U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43218445

Date: JUN. 8, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a logistics analyst, seeks second preference immigrant classification as an individual of exceptional ability, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

SCOPS denied the petition, concluding the Petitioner did not establish that he was an individual of exceptional ability.[1] In addition, SCOPS concluded the Petitioner did not demonstrate his eligibility for a national interest waiver. The matter is now before us on appeal. 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.

Exceptional ability means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business. 8 C.F.R. § 204.5(k)(2). A petitioner must initially submit documentation that satisfies at least three of six categories of evidence. 8 C.F.R. § 204.5(k)(3)(ii)(A)-(F).[2] Meeting at least three criteria, however, does not, in and of itself, establish eligibility for this classification. *See generally* 6 USCIS Policy Manual F.5(B)(2), https://www.uscis.gov/policy-manual. If a petitioner does so, we will then conduct a final merits determination to decide whether the evidence in its totality shows that they are recognized as having the requisite degree of expertise and will substantially benefit

[1] The Petitioner did not claim to be, nor did the record show he held an advanced degree.

[2] If these types of evidence do not readily apply to the individual's occupation, a petitioner may submit comparable evidence to establish their eligibility. 8 C.F.R. § 204.5(k)(3)(iii).

the national economy, cultural or educational interests, or welfare of the United States. Section 203(b)(2)(A) of the Act.[3]

II. EXCEPTIONAL ABILITY

The Petitioner states that he is "a distinguished figure in the logistics and supply chain management sector" with a 16-year career in the industry. The Petitioner indicates he earned a GED and then specialized certifications necessary to qualify him as a "certified hazmat professional." The Petitioner explains that he worked at renowned logistics firms as an export specialist and international logistics coordinator where he coordinated and managed comprehensive logistics operations, "including ocean, air, project, domestic, reverse logistics, and notably, explosives and hazmat logistics."

In denying the petition, SCOPS determined that the Petitioner only met two of the six criteria for exceptional ability, namely the criterion at 8 C.F.R. § 204.5(k)(3)(ii)(A), related to him holding a degree; and the criterion at 8 C.F.R. § 204.5(k)(3)(ii)(B), specific to him having at least ten years of full-time experience in his occupation. However, SCOPS concluded that the Petitioner did not demonstrate he met the following asserted criteria: 1) 8 C.F.R. § 204.5(k)(3)(ii)(C), license to practice a profession; 2) 8 C.F.R. § 204.5(k)(3)(ii)(E), membership in a professional association; and 3) 8 C.F.R. § 204.5(k)(3)(ii)(F), recognition for achievements and significant contributions to the industry or field. On appeal, the Petitioner contends he demonstrated his eligibility under all the criteria discussed above.

> *A license to practice the profession or certification for a particular profession or occupation.* 8 C.F.R. § 204.5(k)(3)(ii)(C).

The Petitioner asserted that he met this criterion, pointing to an authorization for unescorted access to cargo issued by the Transportation Security Administration (TSA). The Petitioner states that this authorization is "a pivotal certification that directly aligns with…a license or certification in one's profession." The Petitioner indicates that this was not a routine credential but one that required a federal security threat assessment allowing him into high-security zones within aviation and logistics sectors. He explains that this credential identifies him as a "certified logistics professional with authorization to operate in secure cargo areas." The Petitioner emphasized that the certification is issued by a federal regulatory agency and aligns with the duties of his profession, and therefore, clearly satisfies the license or certification criterion.

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[3] 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,[3] 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.

In concluding that the Petitioner did not establish this criterion, SCOPS reasoned that the Petitioner's claimed license or certification in a profession was not that, but merely authorization to access certain secure cargo areas. The Petitioner also stated that the Petitioner did not demonstrate that his profession required a license.

We agree with SCOPS' determination that the Petitioner's TSA cargo authorization does not meet the regulatory criteria for a license or certification to practice a particular profession. First, the Petitioner has not demonstrated that his current, or former, logistics positions are professions. As noted by SCOPS, the regulation at 8 C.F.R. § 204.5(k)(2) defines "profession" as any occupation for which a U.S. baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation. There is also no indication that a U.S. baccalaureate degree or its foreign equivalent is required to be granted the TSA cargo authorization, but according to the Petitioner, it only requires passing "a federal security threat assessment." Beyond this, the Petitioner did not establish any further requirements to hold the TSA cargo access authorization.

In addition, the Petitioner did not submit evidence of his TSA cargo authorization, even if it could be considered a professional license or certification, but only a 2010 letter from the TSA providing notice of his "initial eligibility." It is not clear if the Petitioner later received more permanent authorization to the secure cargo holds. The Petitioner must resolve discrepancies and 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).

Regardless, as determined by SCOPS, the Petitioner's asserted license or certification does not meet this criterion, as it is merely an authorization to access certain secure cargo locations, and does not grant him authorization to perform a profession. Therefore, for the foregoing reasons, the evidence does not establish the Petitioner meets this criterion.

Evidence of membership in professional associations. 8 C.F.R. § 204.5(k)(3)(ii)(E)

The Petitioner points to his membership in the National Notary Association (NNA) and asserts that this demonstrates his professional participation in an industry organization, "relevant and supportive of his professional work in the logistics and supply chain sector," a profession he states requires "secure, regulated, and legal binding documentation."

This criterion requires evidence of "membership in professional associations" and "profession" is defined as the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a United States baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation.[4] However, the Petitioner has not asserted, and the record does not otherwise demonstrate, that the NNA requires its members to possess the equivalent of a U.S. bachelor's degree. Further, being a notary is an occupation of its own, independent of being a logistics analyst. Consequently, the Petitioner has not shown that the NNA is a professional association within the meaning of the regulations at 8 C.F.R. § 204.5(k)(2) and (3)(ii)(E). As such, the Petitioner has not demonstrated he meets this criterion.

[4] Profession shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

Evidence of recognition for achievements and significant contributions to the industry or field by peers, government entities, or professional or business organizations. 8 C.F.R. § 204.5(k)(3)(ii)(F).

SCOPS concluded the Petitioner did not meet this criterion, reasoning that he did not provide documentation showing him being recognized by peers, governmental entities, or professional or business organizations for achievements and significant contributions to his industry or field. On appeal, the Petitioner emphasizes letters he submitted that he claims are from experienced professionals in the logistics industry describing the Petitioner's expertise, contributions, critical roles, impacts on operational efficiency, and leadership in supply chain management. The Petitioner states that these letters establish this criterion as they represent recognition from professional peers within the field explaining how he contributed to improvements in logistics operations and supply chain performance.

However, the employment and recommendation letters submitted by the Petitioner do not discuss his significant contributions to the industry or field but merely recognize his expertise, positive attributes, and success as an employee. The letters highlight the Petitioner's completion of projects for his employers rather than his achievements and significant contributions to his field. For instance, a letter from Ms. V-V-, an inside sales representative working for the Petitioner's former employer, outlined his leadership in managing complex hazmat logistics and his "outstanding attention to detail in regulatory compliance" that contributed to the company's successful operations. Likewise, a letter from Ms. N-G-, a supervisor at another former logistics employer of the Petitioner, described the Petitioner's tenure there from 2009 to 2013 and highlighted his cost-savings strategies, leadership in negotiating logistics contracts with major clients, and his "exceptional capabilities" in export processes. Another letter from Ms. B-M, a logistics coordinator who worked with the Petitioner from 2015 to 2021, commended his advancement from an export specialist I to an export specialist III at his former employer as well as his "deep expertise in managing international shipping protocols."

The letters do not explain in detail improvements or innovations in logistic operations and supply chain performance developed by the Petitioner, how they were different than those applied before, or how they significantly impacted the field or industry and is there no documentary support that any of his contributions were widely cited or implemented in his field. In sum, the letters describe the Petitioner as a valued employee and colleague making positive contributions to employer and client operations. However, these letters do not indicate that the Petitioner was recognized for his achievements and significant contributions to his industry or field, but merely for being an effective employee for various employers.

For the reasons set forth above, the evidence does not establish that the Petitioner satisfies at least three of the criteria at 8 C.F.R. § 204.5(k)(3)(ii) and achieved the level of expertise required for exceptional ability classification. In addition, because he has not satisfied at least three criteria, we will not disturb SCOP's final merits determination that the Petitioner did not demonstrate, in the totality, he is recognized as having a degree of expertise significantly above that ordinarily encountered in the field. Furthermore, as the Petitioner has not met the threshold requirement for this classification, an analysis of SCOPS's conclusions as to the Petitioner's eligibility for a national interest waiver would also serve no meaningful purpose. Because the Petitioner has not demonstrated that he is an individual of exceptional ability, we need not reach, and therefore reserve, these additional issues. *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.