U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41327901

Date: JULY 2, 2026

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

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

The Petitioner 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).

USCIS denied the petition, concluding that despite qualifying for the underlying EB-2 visa classification as an advanced degree professional, the Petitioner did not establish 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

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

the framework for adjudicating national interest waiver petitions. *Dhanasar* states that 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
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner's proposed endeavor is to "enhance and promote aviation safety through the prevention of aviation accidents and incidents by developing and implementing safety training, inspections, development of written programs, risk identification, eliminating safety hazards and promoting safety culture within the industry." He further explains that he "will collaborate with U.S. based enterprises including [redacted] Corporation, and [redacted] Corp to advance aviation methods, improve quality control of industrial equipment, develop and implement safety inspections and trainings." He also states that he will prepare procedural manuals "for the administration and operational functioning of airlines and their agencies as well as the supply of aircraft parts and equipment."

Under the first prong of the *Dhanasar* analytical framework, USCIS did not make a determination as to whether the Petitioner met substantial merit. We find that the evidence in the record establishes that the Petitioner's proposed endeavor has substantial merit. However, we agree with USCIS that the Petitioner has not sufficiently demonstrated the national importance of his endeavor under the first prong of the *Dhanasar* analytical framework.

On appeal, the Petitioner contends that USCIS' analysis under the first prong "contains instances of misunderstanding and misapplication of law that go beyond harmless error and reach the levels of abuse of discretion." The Petitioner further asserts that SCOPS abused their discretion in failing to address all evidence, citing *Buletini v. INS*, 850 F. Supp. 1222 (E.D. Mich. 1994). The Petitioner claims his endeavor is of national importance "because it addresses the nationally urgent problem of rising safety incidents in U.S. air travel, thereby enhancing the safety of American travelers and remediating the source of public trepidation that threatens to curtail the economic success of this vital industry." However, we do not find the Petitioner's contentions persuasive.

The court in *Buletini* did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor does the *Buletini* decision suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *see also Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993). Even

[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).

though USCIS did not address each piece of evidence individually, USCIS has acknowledged and analyzed various documents on record, reflecting consideration of all evidence in totality, and properly concluded that the quality of the evidence lacked probative value in supporting national importance of the endeavor. To determine whether a petitioner has met his burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 376; *see also Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989).

The Petitioner also claims that USCIS' statement that the articles "do not discuss any details relating to the specific endeavor and its impact within the business field of aeronautics" is inconsistent with the legal framework in *Dhanasar*. However, in *Dhanasar,* we concluded the record supported the national importance of *Dhanasar's* proposed endeavor because it contained probative expert letters from individuals holding senior positions in academia, government, and industry that described the importance of the petitioner's proposed endeavor as it related to U.S. strategic interests, and that his media articles and other evidence documented U.S. government interest in the research, development and advancement of the proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 893. Further, we do not interpret USCIS statements as creating unreasonable or legally unsupported expectations, but rather properly determining that the Petitioner's evidence did not sufficiently demonstrate the national importance of his specific, proposed endeavor, which is to enhance and promote aviation safety.

USCIS also properly found the Petitioner did not show how his consultancy services would largely influence the field and rise to the level of national importance. The Petitioner's statements and "ample evidence," which was mostly reports and articles about the importance of aviation safety, did not demonstrate the extent to which his proposed endeavor's methods or strategies would have global or national implications to the field beyond the individuals or entities using them. Further, "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *Id.* at 889. However, the Petitioner did not explain in the record below, or now on appeal, how his aviation methods in, for example, developing and implementing safety inspections and training programs would improve upon those already available and in use in the United States such that his proposed endeavor would have national or global implications within his field or for the United States.

Here, although the Petitioner provided numerous reports and articles on the importance of aviation safety, the impact of the aerospace industry on the economy, its alignment with national initiatives, such as the Federal Aviation Administration and , and the current administration's executive orders to improve aviation safety in the United States, they only provide a general overview of the field and do not discuss the specific nature of the Petitioner's endeavor or the details of his personalized strategies or models that would broadly impact the field. In *Dhanasar*, the relevant question is not the importance of the industry or profession in which the individual will work, but whether the specific proposed endeavor has broad enough implications to be considered of national importance. *Id.*

Moreover, the Petitioner has not demonstrated 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. *Id.* at 890. The Petitioner asserts that his endeavor "spurs substantial positive economic

effects for the U.S. economy." However, the Petitioner's claim is unpersuasive. Without evidence regarding any projected U.S. economic impact or job creation directly attributable to his future work, the record does not show any benefits to the U.S. regional or national economy resulting from his work would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.*

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address his eligibility under the remaining prongs, and we hereby reserve them. *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 alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to establish that he meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that he has not established eligibility for 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.