U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41814486

Date: MAR. 11, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks employment-based second preference (EB-2) immigrant classification on behalf of the Beneficiary as an advanced degree professional, as well as a national interest waiver of the job offer requirement attached to this classification. *See* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

Service Center Operations (SCOPS) denied the petition, concluding although the Beneficiary qualified as an advanced degree professional, 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.[1] 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*.

[1] While the Petitioner provided a copy of the Beneficiary's *Titulo* in mechanical engineering administrator, the Petitioner did not provide the respective academic transcripts as required by 8 C.F.R. § 204.5(k)(3) (requiring the submission of an official academic record). But we need not reach whether the Petitioner established that the Beneficiary is an advanced degree professional, however, as our decision on the Beneficiary's eligibility for a national interest waiver is dispositive. The Petitioner must submit copies of the Beneficiary's academic transcripts in any future filings to establish his underlying eligibility.

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,[2] 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.

II. ANALYSIS

The Petitioner states that the Beneficiary's proposed endeavor is to "work in the [science, technology, engineering, and mathematics (STEM)] endeavor of metal fabrication to ensure that the right materials, equipment, and suppliers are available to improve critical infrastructure projects in the U.S., such as bridge repair and rehabilitation projects." The Petitioner explains that the Beneficiary's "work is necessary to ensure the safety, structural integrity, and sustainability of bridges in the United States."

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* The term "endeavor" is more specific than the general occupation; a petitioner should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation. *See generally 6 USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policy-manual. For example, while engineering is an occupation, the explanation of the proposed endeavor should describe the specific projects and goals, or the areas of engineering in which the person will work, rather than simply listing the duties and responsibilities of an engineer. *Id.* SCOPS determined that the Beneficiary's proposed endeavor was of substantial merit, and we agree. However, SCOPS concluded the Petitioner did not establish that the proposed endeavor has national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we noted that, in assessing national importance, "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 economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890.

[2] *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).

On appeal, the Petitioner asserts SCOPS misapplied the standard used in a national interest waiver petition, and "disregarded essential evidence." Specifically, the Petitioner claims that SCOPS failed to analyze the record under the other national importance criteria: whether the proposed endeavor broadly enhances societal welfare or cultural or artistic enrichment, or whether the proposed endeavor has substantial positive economic effects.

The Petitioner highlights its response to SCOPS' request for evidence (RFE) and asserts it demonstrates that the Beneficiary's proposed endeavor will broadly enhance societal welfare. The Petitioner's RFE response states that the Beneficiary's proposed endeavor will enable the modernization of U.S. bridges and infrastructure, ensure that infrastructure projects are completed efficiently and quickly, and strengthen the nation's commitment to sustainable development and infrastructure modernization. The Petitioner further notes that it included a list of metal fabrication projects funded by national and state initiatives in which the Beneficiary played a leading role. In support, the Petitioner provided evidence of the Beneficiary's work on these projects such as emails, test reports, and monthly review meetings. The Petitioner, however, has not shown the Beneficiary's specific projects as a Project Procurement Manager stand to impact the U.S. metal fabrication industry to an extent that his proposed work holds national importance. While we acknowledge the Beneficiary's emails, test reports, and monthly review meetings, the evidence does not establish the proposed endeavor's national importance because they only highlight that the endeavor's impact is to the clients or companies that hire the Petitioner to provide its services. Therefore, the Petitioner did not sufficiently substantiate that the Beneficiary's proposed endeavor stands to result in broader implications at a level commensurate with national importance.

In addition, the Petitioner asserts that the Beneficiary's proposed endeavor "satisfies another national importance criteria – impacting a matter that a government entity has described as having national importance" and that Petitioner "included evidence from government agencies and officials stating the national importance of initiatives." The record includes news articles from various U.S. states about the benefits of infrastructure improvement projects. However, merely working in an important field or profession is insufficient to establish the national importance of the proposed endeavor. *Id.* at 889. Instead, when determining whether the proposed endeavor has national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* Thus, while we acknowledge that the metal fabrication and construction industries are important, this fact is insufficient to establish the national importance of the Beneficiary's proposed endeavor.

Further, while the Petitioner asserts that the Beneficiary's proposed endeavor will help "create jobs in the construction and infrastructure development industry in numerous markets across the nation" and that his "work towards establishing procurement and supplier strategies for bridge and infrastructure revitalization, modernization, and construction projects is crucial to driving economic growth and job creation within the U.S. infrastructure and construction sectors, as well as within the wide range of downstream sectors impacted by these industries, " these assertions are not supported by relevant or probative evidence, details showing their basis, or an explanation of how they will be realized, nor do they demonstrate a significant potential to either employ U.S. workers or to substantially impact the regional or national economy. Generalized conclusory statements that do not identify a specific impact

to the field have little probative value.[3] Without sufficient information or evidence regarding any projected U.S. economic impact or job creation directly attributable to the Beneficiary's future work, the record does not show that benefits to the U.S. regional or national economy resulting from the Beneficiary's proposed endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address its eligibility under the remaining prongs, and we hereby reserve them. *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 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 alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to establish that it meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that it has not established eligibility for 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 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.

[3] *See e.g., 1756, Inc. v. US. 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).