U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43236520

Date: AUG. 22, 2026

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

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

The Petitioner, a strategic initiatives manager, 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).

USCIS denied the petition, concluding that 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:

- 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

USCIS concluded that the Petitioner qualifies as a professional holding an advanced degree. The record supports that conclusion; she has a master's degree in business administration from [redacted]. She also submitted evidence of her completion of a dual degree program for civil engineering and structural engineering from the [redacted]. The remaining issue to be determined 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.

The Petitioner is a strategic initiatives manager for an energy company, where she has worked on management systems to better anticipate and respond to major storms. Her proposed endeavor is to continue building on these systems, creating solutions to support the design, development, and maintenance of the power grid, with a focus on storm restoration efforts and their direct impacts on power grid resilience during severe weather events. She intends to deliver solutions using artificial intelligence (AI) that enhance grid reliability, accelerate storm restoration, and optimize asset deployment across the national grid.

Although USCIS determined that the Petitioner's proposed endeavor has substantial merit, USCIS 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 asserts that USCIS conflated her proposed endeavor with her current employment, which inappropriately narrowed the analysis of her endeavor. She explains that her references to her current employment were to show how it inspired her proposed endeavor to build on her work—to advance it "on a broader scale, through the integration of cutting-edge technologies, effectively bridging structural engineering and strategic operations within critical infrastructure and contribut[ing] significantly to the adoption of sustainable practices." She also asserts that USCIS did not provide an analysis of testimonial evidence submitted to support the national importance of her proposed endeavor. She further asserts that USCIS did not consider policy guidance concerning endeavors in the fields of science, technology, engineering, and math (STEM). Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of her proposed 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. If the evidence of record demonstrates that an individual's proposed endeavor has the significant potential to, for example, contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance.[2] Regarding an endeavor in STEM fields, importance may be found in its contribution to U.S. competitiveness or security in a variety of circumstances, such as when it will help the United States remain ahead of strategic competitors or current and potential adversaries.[3]

To provide context concerning the national importance of her proposed endeavor, the Petitioner submitted articles and reports concerning energy grid reliability and resilience in the United States. This documentation includes a summary of electricity consumption in the United States in 2022 from the U.S. Energy Information Administration, a report from the U.S. Government Accountability Office discussing lessons learned from previous natural disasters to enhance resilience of the electricity grid, as well as portions of reports from the National Conference of States Legislatures (NCSL) on disaster planning, ensuring reliable energy service, and strengthening the energy grid against extreme weather. She also submitted an Executive Order from April 8, 2025, which discusses growing energy demands and states that it is U.S. policy to ensure reliability, resilience, and security of the electric power grid.

This evidence, the Petitioner asserts on appeal, contains "specific facts and figures that support the broader and national implications of [her] proposed endeavor at a level that reflects its national importance." However, merely working in an important field or profession is insufficient to establish the national importance of the proposed endeavor. *Id* at 889. Instead, when determining whether the proposed endeavor has 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.* Although the Petitioner stresses that her proposed endeavor has national importance because it "addresses" issues of national importance, she has not explained or provided sufficient objective evidence regarding how her specific work will impact those issues at a level commensurate with national importance.

Similarly, the Petitioner indicates that her endeavor is nationally important because it involves a STEM field. She asserts that USCIS did not appear to consider whether her work in a STEM area is important to U.S. competitiveness or security. She references the USCIS Policy Manual's considerations for endeavors in critical and emerging technologies, stating that her description of her endeavor demonstrates that technologies such as those relating to AI and highly automated systems "are either elements of the Petitioner's proposed endeavor or are tools to be enhanced in the advancement of the said endeavor." She does not clarify, however, how the use of AI or other technologies as a part of her proposed endeavor elevates it to one of national importance. In *Matter of Dhanasar*, we determined that an undertaking may have national importance if, for example, it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Id* at 889. Here, although the Petitioner indicates that

[2] *See generally* 6 *USCIS Policy Manual* at F.5(D)(3), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.
[3] *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(4).

technological tools will "be enhanced in advancement" of her endeavor, she has not explained what enhancements her work would entail or what broader implications will result from those enhancements.

The Petitioner further states that a comprehensive and objective review of the record would show that the importance of her proposed endeavor is not just found in the fact that she works in a STEM field, but that the articles and reports, along with her description of her endeavor, serve as evidence that it "is clearly important to the United States in terms of its economic impact, global competitiveness, and national security." However, she does not explain how this documentation and her description of her endeavor "clearly" demonstrates its national importance. While the articles and reports relate to the field in which she intends to carry out her endeavor, much of the Petitioner's explanation of her endeavor consists of generalized intentions, the expansive anticipated outcomes of which she ties to the national importance of her endeavor, as discussed below.

She intends to establish industry-leading storm restoration protocols and collaborate with regulatory bodies in critical infrastructure operations, and by developing viable AI-driven restoration solutions that reduce outage duration and accelerate power recovery, she will directly implement projects and plans to protect American communities and the nation's economic stability. She further intends to "provide technical support to policy makers on seepage control methods, dam safety, river dynamics, infrastructure resiliency planning, emergency preparedness and response protocols, urban planning, biodiversity and ecosystem services preservation plans, and climate adaptation strategies." She "will also provide the needed technical support" for governmental agencies responsible for maintaining critical infrastructure, "aiding their preparedness and restoration efforts." She intends to develop storm restoration improvement programs that "will directly protect millions of Americans during emergencies while establishing scalable solutions that strengthen national infrastructure resilience against increasingly severe weather events."

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the potential prospective impact of her work. *Id* at 889. Absent from the descriptions above are details to substantiate how her specific work will have the far-reaching impacts she has described. Although she emphasizes on appeal that her endeavor is independent from her employment,[4] it is not clear how her storm restoration protocols or solutions would be adopted by agencies or localities to have broader implications for power restoration or energy infrastructure repair. She has not indicated by what means she would independently collaborate with regulatory bodies or through what channels she would provide technical support to policy makers or government agencies. The Petitioner submitted a roadmap for storm responses for [redacted] that lists as authors herself and two additional individuals that appears to have been developed for her employer, and she has stated that she plans to "partner with other major U.S. utilities to implement similar work management systems." But it is not clear how she will forge those partnerships or what in her work for her current employer is scalable or otherwise applicable to have broader implications. Further, the Petitioner plans to establish national storm response standards "that reduce average storm outage duration by 50% nationwide," as well as apply AI-driven work management principles to water,

[4] We note that her assertion here seems to contrast with a letter of support from her employer, which states, ambiguously, that "it would be an honor to provide a platform for her to share her work with other utilities that can be implemented nationwide, thereby fortifying America's power grid."

telecommunication, and transportation infrastructure, but she has not provided sufficient objective evidence to corroborate her statements. While the Petitioner's statements reflect her intention to provide services of substantial merit, she has not offered sufficient information and evidence to demonstrate the potential prospective impact of her proposed endeavor.

On appeal, the Petitioner states that letters of recommendation previously submitted provide insight into the national importance of her proposed endeavor. A letter from a director of strategic initiatives at [redacted] asserts that her work for the company involving the "digital vendor marketplace, automated work scheduling systems, and [the] AI-enabled damage prediction capabilities she has identified will become best-in-class models that may be adopted by utilities nationwide . . . ." A letter from a director of strategy at [redacted] describes her endeavor as one "that seeks to foster energy resiliency by aiding emergency preparedness" using emerging technologies, stating that it is nationally important because "[t]he interconnected nature of America's critical infrastructure means that power grid failures create domino effects across all sectors." A letter from an assistant professor at [redacted] University states that the importance of the Petitioner's endeavor "is underscored by the myriad of concerns that have arisen in recent years regarding the vulnerabilities of energy infrastructure and commitment to provide consistent energy supply to satisfy the ever-increasing demand for energy . . . ." An independent opinion letter from an associate professor at [redacted] University states that the Petitioner's work "addresses" the challenge of "enhancing the resilience of the nation's energy infrastructure against increasingly frequent and severe national disasters." An opinion letter from an energy consultant at [redacted] LLC, discusses the Petitioner's work for her employer, stating that her "continued contributions promise scalable and transformative solutions that will further fortify America's power grid against escalating climate threats." The letter states that her "innovative strategies . . . pave the way for national adoption," and that her work "aligns with national priorities for climate adaptation and energy modernization."

While these letters emphasize the importance of energy grid resiliency, they do not provide insight into the potential prospective impact of her specific endeavor. Although they claim that the Petitioner has developed strategies and solutions that can be applied on a broader scale, they do not explain how the Petitioner's work can be applied within the energy industry in a manner that would rise to the level of national importance. 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. The Petitioner stated that she would develop training programs to equip engineering and management teams with the skills and knowledge to address emerging challenges in infrastructure resilience, and a letter from her employer stresses that her mentorship and training sessions within her organization "underscore her influence across the field." The record, however, does not include evidence to support an assertion of the Petitioner's current or potential impact or influence within her field.

Further, the Petitioner asserts on appeal that a statement made by USCIS in a request for evidence (RFE) "is essentially an acknowledgement of the fact that [the] Petitioner's proposed endeavor has both substantial merit and national importance." Specifically, the Petitioner asserts that according to the RFE, advancing solutions to address the impact of disasters on energy infrastructure "is important to the well-being of the country." However, this statement in the RFE, which is not in the final decision, merely acknowledges the importance of the field. As previously stated, in determining whether the proposed endeavor has 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.* at 889. For the reasons discussed herein, the Petitioner has not submitted sufficient evidence to establish that her endeavor rises to the level of national importance contemplated in *Matter of Dhanasar*.

Finally, in terms of her endeavor's potential economic impact, the Petitioner claims her work "will potentially save billions of dollars in losses and relief programs." But she has not provided objective evidence to demonstrate that the specific endeavor she proposes to undertake has significant potential to offer substantial positive economic effects for the nation. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without sufficient information or evidence regarding any projected U.S. economic impact attributable to her future work, the record does not show that benefits to the regional or national economy resulting from the Petitioner's work would reach the level of "substantial positive economic effects" contemplated by *Matter of Dhanasar*. *Id.* at 890. The Petitioner has not shown that her proposed endeavor stands to sufficiently impact her field or the U.S. economy more broadly at a level commensurate with national importance. Accordingly, the Petitioner's proposed endeavor does not meet the first prong of the *Dhanasar* framework.

The record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision. 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. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

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, she has not established that she 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.