U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40220771

Date: DEC. 29, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an aerospace quality engineer, seeks classification as a member of the professions holding an advanced degree and as an alien of exceptional ability in the sciences, arts or business. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. *See* section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so.

SCOPS denied the petition, concluding that the record did not establish that the Petitioner qualifies for the national interest waiver. The matter is now before us on appeal under 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 a national interest waiver, a petitioner must first show eligibility for the underlying EB-2 visa classification, as either an advanced degree professional or an alien of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act.

A petitioner who demonstrates EB-2 eligibility must then establish that he or she merits 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 USCIS may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that:

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts, and Third in an unpublished decision, in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

- The proposed endeavor has both substantial merit and national importance;
- The alien is well positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

II. ANALYSIS

The Petitioner, a citizen of Lithuania, has spent most of his time in the United States since 2016. As an F-1 nonimmigrant student at [redacted] the Petitioner earned a bachelor's degree in aerospace engineering and a master's degree in flight test engineering. Since 2019, the Petitioner has worked in the United States as a quality engineer for [redacted], a manufacturer of avionics systems. At the time he filed the immigrant petition, the Petitioner held H-1B nonimmigrant status.

The record demonstrates that the Petitioner qualifies as a member of the professions holding an advanced degree. We therefore need not consider the Petitioner's parallel claim of exceptional ability. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. SCOPS determined that the Petitioner had not satisfied the first and third prongs of the *Dhanasar* national interest test. Regarding the first prong, SCOPS concluded that the Petitioner had established the proposed endeavor's substantial merit, but not its national importance.

The Petitioner began describing his proposed endeavor by stating: "I aim to leverage my skills by serving the United States in roles such as Aerospace Quality Manager and Director of Quality. My objective is to utilize my expertise within the Aviation, Space, and Defense sectors to drive progress in the aeronautical and aerospace industries." But his description then branched out into several contingent options. The Petitioner stated that his "diverse education equips [him] . . . to pursue roles as a Mechanical Engineer and potentially as a FAA [Federal Aviation Administration] Designated Engineering Representative (DER)." The Petitioner discussed "the role of a flight test engineer" and his "ongoing pursuit of a private pilot's license." He also claimed to hold the necessary credentials to be an astronaut. The Petitioner referred to "opportunities at renowned institutions like [redacted] or [redacted] as well as with other industry leaders such as [redacted] and [redacted]" – public and private employers engaged in different ranges of activities. This description of the proposed endeavor therefore lacks the required specificity.

In response to a request for evidence (RFE), the Petitioner resubmitted the same statement quoted and described above. A separate brief includes the following assertions:

> The Petitioner . . . aims to modernize the American aerospace manufacturing landscape by introducing rigorous, standards-driven practices that directly address critical national priorities such as airworthiness assurance, system reliability, and flight safety. Enhancing quality control in aviation systems yields multiple benefits, including reduced production defects, greater operational efficiency, and strengthened public trust in emerging aviation technologies. . . .
>
> This endeavor centers on the inspection, documentation, and optimization of safety-critical avionics components, while also advancing scalable quality assurance frameworks that ensure compliance with FAA, AS9100, and ISO 9001 standards. . . .

> Moreover, the Petitioner seeks to assist aerospace manufacturers in navigating an increasingly complex regulatory landscape, adopting robust inspection protocols, and securing reliable, compliant components through streamlined supplier performance systems. He plans to expand his endeavor by leading initiatives in digital quality monitoring, integrating AI [artificial intelligence] tools into quality analysis, and mentoring the next generation of aerospace professionals.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the alien proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. We look for broader implications. An 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 889-890.

The Petitioner must establish the national importance of the specific proposed endeavor; it cannot suffice for the Petitioner to establish the overall importance of a particular subject, occupation, or field. The 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. *See, generally,* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policy-manual.

In determining national importance, the relevant question is not the importance of the industry or profession in which the alien will work; instead we focus on the "the specific endeavor that the foreign national proposes to undertake." *See Matter of Dhanasar*, 26 I&N Dec. at 889. In *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 stated that his work "ensures that aerospace products meet the highest levels of quality and safety" by "guarantee[ing] compliance with stringent regulations and standards." A separate statement submitted with the petition indicated: "By ensuring the production of reliable and competitive products, the Petitioner enhances customer satisfaction and elevates market competitiveness," "promot[es] compliance and driv[es] innovation," and "enhanc[es] the reputation of U.S.-made products in global markets."

The Petitioner also referred to other benefits but did not explain how his work would result in those benefits. For example, his statement included a section heading that reads: "Creating Jobs for Skilled-Based [sic] Engineers." But the text under that heading does not explain how his work would create jobs. Instead, he discussed his own credentials and stated that he is an attractive candidate for employment in the U.S. aerospace industry.

As another example, the Petitioner stated: "communication technologies . . . increasingly rely on space-based infrastructure such as satellites and other equipment. Additionally, there is a growing imperative within the aviation industry to reduce carbon emissions and transition to clean energy sources." The Petitioner stated that he is qualified "to address these challenges head-on," but he did not elaborate as to how he would do so. The separate statement submitted with the petition indicated that the Petitioner could "contribute to . . . the development of more efficient materials and instruments for use in aircraft and other aerospace equipment." The Petitioner did not show the extent to which quality engineers are involved in developing and improving materials and equipment.

The Petitioner submitted articles and other materials about such broad topics as the economic impact of commercial aviation and the role of quality engineering in manufacturing and product development.

In an RFE, SCOPS stated that the submitted materials "may establish the overall importance of various topics in general," but "do not discuss any details relating to the specific endeavor and its impact." SCOPS observed that "[m]erely working in an important field is insufficient to establish the national importance of the proposed endeavor." SCOPS asked for evidence to show not just that the Petitioner intends to work in an important field, but that his specific proposed endeavor will have an impact beyond his employer.

In response, the Petitioner submitted a brief asserting that his "endeavor will contribute to the modernization of the U.S. aerospace infrastructure, reduce the risks of non-compliance in a highly regulated sector, and help maintain the nation's leadership in aviation safety, advanced avionics technology, and defense-grade manufacturing standards." The brief indicated that the Petitioner will:

- Lead conformity inspections and certification processes for advanced avionics systems . . . ;
- Implement and continuously refine quality assurance protocols aligned with FAA, AS9100, and ISO9001 standards to ensure airworthiness, reliability, and safety of avionics components produced in the United States;
- Develop procedural manuals and inspection workflows to streamline final product reviews, reduce operational risks, and ensure consistent compliance across manufacturing and maintenance operations;
- Advocate for systemic improvements in aerospace supply chains by introducing tools and methodologies for supplier evaluation, calibration tracking, and performance metrics reporting . . . ;
- Train and mentor future aerospace engineers and quality professionals . . . ; [and]
- Support national aviation innovation by contributing to the integration of AI and autonomous technologies in flight systems, ensuring these next-generation tools meet rigorous quality and safety benchmarks from development through deployment.

The RFE response brief described some of the Petitioner's projects at [redacted] and stated that "his quality engineering methods . . . go significantly beyond routine implementation," and that he has "develop[ed] and institutionaliz[ed] customized methodologies that improve operational safety, streamline regulatory compliance, and enhance product reliability." The brief further indicates that

"the Petitioner's methodologies are not routine, interchangeable, or easily replicable." The brief did not explain how the Petitioner's proposed endeavor would result in adoption of his methodologies beyond his own employer, and did not indicate that the Petitioner would be involved in developing, as opposed to testing, advanced aviation technology.

The RFE response brief includes the assertion that newly submitted "evidence now clearly establishes that his proposed endeavor will have broad implications across the U.S. aerospace industry, aviation safety infrastructure, quality engineering standards, and national technology competitiveness." The new evidence consists of the following:

- An unsigned "Technical Dossier" that "aims to detail the works and projects conducted by" the Petitioner;
- A letter from "a Third Party AS9100D Aerospace Auditor" whose audits at [redacted] have brought him into contact with the Petitioner;
- Articles from various industry publications; and
- A 20-year "Forecast Document" from the FAA.

The "Technical Dossier" indicates, without elaboration, that the Petitioner "[c]reated process procedures" and "[i]mproved manufacturing process[es]." One specific assertion concerns [redacted]" which "enables aircraft designers and system integrators to greatly accelerate the development of advanced avionics systems." The Petitioner does not claim to have developed [redacted] rather, he "[w]orked on and performed Conformity Inspections" on the platform.

The auditor who has worked with the Petitioner praised the Petitioner's "elevated level of competence" and "strong leadership skills," and asserted that his "technical authority . . . sets a precedent for worth ethic and excellence in the Aerospace industry." But the auditor's letter does not identify or establish the national importance of the proposed endeavor.

The submitted articles and FAA report describe changes in, and challenges to, the aviation industry, including the aftermath of the COVID-19 pandemic, the ascendancy of AI, and "a shortage of aviation maintenance technicians." The Petitioner has not established that these materials show the national importance of his proposed endeavor.

SCOPS denied the petition, stating: "The record does not identify the broader implications of the proposed endeavor or explain how the proposed endeavor implicates matters rising to a level of national importance. The petitioner's objectives simply describe the typical occupational duties of an Aerospace Quality Engineer rather than establishing that the specific proposed endeavor has national importance." SCOPS acknowledged the materials submitted in response to the RFE, but concluded that "the petitioner has not shown that his proposed endeavor in this case stands to impact the industry more broadly."

On appeal, the Petitioner contends that the "decision fails to engage with the full scope of the Appellant's evidence and instead relies on generalized statements without adequate analysis of how the endeavor would affect the relevant field or the broader national economy." The Petitioner asserts that his proposed endeavor aligns with "U.S. national priorities," such as "the Administration's

commitment to bolstering regulatory capacity, expanding air traffic infrastructure, and accelerating adoption of advanced technologies in civil aviation." These collective priorities, however, do not give national importance to the work of a given individual working in a related field.

The Petitioner asserts that his "specific role in developing quality standards, ensuring regulatory compliance, and mentoring future aerospace professionals is an essential component of the broader field. Just as individual research in hypersonic propulsion was deemed nationally significant in *Dhanasar*, so too must the Appellant's proposed endeavor be considered nationally important."

Dhanasar, however, involved a researcher whose own work attracted "consistent government funding" and produced published articles, resulting in its direct adoption by U.S. government entities and dissemination throughout the field. *See Matter of Dhanasar*, 26 I&N Dec. at 891 and 893. In the case now before us, the Petitioner has not shown that he would develop quality standards that would be widely adopted in the aerospace industry.

Statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight. *Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998). The Petitioner must show that the record corroborates the claims in such a brief. The Petitioner submits copies of, or web addresses for, various government documents and brochures for [redacted] products. The Petitioner asserts, without sufficient elaboration, that they support various arguments on appeal. For example, the Petitioner states that the FAA's National Aviation Safety Plan (NASP) "explicitly outlines the need for enhanced regulatory compliance, workforce training, and modernization of safety management systems." The Petitioner does not cite any specific passage of the 19-page document to support this claim. The word "compliance" appears twice in the document, in reference to "[t]he FAA's approach to compliance." The word "training" does not appear at all. References to "modernization" and "workforce" pertain specifically to FAA employees. The NASP does not appear to contain any direct reference to quality engineers at avionics companies, and the general importance of aviation safety does not give national importance to the Petitioner's specific proposed endeavor.

As another example, the Petitioner states that he "leads development of standardized quality inspection protocols and system verification procedures that . . . are disseminated across departments, supplier chains, and maintenance operations. They are designed not for isolated internal use but to serve as compliance frameworks for external stakeholders. . . . This outward-facing function inherently positions the Appellant's methodology as field-influencing." To support this claim, the Petitioner cites government documents including the National Science and Technology Council's Critical and Emerging Technologies List and the web page for the FAA's Compliance Program. The Petitioner does not quote from these materials or otherwise explain how they show that the Petitioner's specific proposed endeavor results in widely disseminated protocols that influence his field.

The Petitioner asserts that the *USCIS Policy Manual* "explicitly recognizes endeavors in Critical and Emerging Technologies (CETs), such as those involving autonomous systems, AI integration, and advanced manufacturing, as satisfying the national importance prong." The Petitioner, however, has not shown that he would be creating or developing such systems.

Regarding possible mentoring work, the Petitioner claims "a national shortage" but does not show that his mentoring activity would significantly address that shortage. The teaching work described in

Dhanasar was found to lack national importance because of its more limited impact. *Id.* at 893. The Petitioner's work as a mentor of a limited number of trainees appears to have a comparable scope.

The Petitioner's claims of national importance rest largely on the overall importance of the aviation industry, without showing the broader implications of his specific proposed endeavor.

In light of the above conclusions, the Petitioner has not met his burden of proof to show that he fully satisfies the first prong of the *Dhanasar* national interest test. Detailed discussion of the remaining prongs cannot change the outcome of this appeal. Because the Petitioner has not otherwise established eligibility for the classification sought, we need not reach, and therefore reserve, the remaining *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

The Petitioner has not established the national importance of the 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.