U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42204171

Date: APR. 20, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a biofuels engineer, 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).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the job offer requirement is 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.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for the EB-2 classification as an advanced degree professional. Based on the evidence in the record that the Petitioner has obtained the foreign equivalent of a master's degree in engineering, we agree. The issue on appeal is whether the Petitioner has established that a waiver of the job offer requirement, and thus of a labor certification, would be in the national interest under the analytical framework set forth in *Matter of Dhanasar*.

Regarding the Petitioner's eligibility for a national interest waiver, SCOPS determined that the Petitioner demonstrated only the substantial merit of the proposed endeavor. SCOPS found that the Petitioner did not establish the endeavor's national importance, that he is well-positioned to advance it, or that, on balance, a waiver of the job offer requirement would benefit the United States. Based on our de novo review of the record, we agree with SCOPS that the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Matter of Dhanasar*. Specifically, we agree that the Petitioner has not sufficiently demonstrated the national importance of the proposed endeavor as required by the first *Dhanasar* prong, and we will dismiss the appeal on that basis. While we may not discuss each piece of evidence or address each argument made, we have reviewed and considered each one.

The Petitioner stated in his personal statement that in his proposed endeavor he "aims to leverage [his] expertise in biofuel logistics, production optimization, and international trade to make significant contributions to the [United States'] goals of energy security, economic growth, and leadership in the global renewable energy transition." In the first year of his proposed endeavor, the Petitioner states he will focus on "establishing a strong presence in the U.S. biofuel sector, working to optimize ethanol transportation networks and improving infrastructure, particularly in key U.S. trade hubs such as the Gulf ports." In the second and third years, the Petitioner states that his "focus will shift to driving technological advancements in biofuel production, particularly the development of second-generation biofuels derived from non-food biomass." In the fourth and fifth years, the Petitioner states he will "expand [his] influence in biofuels by assuming significant leadership roles in optimizing U.S. biofuel infrastructure and advancing the transition to advanced biofuel production processes, reducing costs, and expanding market access in regions like Europe and Asia."

In response to SCOPS' request for evidence (RFE), the Petitioner submitted a "career progression plan" that further elaborates on this year-by-year plan and states that his "core focus is on optimizing ethanol infrastructure and ensuring that the U.S. maintains a competitive advantage in global trade." The Petitioner is currently employed by [redacted], a subsidiary of [redacted] Brazilian energy company, as a trading operations manager. The Petitioner intends to pursue his proposed endeavor by continuing in this role.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, 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. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

On appeal, the Petitioner asserts that SCOPS' decision lacks "individualized analysis" to explain why the evidence is insufficient; that the decision states "generic concerns" using "boilerplate language;" that it uses "internally inconsistent and fragmented reasoning;" and that it "assembles assertions that are not clearly linked to one another" and does not "articulate a coherent analytical framework" explaining the basis for the denial. The Petitioner claims that the decision therefore violates the Administrative Procedure Act (APA), 5 U.S.C. §§ 551-706, because it is arbitrary and capricious, does not consider the relevant evidence, applies inconsistent standards, and is not rationally connected to the facts.

As to the national importance analysis specifically, the Petitioner asserts on appeal that SCOPS' analysis conflates the national importance requirement with "preexisting, nationally publicized recognition on a specific project, rather than evaluating whether the endeavor itself has broader implications within an important field" and that the decision implies that national importance requires "widespread prominence." The Petitioner also claims that SCOPS did not sufficiently consider the evidence submitted to establish national importance, primarily the Petitioner's career progression plan and the support letters. Finally, the Petitioner claims, among other things, that SCOPS erred by concluding that the Petitioner's intention to continue in his employment was not a sufficiently defined proposed endeavor. He asserts that, although he will pursue his endeavor through his employment at Raizen, his proposed endeavor and his employment are separate.

As an initial matter, we conclude that the Petitioner's assertion that the decision is arbitrary and capricious and lacks analysis is not borne out in the record. The Petitioner does not provide specific examples to support this claim, and we disagree with this characterization of the decision. SCOPS' decision summarizes the evidence submitted, describes specific claims made by the Petitioner in support of the national importance of the endeavor, and explains why the arguments advanced and evidence submitted are insufficient. We also do not find support for the Petitioner's claim that the decision implies that national importance requires demonstrating "widespread prominence" or "nationally publicized recognition." Again, the Petitioner does not cite specific examples of this in the decision, and we find that the decision does not state or imply this standard.

We also conclude that SCOPS did not err in the way that it analyzed how the Petitioner's intent to continue in his employment impacts the national importance of the endeavor. The Petitioner claims that SCOPS' found that the Petitioner's intention to advance his endeavor through his employment with [redacted] was "disqualifying" and that SCOPS misapplied *Matter of Dhanasar* by stating that "continuing in employment" is not sufficient as a proposed endeavor. But SCOPS' decision does not state that the Petitioner's plan to pursue his endeavor through his employment is categorically disqualifying; rather, SCOPS found, based upon the evidence in the record, that the potential benefits of the proposed endeavor would likely be limited to the company and that the Petitioner did not sufficiently establish that the endeavor's potential prospective impact rises to the level of national importance. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), www.uscis.gov/policy-manual ("Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance.").

Moreover, we agree with SCOPS that the evidence, including the career progression plan and the support letters that the Petitioner emphasizes on appeal, does not demonstrate the national importance of the proposed endeavor. In the Petitioner's career progression plan, he describes his background, provides information on the U.S. ethanol industry, and states his short- and long-term goals. He states that the first year of his plan will involve, among other things, the "implementation of foundational logistics, infrastructure, and compliance protocols within my operational scope, creating a replicable model that positions U.S. ethanol exports to expand reliably into premium global markets." In years three and four, the Petitioner "will focus on lang-range commercial adaptability through partnerships, cross-border partner-led command structures, and integration with Latin America's export networks . . . ." In year five, his plans include piloting a certification program to train and develop a "credentialed workforce capable of sustaining high-volume ethanol corridors, preserving certification integrity, and maintaining operational stability during infrastructure stress events or global trade disruptions." The Petitioner claims that these plans will "streamline processes, address challenges in real-time, and enhance the U.S. ethanol industry's global competitiveness," and that the outcomes "will directly contribute to U.S. GDP growth, job creation across the agricultural and logistics sectors, and increased global market share for American ethanol by enhancing the efficiency of production, optimizing export routes, and creating new opportunities for U.S. farmers, terminal operators, and logistics companies."

We conclude that these claims are not sufficiently established by documentary evidence. Although the Petitioner describes in detail many goals he intends to pursue, the career progression plan lacks sufficient credible evidence to support his claims that these goals will broadly impact the ethanol industry or the United States at a level commensurate with national importance. The plan is not supported by specific information or evidence to corroborate the Petitioner's assertions regarding the endeavor's potential prospective impact. A petitioner must also support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. The information that the Petitioner references in his career progression plan includes general industry information and statistics about ethanol and its economic impact; the Petitioner does not provide credible evidence related to the claims that his "strategic approach" or his year-by-year plan have the potential to broadly impact the industry. We conclude that the career progression plan does not, as he claims on appeal, demonstrate that the proposed endeavor will address bottlenecks in export logistics, be scaled across trade corridors, or otherwise impact the ethanol industry, at a scale consistent with national importance.

As to the Petitioner's recommendation letters, we acknowledge that they help show that the Petitioner is experienced as a trading operations manager in the biofuels industry who appears to be highly regarded by his professional associates and colleagues. The letters primarily discuss the Petitioner's accomplishments and speak highly of the Petitioner's effectiveness in his role at [redacted]. For example, D.V.Z,[2] a senior vice president at [redacted] writes that the Petitioner "undertook several key initiatives that were integral to the success of the company," that he played a "pivotal role" in ensuring compliance with sustainability standards, and praises his "deep knowledge of product quality and operational logistics." While the letter closes by claiming that the Petitioner's contributions "make him a valuable asset to the global biofuels industry" and that the Petitioner's continued work will "contribute significantly to advancing U.S. interests," in the biofuels market, the substance of letter

[2] We use initials to protect individuals' privacy.

focuses on the Petitioner as an employee whose contributions have been valuable to the company, rather than discussing the specific proposed endeavor and how its potential impact is nationally important.

The other recommendation letters are similar. S.D., of counsel in the energy compliance services practice at [redacted] discusses the Petitioner's "extensive knowledge" and "exceptional leadership capabilities" and praises his effectiveness in his role at [redacted] in helping the company become the first Brazilian company to import ethanol for use as sustainable aviation fuel (SAF). S.D. also claims that the Petitioner's work "directly aligns with the [United States'] broader goals of reducing carbon emissions and advancing sustainable energy solutions." A.C., a colleague at [redacted] states that the Petitioner has a "deep understanding of the ethanol supply chain" and "exceptional operational acumen and unique capacity for quickly mastering new and complex challenges." The letters, however, do not discuss the specific, proposed endeavor or its potential prospective impact.

Some of the recommendation letters also describe the Petitioner's profession as nationally important and assert that there is a shortage of workers in the field. For example, E.D.D., a project manager at [redacted] asserts the opinion that "[p]rofessionals with [the Petitioner's] demonstrated ability . . . are exactly what American energy companies need," that the energy infrastructure sector is experiencing a "critical shortage of professionals," and that the Petitioner's combination of competencies makes him an "exceptionally sought-after professional in our industry." But citing the general importance of a profession alone is not sufficient to demonstrate the national importance of a proposed endeavor. *See generally* 6 *USCIS Policy Manual, supra*; *see also Matter of Dhanasar*, 26 I&N Dec. at 893 (stating that the importance of classroom teaching as a profession does not demonstrate the national importance of a classroom teaching endeavor). Additionally, the alleged shortage of workers in an occupation or of occupational skills does not render a proposed endeavor nationally important under the *Dhanasar* framework. In fact, such shortages of qualified workers are directly addressed by the U.S. Department of Labor through the labor certification process. *See generally* 6 *USCIS Policy Manua, supra* ("Proposing to work in an occupation with a national shortage . . . alone, is also insufficient.").

Because they primarily address the Petitioner's knowledge and skills, we agree with SCOPS that the letters generally relate to the second prong of the *Dhanasar* analytical framework, which "shifts the focus from the proposed endeavor to the foreign national" and whether he is well-positioned to advance it. *Matter of Dhanasar*, 26 I&N Dec. at 890. While a petitioner's past work and achievements can be helpful in illustrating how they plan to carry out their proposed endeavor and in some circumstances its potential to have a broad impact, in general the focus of the first prong is on the proposed endeavor itself and not the petitioner. *See id.* The issue here is whether the Petitioner's specific endeavor—to optimize the logistics and operations of the ethanol industry and trading infrastructure through his employment at [redacted]—has national importance under *Dhanasar's* first prong. The Petitioner has not provided evidence of achievements in the field that demonstrates that the endeavor has the potential to impact the ethanol industry or the economy at a level commensurate with national importance.

The independent advisory letters are also not persuasive of the national importance of the Petitioner's proposed endeavor. As one example, [redacted] the lead faculty of [redacted] Renewable Energy and Sustainability Systems program, claims that the Petitioner's

proposed endeavor has national importance. [redacted] repeats the Petitioner's description of his planned activities, describes [redacted] as a company, and lists some of the Petitioner's job duties in his role at [redacted] also describes the size of the U.S. and global ethanol industry and some of the limitations and challenges facing the industry, for example stating that "[t]ransport infrastructure gaps remain a continuous barrier" and that biofuel ethanol "faces significant logistical hurdles in storage and distribution."

Finally, [redacted] makes broad assertions that the Petitioner's work will address these issues and transform the industry. For example, he states that the Petitioner will "enhance the efficiency of ethanol transport, reduce logistical costs, and expand the export capabilities of U.S. biofuels," and that he will "help ensure that U.S. biofuels remain competitive in both domestic and international markets." He states that the Petitioner "brings unparalleled expertise in trading and supply chain management, which positions him uniquely to enhance U.S. transportation infrastructure" and that the Petitioner will "not only enhance biofuel logistics but also lay the groundwork for future advancements that could extend to other sectors, ultimately fostering a more efficient and sustainable supply chain."

[redacted] bases these claims on the Petitioner's expertise in the industry, rather than describing the potential prospective impact of the specific, proposed endeavor. Again, the focus on the Petitioner's experience and expertise, rather than on the endeavor, are more appropriate considerations for the second rather than the first *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 890. [redacted] does not credibly explain how the Petitioner, through his employment as a trading operations manager, has the potential to broadly impact the ethanol industry. 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.* We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.* Here, the opinion letter repeats the Petitioner's general claims about increasing efficiency, ensuring compliance, and improving logistics, but it lacks the specificity to be credible or persuasive. We therefore conclude it is of little probative value.

Throughout the Petitioner's appeal brief, he repeats his claims that the proposed endeavor will have "field-level impacts" and that the evidence demonstrates that it is "replicable" and "scalable." While the record reflects the Petitioner's experience in the field and his intention to provide valuable services to his employer and to the industry, the Petitioner has not offered sufficient evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance, and his unsupported assertions to the contrary are insufficient to meet his burden of proof. *See Matter of Chawathe*, 25 I&N Dec. at 376. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of national importance because they would not extend beyond his students to impact the education field more broadly. *Matter of Dhanasar*, 26 I&N Dec. at 893. Here, we conclude the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond his employer and its partners to impact the ethanol industry or the U.S. economy at a level commensurate with national importance.

The Petitioner's claims on appeal do not overcome the basis for SCOPS' findings as they relate to the national importance of the proposed endeavor. Moreover, for the reasons discussed above, we agree

that the Petitioner has not established the national importance of the proposed endeavor. Because the documentation in the record does not establish national importance as required by the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver.

III. CONCLUSION

The Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, he is not eligible for a national interest waiver. We reserve our opinion regarding whether the record satisfies the second and third *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).

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.