U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40776805

Date: JAN. 6, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a transportation inspector, seeks employment-based second preference (EB-2) immigrant classification as an individual of exceptional ability, 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. SCOPS determined that the Petitioner does not qualify as an individual of exceptional ability. SCOPS also concluded that the record does not establish that a waiver of the job offer requirement, 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;

[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).

- The individual is well-positioned to advance the proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner does not qualify as an individual of exceptional ability. *See* Section 203(b)(2)(A) of the Act. SCOPS also determined that the record does not satisfy any of the *Dhanasar* prongs, all of which are required. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. For the reasons discussed below, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong. *See id.* Because that issue is dispositive, we reserve our opinion regarding whether the Petitioner qualifies as an individual of exceptional ability and whether the record satisfies the second and third *Dhanasar* prongs. *See id.*; *see also 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); *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).

The Petitioner initially described the endeavor as a plan "to lead the Aircraft Process Quality Control Program in the United States." He described the program as a means "to improve the overall quality and reliability of aircraft operations in the U.S. through meticulous implementation of quality control measures, process optimization, and the integration of advanced technologies." He referenced entities including Lockheed Martin, Boeing, Northrup Grumman, Delta, American Airlines, StandardAero, the Federal Aviation Administration, and the International Civil Aviation Organization. However, he did not clarify what this program would be, such as working directly as an employee of the respective entities or founding a startup aircraft safety consulting company, and the location(s) where he would provide his services. Relatedly, he did not assert that the endeavor would employ any workers, although he generally claimed that the endeavor would result in "increasing operational efficiency, lowering costs, and maintaining the U.S.'s leadership in aviation safety and technology." He also submitted publications that provide generalized information regarding the aviation industry.

In response to a request for evidence, the Petitioner stated for the first time, "I will carry out this project by working as a technical consultant, aircraft inspector, or instructor within FAA Part 145-certified companies or civilian UH-60 operators." He elaborated that, in this capacity, he will "support the design and implementation of return-to-service programs, structural inspections, cockpit upgrades (avionics), and component reliability validation [and] develop technical manuals and quality assurance processes, as well as realistic scenario-based crew training simulations." He noted, "This project can be implemented in any U.S. state where the UH-60[, a helicopter model,] is used for wildfire suppression, medical evacuations, rescue operations in remote areas, flood control, or external load transportation," and he specifically mentioned California, Texas, Florida, Colorado, Arizona, Utah, Oregon, and Washington as potential locations. But despite stating that he would work "within" certain companies, again the Petitioner did not clarify whether the endeavor would entail working directly as an employee of the respective entities he listed or founding a startup aircraft safety consulting company, and whether the endeavor would employ any workers other than, apparently,

himself. The Petitioner also submitted information regarding his qualifications and prior work experience.

SCOPS noted that the Petitioner addressed the importance of the field, industry, or profession in which he would work, but SCOPS determined that the record does not establish that the specific endeavor the Petitioner proposes to undertake would have the type of broader implications indicative of national importance, as contemplated by the first *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90.

On appeal, the Petitioner asserts, in relevant part, that the proposed endeavor will have national importance because the record addresses the his qualifications and prior work experience, including "his identification of a critical design flaw in the AW139 helicopter tail rotor system, which resulted in the issuance of a manufacturer's global Alert Service Bulletin affecting over 1,000 helicopters worldwide." He objects that SCOPS did not address some of the information in the record regarding his prior work experience in the context of determining whether the proposed endeavor has national importance. He also generally states on appeal that the proposed endeavor "has significant potential to employ U.S. workers and generate positive economic effects." He further notes on appeal that the proposed endeavor "will enhance societal welfare by improving the safety and reliability of aircraft systems used in law enforcement, emergency medical services and disaster response." He reiterates that "the record aligns the proposed endeavor with national priorities by U.S. government entities."

In determining national importance under the first *Dhanasar* prong, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on "the specific endeavor that the [individual] proposes to undertake" and "we consider its potential prospective impact," looking for "broader implications." *Matter of Dhanasar*, 26 I&N Dec. at 889. *Dhanasar* provided examples of endeavors that may have national importance, as required by the first prong, having "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or those with "significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area." *Matter of Dhanasar*, 26 I&N Dec. at 889-90.

We recognize the importance of progress in science, technology, engineering, and mathematics (STEM) fields and the essential role of persons with advanced STEM degrees in fostering this progress, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual. However, as in all cases, a proposed endeavor implicating a STEM field must demonstrate not only substantial merit but also national importance, such as by having national or even global implications within a particular field, beyond merely being in a STEM field. *See generally id.*; *see also Matter of Dhanasar*, 26 I&N Dec. at 889-90.

We first note that the publications in the record providing generalized information regarding the aviation industry do not address the Petitioner, the specific endeavor he proposes to undertake, and how the endeavor may have the type of broader implications indicative of national importance, such as those resulting from certain improved manufacturing processes. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. Rather, they provide information regarding the importance of the industry, field, or

profession in which the Petitioner will work, which is not the focus in determining whether a proposed endeavor may have national importance. *See id.* In turn, although the Petitioner's qualifications and prior work experience are material to the second *Dhanasar* prong, whether an individual is well-positioned to advance a proposed endeavor, they do not address how the specific, prospective endeavor an individual proposes to undertake may have national or even global implications within a particular field, substantial positive economic effects, or other indicia of national importance. *See id.* Therefore, SCOPS need not have addressed the Petitioner's qualifications and work experience in the context of determining whether the proposed endeavor may have national importance, and we need not address his qualifications and prior work experience further.

The record generally indicates that the Petitioner proposes to continue working in his industry, field, or profession. However, as noted above, the record does not establish how the Petitioner intends to accomplish his goal of "working as a technical consultant, aircraft inspector, or instructor within FAA Part 145-certified companies or civilian UH-60 operators," whether as a worker directly employed by those companies or by founding a startup airline safety consulting company. The distinction is material to the first *Dhanasar* prong because it addresses whether the proposed endeavor has significant potential to employ U.S. workers, as opposed to one individual simply working for an employer or personally providing consulting services. *See id.* Relatedly, although the Petitioner generally claims on appeal that the proposed endeavor "has significant potential to employ U.S. workers and generate positive economic effects," the record does not substantiate those statements with probative, objective evidence of that. *See id.*; *see also Matter of Chawathe*, 25 I&N Dec. at 375-76 (providing that petitioners bear the burden of establishing claims are more likely than not true). For example, the record does not establish what individuals or entities would employ what number of workers in any particular occupational category and in any particular location as a result of the proposed endeavor, nor does it establish the significance of those unnamed individuals or entities employing such unspecified workers in unstated locations.

We acknowledge that the Petitioner asserts on appeal that the proposed endeavor "will enhance societal welfare by improving the safety and reliability of aircraft systems used in law enforcement, emergency medical services and disaster response." However, the issue remains how the Petitioner intends to implement the proposed endeavor, which is material to the first prong because it addresses the potential scope of the proposed endeavor. For example, if the Petitioner would "work[] as a technical consultant, aircraft inspector, or instructor within FAA Part 145-certified companies or civilian UH-60 operators" as an employee of one particular company at a time, the potential breadth of the endeavor's implications would depend in part on which company employed him and what his actual job duties would be, because not all companies' operations—and job duties among the various positions within a given company—have the same scope. Without more, the record neither clarifies nor substantiates how the Petitioner would enhance societal welfare through the proposed endeavor with the type of broader implications indicative of national importance, as contemplated by *Dhanasar*. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90; *see also Matter of Chawathe*, 25 I&N Dec. at 375-76.

Similarly, although the Petitioner reiterates that "the record aligns the proposed endeavor with national priorities by U.S. government entities," as explained above, determining whether the specific endeavor an individual proposes to undertake may have national importance does not consider merely whether the industry, field, or profession in which an individual will work is important or "aligns . . . with national priorities." Rather, we consider whether—and how—a specific endeavor may have national

or even global implications within a particular field, such as those resulting from certain improved, manufacturing processes, significant potential to employ U.S. workers, or other substantial positive economic effects. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. Here, the Petitioner does not satisfy his burden of establishing what the specific endeavor would be and demonstrating how the specific endeavor may do so. *See Matter of Chawathe*, 25 I&N Dec. at 375-76.

In summation, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, he is not eligible for a national interest waiver.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner has not established eligibility 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.