



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 34818313

Date: DEC. 12, 2024

Appeal of Texas Service Center Decision

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

The Petitioner, an automotive service technician and mechanic, seeks employment-based second preference (EB-2) immigrant classification as an individual of exceptional ability, 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 Texas Service Center denied the Form I-140, Immigrant Petition for Alien Workers (national interest waiver), concluding the Petitioner 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. 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

USCIS may deny a benefit request accepted for adjudication if there is a deficient signature. See generally 1 USCIS Policy Manual B.2(A), <https://www.uscis.gov/policy-manual> (providing, as guidance, “[i]f USCIS accepts a request for adjudication and later determines that it has a deficient signature, USCIS denies the request.”) In order to maintain the integrity of the immigration benefit system and validate the identity of benefit requestors, USCIS requires a valid signature on applications, petitions, requests, and certain other documents filed with USCIS. *Id.* USCIS does not accept signatures created by a typewriter, word processor, stamp, auto-pen, or similar device. *Id.* at B.2(B) (explaining, as guidance, the requirements for a valid signature).

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;
- 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

A. Signature

The Petitioner filed this Form I-290B, Notice of Appeal or Motion, indicating he is appealing the Director’s denial of his national interest waiver. Part 4, question 6.a. of the Form I-290B seeks the Petitioner’s signature. The Petitioner’s signature appears simulated, as if created by an auto-pen or similar device, and has the appearance of a drawing, the width of the ink is constant from start to end, and is unlike the signature on the Petitioner’s national interest waiver and his Department of Labor Form ETA 750, Part B, Employment and Training Administration Application for Alien Employment Certification, both of which are similar to each other.

We conclude the Petitioner’s signature on appeal is simulated and not valid as per USCIS guidance. See generally 1 USCIS Policy Manual, *supra*, at B.2(A), (B) (explaining, as guidance, signature requirements). We therefore dismiss the appeal on this basis.

B. National Interest Waiver

Even if the I-290B was properly signed by the Petitioner, he would also need to establish his eligibility for the national interest waiver. With respect to the underlying EB-2 classification, the Petitioner claimed to qualify as an individual of exceptional ability. However, the Director’s decision did not provide analysis of the Petitioner’s eligibility for the underlying EB-2 classification. Rather, the Director denied the Petitioner’s national interest waiver because the Petitioner had not demonstrated that he merits a discretionary waiver of the job offer requirement “in the national interest.” The Director found that while the Petitioner had established the substantial merit of his proposed endeavor, he had not established that his proposed endeavor was nationally important under *Dhanasar’s* first prong, that he was well-positioned to advance his proposed endeavor under *Dhanasar’s* second prong, and that, on balance, waiving the job offer requirement would benefit the United States under *Dhanasar’s* third prong.

¹ See *Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts in concluding that USCIS’ decision to grant or deny a national interest waiver is discretionary in nature).

Because we similarly conclude the Petitioner has not established the national importance of his proposed endeavor under *Dhanasar's* first prong, which is dispositive of this appeal, we reserve the issues of whether the Petitioner has established his eligibility under the second and third *Dhanasar* prongs. See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make “purely advisory findings” on issues that are unnecessary to the ultimate decision); 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).

The first *Dhanasar* 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. In his national interest waiver, the Petitioner identified his occupation as an automotive service technician and mechanic. The Petitioner submitted two personal statements titled “Professional Plan and Statement” dated September 2022 and March 2023. Within the statements he described his proposed endeavor as intending to work as a process toolmaker² and quality control inspector for U.S. automotive companies to improve productivity, product quality, and manufacturing efficiency by using in-line Perceptron measurement sensors to provide efficient vehicle dimensional measurements in the production line and to ensure U.S. manufacturing facilities remain competitive while providing consumers with safe automobiles. To advance his endeavor he states he will: automate and program robots and sensors with the required measuring points to ensure dimensional control of bodies and platforms; inspect the quality of vehicle parts produced in the factory and by suppliers according to the model design and measurements provided by the engineering team; create customized devices for joining car body and platform parts for new vehicle models; identify problems in the production line in the event of programming errors in the robots; and produce and present process capability reports with performance metrics and potential capability for managers, measuring consistency against average performance. He also noted that his expertise can also be applied to electrical car manufacturing.

As noted above, the Director determined the Petitioner established his proposed endeavor has substantial merit. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we noted that, in assessing national importance, “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.* at 890. 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.*

The Director reviewed the Petitioner’s evidence, including his personal statements, documents evidencing U.S. government priorities, and his advisory opinion letter, and determined that the Petitioner had not established that his proposed endeavor would have implications beyond any individual employer and its business partners or clients, or other related entities for which he would provide his services, to demonstrate his proposed endeavor would have broader implications in his field or industry. The Director further found the Petitioner had not established that his proposed

² According to the Petitioner, process toolmakers work closely with engineering and design teams analyzing technical drawings, specifications, and computer aided design to develop designs for tools, molds, and perform dimensional measurements. He included a copy of the O*NET OnLine Summary Report for “1351-4111.00 – Tool and Die Makers,” which support his description of process toolmakers.

endeavor has significant potential to employ U.S. workers or would otherwise offer substantial positive economic effects for the U.S. regional or national economy as contemplated by Dhanasar.

On appeal the Petitioner submits a brief and documents from the underlying record. He asserts that the Director did not consider that his proposed endeavor impacts matters that U.S. government entities have described as having national importance, such as smart manufacturing and cleaner energy alternatives for the automotive industry, including Electric Vehicles (EV)s. However, the matter here is not whether these initiatives are nationally important. Rather, the Petitioner must demonstrate the national importance of his specific, proposed endeavor of providing his services as a process toolmaker and quality control inspector for U.S. automotive companies is nationally important.

The Petitioner asserts that the Director did not consider the support letters he submitted below, identifying three specifically, which he claims establish the national importance of his proposed endeavor. However, the authors of the letters limit their analysis to the Petitioner's contributions to his employer, the [redacted] plant in Brazil. While, at times, the authors of the letters extrapolated that the Petitioner's work impacted the overall company of [redacted] the letters do not demonstrate the broader impact of his work in the field or industry. For example, one author described how the Petitioner's expertise with using and troubleshooting in-line Perceptron measurement sensors enabled the [redacted] plant to eliminate the cost of hiring Perceptron, an outside company, to perform programming of its sensors for the plant, thereby saving [redacted] money. Another author stated, for example, the Petitioner's programming for measurement points contributed to the finest vehicle ever seen by [redacted]. However, the author did not provide detail on how the Petitioner's role as one process toolmaker programming for measurement points in one plant contributed to the success of this vehicle. Moreover, even if the letters supported the broader impact of his work for [redacted] the letters do not demonstrate how his proposed endeavor would offer benefits extending beyond his employer to impact the field of automotive manufacturing more broadly. In addition, the support letters cover the Petitioner's prior work and accomplishments and relate more to the second prong of the Dhanasar framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890.

The Petitioner also asserts that his proposed endeavor will introduce and disseminate innovative tools and robotic mechanisms to the automotive industry, and will, for example, ensure precise measurements and parts assembly, contributing to the quality and efficiency of EV manufacturing. The Dhanasar decision contemplates 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 893. However, the Petitioner has not established the extent to which his proposed endeavor's methods of, for example, using in-line Perceptron measurement sensors improves upon those already available and in use in the United States such that his proposed endeavor would have national or global implications within his field or for the United States.

The Petitioner further contends that his endeavor falls within a STEM (Science, Technology, Engineering, or Mathematics) profession. With respect to the first prong, as in all cases, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance. See generally 6 USCIS Policy Manual F.5(D)(2), <https://www.uscis.gov/policymanual> (providing, as guidance, specific evidentiary considerations for persons in STEM fields). Many proposed endeavors

that aim to advance STEM technologies and research, whether in academic or industry settings, not only have substantial merit in relation to U.S. science and technology interests, but also have sufficiently broad potential implications to demonstrate national importance. *Id.* On the other hand, while proposed classroom teaching activities in STEM, for example, may have substantial merit in relation to U.S. educational interests, such activities, by themselves, generally are not indicative of an impact in the field of STEM education more broadly, and therefore generally would not establish their national importance. *Id.* Here, the Petitioner has not shown that his endeavor aims to advance STEM technologies and research or has broad implications rather than providing his limited professional services by working within a STEM profession.

The Petitioner also asserts that the Director overlooked the positive economic impacts of his proposed endeavor. However, on appeal, the Petitioner does not explain how the Director overlooked the positive economic impacts and how his proposed endeavor would have significant potential to employ U.S. workers or would otherwise offer substantial positive economic effects for the U.S. regional or national economy. Accordingly, we need not address this assertion. *Cf. Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (declining to address a “passing reference” to an argument in a brief that did not provide legal support).

Based on our *de novo* review of the record, the Petitioner has not demonstrated that, beyond the limited benefits provided to his prospective employer, the Petitioner’s proposed endeavor has broader implications in the field of automobile manufacturing or that it has the significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area for instance, rising to the level of national importance. Accordingly, the Petitioner has not demonstrated the national importance of the proposed endeavor under the first *Dhanasar* prong, and therefore has not established that he merits, as a matter of discretion, a national interest waiver of the job offer requirement attached to this classification.

III. CONCLUSION

The Petitioner’s I-290B does not contain a valid signature as per USCIS guidance. In addition, the Petitioner has not demonstrated that he is eligible for or otherwise merits a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.