U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40784782

Date: JULY 23, 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 the record did not establish that a waiver of the required job offer, 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.

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: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

II. ANALYSIS

The Petitioner claims he has over 20 years of experience in water system operations, safety, and infrastructure consulting across Latin America and the United States. He currently works as the president of his own company, [redacted] His past positions include roles as a field manager of a residential and commercial plumbing company, plumbing technician, and head of production.

The Petitioner stated that his proposed endeavor is to establish and expand [redacted] through which he will provide "highly specialized engineering consulting services aimed at addressing systemic challenges in the design, implementation, and modernization of water purification and distribution systems." His primary services will include water infrastructure consulting, regulatory compliance support, sustainability integration, training and workforce development, and procurement and supply chain advisory services.

Service Center Operations (SCOPS) determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that he did not establish his eligibility under the *Dhanasar* analytical framework. Specifically, although SCOPS found substantial merit in the proposed endeavor and that he is well positioned to advance it, they concluded the Petitioner did not establish that his proposed endeavor has national importance and that, on balance, waiving the job offer requirement would be beneficial to the United States.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS found that the record, including the support letters, business plan, and industry articles, did not demonstrate the proposed endeavor's potential prospective impact. They found the evidence did not show, among other things, that the endeavor would have broader implications, a significant potential to employ U.S. workers or other substantial positive economic effects, or that it would broadly enhance societal welfare.

On appeal, the Petitioner argues that SCOPS' decision failed to adhere to the "totality of the circumstances standard" by evaluating evidence in isolation rather than collectively. He also argues that SCOPS "overextended the requirements by demanding additional evidence" not explicitly required by the USCIS Policy Manual or *Dhanasar* and that SCOPS misapplied the preponderance of the evidence standard. But upon de novo review, we agree with SCOPS' conclusion that the Petitioner has not demonstrated his proposed endeavor's national importance and, thus, has not established his eligibility for a national interest waiver.[2] Accordingly, we will dismiss the appeal.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890.

In this case, the Petitioner has not met his burden to demonstrate that his proposed endeavor's prospective impact rises to the level of national importance. In particular, the record does not illustrate how his specific endeavor would sufficiently extend beyond his company, clients, and the individuals he trains to impact the field more broadly at a level commensurate with national importance.

Much of the evidence in the record and the Petitioner's arguments focus on the general importance of the fields involving the U.S. water supply and infrastructure systems. He asserts that his endeavor is nationally important because it "directly addresses critical challenges faced by communities across the United States, including water quality risks, aging infrastructure, and climate-related disruptions." He claims that his endeavor holds "far-reaching implications within the field of environmental engineering and water systems" as "it addresses one of the most pressing infrastructure and public health concerns in the United States: the need for safe, reliable, and regulation-compliant water treatment and distribution systems." In addition, he contends that his endeavor directly supports federally recognized objectives to improve the nation's water infrastructure and includes government reports on the "National Water Program Guidance," Environmental Protection Agency's "Strategic Plan," and the "Climate Adaptation Implementation Plan," among others. He also submits various industry articles and reports on topics including U.S. water infrastructure, the hyporheic water zone, and immigrant employment.

While we acknowledge the value of fields related to the U.S. water supply and infrastructure systems, in determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, while the articles and reports provide general background information on the aforementioned areas and speak to the substantial merit of the proposed endeavor, they do not establish how his future work operating a single engineering consulting services company would impact these fields more broadly. Working in an important field is insufficient in and of itself to establish the national importance of the proposed endeavor. The Petitioner must still demonstrate the endeavor's potential prospective impact in that area of national importance.

The Petitioner also contends that his endeavor will have positive benefits for the economy. He asserts that he will create jobs by hiring U.S.-based engineers, technicians, and regulatory consultants. In addition, he claims that he will indirectly boost local economies, improve public sector efficiency, and support the professional development of technical workers in high-demand sectors. He asserts that he will generate ripple effects in industries such as construction, testing laboratories, and logistics.

The Petitioner submitted a business plan, which projects he will employ one full-time employee and two part-time employees in year one, increasing to four full-time employees and eight part-time employees in year five. He also estimates revenue ranging from $300,000 to $450,000 in year one, increasing to $921,375 to $1,289,925 in year five. The evidence, however, does not provide sufficient details regarding the basis for these projections. Additionally, the evidence does not appear to support the assertions and figures in his plan are realistic. For instance, although the Petitioner's company appears to have been operational since 2018, the documents in the record, including his company's

bank statements from the years 2023 to 2025, do not seem to reflect the company has reached the estimated revenue projections. And while an endeavor is prospective in nature, the record does not support that the company's performance, which while not specifically required, evidences the business plan figures are realistic.

Even if these projections were accurate though, we would still conclude that the Petitioner has not adequately demonstrated how the proposed endeavor would generate such significant economic activity that it rises to the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890. For example, although his company is projected to have a revenue of $300,000 to $450,000 during the first year of operation, increasing to $921,375 to $1,289,925 by the fifth year, the record does not reflect the impact these figures would have to the regional or national economy and does not show that any potential benefits would reach the level of "substantial positive economic effects." He also has not explained how employing four full-time employees and eight part-time employees by year five shows that his future staffing levels would provide substantial economic benefits to Florida, where the company will operate, or the U.S. economy more broadly at a level commensurate with national importance. While the revenue and employment opportunities generated by any business endeavor have the potential to positively impact the economy on some level, it is the Petitioner's burden to demonstrate that the potential positive economic effects of his specific endeavor will be "substantial."

The record also does not support that the endeavor would have other nationally important implications as claimed. The Petitioner states he will offer workforce training programs. But, in the same way that *Dhanasar* finds that a classroom teacher's proposed endeavor is not nationally important because it will not impact the field more broadly, the Petitioner also has not shown these activities would sufficiently extend beyond the individuals he trains to affect the nation more broadly at level commensurate with national importance. Likewise, while the Petitioner claims that "[i]ncorporating innovation and advanced technologies into water management will be a hallmark of this endeavor," beyond these vague statements, he has not further explained, for example, what innovations he plans to implement, how they will be different or better than what is already being done in the market, or how they would offer original innovations that contribute to advancements or otherwise have broader implications for the industry. *Id.* at 889.

While the Petitioner attempts to highlight the broader implications of his endeavor by linking it to the general societal and other benefits that may arise from working in his field, he has not established how his specific endeavor would achieve these goals and have a broader impact on the field rising to the level of national importance. *See Matter of Chawathe*, 25 I&N Dec. at 376 (providing that a petitioner must support his assertions with relevant, probative, and credible evidence). For instance, although the Petitioner contends that "a modernized water infrastructure can lead to industry growth in related sectors" and "[i]mproved water quality and supply can boost industries like agriculture, manufacturing, and power generation, leading to increased outputs, exports, and economic gains," the evidence does not reveal how his specific services would sufficiently extend beyond his clients to produce such broader impacts on the field. The Petitioner's claims tying his proposed endeavor to these impacts are too attenuated and lack sufficient corroborating evidence to show that his specific endeavor operating a single engineering consulting services company would generate such impacts.

The Petitioner also submitted numerous support letters, but they likewise do not establish the endeavor's national importance.[3] First, insofar as these letters, the Petitioner, and other evidence in the record highlight the Petitioner's skills, personal attributes, and past accomplishments, these are considerations under *Dhanasar's* second prong. *See Matter of Dhanasar*, 26 I&N Dec. at 890. When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Id.* at 889. And although the Petitioner submitted an expert opinion letter written by [redacted] an associate professor at [redacted] his opinion is largely general in nature and does not meaningfully address the details of the Petitioner's specific proposed endeavor and how it, in particular, would produce the nationally important implications claimed. Instead, the professor makes broad generalizations, such as "[t]he proposed work promotes national resilience to climate disruptions, reduces the risk of waterborne disease outbreaks, and enhances compliance with environmental protection laws" and "[t]hrough community-based infrastructure improvements, increased regulatory support, and capacity-building initiatives, the endeavor will enhance not only water quality but also social equity." But he provides little explanation as to how the Petitioner's endeavor, in particular, would specifically accomplish these results and does not provide corroborating evidence directly linking the Petitioner's endeavor to any broader impacts in the field.

The Petitioner also submitted letters from potential clients interested in the Petitioner's services, but they also do not provide sufficient information to demonstrate the endeavor would have the significant economic or broader impacts claimed. While they may demonstrate some client interest and that the Petitioner's services may provide some benefits to his potential clients, the record as it stands does not adequately demonstrate that his proposed endeavor would produce such broader impacts to the field such that it would rise to the level of national importance.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the record does not establish his proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether he has established eligibility under the remaining two *Dhanasar* prongs. *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, he has not established that 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

[3] Contrary to the Petitioner's argument on appeal, our review of SCOPS' decision does not reflect a "mandate" for direct support of U.S. government agencies for approval of a petition.

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.