U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42237341

Date: APR. 29, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an industrial product company, seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary 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).

Service Center Operations (SCOPS) denied the petition, concluding 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: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

II. ANALYSIS

The Petitioner states it is an industrial product company "providing leading edge integrated corrosion and erosion monitoring systems, including non-intrusive and intrusive technologies." It claims to have provided solutions in industries such as oil and gas, petrochemical, water treatment, chemical, pulp and paper, pharmaceutical, and utilities.

The Beneficiary holds a master's degree in mechanical engineering and currently works for the Petitioner as a product engineering team leader. He states he has over six years of experience in integrated corrosion and erosion monitoring systems engineering. His past positions include roles as a project engineer and mechanical engineer.

SCOPS determined that the Beneficiary qualifies for the underlying EB-2 classification as an advanced degree professional but that the Petitioner did not establish the Beneficiary's eligibility under the *Dhanasar* analytical framework. Specifically, SCOPS concluded the Petitioner did not establish that the proposed endeavor has substantial merit or national importance, that the Beneficiary is well positioned to advance the proposed endeavor, and that on balance, waiving the job offer requirement would be beneficial to the United States. For the reasons discussed below, we agree with SCOPS that the Petitioner has not shown the proposed endeavor satisfies *Dhanasar's* first prong and, therefore, is not eligible for a national interest waiver. Accordingly, we will dismiss the appeal.

In the initial filing, the Petitioner described the Beneficiary's proposed endeavor as:

> In the role of Product Engineering Team Lead, [the Beneficiary] will report directly to the Director of Engineering and will lead Product Engineering related responsibilities including but not limited to supporting RFQ's, Product Life Cycle and general sustaining efforts. In this role he will deliver well-thought-out technical work and be the technical authority for product engineering related duties. He will utilize his strong experience to supervise, guide and support product engineering team members in their day-to-day tasks and will use sound judgement [sic] to determine the best technical path based on business priorities and market conditions. He will lead engineering related efforts and collaborate closely with fellow engineers, product managers, project managers, project engineers, supply chain, leadership, and external third parties.

In its response to SCOPS' Request for Evidence (RFE), the Petitioner stated that the Beneficiary's proposed endeavor was "to research, develop, and implement next-generation corrosion monitoring and chemical injection technologies critical to safeguarding U.S. infrastructure across the energy, water treatment, and manufacturing sectors."

In concluding that the Petitioner did not meet the substantial merit and national importance requirements of *Dhanasar's* first prong, SCOPS found that the Petitioner did not clearly state or explain the Beneficiary's proposed endeavor, and noted that the description of the Beneficiary's endeavor had changed from the time of filing to the RFE response. Additionally, with regard to the national importance element of the first prong, SCOPS also found that, even considering the Beneficiary's proposed endeavor as described in the initial filing, the Petitioner had not demonstrated that it would have: national or even global implications; a significant potential to employ U.S. workers;

or would broadly enhance societal welfare or cultural or artistic enrichment. Nor had the Petitioner demonstrated that the area where he will pursue the endeavor was economically depressed; would lead to a significant population of workers in the area; or would offer the region or its population substantial positive economic benefits.

Upon review, and after evaluating all the evidence submitted, we agree with SCOPS' conclusion that the Petitioner has not met its burden to demonstrate the Beneficiary's eligibility for a national interest waiver. The Petitioner's appellate arguments do not overcome the basis for denial.

On appeal, the Petitioner generally argues that SCOPS failed to acknowledge the documents submitted in the initial petition and abused its discretion when it did not address all the evidence in the record. It asserts that, by not doing so, SCOPS did not provide an adequate basis explaining why the evidence was insufficient. Despite this argument, however, the Petitioner did not specifically identify which documents it claims SCOPS "refused to address." And a review of SCOPS' decision reflects consideration of all the evidence, including the initially submitted letters of recommendation. SCOPS, however, did not find that the letters, or other evidence submitted, were probative. They noted that the letters focused on the Beneficiary's professional experience and skills, which is relevant to whether the Beneficiary is well positioned, rather than explaining how his specific proposed endeavor would have nationally important impacts. Although the Petitioner asserts that SCOPS "refused" to address all the evidence, SCOPS appropriately addressed the submitted documents, as well as the reasons why it found the evidence to be unpersuasive. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *See, e.g., Villegas Sanchez v. Garland*, 990 F.3d 1173, 1183 (9th Cir. 2021).

The Petitioner also argues that SCOPS only considered some of the evidence and dismissed other pieces of evidence without justification. The Petitioner contends that SCOPS "refused to allow testimonial evidence from letters of support to qualify as evidence meeting any of the NIW criteria" and improperly stated the letters needed independent documentary evidence to confirm the information, thereby raising an issue not in the RFE. But again, a review of SCOPS' decision reveals that they considered the letters but did not find they were sufficient to establish the proposed endeavor's national importance. They noted that, while the letters may help clarify or explain the Beneficiary's field of endeavor, experience, and achievements, the Petitioner was still required to establish eligibility with independent documentary evidence.[2]

As a matter of discretion, we may use opinion statements submitted by a petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we are ultimately responsible for making a determination regarding eligibility for the benefit sought. *Id.* Opinion letters, like all evidence submitted in support of a petition, are examined for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, and we are not required to accept or may give less weight to such letters if they are unsupported by the rest of the record. *See id.*; *Matter of Chawathe*, 25 I&N Dec. at 376. Here, much of the content of the provided

[2] *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual (stating that letters should be "supported by other independent evidence").

support letters lacks relevance and probative value with respect to the national importance of the Beneficiary's endeavor. And, as SCOPS noted, the letters also did not offer corroborating evidence to substantiate their claims that the Beneficiary's work would result in substantial contributions for the nation.

For example, the letter written by [redacted] a national product and sales manager at [redacted] praises the Beneficiary's skills and asserts that the "impact of [the Beneficiary's] work goes far beyond individual components or systems" and "supports energy security and environmental safety on a global scale." He also asserts that "engineers like [the Beneficiary] are essential to delivering scalable, sustainable, and safe operations." But, beyond these generalized assertions, he does not provide further explanation or substantiation for his claims. He also appears to rely on the importance of the industry in general and potential benefits the Petitioner will bring to the industry, rather than on the specific impact of the Beneficiary's proposed work and how it, in particular, would produce the claimed nationally important impacts. General statements about the Beneficiary's skills, expertise, and past accomplishments, or his work's potential impact, are insufficient to establish how the proposed endeavor will impact U.S. infrastructure, public safety, and economic stability beyond the Petitioner's company on a level rising to national importance. *Matter of Chawathe*, 25 I&N Dec. at 376. The Petitioner must support its assertions with relevant, probative, and credible evidence. *See id.*

Finally, the Petitioner also asserts that, by denying the petition "based on an interpretation of the regulation language not found in the INA, CFR, or USCIS' own policy manual, it acted ultra vires and violated the [Administrative Procedure Act]." Specifically, the Petitioner argues that SCOPS improperly defined the term "endeavor" and inappropriately utilized that definition when finding the Petitioner did not meet the first prong. We disagree.

Here, as SCOPS found, the Petitioner did not sufficiently identify the proposed endeavor. Initially, the Petitioner stated that the Beneficiary would work as a product engineering team lead and would perform project engineering related duties. However, in the RFE response, the Petitioner stated that the Beneficiary would be employed as a mechanical engineer and that his proposed endeavor was to research, develop, and implement technologies. And, beyond these general descriptions, the Petitioner provided little detail about what these proposed activities would specifically entail. As the USCIS Policy Manual states, "[t]he term 'endeavor' is more specific than the general occupation; a petitioner should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation." 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual. Based on the lack of detail and specificity in the Petitioner's documents, SCOPS appropriately found that it was not apparent how the Beneficiary's future work would have substantial merit or national importance.

The Petitioner also asserts that SCOPS "summarily dismissed how the work performed on critical oil safety products is of national importance or how it has substantial merit, despite the obvious environmental consequences." But, as explained in SCOPS' decision, the first prong—substantial merit and national importance—focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. Without a clear description of the proposed endeavor and an understanding of the specific activities that the Beneficiary intends to do, there can be no meaningful analysis to determine whether the proposed endeavor has substantial merit or

national importance under *Dhanasar's* first prong. Furthermore, even considering the Petitioner's argument that the Beneficiary's work is nationally important because it involves critical oil safety products, we reiterate that a petitioner's work in an important industry, even one that is the subject of national priorities, is not sufficient, in and of itself, to establish the national importance of the specific proposed endeavor. *See Matter of Dhanasar*, 26 I&N Dec. at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes to undertake"). The Petitioner must still demonstrate the specific proposed endeavor's potential prospective impact in that area of national importance, which it has not done here.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. The Petitioner has not established that SCOPS erred in their decision or otherwise persuasively explained how the proposed endeavor meets the substantial merit and national importance elements of *Dhanasar's* first prong. As such, the Petitioner has not overcome SCOPS' conclusions regarding these issues and has not established the Beneficiary's eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether it has established under the remaining two *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).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that it has not established that the Beneficiary is eligible for, or otherwise merits, a national interest waiver 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.