U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 37458446

Date: MARCH 20, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, an electrical engineer, seeks employment-based second preference (EB-2) immigrant classification as an advanced degree professional, 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 that the record 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 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.

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:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance their proposed endeavor; and

[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).

- On balance, waiving the job offer requirement would benefit the United States.

*Id.*

## II. ANALYSIS

The Petitioner qualifies for EB-2 classification as an advanced degree professional because he submitted evidence that he holds a master's degree in business administration from the University of [redacted] and the foreign equivalent of a U.S. master's degree in engineering. The only issue on appeal is whether the Petitioner qualifies for a waiver of the job offer requirement in the national interest.

The Petitioner initially stated his proposed endeavor is to continue working in electrical engineering, especially in complex facilities in the energy industry. In response to the Director's request for evidence (RFE), the Petitioner explained he would pursue his proposed endeavor either by working for one of his previous employers or by establishing a technical consulting firm. The Petitioner stated his consulting firm would offer "expertise in process safety, reliability engineering, and sustainable energy practices, contributing to the U.S. economy by creating jobs and providing training opportunities for engineers and interns."

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

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* 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 national importance under these factors.

On appeal, the Petitioner asserts the Director erred and his proposed endeavor has national importance because his "contributions to decarbonization and energy efficiency directly align with critical U.S. objectives in environmental protection, energy independence, and economic growth." The Petitioner also claims the Director erred in concluding that his work would only benefit his employer. The Petitioner asserts the systems he developed at his employer "create replicable methods for improving safety, efficiency, and sustainability across the industry." The Petitioner cites no evidence to support these claims and submits no additional evidence on appeal.

The Petitioner further asserts letters from industry experts and evidence of his achievements demonstrate the national importance of his proposed endeavor. T-A-[2] praises the Petitioner's skills

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

and accomplishments and expresses confidence that he "will continue his practice as a professional electrical engineer and will continue to contribute to his community development through his technical knowledge and skills." R-C-E- commends the Petitioner's work for [redacted] in Nigeria and the United States and states he "will advance his electrical engineering profession in an outstanding capacity in the USA." O-C-I- also commends the Petitioner's work at [redacted] and states his development of innovative solutions at the [redacted] facility in Nigeria "will be of great value to the community of practice in his field in the United States." C-M- praises the Petitioner's work at [redacted] and states his "vast technical experience will be highly beneficial to the United States drive towards eliminating process safety incidents in the various industrial set ups and climate change caused by carbon emissions from heavy fossil fuel usage." T-A-, R-C-E-, O-C-I-, and C-M- do not discuss how the Petitioner's work would extend beyond his employer to impact his field more broadly in a manner indicative of national importance. *See id.* at 889 (explaining "we look for broader implications"). R-S- and E-H- also commend the Petitioner's skills and accomplishments at [redacted] but do not discuss his proposed endeavor. A-K- praises the Petitioner's work at [redacted] and states [redacted] would employ him as an electrical and instrumentation engineer, but he does not indicate that the Petitioner's proposed endeavor would extend beyond his employer or consulting firm's clients to have national importance.

The Petitioner also claims his work "brings measurable economic and social benefits, including operational cost reductions, improved workplace safety, and enhanced public safety – objectives that contribute to U.S. economic stability and social welfare." The Petitioner cites no evidence to support this claim, and our assessment of national importance does not focus on the importance of a field or societal issues in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.*

The Petitioner further asserts his proposed endeavor will have a broader impact on his field by offering "educational programs that enhance U.S. workforce capabilities in high-demand fields." The Petitioner cites no evidence to support this claim. Moreover, 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 Petitioner has not established that his proposed endeavor would sufficiently extend beyond his individual students to impact his field more broadly at a level commensurate with national importance.

In response to the RFE, the Petitioner stated his proposed endeavor would offer process safety, reliability engineering, sustainable energy practices, industrial safety, environmental sustainability, and technological innovation. The Petitioner also explained how he developed safety requirements specification and reduced carbon emissions in past positions. The record does not demonstrate, however, that any of these services or accomplishments have or would have national or even global implications in the Petitioner's field. *See id.* (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

In sum, the relevant evidence does not establish that the Petitioner's proposed endeavor has national or even global implications within his field, or has other broader implications indicating national importance. Consequently, the Petitioner does not meet the first *Dhanasar* prong.

B. 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 he 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.