U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41018270

Date: FEB. 2, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a global operations and maintenance 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).

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

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that she did not establish her eligibility under the *Dhanasar* analytical framework. In particular, they found that the Petitioner did not demonstrate her proposed endeavor's national importance under the first prong.[2] For the reasons discussed below, we agree with SCOPS' conclusions regarding national importance and will dismiss the appeal.

The Petitioner is currently employed as a global operations and maintenance manager. She states she has over 22 years of progressive experience in facility management, engineering, and construction within the energy and industrial sectors. Her past positions include roles such as a facilities manager, engineering and construction manager, project facilities and real estate coordinator, and materials and quality control engineer.

The Petitioner stated that her proposed endeavor is "to establish and implement advanced lifecycle facility management systems tailored to the U.S. energy and industrial sectors, aiming to enhance resilience, optimize resource allocation, and improve operational safety." By integrating predictive maintenance processes, data-driven risk assessments, and energy management systems, the Petitioner claims she will create a unified framework for proactive facility management, which will enable facilities to minimize downtime, extend asset lifecycles, and align operations with sustainability goals.

She outlined a three-phased approach to her endeavor involving: (1) collecting asset data and conducting Facility Condition Assessments (FCA) to establish baselines and pilot advanced tools like IBM TriRiga and Energy Management Systems (EMS); (2) refining maintenance strategies, optimizing resource allocation, and training facility teams on the integrated systems; and (3) scaling the deployment across facilities, ensuring seamless integration, operational efficiency, and alignment with sustainability goals.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS found that the Petitioner did not show her proposed endeavor stands to sufficiently extend beyond the organization, its clients, and the individuals she serves to impact the industry or field more broadly. They also found that the Petitioner had not shown her work would offer original innovations that contribute to advancements in the industry or that it would otherwise have broader implications for the field. In addition, SCOPS determined that the Petitioner had not shown that any benefits to the U.S. regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*.

On appeal, the Petitioner argues that SCOPS misapplied *Matter of Dhanasar* by "localizing the endeavor with the 'classroom teacher' analogy, failing to evaluate its forward-looking implications for the field, treating use of industry-standard platforms as a lack of contribution, and faulting the record for not showing petitioner-specific mentions or government naming or funding," which were not required by *Dhanasar*.

[2] SCOPS also concluded that the Petitioner did not meet *Dhanasar's* second or third prongs.

Upon de novo review, and after carefully evaluating all the evidence submitted, we agree with SCOPS' conclusion that the Petitioner has not demonstrated her proposed endeavor's national importance and, thus, has not established her eligibility for a national interest waiver.[3]

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. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id*. In *Dhanasar*, we 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.

In this case, the Petitioner has not met her burden to demonstrate that her proposed endeavor's prospective impact rises to the level of national importance. The Petitioner claims her endeavor is nationally important because it "directly addresses the urgent need for resilient and efficient infrastructure management." She states that her proposed endeavor "enhances energy efficiency, operational resilience, and resource optimization, reinforcing U.S. economic competitiveness while reducing waste and lowering costs." The Petitioner also contends that her work advances key U.S. initiatives, including the Department of Energy's "Better Buildings Challenge," the Energy Act of 2020, and the Executive Orders "Unleashing American Energy" and "Declaring a National Energy Emergency," which prioritize infrastructure modernization, economic expansion, and cost efficiency.

In claiming her endeavor's national importance, however, the Petitioner relies heavily on the value of her field. But 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 proposed endeavor. *See id.* 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 her proposed endeavor's potential prospective impact in that area of national importance. And, here, while the articles and reports provide helpful background information and support the substantial merit of the proposed endeavor, they do not establish with specificity how the Petitioner's work would impact these areas to show its national importance.

Likewise, the other evidence in the record also does not demonstrate how the Petitioner's proposed endeavor would have broader implications that sufficiently extend beyond her company and clients to produce the economic, regional, or nationally important impacts claimed.

As an initial matter, we note that the record does not provide sufficient details about her lifecycle facility management system or provide the level of focus or documentation necessary to support her claims that her proposed endeavor would have such broader impacts. The Petitioner's personal statements provide only brief, high-level summaries of her model without adequate details explaining what her system will entail and how she will specifically weave her "innovative model" together. For instance, while the Petitioner broadly states her model will integrate IBM TriRiga, predictive

[3] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

maintenance protocols, FCA, and EMS into a "unified digital platform," she does not articulate, and it is largely unclear, how she will knit these technologies, components, and protocols together to build her system. Furthermore, beyond her generalized descriptions of her model and its claimed benefits, she provides little meaningful detail specifically explaining how her model will be different or an improvement from what is already available in the industry. While she attempts to differentiate her model by generally claiming it replaces a "reactive" framework with a "proactive" one that identifies and mitigates risk in real time, beyond her own assertions, she offers little evidence illustrating how her system is distinguishable from other systems already available and in use in the United States. The record contains little evidence establishing that her system would offer any meaningful process improvements or advances to indicate potentially broader, nationally important implications. *See id.* at 889.

Additionally, despite her arguments that SCOPS erroneously localized her endeavor and that her endeavor's impact extends beyond individual facilities by establishing a replicable framework that will drive systemic improvements across the energy and industrial sectors, the Petitioner has not demonstrated through sufficient documentation in the record how her specific undertaking would directly produce such results. For example, although the Petitioner asserts that she has successfully piloted her model for her employer and deployed it across 1,700 international facilities, achieved a 32% reduction in corrective maintenance costs, and generated $2.8 million in insurance savings, aside from her own assertions, she has provided little objective, supporting evidence to corroborate her claims. Her support letters recite these numbers but do not offer an evidentiary basis to support their statements. Likewise, her employer's slide deck presentations reference the "development of a Preventative Maintenance Plan across 1,700 Global Facilities, from 2021 to 2024" and a "multi-year initiative to enhance facility safety and reduce insurance costs in 2020," but they reflect only broad, high-level information without detail or an explanation for their numbers. Importantly, they also do not indicate that the Petitioner's model specifically led to these benefits. The Petitioner must support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner also contends that her model has "documented third-party demand" via five letters of intent from U.S. companies that would reportedly cover over 100 locations in the initial rollout. While the letters may highlight some client interest, they do not provide sufficient information to demonstrate her endeavor would have the significant economic or broader impacts claimed. For instance, the letters do not identify concrete initiatives or problems the Petitioner's model would solve, funding commitments, or other evidence showing how the impact of her work would extend beyond these individual clients to have nationally important implications. And expressions of intent to collaborate do not establish the scale, scope, or broader impact of the endeavor. The record contains little other corroborating evidence that would directly link her specific endeavor to the overall economy's growth, job creation, or other substantial positive economic effects. While the Petitioner's model may be beneficial to her potential clients and users of the platform, the record as it stands does not adequately demonstrate that her proposed endeavor would produce a broader impact to the industry or nation such that would rise to the level of national importance.

The Petitioner also contends her endeavor has national importance because it supports sustainable economic growth by optimizing infrastructure resilience, enhancing resource efficiency, and lowering operational costs across the U.S. energy and industrial sectors. She also asserts that, by reducing

downtime, extending asset life, and cutting energy use, her model creates substantial savings for U.S. infrastructure and contributes to the country's energy security and economic competitiveness. In addition, she claims her endeavor will drive job creation in the U.S. industrial and energy sectors because her introduction of proactive and data-driven maintenance systems will generate demand for skilled technicians, engineers, and facility managers to operate and optimize advanced systems. However, these claimed impacts are too attenuated and rely more on generalizations about the results of typical business activity, rather than probative information about how the Petitioner plans to accomplish these objectives through her endeavor and how any economic effects would be significant enough to rise to the level of national importance.

The Petitioner also submitted numerous support letters but they likewise do not establish the endeavor's national importance. First, insofar as these letters, the Petitioner, and other evidence in the record highlight the Petitioner's skills, personal attributes, and past accomplishments, these are considerations under *Dhanasar's* second prong. *See Matter of Dhanasar*, 26 I&N Dec. at 890. When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Id.* at 889. And although many of the letters do reference the Petitioner's work, they are largely conclusory in nature and do not provide a sufficient evidentiary basis for their claims.

For example, the Petitioner submitted an expert opinion letter written by [redacted] of civil engineering at [redacted]. Although the [redacted] speculates that the Petitioner's endeavor would be nationally important, his opinion is general in nature and does not meaningfully address the details of the Petitioner's specific proposed endeavor and how it, in particular, would produce the nationally important implications claimed. Rather, he makes broad generalizations, such as "the United States stands to benefit from increased infrastructure longevity, reduced operational risks, and enhanced alignment with global standards in sustainable facility management" and that the endeavor "contributes not only to resolving prevailing deficiencies in the industry but also to elevating facility operations to meet 21st-century standards of efficiency, reliability, and sustainability." But he provides little explanation as to how the Petitioner's endeavor would specifically accomplish these results. He also does not provide any corroborating evidence directly linking the Petitioner's model to any broader impacts in the industry, region, or nation as claimed.

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. Because the record does not establish her proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated 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 she has established eligibility 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, she has not established that she 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.