U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43389124

Date: JUL. 23, 2026

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

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

The Petitioner, a drilling engineer, seeks to qualify under the 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 the Petitioner's eligibility for the requested 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.*

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] *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 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. NATIONAL INTEREST WAIVER

USCIS determined that the Petitioner qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. We agree with this determination. Therefore, the remaining issue is whether the Petitioner established that he is eligible for a national interest waiver under the *Dhanasar* framework.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* USCIS concluded that the Petitioner's proposed endeavor has substantial merit. We agree with this determination, as the Petitioner's proposed endeavor falls within the range of areas of substantial merit, namely business, science, and technology. *Id.* However, while the Petitioner has established that his proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner indicates he holds a Bachelor of Science degree in mechanical engineering and that he has over 12 years of full-time experience in the field of drill engineering working for large oil and gas operations. He explains that he currently works as a performance live engineer at S-, [redacted] The Petitioner states that his proposed endeavor involves developing and implementing innovative autonomous drilling systems to enhance U.S. oil and gas extraction. The Petitioner emphasizes a digital tool he worked on, the [redacted] application, indicating that it streamlines equipment requests and digital resource usage in the field, improves operational efficiency, and reduces training needs by 30%.

The Petitioner asserts that his proposed endeavor is of national importance because of its potential to significantly enhance oil and gas production crucial to the U.S. energy sector impacting millions of jobs and economic stability. He states that his focus on maximizing extraction potential would increase yields from existing wells and reduce U.S. dependence on foreign oil, support national security and economic stability, safeguard jobs and potentially create new ones, minimize ecological impact, set a new model for global best practices in oil and gas extraction, and help the United States achieve greater geopolitical stability. Likewise, the Petitioner contends that his proposed endeavor would result in substantial positive economic effects by significantly amplifying the oil and gas industries output as well as increasing production rates, reducing downtime, boosting profitability leading to investment in the industry, improving trade balance due to less U.S. reliance on foreign oil, reducing by eliminating costly mistakes, greater sustainability, among other significant industry wide impacts. The Petitioner indicates that his proposed endeavor aligns closely with, and would make "significant contributions" to, multiple U.S. government initiatives including the Biden Administration's Climate Plan, Department of Energy (DOE) enhanced oil recovery initiatives,

Bureau of Safety and Environment Enforcement (BSEE) regulations, the Paris Agreement on Climate Change, and United Nations sustainable development goals. The Petitioner provided several support letters from colleagues working for his employer and within the industry discussing his proposed endeavor and its potential benefits.

USCIS later issued a request for evidence (RFE) indicating that the Petitioner did not submit sufficient evidence to demonstrate that his proposed endeavor would impact the oil and gas industry broadly, consistent with national importance. USCIS stated that the provided evidence and support letters focused mainly on the Petitioner's knowledge, skills, work ethic, and dedication, rather than the national importance of his proposed endeavor. As such, USCIS requested that the Petitioner submit additional evidence including a more detailed description of his proposed endeavor and why it had national importance, and how it would have national implications within his field, significant potential to employ U.S. workers or have substantial positive economic effects, broadly enhance societal welfare, and/or impact a matter that a government entity described as having national importance.

In response, the Petitioner again emphasized that his proposed endeavor would broadly impact the energy sector "an area of critical importance." The Petitioner stated that his [redacted] application would [redacted] He indicated that this was consistent with U.S. government initiatives promoting reliable domestic energy development through reduced regulatory delays, including the White House's National Energy Emergency and Unleashing American Energy declarations. Consistent with this, he noted that his application automates compliance checks and compresses planning cycles by 80%.

Likewise, the Petitioner pointed to the DOE's FASST program calling for "trustworthy AI systems to enhance energy research and operation safety," asserting that his [redacted] application is consistent with this program. He stated that his proposed application would have broad industrial implications, stressing its adoption by major companies in the industry such as [redacted] He indicated that this reflected industry-wide traction and not just his company's proprietary tool. Further, the Petitioner emphasized that [redacted] could mitigate environmental risks by reducing greenhouse gas emissions by 8 to 12% per well "through shorter rig time and optimized mud programs." He stated this was consistent with the Inflation Reduction Act which incentivized methane-reduction and low-emission operations. The Petitioner indicated that U.S. oil and gas operators incur over $474 million annually in non-productive drilling losses and he asserted that his [redacted] application could recapture over $100 million in losses per year by reducing idle time by 20-25%.

In concluding that the Petitioner did not demonstrate the national importance of his proposed endeavor, USCIS stated the submitted evidence did not establish that it would have national implications beyond his employer, and their prospective business partners and clients. USCIS further determined that although the Petitioner's proposed application was in alignment with government initiatives, he did not establish that it would likely have a national impact on them.

On appeal, the Petitioner contends USCIS erred in concluding that his proposed [redacted] application would only have a localized impact asserting that it would be a "an industry facing operating model"

with broad field-level implications. The Petitioner submits additional support letters on appeal from individuals working outside his employer, contending these demonstrate the field-level implications of his proposed application. The Petitioner also states that he has submitted "collated neutral sources on predictive maintenance, automation, and federal energy initiatives demonstrating the endeavor's framing around national energy reliability, safety, and productivity goals."

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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 economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890.

As noted, the Petitioner emphasizes additional support letters on appeal from colleagues in the industry contending these demonstrate the field-level implications of his proposed application. However, the provided letters only reinforce USCIS' prior conclusion that the Petitioner has not sufficiently demonstrated the potential prospective national impact of his proposed application beyond his employer and its clients. For instance, the Petitioner provided a letter from a business development manger at a drilling equipment rental company working with the Petitioner's employer who discussed the Petitioner's "disciplined deployment and field empathy" and his skill at aligning with stakeholders, as well as the deployment of the [redacted] software application and its positive results in drilling efficiency. Likewise, another additional support letter from a business line manager working with the Petitioner and his employer discussed how his "automation software" works and asserts that its national importance is straightforward, noting that thousands of wells are drilled each year and that even small improvements per well can add up to major savings. In addition, another letter from a digital drilling project manager working for the Petitioner's employer emphasizes the Petitioner's unusual qualifications and experience.

In sum, the support letters provided on appeal and throughout the record provide little support for a conclusion that the Petitioner's proposed [redacted] drilling application would likely have field level implications in the massive oil and gas industry he states employs over 9.8 million individuals. In fact, the support letters appear to suggest that the Petitioner is an experienced and useful employee who is skilled at deploying software in the field and aligning different interested parties during these deployments, but there is little indication in the letters that his proposed application is posed to transform the oil and gas industry as claimed. The Petitioner did not sufficiently clarify and substantiate how his proposed employment would allow his asserted [redacted] tool to disseminate beyond the scope of his company and "significantly amplify the oil and gas industries' output," leaving question as to its potential prospective national impact. The support letters largely discuss the Petitioner's experience and his positive attributes, rather than its likely potential prospective national impacts. While it is true that a petitioner's expertise and record of success in previous positions are considerations under *Dhanasar*'s second prong, the second prong does not evaluate the prospective impact of an endeavor, but instead "shifts the focus from the proposed endeavor to the foreign national." *Id.* As such, while a Petitioner's background may be helpful in describing the nature of their field and prior work, it is not sufficient to establish the national importance of their proposed

endeavor. As discussed, the Petitioner did not properly articulate and document how his proposed would have a larger impact on his field, rather than simply provide more efficient services for his clients.

The Petitioner is required to demonstrate that the Beneficiary's proposed endeavor will have national or even global implications within a particular field or the significant potential to broadly enhance societal welfare or the advancement of valuable technology or a field of study. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual. However, the Petitioner provided insufficient detail and documentation to substantiate that his proposed endeavor would have a national-level impact on the oil and gas industry. For instance, the Petitioner asserted that his proposed application [redacted]

Likewise, the Petitioner's industry colleagues stated that there are thousands of new wells being drilled in the United States each year. The Petitioner's projections suggest that his software would impact over 20% of the wells drilled in the industry, but there is little evidence to support this widespread of a national impact resulting only from his proposed [redacted] drilling application. In fact, the Petitioner submits additional unexplained internal employer documentation on appeal referring to a [redacted] application and its relation to his proposed [redacted] application is left unclear. In sum, the Petitioner did not, as previously concluded by USCIS, that his proposed endeavor stood to extend beyond his employer and have a potential prospective national impact on his field. The Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

Benefits to a specific company alone, even a company with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance. At issue is whether the petitioner can demonstrate that his individual endeavor stands to have broader implications, such as for a field, a region, or the public at large. For instance, an individual developing methods or technology for use or sale by a given company may not be able to establish national importance based on evidence that this technology will have benefits for the company or its clients alone. To establish broader public or commercial implications at a level consistent with national importance for the field or industry, the petitioner could demonstrate, through the submission of relevant evidence, widespread interest in adoption or licensing of the technology, a novel and important manufacturing or operational process, or how the technology stands to impact the development of similar technology by other companies. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https: //www.uscis.gov/policy-manual.

Again, the Petitioner provided little evidence to establish how his proposed application was innovative in relation to those existing elsewhere in the industry; in fact, he appeared to suggest that no other similar technology had yet been deployed in the large oil and has industry. In contrast, the Petitioner submitted articles indicating that other companies in the industry had deployed similar technologies, including his own company's [redacted] and [redacted] First, it is not clear how the Petitioner's proposed [redacted] relates to [redacted] and other AI driven technologies deployed by other companies in the oil and gas industry. The Petitioner has submitted little evidence to establish the broader national implications of his proposed endeavor, such as for a field, a region, or the public at large, how his proposed application would be licensed or adopted by the industry, or how it was novel in relation to other technologies deployed by similarly placed companies. Without this detail and documentation, it is reasonable to conclude that in the massive oil

and gas industry there are likely many experienced professionals working on using AI to automate drilling operations to improve efficiency and safety. Notably, the Petitioner also asserted that his application had been adopted by other major companies such as in the industry such as [redacted] and [redacted] reflecting "industry-wide traction," but he submitted little supporting evidence to substantiate the claimed wide dissemination of his application throughout the oil and gas industry nor did he properly explain and support how it would be.

As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and provided substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id.*

Here, the Petitioner's assertions of potential prospective national importance are insufficiently detailed and not properly supported. For instance, there is little indication that there is specific interest from the U.S. government regarding the advancement of the Petitioner's work and that it would contribute significantly to the nation's ability to compete internationally in the oil and gas industry. The specific nature of the Petitioner's methods, their innovative nature, and potential national impact are left insufficiently explained. In sum, it appears unlikely that the Beneficiary's proposed endeavor would have a potential prospective national impact on the various major economic and societal issues claimed given the lack of supporting evidence to substantiate that his work would have significant potential to broadly enhance the advancement of methods or technology in his field. Again, the Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. at 582, 591-92.

The Petitioner further submitted a wide array of potential prospective national impacts leaving question as to the likelihood of such broad-based effects on so many industries and societal issues resulting only from his work with one employer. For example, the Petitioner stated that his proposed [redacted] drilling application would have potential prospective national impacts on reducing U.S. dependence on foreign oil, national security and economic stability, minimizing greenhouse gases and ecological impact, helping the United States achieve greater geopolitical stability, improving trade balance due to less U.S. reliance on foreign oil, sustainability, among other significant societal and industry wide impacts. Similarly, the Petitioner asserts that his proposed work with his employer would lead to contributions to numerous government departments, initiatives, and programs, including the Biden Administration's Climate Plan, DOE enhanced oil recovery initiatives, BSEE regulations, the Paris Agreement on Climate Change, United Nations sustainable development goals, DOE's FASST program, as well as the White House's National Energy Emergency and Unleashing American Energy declarations, among others.

However, general alignment with, or a mere potential contribution, to matters of national-level interest does not establish that a proposed endeavor is of national importance. Likewise, the importance of the oil and gas industry on various aspects of industry and society does not establish national

importance. The specific proposed endeavor must have broad and significant national implications. Here, the Petitioner did sufficiently establish that his proposed endeavor would have a national-level impact on any specific government initiative and his assertion that it would have a broad impact on so many leaves question as to whether it would have a potential prospective national impact on any of them. Generalized conclusory statements that do not identify a specific impact to the field have little probative value. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications). Therefore, the record does not establish how the Petitioner's proposed endeavor will have broader implications rising to the level of national importance.

Lastly, the Petitioner further asserted various efficiencies resulting from his proposed application that were not properly substantiated. For example, the Petitioner stated that his proposed [redacted] application would [redacted] However, the Petitioner did not sufficiently support these statements with objective evidence, such as independent analyses or scholarly works discussing the impact and innovation of his application. In fact, as we have discussed, the Petitioner provides substantial internal technical documentation on appeal with little explanation as to its probative value and this evidence discusses [redacted] technology and its relationship with his proposed application is left unclear. Again, the Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. at 582, 591-92.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent 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. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under *Dhanasar*'s second and third 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).

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.