U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41053074

Date: FEB. 10, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a senior petroleum engineer, 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).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the required job offer, and thus of a 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

The Petitioner seeks to enhance energy security, optimize mature oil and gas fields production, develop natural gas fields, improve well integrity management, and contribute to sustainable energy practices. SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The sole 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. For the reasons discussed below, we conclude the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

SCOPS concluded that the Petitioner's proposed endeavor has substantial merit. SCOPS determined, however, that the Petitioner did not establish the proposed endeavor is of national importance, that he is well positioned to advance it, and that, on balance, it would benefit the United States to waive the job offer requirement. On appeal, the Petitioner contends that SCOPS' decision contains errors of fact and law, fails to apply *Dhanasar* to the specific facts of the case, and disregards and mischaracterizes relevant evidence. The record contains academic credentials, a resume, a business plan, expert opinion and recommendation letters, and relevant industry report and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner asserts that his endeavor involves advancing "U.S. energy security and sustainability by optimizing mature oil and gas fields, developing natural gas resources, strengthening well integrity management, implementing low-emission technologies, integrating sustainable energy processes, and drawing on global best practices to enhance domestic energy independence and environmental resilience." He explains that the first phase of his endeavor will involve joining "major U.S. oil and gas companies," such as ExxonMobil or Chevron, as a senior energy security and sustainability engineer. He then plans to establish a consulting firm, [redacted] which will specialize in well integrity management, energy optimization, and sustainability solutions for the oil and gas industry. He states that his firm will focus on providing technical expertise in well integrity and production optimization for U.S. operators. The firm will be headquartered in Houston, Texas, with plans to transition from "a regional consulting entity to a nationally recognized firm by scaling operations across key U.S. energy-producing states."

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *See 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

[2] The Petitioner earned a Master of Engineering degree in sustainable energy from the [redacted] Canada in 2024.

well be understood to have national importance." *Id.* at 890. Here, the Petitioner maintains that his endeavor will address "urgent national challenges in energy independence, emissions reduction, and infrastructure modernization." The Petitioner, nonetheless, has not demonstrated that his proposed endeavor offers broader implications in his field or substantial positive economic effects for the country that rise to the level of national importance.

While we acknowledge the substantial merit of the Petitioner's proposed endeavor, the record does not establish that the Petitioner's proposed endeavor's impact will be nationally important. For example, the Petitioner claims that his endeavor will create "skilled jobs, train future engineers, and foster collaboration between the private sector and academic institutions, generating a lasting impact on workforce development and energy innovation across the country." He states that he will hire a total of 12 – 15 full-time employees by the end of the third year. He further projects that his consulting firm will generate revenue of $2,250,000 by the fifth year. However, the Petitioner does not provide sufficient detail of the basis of these projections or adequately explain how these staffing targets and revenue forecasts will be realized. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without sufficient evidence regarding the projected U.S. economic impact or job creation directly attributable to his future work, the record does not show that the benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See Dhanasar*, 26 I&N Dec. at 890.

Similarly, the Petitioner has not demonstrated that his specific proposed endeavor of joining a U.S. oil or gas company as a senior energy security and sustainability engineer is of national importance. "Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance." *See generally 6 USCIS Policy Manual,* F.5(D)(3), https://www.uscis.gov/policymanual. "At issue is whether the petitioner can demonstrate that the person's own individual endeavor stands to have broader implications, such as for a field, a region, or the public at large." *Id.* Here, the evidence does not establish that the Petitioner's proposed endeavor will have broader implications or influence in his field that will rise to the level of national importance.

The Petitioner emphasizes his expertise in areas such as field development, well integrity management, and artificial intelligence-integrated monitoring. In support of this petition, the Petitioner submitted expert opinion and recommendation letters. The authors highlight the Petitioner's background and professional experience, including his expertise in areas such as operations and field development strategies. The authors also discuss the impact the Petitioner has made across multiple energy organizations, as well as his unique leadership style and technical expertise. However, these assertions are not supported by concrete examples or detailed explanations demonstrating the proposed endeavor's national importance. Moreover, while these letters are supportive in tone and positive factors, they do not offer sufficient explanation of how the Petitioner's endeavor has the potential for broad and measurable implications for the country beyond impacting his company and its clients. Although an individual's experience, qualifications, contributions, and achievements are material, they are misplaced in the context of the first *Dhanasar* prong. The Petitioner's professional experience is generally material to *Dhanasar*'s second prong—whether an individual is well positioned to advance a proposed endeavor—but they are generally immaterial to the first *Dhanasar* prong—

whether a specific, prospective, proposed endeavor has both substantial merit and national importance. *See Dhanasar*, 26 I&N Dec. at 888-91.

The Petitioner declares that his endeavor contributes to "U.S. energy independence, environmental protection, and long-term infrastructure resilience." He further asserts that his endeavor is "national in scope, aligns with federal policy priorities, and has immediate, measurable benefits for U.S. energy independence, climate initiatives, and workforce development." While we recognize the importance of the Petitioner's field, the relevant question when determining whether a proposed endeavor would have national importance is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the specific endeavor that the Petitioner proposed to undertake. *Id.* at 889. Furthermore, alignment with general national goals, in and of itself, does not necessarily establish that the Petitioner's endeavor rises to the level of national importance. Here, the record does not include adequate corroborating evidence, to show that the Petitioner's specific proposed endeavor offers broader implications in his field, enhancements to U.S. societal welfare, or substantial positive economic effects for the country that rise to the level of national importance.

Although the Petitioner contends that his endeavor has "clear national and global significance, creating jobs, boosting the U.S. economy, and delivering meaningful benefits to society," the record does not establish that the endeavor will have a measurable impact beyond the Petitioner's employer and business to reach the level of national or even global impact. In *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. Here, the record lacks adequate corroborating evidence that the Petitioner's proposed endeavor offers broader implications in his field or substantial positive economic effects for the country that rise to the level of national importance

Because the documentation in the record does not establish the proposed endeavor's national importance as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding his eligibility under the second and third prongs outlined in *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established the national importance of his proposed endeavor, and he does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that he is eligible for or merits a waiver of the job offer and labor certification requirements in the national interest 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.