U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39774311

Date: AUG. 12, 2026

U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, an aircraft technician, seeks employment-based second preference (EB-2) immigrant classification as an individual of exceptional ability, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

USCIS denied the petition, concluding the record did not establish that the Petitioner qualified for the EB-2 nonimmigrant classification or for a national interest waiver. 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 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

Service Center Operations (SCOPS) concluded that the Petitioner did not establish eligibility for EB-2 classification as an individual of exceptional ability. We will reserve consideration of the Petitioner's eligibility for the underlying EB-2 classification, and discuss the Petitioner's ineligibility for a national interest waiver under the *Dhanasar* analytical framework. *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).

Although SCOPS determined that the Petitioner's proposed endeavor has substantial merit, SCOPS concluded that the record did not establish that the endeavor is of national importance, that the Petitioner is well positioned to advance the endeavor, or that it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner reiterates previous assertions concerning his eligibility, stating that SCOPS "made an error of law and facts when it denied the I-140 petition." We agree with SCOPS that the Petitioner established his proposed endeavor has substantial merit. However, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his endeavor under the first prong of the *Dhanasar* analytical framework.

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.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the 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.* In *Matter of Dhanasar*, we further noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890.

The Petitioner initially explained that his endeavor was to use his "extensive experience and expertise as an Aircraft Maintenance and Security Technician to advance aviation security, improve aircraft technology, mentor future aircraft technicians, and bolster the U.S. aviation industry and economy . . . ." He stated that he would provide technological upgrades to aircraft and machinery to improve the efficiency, stability, and growth of airlines and their facilities. In response to a request for evidence, the Petitioner specified that his proposed endeavor is to perform aircraft maintenance at [redacted]. He asserted his services would affect the safety of passengers and aircraft

across the nation because the airport is a major hub for domestic and international flights, giving his proposed endeavor "national reach."

The Petitioner, however, has not provided sufficient evidence to demonstrate that his individual work as a technician would have the extensive impact he described—"affecting," as he stated, "millions of passengers, businesses, and government operations." In our precedent decision, we determined that an undertaking may have national importance because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Matter of Dhanasar*, 26 I&N Dec. at 889. Here, the Petitioner has not identified what "technological upgrades" or "cutting-edge technologies" he would apply through his work to have an impact on aviation safety at a national level. He submitted information about federal initiatives to improve aviation safety and advance technology, the role of the aviation industry in the economy, and news articles discussing plane crashes. While this documentation demonstrates the importance of maintaining and improving safety for commercial and cargo flights, the Petitioner has not explained how his individual role as one technician among many at [redacted] would have a broader impact on aviation safety.

On appeal, the Petitioner asserts that SCOPS focused only "on the relevant background given about the aviation industry instead of all of the additional evidence provided about the importance of [his] specific endeavor." He again points to the documentation concerning aviation safety and technological improvements, but he does not explain how his intention to work as an airline technician meaningfully addresses these issues at a scale commensurate with national importance. He revisits claims that his work at [redacted] will have a national impact because it is "one of the busiest airports in the U.S." and his work "will contribute to aviation security across the country, affecting millions of passengers, businesses, and government operations . . . ." He does not, however, clarify how his role at the airport would have broader implications for the aviation industry or the country beyond performing the maintenance work completed every day by airline technicians throughout the United States. The Petitioner largely relies on the importance of maintaining and improving safety for commercial and cargo flights to demonstrate the importance of his endeavor to continue performing his role as a technician, rather than the prospective positive impact resulting from the endeavor itself. Again, it is not the overall importance of the industry or field in which the Petitioner intends to work, but the particular endeavor on which the Petitioner intends to embark that we consider in evaluating whether it is of national importance. *Id.* at 889.

On appeal, the Petitioner also points to documentation previously submitted concerning national shortages of qualified technicians to meet airline industry demands, reiterating his intention to train other technicians in the field. He emphasizes that expert letters previously submitted "highlight how the United States aviation industry needs someone with [his] years of experience and qualifications to advance aviation safety and technology to train new generations of technicians." However, the Petitioner has not provided evidence to demonstrate or otherwise explained how his role as an individual trainer or instructor would address purported national shortages of workers. Although the Petitioner previously referenced "training and mentorship programs" that he has developed, he has not provided details concerning these programs or explained how he would implement them at a scale commensurate with national importance. A letter from C-J-I, a director at the [redacted], states that the Petitioner completed a course instructor program at the center and has since taught three courses through "lessons [that] strictly follow Fundamentals of Instructing and FAA

Federal Aviation Regulations." The letter speaks positively of the Petitioner's teaching demeanor, thoughtful activities, and creative use of technology in the classroom. The record also includes four letters from individuals who state that they received training from the Petitioner. However, it not evident that the Petitioner has trained or will train a number of technicians at a scale that would have an impact nationwide or within the field. Further, these letters do not include details about the training, and they are not corroborated by additional evidence to show how programs he has developed would have an impact on workforce shortages or aviation safety. Moreover, shortages of qualified workers are directly addressed by the U.S. Department of Labor through the labor certification process. While the Petitioner argues on appeal that the technicians he trained works for other airlines throughout the United States, we note that, in *Matter of 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. Similarly, here, the record does not establish a broad impact that is commensurate with having national importance.

The Petitioner also referenced general economic impacts relating to airline safety to demonstrate the importance of his work in the field. He submitted several financial reports from the [redacted] However, the significance of these reports to the Petitioner's intention to work at [redacted] is not clear. He has not explained how his work as an aircraft technician would result in benefits to the regional or national economy that would reach the level of "substantial positive economic effects" contemplated by *Matter of Dhanasar*. *Id.* at 890.

On appeal, the Petitioner points to letter previously submitted to demonstrate the national importance of his proposed endeavor. Letters of recommendation from current and former employers describe his technical knowledge and his ability to successfully fulfill the roles and responsibilities of his previous and current positions. These letters, as well as letters from individuals the Petitioner trained, describe his character, skills, and technical experience, but they do not provide insight into how his work as a technician will have a broader impact on airline safety or performance. The Petitioner reiterates that he "will develop, improve, and ensure the function and safety of aircrafts, aviation security, and airports." A letter from [redacted] states that the company was impressed by the Petitioner's "eagerness to innovate and research in the aeronautical technical field," but neither this nor the other letters identify innovations or improvements that the Petitioner has brought to the field. A petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. He has not demonstrated the potential prospective impact of his proposed endeavor on the aviation industry or any broader implications for aviation safety and technology in the United States.

The record does not establish the national importance of the proposed endeavor as required by the first prong of *Matter of Dhanasar*. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 25.

III. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not

established that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The petition will remain denied.

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.