U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43140091

Date: JUNE 1, 2026

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

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

The Petitioner, a civil engineer working in occupational health and safety, seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree or an individual of exceptional ability in the sciences, arts, or business, 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,[1] 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. Applying the three-prong analytical framework set forth in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), USCIS concluded that the Petitioner: (1) did not establish that his endeavor has national importance,[2] (2) did not demonstrate that he is well-positioned to advance the endeavor, and (3) did not show that on balance, waiving the job offer requirement would benefit the United States. 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 because the Petitioner did not establish that his specific proposed endeavor has national importance and thus, he did not meet the national importance requirement of the first prong of the *Dhanasar* framework. Because the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding the remaining *Dhanasar* prongs. *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

[1] The record contains a degree certificate and corresponding transcript showing that the Petitioner completed required coursework and was awarded a bachelor's degree in civil engineering in June 1992. The record also contains evidence showing that the Petitioner attained at least five years of progressive experience in his specialty. *See* 8 C.F.R. § 204.5(k)(2).

[2] USCIS determined that the Petitioner's endeavor was shown to have substantial merit.

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).

In denying the petition, USCIS acknowledged that the Petitioner's endeavor is to work with civil engineering firms in helping to identify problems and create solutions for wastewater management in the United States. USCIS also recognized the national significance of the field of wastewater management, noting that the Petitioner submitted reports and articles documenting deficiencies in wastewater management in rural communities and their impact on the environment and public health. However, USCIS observed that the record lacked evidence showing that the Petitioner's wastewater management solutions "will be adopted on a broad scale beyond the individual projects his business may secure." And while USCIS recognized the tax, revenue, and hiring projections specified in the Petitioner's business plan, it found the plan's projections and marketing strategies to be "consistent with normal business development for a private engineering consultancy serving local and regional clients." It determined that the endeavor would not broadly impact the U.S. economy but rather would offer limited economic effects mainly impacting the Petitioner's business and its employees and clients. Therefore, despite recognizing that the field of wastewater management has national importance, USCIS concluded that the same cannot be said of proposed endeavor itself.

On appeal, the Petitioner asserts that his proposed endeavor "addresses a critical and pervasive issue" which "has been recognized as a national priority by multiple federal agencies" and has "far-reaching implications for public health, environmental sustainability, and economic development." However, the Petitioner has not provided evidence that his endeavor would likely impact public health, environmental sustainability, or economic development at a level that is commensurate with having national importance. Establishing that wastewater management is a critical concern for the U.S. government is not sufficient to establish that the proposed endeavor, which addresses that concern in a consulting capacity, is nationally important.

The Petitioner also asserts that USCIS "did not contemplate or discuss the totality of the evidence" when making a determination regarding his endeavor's national importance. The Petitioner states that failure to consider all the relevant evidence submitted has been found to be an abuse of discretion and cites to *Buletini v. INS*, 860 F. Supp. 1222, 1223 (E.D. Mi. 1994). While we agree that an adjudicator should consider the relevant evidence in the record, we also note that U.S. district court decisions, such as the one cited by the Petitioner, are not binding precedential authority. The reasoning underlying a district judge's decision will be given due consideration when it is properly before us; however, the analysis does not have to be followed as a matter of law. *See Matter of K-S-*, 20 I&N Dec. 715, 719 (BIA 1993). More importantly, the Petitioner does not sufficiently support the claim that there was relevant evidence that USCIS did not consider. In fact, USCIS specifically discussed the Petitioner's business plan, including the plan's projected revenue, tax payments, and hiring projections, and determined that the endeavor would not likely produce the type of substantial positive economic effects that are indicative of national importance. And despite emphasizing that his business would be in an economically distressed area, the Petitioner has not established that his plan to hire eight employees by his company's fifth year of operation would sufficiently impact employment levels to a degree that is commensurate with national importance.

Further, 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. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir.1992); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993).

The Petitioner also asserts that *Dhanasar* does not require a showing of "novelty in technique or improvements in the field for the endeavor to be nationally important." While we agree with that assertion, we do not find that USCIS imposed a "novel and undefined standard" when it pointed out that the approaches for wastewater treatment the Petitioner described in his "National Importance Statement" were not unique or otherwise unavailable in the United States. Rather, USCIS merely observed, in the course of reviewing the totality of the evidence, that the proposed endeavor does not possess certain characteristics that may be indicators of an endeavor's potential to broadly impact the United States but are in no way required to demonstrate national importance. In *Dhanasar*, we similarly listed examples of characteristics that may support an endeavor's claimed national importance, such as an endeavor that offers improved manufacturing processes or medical advances that impact a particular field, or an endeavor that "has significant potential to employ U.S. workers or has other substantial positive economic effects." *Matter of Dhanasar*, 26 I&N Dec. at 889-90.

And while the Petitioner contends that he submitted "no less than 13 pieces of objective evidence from reputable U[.]S[.] government and private sector sources speaking to the inherent benefits of" improving wastewater management, he has not established that the prospective impact of his specific endeavor aims to achieve that goal with "broader implications" within the wastewater management field on a scale that is consistent with national importance. *Id*. at 889. As stated in the Petitioner's business plan, the proposed endeavor "involves creating and developing a consulting and construction company focused on sanitation." Therefore, USCIS was justifiably skeptical about the proposed endeavor's potential to have national or global implications for the field of wastewater management, despite the Petitioner's plan to "align with national policies on job creation, economic and social development." The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Here, the record lacks sufficient evidence establishing that 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.

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.