U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 32459774

Date: JULY 26, 2024

Appeal of Texas Service Center Decision

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

The Petitioner, an economist in the oil and gas industry, 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).

The Director of the Texas Service Center denied the petition, concluding the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree, but 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 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 demonstrates eligibility for the underlying EB-2 classification, they must then establish that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. While neither the statute nor the pertinent regulations define the term "national interest," *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v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).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. ANALYSIS

In his personal statement submitted in response to the Director's request for evidence, the Petitioner states he is an economist who intends to work in the oil and gas industry as an employee of a United States company or as an independent consultant. The Petitioner explains that his knowledge and experience "are invaluable in our transition toward cleaner energy alternatives" and he "will guide U.S. energy companies through complex regulatory landscapes and market dynamics, ensuring that the transition is not only environmentally responsible but economically viable."

The Petitioner submitted evidence showing he holds the equivalent of a U.S. master's degree in business administration. The Director determined that the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether he qualifies for and merits a waiver of the job offer requirement in the national interest.

A. Substantial Merit and National Importance

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.* The Director determined the Petitioner's proposed endeavor has substantial merit. We agree.

The Director concluded, however, that the Petitioner did not establish the national importance of his proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. This consideration may include whether the 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. *Id.* at 889-90. The Director determined the Petitioner did not establish that his proposed endeavor would have a broader impact on his field outside of his prospective consultancy services or employer.

On appeal, the Petitioner claims his work on economic modeling, strategic planning, project management, and energy market analysis will extend beyond its benefits to his employer or clients to impact the liquified natural gas (LNG) and energy sectors. The Petitioner further asserts his proposed endeavor has broad implications aligning with national imperatives of energy transition, economic stability, and environmental stewardship. The Petitioner submitted articles relating to his field and occupation including those discussing LNG, LNG industry, LNG supply chain, LNG investment potential, LNG market, economics of the LNG value chain, economists, oil and gas project economics, change management in the oil and gas industry, the demand for economists, economist demographics and statistics in the United States, the importance of economics in business, global gas outlook to

2050, COVID-19 and oil price catastrophes, why fossil fuels are so hard to quit, how fossil fuels are critical in the development of renewable energy sources, the labor shortage in the oil and gas industry, environmental impacts of the oil industry, growth of the oil and gas industry, and global challenges to renewable energy. These articles attest to the importance of the oil and gas industry and economics, but they do not address the Petitioner's proposed endeavor. Our assessment of national importance does not focus on the importance of an industry or occupation in general, rather it "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the Petitioner, or otherwise address the potential prospective impact of his proposed endeavor.

The Petitioner also claims his skills and experience enhancing business performance and profitability show his potential to significantly influence the United States economy. The Petitioner asserts his experience in navigating the complex LNG market demonstrates the substantial benefits he can bring to the U.S. energy sector which contributes to the nation's broader economic goals. The Petitioner does not, however, specify how his proposed endeavor would have significant potential to employ U.S. workers or other substantial positive economic effects extending beyond his services to individual employers or businesses. *See id.* at 890 (discussing significant potential to employ United States workers and other substantial positive economic effects as indicative of national importance).

The Petitioner further asserts the Director's assessment of his recommendation letters was vague and the letters contextualize his potential impact on the national stage. The Petitioner submitted letters from employers and colleagues who attest to his past achievements. For example, N-S-O-[2] states the Petitioner worked with him as a program manager on a transformation project for [redacted] and states he "would undoubtedly have a big impact on client businesses helping them to identify leakages and opportunities for improvement." D-O- praises the Petitioner's work as an economist at [redacted] and expresses his confidence that the Petitioner would "ensure U.S.-based LNG companies and service providers remain producing LNG to fulfil the needs of U.S. residents." Although they praise the Petitioner's past accomplishments and express confidence in his ability to contribute to companies in the United States, N-S-O- and D-O- do not discuss how the Petitioner's proposed endeavor would extend beyond his future U.S. employer or clientele to impact the oil and gas industry in a manner commensurate with national importance. *Cf. id.* at 892 (stating Dhanasar submitted probative expert letters describing the importance of his specific research as it relates to U.S. strategic interests).

A-K- and A-A- praise the Petitioner's successful use of the Cadence methodology at [redacted] but they do not indicate that the Petitioner developed this methodology or made other contributions to his field beyond his work for [redacted] The Petitioner also submitted articles he wrote on various topics such as hedging against inflation, but he did not submit evidence that the articles have been cited by others, have otherwise impacted his field, or are indicative of any future articles he would write to contribute to his field in the United States. *See id.* at 889 (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

[2] We use initials to protect the privacy of the referenced individual.

D-M- states the Petitioner's "experience would be very apt in the LNG industry in America, and particularly instrumental to help bring more LNG projects to FID [financial investment decision]." I-A- states that by "helping companies navigate the energy transition effectively," the Petitioner "can support the resilience and competitiveness of the U.S. economy in an era of global change." Y-O- praises the Petitioner's work at [redacted] and states he "would be of immense value to the economy of the United States due to the importance of LNG and Natural Gas to the USA's energy mix." D-M-, I-A- and Y-O- attest to the Petitioner's significant qualifications and potential, but they do not specify how the Petitioner's work would extend beyond individual employers and clients to impact his field more broadly. *See id.* at 889 (explaining "we look for broader implications"). 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, the record does not show that the Petitioner's proposed endeavor stands to sufficiently extend beyond his prospective employer or clientele to impact his field more broadly at a level commensurate with national importance.

The Petitioner has not established that his proposed endeavor has significant potential to employ U.S. workers, has other substantial positive economic effects, has national or even global implications within his field, or has other broad implications indicating national importance.

The Petitioner's brief includes a section entitled "APA Violation," in which he summarizes the Administrative Procedures Act (APA) but does not specify which section of the APA he claims the Director violated. The Petitioner asserts the Director's request for evidence and denial contained "contradictory, arbitrary, and boilerplate statements" and contained little discussion of the evidence submitted. When USCIS provides a reasoned consideration of the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *aff'd Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); and *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009). De novo review of the record shows no error in the Director's ultimate determinations.

C. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of his specific proposed endeavor and he does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby 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) (stating that "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 alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established the national importance of his proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, he has not demonstrated that she

is eligible for or merits a waiver of the job offer requirement in the national interest as a matter of discretion.

ORDER: The appeal is dismissed.