U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37720307

Date: APRIL 7, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a mechanical engineer and business manager, 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).

The Director of the Texas Service Center 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;
- The individual is well-positioned to advance their proposed endeavor; and

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

In his professional plan submitted in response to the Director's request for evidence (RFE), the Petitioner states he will be the Chief Executive Officer of a consulting company serving small and medium-sized enterprises (SMEs) in the paper coil products industry. The professional plan lists the company's goals as to enhance client satisfaction, expand market reach, promote operational excellence, strengthen industry expertise, foster innovation, ensure regulatory compliance, build strategic partnerships, and achieve sustainable growth.

The Director determined the Petitioner qualified for EB-2 classification as an advanced degree professional. As the Petitioner submitted evidence of his master's degree in business administration, we agree. The only issue on appeal is whether a waiver of the required job offer, and thus of the labor certification, would be in the national interest.

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.* The Director determined the Petitioner's proposed endeavor has substantial merit. We agree.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90.

The Director determined the Petitioner did not establish that his company would have broader implications to his field beyond its clients. On appeal, the Petitioner asserts the Director did not consider the broader economic effects his company would have, failed to consider the cumulative impact of his company, and did not meaningfully evaluate his professional plan, expert opinion letter, and support letters.

The Petitioner asserts his proposed endeavor has national importance because it "aims to modernize industrial processes, promote sustainability, and enhance operational efficiency by integrating advanced technologies such as predictive maintenance systems and energy-efficient solutions." The Petitioner cites no evidence to support this claim. The Petitioner also claims his company's services will "have broad national implications, particularly in manufacturing efficiency and sustainable practices, fields that are vital for maintaining the competitiveness of U.S. industries." The Petitioner cites no evidence to support this claim. The Petitioner further asserts his company's services "will generate employment opportunities by expanding access to training programs in advanced

manufacturing technologies, which are essential for supporting innovation and economic growth in key sectors of the U.S. economy." Again, the Petitioner cites no evidence to support this claim.

The Petitioner asserts the evidence "clearly indicates that his work will benefit numerous industries, including manufacturing, industrial, pulp and paper, technology, energy, and SMEs." The Petitioner has not established, however, that his company's work in these areas would extend beyond the individual SMEs that would retain his company's services to impact his field more broadly. The Petitioner submitted letters from past employers who praise his past work and accomplishments but do not discuss his proposed endeavor. A-L-[2], A-G-Z-M-, B-H-,and J-C-C- praise the Petitioner's work in past positions for their companies, but do not discuss his proposed endeavor.

Other letters express confidence in the Petitioner's ability to have a positive impact in his field, but do not establish the national importance of his proposed endeavor. B-C- states the Petitioner's work has "positively impacted the paper industry at large, promoting sustainable and efficient practices" and expresses his belief that the Petitioner's "talent and dedication will be equally valuable in his future career in the United States," but does not discuss the potential prospective impact of the Petitioner's proposed endeavor. C-D-G- credits the Petitioner's work as fundamental to the success of his concrete plant and repeats the same phrase as B-C- in expressing his confidence that the Petitioner's "talent and dedication will be equally valuable in his future career in the United States," but does not discuss the potential prospective impact of the Petitioner's proposed endeavor. J-B- states the Petitioner's "contributions to the manufacturing industry, particularly within the paper production sector, are invaluable, and his continued work in the United States would undoubtedly benefit the industry and the broader economy." J-B- does not discuss the Petitioner's proposed company or specify how his company would benefit the industry and broader economy on a level commensurate with national importance. G-B- states the Petitioner's contributions "are valuable to the sustainable development and industrial competitiveness of the United States" and expresses his belief that the Petitioner's "experience and technical skills will not only benefit the pulp and paper industry but will also contribute to advancing environmental technologies in the country." G-B- does not discuss the Petitioner's proposed company or explain how the company would advance environmental technologies in a manner indicative of national importance.

The Petitioner also submitted a letter from D-P-, Professor of [redacted], expressing his opinion that the Petitioner qualifies for a national interest waiver. D-P- states the Petitioner's company has significant potential to employ U.S. workers and other substantial positive economic effects. D-P- explains that by focusing on "the specialized planning and execution of maintenance for machinery used in the production of paper coil products, toilet paper, and kitchen towels," the Petitioner's company "will likely create demand for skilled labor in the areas of industrial maintenance, engineering, and operations management." D-P- also asserts the Petitioner's company's use of innovative production techniques and sustainability measures will require the expertise of U.S.-based engineers, technicians, and operators, and the company's focus on continuous improvement and training will "enable the development of a highly skilled U.S. workforce, further increasing job opportunities."

[2] We use initials to protect the privacy of the referenced individuals.

D-P- does not specify how the Petitioner's company's consulting services for individual businesses would result in increased employment in his industry on a level commensurate with national importance. The Petitioner's professional plan also does not indicate that his company has significant potential to employ U.S. workers. The professional plan projects the company will employ over four individuals the first year, increasing to 16 individuals by the third year. The professional plan projects the company's profit would be between $39,440 and $93,760 the first year, increasing to between $336,017 and $535,767 in the fifth year. These projections do not indicate the company would have a substantial positive economic effect in an industry that the professional plan states had a revenue of $15 billion in 2023 and an estimated $17 billion in 2024.

D-P- asserts the Petitioner's company also has national importance because it will broadly enhance societal welfare. D-P- states the Petitioner's company "ensures a steady and reliable supply of everyday items that are fundamental to public health and hygiene" and its emphasis on sustainable practices "directly contributes to environmental welfare." Further, D-P- asserts the Petitioner's company's "focus on safety, health, and continuous training for workers improves overall working conditions within the manufacturing sector." D-P- does not specify how the Petitioner's company's consulting services would reap these benefits beyond the individual SMEs the company would work with to impact public health, environmental welfare, and working conditions at a level indicative of national importance.

D-P- further claims the Petitioner's company has national importance because it has national and global implications in the pulp and paper industry. D-P- states that by "introducing advanced production techniques and improving machinery maintenance," the Petitioner's company "enhances the ability of the American pulp and paper industry to meet domestic demand while also remaining competitive in the global market." D-P- also asserts the Petitioner's company's "emphasis on sustainable practices aligns with international efforts to reduce environmental impact within industries." The record does not demonstrate, however, that the Petitioner's company's use of advanced production techniques, improving machinery maintenance, or sustainable practices are unique, innovative, or otherwise have national or global implications in his field. *See id.* at 889. (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

D-P- also claims the Petitioner's proposed endeavor has national importance because it "impacts a matter that has been recognized by government entities in the United States as having national importance: sustainable manufacturing practices and industrial innovation." Specifically, D-P- states the Petitioner's company aligns with the Environmental Protection Agency's Sustainable Materials Management Program, the Department of Energy's Better Plants Program, and the National Institute of Standards and Technology's Manufacturing USA Initiative. D-P- does not demonstrate, however, how the Petitioner's company's work in sustainable manufacturing practices and industrial innovation would extend beyond the individual SMEs that would retain his company's services at a level commensurate with national importance. Our assessment of national importance does not focus on the importance of a field or governmental initiatives in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.*

In sum, the Petitioner has not established that his 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. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of his specific proposed endeavor and he does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of his eligibility under the second and third 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

The Petitioner has not established the national importance of his proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, he has not demonstrated that he is eligible for or merits a waiver of the job offer requirement in the national interest as a matter of discretion.

ORDER: The appeal is dismissed.