U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42214361

Date: APR. 15, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, an aircraft mechanic, seeks employment-based second preference (EB-2) immigrant classification as an individual of exceptional ability,[1] as well as a national interest waiver of the job offer requirement that is 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 although the endeavor has substantial merit and the Petitioner is well-positioned to advance the endeavor, the record did not establish that the proposed endeavor has national importance and that a waiver of the required job offer would be in the national interest. SCOPS did not analyze the evidence regarding the Petitioner's eligibility for the underlying classification as an individual of exceptional ability. 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 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.

Exceptional ability means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business. 8 C.F.R. § 204.5(k)(2). A petitioner must initially submit documentation that satisfies at least three of six categories of evidence. 8 C.F.R. § 204.5(k)(3)(ii)(A)-(F).[2] Meeting at least three criteria, however, does not, in and of itself, establish eligibility for this classification. *See generally* 6 USCIS Policy Manual F.5(B)(2), https://www.uscis.gov/policy-manual. If a petitioner

[1] The Petitioner did not claim eligibility as an advanced degree professional.

[2] If these types of evidence do not readily apply to the individual's occupation, a petitioner may submit comparable evidence to establish their eligibility. 8 C.F.R. § 204.5(k)(3)(iii).

does so, we will then conduct a final merits determination to decide whether the evidence in its totality shows that they are recognized as having the requisite degree of expertise and will substantially benefit the national economy, cultural or educational interests, or welfare of the United States. 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,[3] 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

In his "EB2 Personal Plan" submitted with the initial filing, the Petitioner asserted that he is as "an Aircraft Mechanic, Aircraft Instructor, and Quality Control Inspector who endeavors to address the talent shortage in the Aviation Industry encompassing wide range of roles, enhance aviation safety standards, and contribute to the economic impact of Aircraft Mechanics in the United States."

In response to SCOPS' request for evidence (RFE), the Petitioner submitted a revised personal statement claiming that "I intend to apply my technical expertise, instructional experience, and leadership skills to enhance maintenance training programs, support workforce development, and promote higher safety and quality standards across the U.S. aviation sector." The Petitioner stated that his focus will be "collaborating with educational institutions, maintenance organizations, and FAA-approved aviation training programs" to promote mentorship and professional development among aviation personnel. At the same time, the Petitioner "intend[s] to collaborate with FAA-approved repair stations, Part 147 aviation maintenance institutions, and technical schools across the United States to modernize training programs and strengthen technician development" in order to "enhance quality, safety and sustainability of aircraft maintenance operations in the United States."

A. EB-2 Classification

The Petitioner claimed that he qualifies for the underlying EB-2 classification as an individual of exceptional ability by meeting all six of the initial criteria. While SCOPS concluded that the Petitioner met at least three criteria,[4] the decision did not specifically identify these criteria or provide analysis on how the Petitioner met them. In addition, SCOPS did not conduct a final merits determination.

[3] *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).
[4] This determination is found in the RFE issued on August 22, 2025.

See 6 USCIS Policy Manual, *supra*, at F.5(B)(2). Because we nevertheless conclude that the Petitioner has not established that a waiver of the requirement of a job offer, and thus of a labor certification, would be in the national interest, we reserve our opinion regarding whether the Petitioner satisfies second-preference eligibility criteria. *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).

B. National Interest Waiver

The first prong in the *Dhanasar* analytical framework for evaluating national interest waivers is substantial merit and national importance. *Dhanasar*, 26 I&N Dec. at 889. This prong focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* Based on various industry reports and articles discussing the importance of aviation maintenance industry and profession, we agree with SCOPS that the Petitioner's proposed endeavor has substantial merit.

However, we conclude that the Petitioner did not establish national importance of his endeavor. 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 other broader implications indicating national importance. *Id.* at 889-90.

On appeal, the Petitioner claims that SCOPS' analysis "focused solely on economic factors and did not consider other nationally relevant aspects of the endeavor, including its contributions to societal welfare and the educational and cultural benefits of [the Petitioner's] instructional work." The Petitioner also asserts that SCOPS mischaracterized the expert opinion letter in the record as "generalized" and failed to consider how his proposed endeavor aligns with U.S. government's national security priorities.

First, we disagree with the Petitioner's contention that SCOPS' decision focused solely on economic factors. SCOPS concluded that the record does not provide "sufficient supporting evidence to establish a strong connection between the proposed endeavor and substantial economic benefits (such as job creation or tax revenues)." But SCOPS also concluded that "the record does not demonstrate that his instructional activities offer benefits that extend beyond his trainees to impact the field more broadly" and considered how his methods or skills differ from those already available in the United States or how his endeavor sets him apart from other aircraft mechanics to impact the field. As such, SCOPS properly considered different aspects of the endeavor's impact but ultimately concluded that the Petitioner did not establish broad implications of his endeavor at a level commensurate with national importance. Overall, the record does not adequately demonstrate the specific endeavor the Petitioner proposes to undertake, i.e., how he intends to implement his proposed endeavor, which is fundamental to showing the potential scope of the proposed endeavor. Although the Petitioner claimed that his endeavor would provide economic, societal welfare, educational, or cultural benefits, the record neither clarifies nor substantiates the endeavor's prospective impact as contemplated by

Dhanasar. *Id.* at 889-90. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 375-76.

Also, the Petitioner's contention that SCOPS mischaracterized the expert opinion letter is not persuasive. SCOPS concluded that the expert letter from T-S- "lacks relevance because the writer discusses the importance of the petitioner's industry and occupation rather than addressing how the specific proposed endeavor would satisfy the national importance element of the first prong of the *Dhanasar* framework." We agree with SCOPS' assessment of the letter. The expert opinion generally describes the three prongs of *Dhanasar* and summarizes the information already provided by the Petitioner's personal statements and recommendation letters, such as his educational and employment background, statistics and outlook on relevant industry and occupation, without providing persuasive details regarding specific impact of the Petitioner's endeavor or his methodology to the field of aviation safety and maintenance. In addition, the letter generally claims that the Petitioner's work would impact the aviation industry, the economy, or societal welfare more broadly at a level indicative of national importance, but the record does not sufficiently corroborate these claims. As a matter of discretion, we may use opinion statements submitted by the Petitioner as advisory. *Matter of Caron Int'l*, Inc., 19 I&N Dec. 791, 795 (Comm'r 1988). However, we will reject an opinion or give it less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.*

Similarly, although the Petitioner submitted various recommendation letters from his colleagues discussing his past experience, skills, and professionalism and numerous articles and reports that highlight the importance of the aviation industry, shortage of aviation technicians, and the value of aviation safety measures, such evidence does not sufficiently demonstrate the future impact of the proposed endeavor or show the scope of his endeavor with specific plans for training aviation personnel and collaborating with aviation industry programs as claimed. The evidence does not sufficiently show how his endeavor will extend beyond companies and trainees that he will serve to significantly impact the field.

Lastly, we will consider how the proposed endeavor aligns with the government's priorities. In *Dhanasar*, we gave significant weight to "probative expert letters from individuals holding senior positions in academia, government, and industry that describe the importance of hypersonic propulsion research as it relates to U.S. strategic interests" and "detailed expert letters describing U.S. Government interest" in Dr. Dhanasar's specific research. *Dhanasar*, 26 I&N Dec. at 892. Here, the Petitioner has not provided similar evidence, such as the type of expert opinion evidence or letters from government entities detailing how his specific endeavor impacts a matter that is a subject of national initiatives. None of the articles and reports specifically mention the Petitioner's endeavor or discuss the government's interest in promoting the use of the Petitioner's innovation or solutions. Rather, they provide information regarding the importance of the industry, field, or profession in which the Petitioner will work, which is not the focus in determining whether a proposed endeavor may have national importance. *See id.* at 889.

Based on the foregoing, we conclude that the Petitioner did not establish national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision and therefore, he has not demonstrated eligibility for a national interest waiver. The Petitioner did not satisfy his burden of establishing the specific endeavor and its prospective impact. As the identified reasons for

dismissal are dispositive of the appeal, we decline to reach and hereby reserve the issues regarding his eligibility under the second and third prongs of *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

The Petitioner has not established the national importance of his proposed endeavor. Therefore, the Petitioner has not shown eligibility for the national interest waiver, and we will dismiss the appeal 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.