U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40777430

Date: JULY 7, 2026

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

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

The Petitioner, an electrical 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).

USCIS denied the petition, concluding that although the Petitioner qualified for the EB-2 classification as an advanced degree professional, the record does not establish that he is eligible for, and merits as a matter of discretion, a national interest waiver. 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.

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.* To qualify for EB-2 classification as an advanced degree professional based on an advanced degree, a petitioner must submit an official academic record showing that the alien has a United States advanced degree or a foreign equivalent degree. 8 C.F.R. § 204.5(k)(3)(i).

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

The Petitioner is an electrical engineer who has worked at various energy companies since obtaining his bachelor's degree in electrical engineering in 2013 from [redacted] in Nigeria. The Petitioner later obtained a master's degree in engineering systems management in 2023 from the [redacted] and completed his postgraduate project report, entitled [redacted] (September 2023). The Petitioner stated that his proposed endeavor in the United States "focuses on integrating renewable energy technology, particularly Photovoltaic (Solar) Systems and Energy Storage Systems (ESS), into existing grid architecture and off-grid applications to strengthen Grid Reliability and Security."

A. Qualification for the EB-2 Classification

As indicated above, the Petitioner must first demonstrate qualification for the underlying EB-2 visa classification. USCIS determined that the Petitioner is a member of the professions holding an advanced degree.[2] However, upon de novo review, we disagree. Here, the record lacks sufficient evidence to demonstrate the Petitioner's eligibility based on a single advanced degree (foreign equivalent of a U.S. master's degree) or combination of a bachelor's degree with five years of progressive experience in the specialty. 8 C.F.R. § 204.5(k)(2).

The record contains a copy of the Petitioner's diploma for a master's degree in engineering systems management and an academic credential evaluation from Educational Credential Evaluators, but the Petitioner did not provide his official academic records from his master's program as required by 8 C.F.R. § 204.5(k)(3)(i). While the evaluation states that his foreign degree is equivalent of U.S. master's degree, it does not explain how the Petitioner's coursework equates to a U.S. master's degree nor show that it reviewed and relied on the Petitioner's academic transcripts to support this conclusion. Credential evaluations are reviewed for advisory purposes only; if questionable in any way, USCIS may give them less weight. *Matter of Caron Int'l*, 19 I&N Dec. 791, 795 (Comm'r 1988). As such, the Petitioner has not sufficiently established that he possesses the U.S. equivalent of a master's degree.

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[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] USCIS stated that the Petitioner is eligible for the EB-2 classification as an advanced degree professional because he provided "a copy of [his] master's degree in engineering systems management from the [redacted] in Nigeria plus more than five years of progressive experience in the field of endeavor."

Similarly, the Petitioner submitted a copy of his diploma for his bachelor's degree but did not provide his academic transcripts or an evaluation verifying that his foreign bachelor's degree is U.S. equivalent. 8 C.F.R. § 204.5(k)(3)(i). In addition, the Petitioner did not submit employment verification letters from his current and former employers detailing his positions, duties, and hours worked to indicate that he worked full-time. *Id.* Therefore, the Petitioner has not sufficiently established that he is an advanced degree professional through combination of his U.S. equivalent bachelor's degree and five years of progressive experience in the field.

Therefore, we withdraw USCIS' determination and conclude that the Petitioner did not meet the underlying classification as an advanced degree professional.[3]

B. National Interest Waiver

We also conclude that the record does not establish that the Petitioner's eligibility for a national interest waiver. Specifically, we agree with USCIS' determination that the Petitioner's proposed endeavor has substantial merit but not national importance under the first prong of *Dhanasar*. The first 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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

On appeal, the Petitioner contends that USCIS erred by focusing on his occupation instead of the proposed endeavor but based on the review of the evidence, the Petitioner did not present a clear, specific proposed endeavor to establish his eligibility under *Dhanasar*'s first prong. The Petitioner generally reiterates that his proposal to integrate PV systems and ESS into both existing grid architecture and off-grid applications will benefit the United States' electric grid's operations, national security, or economic competitiveness. However, the Petitioner has provided little detail explaining the specific activities he proposes to do in his endeavor and has not clearly presented or described his endeavor such that USCIS can determine broader implications rising to the level of national importance. The Petitioner's appellate brief reargues that his endeavor has national importance based on the evidence already in the record, including industry-related reports and recommendation letters, but the Petitioner has not supported his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 375-76.

The Petitioner claimed that his endeavor in solar energy integration will "play a pivotal role in the nation's electrification and energy transition efforts" and "enhance national security by diversifying energy sources, reducing dependence on foreign Energy, and improving grid resilience against natural disasters and cyber threats." In addition, such transition to solar energy will "create numerous job opportunities in the manufacturing, installation, maintenance, and R&D sectors, thus bolstering US economic competitiveness in the global renewal energy market." The Petitioner also asserted that "[a]nother critical application of my work is in agriculture" and that he "can contribute to food security, improved agricultural productivity, and the promotion of innovative farming practices" due

[3] The Petitioner did not claim that he is eligible for the EB-2 classification as an individual of exceptional ability.

to solar-powered irrigation systems access. The Petitioner claimed that his proposed endeavor supports the initiatives of U.S. Department of Agriculture (USDA) and that USDA's rural development program aligns with "technical solutions my proposed endeavor offers." He further asserted that he will "contribute to the US government's commitment to making environmental justice integral to every agency's mission, addressing the disproportionate health, environmental, economic, and climate impacts on disadvantaged communities."

In support of these various claims, the Petitioner provided numerous articles highlighting the importance of solar power and renewable energy and various reports from U.S. government agencies outlining their priorities in improving access to reliable, affordable energy. These articles and reports demonstrate that the Petitioner's endeavor has substantial merit, but they do not sufficiently show the endeavor's national importance. Merely working in an important field or profession is insufficient to establish the national importance of the proposed endeavor. *See Dhanasar*, 26 I&N Dec. at 889.

Aside from the general articles or reports about the field of renewable energy and solar power, the supporting evidence consists of the Petitioner's research paper on PV power generation for rural Nigeria and letters of recommendation. The recommendation letters attest to the Petitioner's past experience, skills, and professionalism, but such evidence does not sufficiently demonstrate the future impact of the proposed endeavor or show the scope of his endeavor. For example, the recommendation letter written by his graduate school advisor, Professor F-O-O-, indicates that the Petitioner "showed a great attitude in learning" and "achieved excellent results" in his courses and tests. However, aside from summarizing the Petitioner's postgraduate project report on potentials of large-scale PV power generation for rural Nigeria and his work experiences in the field of solar power, the professor did not provide details on how the Petitioner's research findings "provide critical insights into the potential of large-scale PV power generation to revolutionize rural electrification . . . on a global scale."

Other recommendation letters, purportedly from experts in the field,[4] generally describe the Petitioner's educational and employment background and statistics and outlook on relevant industry and occupation, but do not offer persuasive details regarding specific impact of the Petitioner's endeavor or his methodology to the field of solar energy. The letters make broad claims that the Petitioner's work would impact the energy industry, the economy, or societal welfare at a level indicative of national importance, but the record does not sufficiently corroborate these claims. As a matter of discretion, we may use opinion statements submitted by the Petitioner as advisory but will reject an opinion or give it less weight if it is not in accord with other information in the record or if it is in any way questionable. *Matter of Caron Int'l*, Inc., 19 I&N Dec. at 795.

We also consider the Petitioner's claim that his endeavor aligns with various U.S. government's priorities. In *Dhanasar*, we gave significant weight to "probative expert letters from individuals holding senior positions in academia, government, and industry that describe the importance of hypersonic propulsion research as it relates to U.S. strategic interests" and "detailed expert letters describing U.S. Government interest" in Dr. Dhanasar's specific research. *Dhanasar*, 26 I&N Dec. at 892. Here, the Petitioner has not provided similar evidence, such as the type of expert opinion evidence or letters from government entities detailing how his specific endeavor impacts a matter that

[4] The authors claim to work in the energy industry, but the record does not show their curriculum vitae, resume, or other relevant evidence to demonstrate their expertise in the field.

is a subject of national initiatives. None of the articles and reports specifically mention the Petitioner's endeavor or discuss the government's interest in promoting the use of the Petitioner's innovation or solutions. 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.* at 889.

Overall, the Petitioner has not adequately demonstrated the specific endeavor he proposes to undertake, i.e., how he intends to implement his proposed endeavor, which is fundamental to showing the potential scope of the proposed endeavor. The Petitioner has not clarified whether he would work for a specific employer or work independently, or how his endeavor will extend beyond his future employer or clients that he will serve to significantly impact the field. The evidence did not demonstrate how his proposed endeavor offers any specific methodologies or advances in the solar power energy that are different or unique from the existing practices in the United States and would contribute to national importance. Further, the Petitioner did not show that his postgraduate project report somehow garnered attention from researchers, government agencies, or other private entities, leading to his endeavor's prospective impact to the field of renewable energy. Although the Petitioner has articulated various claims regarding his endeavor's economic, societal, or other technical benefits, the record neither clarifies nor substantiates the endeavor's prospective impact as contemplated by *Dhanasar*. *Id.* at 889-90.

Based on the foregoing, we conclude that the Petitioner did not establish national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision and therefore, he has not demonstrated eligibility for a national interest waiver. The Petitioner did not satisfy his burden of establishing the specific endeavor and its prospective impact. As the identified reasons for dismissal are dispositive of the appeal, we decline to reach and hereby reserve the issues regarding his eligibility under the second and third prongs of *Dhanasar*. *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

The Petitioner has not established the national importance of his proposed endeavor. Therefore, the Petitioner has not shown eligibility for the national interest waiver, and we will dismiss the appeal 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.