision

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

The Petitioner seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary 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).

The Director of the Nebraska Service Center denied the petition, concluding that the record did not establish eligibility for a national interest waiver as a matter of discretion. On appeal the Petitioner submits a brief and asserts eligibility for the benefit sought.

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,<sup>1</sup> 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.

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<sup>1</sup> *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).

*Id.*

## II. ANALYSIS

The Petitioner designs and manufactures “highly efficient propulsion and energy management solutions that power vehicles and machines in all mobility markets across the globe.” The Beneficiary currently works for the Petitioner as a “lead EV applications engineer” and his proposed endeavor will be to continue developing and testing “new electrified axles for electric and hydrogen fuel cell vehicles, including mechanical and electrical assemblies.” More specifically, the Petitioner details that the Beneficiary will “lead and perform engineering development in support of U.S. Department of Energy grants” to electrify medium and heavy-duty trucks for two of the Petitioner’s customers with the goal of reducing emissions of freight transportation.

The Director determined that the record established the Beneficiary’s eligibility for the EB-2 classification as a member of the professions holding an advanced degree. However, the Director concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that he is eligible for the benefit sought. We conclude the record does not establish the proposed endeavor is of national importance and therefore he is not eligible for a national interest waiver as a matter of discretion.

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.* The Petitioner states that the proposed endeavor will have substantial merit in business, science, and technology, particularly in the domain of electrical engineering and axle development for electric vehicles. The record contains industry reports and articles on the importance of the electric vehicle industry, clean energy, and U.S. government initiatives in support of the industry. The record establishes the substantial merit of the proposed endeavor.

In concluding that the Petitioner did not establish the proposed endeavor is of national importance, the Director determined that the record did not establish the position would sufficiently extend beyond the Petitioner and its customers to impact the field or industry more broadly. Furthermore, the Director stated that simply working in an important field does not establish that a related proposed endeavor is important. The Director also explained that because the proposed endeavor does not have significant potential to employ U.S. workers or offer other substantial positive economic effects for our nation, or have a broader impact on the field, it is not of national importance.

Regarding, national importance, the Petitioner contends that the Beneficiary’s proposed endeavor will have a “national impact” and that the record reflects this through,

- (1) precisely defining the proposed endeavor; (2) establishing the impact that endeavor will have on [the Petitioner’s] products and technologies; (3) documenting the significant impact those products and technologies will have on the U.S. automotive sector and the development of electric vehicle technologies; and (4) documenting that

the development and adoption of electric vehicle technologies is a stated policy goal of the U.S. government, thereby documenting that the significant impact the Beneficiary's endeavor will have also has national importance.

The Petitioner asserts the Beneficiary's job duties are nationally important because if a product or technology sufficiently permeates an industry or sector or represents a significant portion of the United States market share, that technology necessarily impacts the field and the nation, sufficient to be considered of national importance under the *Dhanasar* framework. Moreover, because the Beneficiary supports the Petitioner's objectives in the development and execution of components to electrify medium and heavy-duty trucks to reduce emissions of freight transportation, it is asserted the endeavor is nationally important because the impact will be to preserve the United States' leading position in EV technology and the endeavor aligns with government priorities related to several laws and policy initiatives aimed at prioritizing EV acceleration so that fifty percent of vehicular production will be electrified by 2030.

Although we acknowledge that the Beneficiary's role as an engineer and his assigned projects are important to the Petitioner's company, the issue here is not the broader implications of the Petitioner's company, but rather the potential prospective impact of the Beneficiary's specific proposed endeavor as an engineer within their company. The record focuses on the impact the Petitioner has on the electric vehicle industry but does not establish an impact directly attributable to the Beneficiary or his specific proposed endeavor. The evidence does not sufficiently demonstrate how the Beneficiary as a single employee would affect the industry more broadly.

The Petitioner highlights a letter in the record written by the Beneficiary's direct supervisor which discusses the Beneficiary's role in the company as "leading development, validation and execution of multiple e-Axle solutions" for two of the Petitioner's customers. While we acknowledge the Beneficiary appears to play a critical engineering role for the Petitioner, the letter does not sufficiently detail how the Beneficiary's work would have a broader impact within the electric vehicle industry as a whole.

As another example, one letter states, in part, that the Beneficiary is "spearheading the technical requirement and application analysis, design, development, validation, and integration of both electrical and mechanical e-Axle components." The letter explains the Beneficiary's duties for the Petitioner and his role as a "leading contributor to his area of expertise," but without a more comprehensive understanding of how the Beneficiary's work would contribute to the industry's viability or growth, it is unclear how the proposed endeavor would reach the level of "substantial positive economic effects" or national importance as contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890.

In addition, the letters in the record focus on the Petitioner's experience, expertise, and knowledge in the field. For example, the letters use language such as, the Beneficiary's "critical contributions" and his "crucial role." While we acknowledge the Beneficiary's experience and expertise as discussed in the record, this does not establish the national importance of his work as it does not speak to the prospective impact of the proposed endeavor. While past experience can be persuasive for prong two analysis, whether the Beneficiary is well-positioned to advance the proposed endeavor, it does not sufficiently establish a claim of national importance. *Matter of Dhanasar*, 26 I&N Dec. at 890.

As to the Petitioner's assertions that the proposed endeavor is of national importance because it aligns with legislative and policy initiatives promoting EV development in the automotive industry, our guidance states that many "proposed endeavors that aim to advance STEM technologies and research, whether in academic or industry settings... have sufficiently broad potential implications to demonstrate national importance." However, the Petitioner has not sufficiently tied the Beneficiary's duties to these legislative and policy initiatives because simply stating that an individual's duties are aligned with national initiatives or priorities, without corroborating evidence, is not sufficient, under the preponderance standard. *Id.*

The Petitioner has also not shown how the Beneficiary's position as a lead EV applications engineer has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for our nation. The Petitioner did not sufficiently explain or demonstrate how the Beneficiary's employment alone would have any projected economic impact or job creation. Without such evidence, the record does not show any benefits to the U.S. regional or national economy resulting from the Beneficiary's services or position would reach the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890.

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, we agree with the Director that the Petitioner did not sufficiently demonstrate how the Beneficiary's proposed endeavor stands to extend beyond his employer and its customers to impact the industry more broadly at a level commensurate with national importance. Nor has the Petitioner shown that the Beneficiary's particular work offers original innovations that contribute to advancements in the industry or otherwise has broader implications for the field. Accordingly, without sufficient documentary evidence of their broader impact, the Beneficiary's proposed work does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Beneficiary'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 the Beneficiary is eligible for or otherwise merits a national interest waiver as a matter of discretion.

**ORDER:** The appeal is dismissed.