U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40493938

Date: JAN. 5, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a civil 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).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not establish that a waiver of the classification's job offer requirement, 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 because the Petitioner did not establish that his proposed endeavor has national importance or that he is well-positioned to advance his proposed endeavor. Thus, he did not meet the required first and second prongs of the *Dhanasar* framework. *See Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016). Because these identified bases for denial are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding the remaining *Dhanasar* prong. *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).

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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent

degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

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
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS determined that the Petitioner was a member of the professions holding an advanced degree.[2] The issue to be determined on appeal is whether the Petitioner qualifies for a national interest waiver under the *Dhanasar* framework.

The Petitioner states that he is "a civil engineer creating complex hydrologic and hydraulic (H&H) models to forecast the impact of precipitation and flooding on infrastructure and communities." He states that he is currently employed with [redacted]

The Petitioner states that his proposed endeavor is "to create innovative hydrologic and hydraulic models of flood patterns in watersheds to assess flooding risks and propose optimal, science-based strategies for mitigation." He states that he will produce detailed one- and two-dimensional H&H models of precipitation runoff quantity and flow behavior to "inform the development of flood - resilient infrastructure and increase overall awareness of the effects of flooding events on the landscape." He asserts that his proposed endeavor will strengthen U.S. disaster resilience and the economy "by informing novel, proactive infrastructure development to prevent or reduce the economic, social and personal costs of flooding."

After reviewing the Petitioner's initial filing, as well as evidence submitted in response to a request for evidence (RFE), SCOPS determined that the Petitioner had submitted sufficient evidence to demonstrate that his proposed endeavor has substantial merit. However, SCOPS concluded that the Petitioner did not establish that his proposed endeavor has national importance, that he is well-

[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).
[2] The record demonstrates that the Petitioner was awarded a U.S. master's degree in engineering in 2022.

positioned to advance his proposed endeavor, or that, on balance, waiving the job offer requirement would benefit the United States.

SCOPS stated that the record did not demonstrate that the Petitioner's proposed endeavor will have broader implications in his field of endeavor, and that the Petitioner's reliance on the importance of the field is insufficient to establish that his proposed endeavor is of national importance. In discussing national importance, SCOPS noted that the articles and reports in the record do not mention the Petitioner and his proposed endeavor. SCOPS also determined that the letters of recommendation in the record lack probative value because they are not supported by documentary evidence that the Petitioner's H&H models were selected and used in the [redacted]

On appeal, the Petitioner asserts that SCOPS applied the incorrect legal standard, ignored evidence of the proposed endeavor's broad impact, and made other legal and factual errors. Specifically concerning the national importance of his proposed endeavor, the Petitioner asserts that SCOPS incorrectly disregarded letters of support in the record and overlooked evidence of his critical role for the [redacted]

A. Substantial Merit and National Importance

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.* As noted above, SCOPS determined that the Petitioner's proposed endeavor has substantial merit. We agree.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or other broader implications indicating national importance. *Id.* at 889-90. In determining 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.*

With the initial filing, the Petitioner claimed that his proposed endeavor has national and global implications because he will create H&H models on an unprecedented scale and scope. He discusses his current project with his employer, [redacted] and the [redacted] He stated, "The unparalleled scale of my work on the [redacted] means that it can serve as a pioneering example of big picture flood management and mitigation strategies." He further explained that his proposed endeavor will have significant positive economic effects in mitigating flood damage and reducing the financial burden of flood recovery. Additionally, he explained that his proposed endeavor will enhance societal welfare by reducing the toll of flooding on communities and improving disaster preparedness.

In response to the RFE, the Petitioner elaborated on his individual contributions to the field of flood risk reduction. He stated that, in his work for the [redacted] with his employer [redacted] he created complex

H&H models that "are unique as they can incorporate a high number of variables to effectively replicate the real-world scenario when evaluating flood-risk scenarios." He stated that his models have been used in other projects in Louisiana and that his work has been recognized in his field through invitations to present at leading conferences.

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we consider evidence documenting the "potential prospective impact" of his work. As noted above, in *Dhanasar*, we held that a petitioner must identify "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

Here, the Petitioner has not offered detailed information explaining how he will prospectively pursue his proposed endeavor beyond his employment with The record does not demonstrate that the Petitioner, while employed with would have control over the projects he undertakes and whether these projects would be directly related to his proposed endeavor. It is not apparent that any internal achievements while employed with would be made publicly available rather than maintained as proprietary information for the effects of his work to extend beyond his employer. The Petitioner did not establish that his proposed endeavor has implications beyond prospective clients or offers broad implications to his field that rise to the level of national importance. The Petitioner does not fully explain how his work and proposed endeavor would represent any kind of a process improvement beyond the H&H models currently available.

While we acknowledge the Petitioner's claim that he has been invited to present his work in developing and implementing large models at conferences within the field, the record does not include sufficient evidence that these presentations will lead to broader implications rising to the level of national importance. The record includes a March 2025 email confirming receipt of the Petitioner's speaker agreement as a representative of at StormCon 2025. The email does not state the topic of the Petitioner's presentation or explain how it is related to his proposed endeavor. The record also includes a February 2025 email notification of selection of a proposal for a presentation at the State of the Coast conference. The record includes a copy of the proposal, titled " and authored by the Petitioner and another individual. However, the conference information and the email confirming proposal selection state that the selected speaker is the Petitioner's co-author, another employee of This tends to support that the Petitioner's work is owned and controlled by for the benefit of and its clients, and casts doubt that the Petitioner's own individual endeavor stands to have broader implications in the field of flood mitigation and risk modeling.

On appeal, the Petitioner states that he is "directly responsible for designing, building, and implementing novel hydrologic and hydraulic models for major watersheds [which are] the foundation for all subsequent flood mitigation planning." However, beyond the scale of the models, the Petitioner has not adequately explained or demonstrated how his expertise differs from or improves upon those models readily available and already in use in the United States. The record does not sufficiently explain how the Petitioner's work is novel or an improvement upon processes already in use.[3]

[3] Both the U.S. Geological Survey (USGS) and the Federal Emergency Management Agency (FEMA) report use of hydrologic and hydraulic modeling to address flood and water management issues. *See* USGS, Science, Hydrologic

As the Petitioner has not established the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* framework, he is not eligible for a national interest waiver.

B. Well-Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. *Matter of Dhanasar*, 26 I&N Dec. at 890. To determine whether they are well-positioned to advance the proposed endeavor, we consider factors including, but not limited to: their education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Id.*

The record demonstrates that the Petitioner is a certified floodplain manager and a licensed engineer intern in Louisiana. In attempting to establish that he is well-positioned to advance his proposed endeavor, the Petitioner submitted invitations to speak at conferences, his Google Scholar profile reflecting four publications and 16 citations, articles about his projects with [redacted] and letters of support and recommendation. He also submitted government reports on flood risk management, infrastructure improvement, and science, technology, engineering and mathematics (STEM) as national initiatives. The Petitioner asserts that he has a plan and support to advance his endeavor through his employment with [redacted] and that there is government interest in his proposed endeavor.

As noted above, the record does not include sufficient evidence about the Petitioner's invitations from leading conferences. The March 2025 invitation from StormCon 2025 does not state the topic of the Petitioner's presentation or explain how it is related to his proposed endeavor. The February 2025 notice of proposal selection from the State of the Coast conference does not mention the Petitioner and is addressed to his colleague at [redacted] Although the record includes a copy of the proposal that he co-authored with his colleague, the invitation to present at the conference was not addressed to the Petitioner and does not establish that he is well-positioned to advance his proposed endeavor.

The Petitioner's publication and citation record also do not demonstrate that "16 different academics in [his] field have utilized [his] work as the foundation for their published articles," as claimed in the RFE response. The Petitioner's Google Scholar profile lists four publications dated between 2019 and 2024. His most cited publication, with 12 citations, was published while he was a master's degree student. Beyond the Google Scholar profile, the record does not include any further information about the citations, including the basis or context of the citations. Nor does the record include identifying information for the citations, including the authors or publications citing the Petitioner's work.

We acknowledge that the Petitioner's recommendation and support letters include some detail about his role in the [redacted] and other projects with [redacted] However, the letters do not sufficiently demonstrate the significance of the Petitioner's role in the projects or distinguish the Petitioner's contributions from his employer's. Nor do the letters corroborate the Petitioner's statements on appeal that he is "solely

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Modeling, https://www.usgs.gov/centers/new-england-water-science-center/science/hydrologic-modeling (visited Dec. 5, 2025). *See also* FEMA, Products and Tools, Hydraulic Numerical Models, https://www.fema.gov/flood-maps/products-tools/numerical-models/hydraulic (visited Dec. 5, 2025).

overseeing" and has "sole responsibility" for the models. For example, a letter from [redacted] director of engineering for [redacted] Louisiana, describes the Petitioner's contributions to the project as being "alongside collaborators at [redacted]." A letter from [redacted], program manager with the Louisiana Department of Transportation and Development and project manager for [redacted] involvement with the [redacted] states that the Petitioner is a "critical and active contributor to the [redacted] However, the description of the Petitioner's role is consistent with the normal duties of a civil engineer assigned to a project.

The Petitioner holds a master's degree in engineering, is a licensed engineer intern, and has approximately three years of experience with H&H modeling. While the Petitioner's advanced degree in a STEM field is a positive factor for consideration, he has not adequately demonstrated that his academic and professional accomplishments are sufficient to establish that he is well-positioned to advance his proposed endeavor. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual. We look to a variety of factors, and education, citations, and peer review work are only several among many factors that may contribute to such a determination. While the record demonstrates that the Petitioner has conducted and published research while pursuing his education, as discussed above, the record does not sufficiently demonstrate that his published and presented work served as an impetus for progress in the field or that it has generated substantial positive discourse in the industry. The Petitioner has not shown that this work renders him well-positioned to advance his proposed endeavor.

As explained above, the third prong requires the petitioner to demonstrate that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. Because the Petitioner has not established the national importance of his proposed endeavor and that he is well-positioned to advance his endeavor as required by the first and second prongs of the *Dhanasar* framework, he is not eligible for a national interest waiver. Accordingly, further discussion of the balancing factors under the third prong would serve no meaningful purpose. As noted above, we reserve the Petitioner's appellate arguments regarding the remaining *Dhanasar* prong. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

As the Petitioner has not met all of the requisite three prongs set forth in the *Dhanasar* analytical framework, we conclude that he has not established he 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.