U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42214754

Date: APR. 13, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a materials engineer, seeks employment-based second preference (EB-2) immigrant classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business, 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 the Petitioner did not establish meeting any of the three prongs of the *Dhanasar* analytical framework. 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]

Dhanasar's first prong focuses on the specific endeavor that a petitioner proposes to undertake. 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." *Id.*

The Petitioner intends to work in the United States as a materials engineer. His supplemental professional plan indicates his proposed endeavor is "to lead a nationwide initiative focused on implementing and standardizing advanced material management processes and systems across capital-intensive energy, infrastructure, and industrial projects in the United States." For this nationwide initiative (the Initiative), he intends to develop a materials management model (the Model) to be used for energy, construction, and mining projects in order "to standardize processes, increase predictability, and facilitate integration between systems and procedures." In his development of the Model, his professional plan explains integrating engineering, procurement, and construction technology systems, such as Advanced Work Packaging, Building Information Modeling, Enterprise Resource Planning, SAP, Oracle, and intelligent materials systems like Smart Materials and Aveva ERM. He states that his Model would be designed to be scaled and replicated for public and private sectors and "aims to optimize supply flow, improve material traceability, reduce operating costs, and ensure tax and regulatory compliance." which "will result in greater competitiveness and sustainability for local companies and the U.S. economy."

In addition, the Petitioner plans to establish a framework for national standardized best practices across the United States to ensure methodologies are consistently applied in energy, infrastructure, and mining sectors. To achieve this, he would promote cross-industry collaboration and invest in digital infrastructure to facilitate data sharing across stakeholders. The Petitioner claims the standardized practices would have a broad impact on the energy, construction, and mining industries.

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[2] To demonstrate he is an advanced degree professional, the Petitioner submitted his diploma, his academic transcript, an academic evaluation, and employment letters. Based on the evidence, the Petitioner has established he is an advanced degree professional. *See* 8 C.F.R. § 204.5(k)(3).

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

Another main objective of his Initiative is to enhance the skills and education of the workforce through trainings and knowledge transfer of the "cutting-edge material management tools and methodologies." He intends to partner with academic institutions, develop certification and assessment systems to validate workforce competencies, and organize workshops and other targeting training. He claims such training and knowledge transfer will increase worker productivity, improve project quality, and increase the number of skilled workers and the retention of workers. In addition, the Petitioner has plans to introduce science, technology, engineering, and math (STEM) principles to underserved youth by developing STEM programs at schools, community centers, and local nonprofit organizations.

SCOPS concluded that the Petitioner did not establish his proposed endeavor has substantial merit or is of national importance. We, however, conclude that the Petitioner's proposed endeavor has substantial merit and withdraw SCOPS' determination to the contrary.

For national importance, SCOPS determined that the Petitioner did not establish that his proposed endeavor, as described, would have the claimed potential impacts rising to the level of national importance. On appeal, the Petitioner contends that SCOPS based the decision on erroneous conclusions of law and fact. He argues that SCOPS mischaracterized his proposed endeavor because the decision stated that he proposed to be a materials engineer. He asserts that SCOPS did not consider all his evidence, in particular his supplemental professional plan, which clearly articulates his Initiative as his proposed endeavor. Given his Initiative "is expressly designed to be scalable and replicable nationwide" across the energy, construction, and mining industries, he claims his endeavor would have broad impacts commensurate with national importance.

We disagree with the Petitioner's assessment of SCOPS' decision. While the Petitioner takes issue with some parts of SCOPS' decision stating that he proposes to work as a materials engineer, the decision clearly states that the Petitioner's proposed endeavor is to develop and implement the Initiative. In addition, SCOPS acknowledged and analyzed documents submitted, specifically the Petitioner's professional plans and letters of recommendation, to evaluate his proposed endeavor and whether it is of national importance. 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 his endeavor would have the potential broad impact to his field or otherwise rises to a level of national importance.

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 its prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. 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* F.5(D)(2), https: //www.uscis.gov/policy-manual.

The Petitioner's supplemental professional plan lacks specific details about the Initiative to meaningfully consider whether it is of national importance. For instance, the plan briefly describes his Initiative providing general statements about its objectives and five-year timeline. In addition, the plan indicates that the Initiative will target inefficiencies within materials management systems by integrating multiple existing technology systems. However, the plan does not explain with specific details or provide evidence that the Initiative's integration of existing technology systems is innovative

or provides new methods for the field of materials engineering. Moreover, while he generally describes his proposed development and implementation of the Model and Initiative, he did not explain, for example, how he will perform the work for his proposed Initiative.

As a comparison, 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 claims he has clearly demonstrated his endeavor's potential for substantial positive economic effects to the United States, emphasizing the Initiative will be nationwide and target documented problems of delays and material mismanagement in capital projects across multiple industries. In his professional plan, he states that his proposed endeavor would have impacts beyond helping individual companies and "has the potential to set new industry standards that benefit the entire energy, construction, and mining sector," emphasizing the "ripple effect will improve company performance (vertical impact) and empower professionals across the industry to adopt and propagate best practices (horizontal impact)." He asserts that industries adopting his Model and best practices would substantially impact U.S. economic growth by enhancing industrial productivity and infrastructure development; implementing strategies which are scalable and designed for replication across various industries and small and large enterprises; and modernizing infrastructure development to promote innovation and technological advancement.

In addition, the Petitioner asserts his endeavor has the potential to create jobs for skilled workers, impact the environment and societal welfare, and operationalize federal priorities identified as matters of national importance. His plan makes general claims that his endeavor has the potential to strengthen workforce knowledge and skills by transferring his professional knowledge and skills to others; reduce environmental sustainability and infrastructure improvements with eco-efficient technologies, low-carbon materials, and renewable energy integration across construction, mining, and energy sectors; impact social and community development with job creation and reduced unemployment and social inequity; and foster inclusive growth and stronger community engagement.

The Petitioner, however, has not provided independent and objective evidence sufficient to corroborate his claims that his proposed endeavor stands to provide broader impacts on the U.S. economy, job creation, the environment, societal welfare, and national initiatives. The record lacks evidence detailing and adequately explaining how his proposed Initiative will realize the claimed impacts. The Petitioner's statements are not sufficient to demonstrate his endeavor has the potential to provide such benefits to the United States. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 l&N Dec. at 376. Also, without sufficient documentary evidence that his proposed endeavor to develop and implement the Initiative for companies in the United States would impact the materials engineering field, or the energy, mining, and infrastructure industries more broadly rather than benefiting him and the companies he would

work with, the Petitioner has not demonstrated by a preponderance of the evidence that his proposed endeavor is of national importance.

To support his assertions, the Petitioner submitted two opinions, the first from A-A, an adjunct professor of mathematics at [redacted] and the other from J-C-, a senior power and controls engineer at an engineering firm. The opinions mainly focus on how the Petitioner can leverage his professional experience and skills as a materials engineer to specialize in materials management process design and implementation for engineering, procurement, and construction projects for U.S.-based companies. However, the opinions' reliance on the Petitioner's professional knowledge, skills, and achievements to establish the national importance of his proposed endeavor is misplaced. His professional experience relates to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar*, 26 I&N Dec. at 890. The issue here is whether the specific endeavor that the Petitioner proposes to undertake has national importance under *Dhanasar's* first prong. To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of his work. *See id.* at 889.

Moreover, neither opinion discusses the details of the Petitioner's proposed endeavor. Instead, both opinions provide general statements that he intends to develop technological advancements to improve operational efficiencies and costs for the energy, construction, and mining industries. And the opinions reiterate statements in the Petitioner's professional plan about his proposed endeavor having national importance. For instance, the opinion from J-C- states the Petitioner would introduce "strategic frameworks and execution models" which "will enhance industrial productivity and infrastructure development, ultimately driving national economic growth." The opinion does not explain in meaningful detail the Petitioner's proposed "strategic frameworks" and "execution models." In addition, J-C- states the Petitioner's "endeavor to strengthen project execution in the energy, construction, and mining sectors will catalyze innovation and accelerate the adoption of cutting-edge technologies applied to project execution and control." However, the opinion does not explain such potential "innovations" and "cutting-edge technologies."

As discussed above, the Petitioner also intends to enhance the skills and education of the workforce through trainings and knowledge transfer of the "cutting-edge material management tools and methodologies." In support of his claims, the opinions discuss the Petitioner's intention to partner with academic institutions; develop certification and assessment systems to validate workforce competencies; organize workshops and other training; and introduce STEM principles to underserved youth. The Petitioner and the opinions claim such training and knowledge transfer will increase worker productivity, improve project quality, increase retention of workers, and increase the number of skilled workers.

However, 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. Likewise, the Petitioner's intent to transfer his professional knowledge to others through trainings and knowledge sharing does not demonstrate an impact on the materials engineering field more broadly or rise to the level of national importance as contemplated by *Dhanasar*. 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." *Id.*

The record includes letters of recommendation from colleagues in his field who have worked with the Petitioner. The letters, however, speak in general terms about the Initiative and its potential impacts. Although the letters express admiration for the Petitioner's previous work, his materials engineering skills and knowledge, and the shared promotion of materials management efficiencies for businesses, they do not explain the specifics of the Initiative. Without more evidence detailing the specifics of the Initiative beyond broad support for the Petitioner's work on the Initiative, the record lacks evidence to determine whether his proposed endeavor has the claimed potential prospective impact on the materials engineering field; the energy, construction, and mining industries; or otherwise rises to the level of national importance.

The Petitioner further argues that SCOPS did not consider his endeavor's impact on matters that the government has described as having national importance or is the subject of national initiatives. He argues his endeavor has the potential to operationalize federal priorities identified as matters of national importance, including the Unleashing American Energy Executive Order, the Immediate Measures to Increase American Mineral Production Executive Order, the Inflation Reduction Act, and the Bipartisan Infrastructure Law. To support his assertions, the opinion from J-C- describes national initiatives and stresses the importance of reducing delays, waste, and costs in infrastructure projects. The opinion maintains that because the Petitioner's proposed endeavor aims "to implement a unified materials management system and advanced project execution methodologies," it thereby aligns with such national initiatives to modernize infrastructure, enhance project delivery efficiency, and promote sustainable development.

The importance of the U.S. government initiatives, such as those implemented to grow the U.S. economy by investing in the U.S. infrastructure and the energy and mining industries, is not in dispute, but their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. While efficiencies in infrastructure projects and the energy and mining industries are important to the U.S. economy, it does not follow that an individual providing materials engineering work and developing materials methods for U.S.-based businesses has national importance. As discussed earlier, working in or establishing a business in an important field is insufficient on its own to establish the national importance of the proposed endeavor. Instead, we focus on the "the specific endeavor that the foreign national proposes to undertake" and consider the endeavor's "potential prospective impact." *Id.* at 889. The Petitioner makes general statements about his Initiative's potential impact on national policies but does not quantify the proposed endeavor's expected impact in the identified areas of concern, or provide objective, probative evidence to support his contentions. While enhancing materials engineering methodologies in the mining, energy, and construction industries may be nationally important issues, he has not demonstrated the potential prospective impact of his specific endeavor to such nationally important matters.

The standard of proof in this proceeding is a preponderance of evidence, meaning that a petitioner must show that what is claimed is "more likely than not" or "probably" true. *Matter of Chawathe*, 25 I&N Dec. at 375-76. To determine whether a petitioner has met the burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.*; *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). Here,

the Petitioner has not demonstrated by a preponderance of the evidence that his proposed endeavor has the claimed potential to extend beyond his Initiative and his future clients to impact his field, the U.S. economy, job creation, societal welfare, the environment, or nationally important matters more broadly at a level commensurate with national importance. Beyond general assertions, he has not demonstrated that the work he proposes to undertake as a materials engineer to develop and implement the Initiative offers the claimed innovations that contribute to advancements in his field. The potential impacts that the Petitioner claims depend on numerous factors, and he did not offer a sufficiently direct evidentiary tie between his materials engineering work and the claimed potential impacts.

Because the documentation in the record does not sufficiently establish the national importance of the Petitioner's proposed endeavor as required by 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 regarding his eligibility under the second and third *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. at 25; *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.