U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40638902

Date: JUL. 01, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a pilot, seeks employment-based second preference (EB-2) immigrant classification as either a member of the professions holding an advanced degree or 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).

USCIS denied the petition, concluding that the Petitioner had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest.[1] 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,[2] 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] USCIS' decision did not render a determination as to whether the Petitioner qualifies for the underlying EB-2 visa classification.

[2] *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

USCIS concluded that the Petitioner had not satisfied any of the three prongs set forth in the *Dhanasar* precedent decision. The sole issue to be determined therefore 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.

With respect to his proposed endeavor, the Petitioner indicated:

> [The Petitioner] will spearhead an initiative aimed at addressing logistical, operational, and security needs within the aviation industry in the United States. Recognizing the importance of training aspiring personnel to enter the aviation field and equipping current staff with the skills necessary for air operations, [the Petitioner] will focus on providing comprehensive training programs. Leveraging his background in the Air Force and expertise in physiological aerial training, he will develop specialized training modules that incorporate technological and emerging advances in aviation.
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> A key aspect of [the Petitioner's] initiative will be the creation of educational content accessible through various social media platforms, including Instagram, YouTube, Spotify Podcast, Google Podcast, and Invoxx. Through workshops, training sessions, and a dedicated podcast, he will disseminate knowledge on aviation fundamentals, safety protocols, technological advancements, and airline industry management. This content will cater to aviation enthusiasts and professionals alike, covering diverse fields such as maintenance, cabin crew operations, piloting, and air traffic control.
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> [The Petitioner] aims to collaborate with American professional personnel to execute his training programs effectively. By partnering with local professionals and institutions, he will ensure that the initiative contributes to the nation's workforce development in the aviation sector. This collaboration will be especially crucial in economically depressed areas, where the aviation industry can serve as a catalyst for economic growth and job creation . . . . Through his efforts, [the Petitioner] envisions not only providing employment opportunities but also revitalizing the aviation sector and fostering innovation and sustainability within it.

As discussed below, we conclude the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

A. Substantial Merit and National Importance of the Proposed Endeavor

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* We agree with the Petitioner that his proposed endeavor has substantial merit.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In support of his proposed endeavor to provide flight training and consulting services, the Petitioner submitted a March 2024 "Professional Plan" for his company, [redacted]. The business plan includes industry data, information about the company and its services, financial forecasts and projections, business strategies, a discussion of the Petitioner's education and work experience, and a description of company personnel. Regarding future staffing, the Petitioner's business plan anticipates that his company will employ 5 personnel in year one, 8 in year two, 11 in year three, 14 in year four, and 17 in year five, but he did not elaborate on these projections or provide evidence supporting the need for these additional employees. Furthermore, while his plan offers revenue projections of $460,262 in year one, $695,247 in year two, $769,425 in year three, $1,005,702 in year four, and $1,096,250 in year five, these projections are not supported by details showing their basis or an explanation of how they will be achieved.[3]

The Petitioner also submitted information on the importance of aviation safety, addressing the pilot shortage, enhancing operational efficiency within aviation organizations, fostering a safety culture, strategic partnership collaborations, knowledge transfer and preparedness, international collaboration, and contributing to the economic health of the aviation industry. While this information helps show the substantial merit of offering training for personnel in the aviation industry, the determination of national importance does not focus solely on the importance of one's field, industry, or profession in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Dhanasar*, 26 I&N Dec. at 889. Here, the information on these topics does not speak to the potential prospective impact of the Petitioner's specific proposed endeavor.

In addition, the Petitioner presented letters of support from E-T-S-, G-M-, J-G-R-, J-P-, and M-C- discussing his aviation operations capabilities and experience as a pilot. He also provided letters from A-S-, J-M-, and L-E-A- reflecting interest in engaging his services. The Petitioner's skills, knowledge, and prior work in his field, as well as interest from potential customers, relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the specific endeavor that he proposes to undertake has national importance under *Dhanasar's* first prong.

The Petitioner's letters of support do not demonstrate that his proposed endeavor would operate on such a scale as to rise to a level of national importance. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. Furthermore, while any basic economic activity has the potential to positively affect the economy to some degree, the Petitioner has not demonstrated how the potential prospective impact of his proposed endeavor stands to offer broader implications in his field or to generate substantial positive economic effects in the region where his company will operate or in other parts of the United States.

[3] The Petitioner's appellate submission includes an "Annex to Original Business Plan" listing "Projected Revenue" as $75,000 in year one, $180,000 in year two, $300,000 in year three, $400,000 in year four, and $550,000 in year five, but the document does not elaborate on how these projections will be achieved.

The Petitioner also provided an "Expert Opinion Letter" from Dr. R-A-B-, a professional profile evaluator with Innova Educational Services, in support of his national interest waiver. Dr. R-A-B- contends that the Petitioner's proposed work is of national importance because it addresses "logistical, operational, and security needs within the aviation industry" and "aims to enhance the sector's efficiency, safety, and preparedness." She also asserts that the Petitioner's "initiative to train aspiring aviation personnel and upskill existing staff aligns with national priorities related to workforce development and economic growth." Dr. R-A-B- further claims that the Petitioner's "focus on collaboration with American professional personnel ensures that the initiative contributes to domestic job creation and supports local communities, especially those in economically depressed areas," but she does not explain how the Petitioner's day-to-day management of his company's training programs and its consulting projects as contemplated by his proposed endeavor rises to a level of national importance. Even with the projected job growth in the Petitioner's business plan, the record does not indicate that [redacted] stands to employ a significant number of U.S. workers or to otherwise provide "substantial positive economic effects" as contemplated in *Dhanasar*. *Id.* at 890. The letter from Dr. R-A-B- does not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed work offers broader implications in his field or substantial positive economic effects for our nation that are indicative of its national importance.

In denying the petition, USCIS concluded the Petitioner had not established the national importance of his proposed endeavor. USCIS' decision indicated he had not shown that his proposed endeavor stands to sufficiently extend beyond his company and its clients, or the individuals he would train, to impact the aviation industry or his field more broadly. USCIS also determined the Petitioner had not demonstrated that his "company's projected staffing levels, business activities, or taxes to be paid would have a broader reach within the field, industry, or the economy at a level commensurate with national importance."

On appeal, the Petitioner argues that his proposed endeavor addresses "the ongoing pilot shortage" in the U.S. aviation industry. He states:

> According to Boeing's 2024 Pilot and Technician Outlook, North America will require 123,000 new pilots by 2043. Oliver Wyman projects a deficit of 24,000 pilots by 2026, while the U.S. Bureau of Labor Statistics estimates 18,500 annual openings through 2033. These shortages have already caused widespread flight cancellations, reduced service in regional communities, and increased operational disruptions nationwide.

While the Petitioner claims that his proposed endeavor will serve our country by "supporting workforce development," he has not demonstrated that his undertaking stands to impact his field or industry more broadly beyond the individuals and trainees associated with his particular company, its consulting projects, or his social media platforms.[4] Further, we are not persuaded by the argument that the Petitioner's proposed endeavor has national importance due to the shortage of workers in his industry. Here, the Petitioner has not established that his proposed endeavor stands to impact or significantly

[4] Likewise, 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.

reduce the claimed national shortage. Moreover, shortages of qualified workers are directly addressed by the U.S. Department of Labor through the labor certification process.

The Petitioner also asserts that his undertaking aligns "with federal transportation and safety priorities" and addresses "the essential need for Federal Aviation Administration regulatory compliance." To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of his work. While the Petitioner's statements reflect his intention to provide flight training and aviation related consulting services in the United States, he has not offered sufficient information and evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. 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, we conclude the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond his company and its trainees and clientele to impact his field, aviation industry safety practices, or the U.S. economy more broadly at a level commensurate with national importance.

Furthermore, the Petitioner has not shown that the specific endeavor he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Specifically, he has not demonstrated that his company's future staffing levels and business activity stand to provide substantial economic benefits in Florida or in other parts of the United States. While the Petitioner claims that his company has growth potential, he has not presented evidence indicating that the benefits to the regional or national economy resulting from his undertaking would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. In addition, although the Petitioner asserts that his endeavor stands to create jobs for U.S. workers, he has not offered sufficient evidence that his endeavor offers Florida or the United States a substantial economic benefit through employment levels or business activity.

The Petitioner has not established that his 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 has other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

Because the documentation in the record does not establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. As this issue is dispositive of the Petitioner's appeal, we need not reach, and therefore reserve, determination of his eligibility under the second and third prongs of the *Dhanasar* framework. *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, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter

of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

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.