U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37869142

Date: MAY 14, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an aviation consultant, 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).

Service Center Operations (SCOPS) 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 Director determined the Petitioner qualified for EB-2 classification as an advanced degree professional because he submitted evidence he holds a Master of Science degree in aviation from the [redacted] 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.

In his business plan, the Petitioner states he will serve as the Chief Executive Officer of a management consulting company that will work with airports and airlines and provide services in master plan preparation, safety analysis, safety management, various segment analysis, and new company consulting. The business plan states the company will initially operate in Florida and expand to California, Nevada, Texas, Europe and Asia within four years.

A. Substantial Merit and National Importance

The first 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.* SCOPS 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 other broader implications indicating national importance. *Id.* at 889-90. SCOPS determined the Petitioner did not establish the national importance of his proposed endeavor under these factors. On appeal, the Petitioner asserts SCOPS did not adequately consider his evidence.

The Petitioner asserts his proposed endeavor has national importance because it will make economic contributions to the United States, will provide economic revitalization to underserved areas, and has significant potential to employ U.S. workers. The Petitioner cites no evidence to support these claims. The Petitioner's business plan projects his company will employ four individuals in the first year, increasing to 21 in the fifth year. The business plan predicts the company will generate a net profit of $34,965 in the first year, increasing to $143,525 in the fifth year. These projections do not indicate that the Petitioner's company has significant potential to employ U.S. workers or will have substantial positive economic effects in the management consulting industry which the business plan states is forecasted to have a revenue of $379 billion over the five years to 2029.

The Petitioner states he intends to operate his company in the economically distressed areas of [redacted] and [redacted] Florida, and [redacted] Tennessee, and [redacted] West Virginia. The Petitioner submits evidence of the high economic distress scores of

these areas, but does not establish that his company would employ a significant number of U.S. workers in these areas as the business plan predicts his company will employ at most 21 individuals.

The Petitioner also claims his company has national importance because it will promote aviation safety and public welfare, environmental sustainability, and community development. The Petitioner does not cite any evidence to support these claims, and the Petitioner does not establish how his company's work would extend beyond individual airports and airlines to impact the management consulting or aviation industries more broadly at a level indicative of national importance. *See id.* at 889 (explaining "we look for broader implications").

The Petitioner further asserts his company has national importance because it will enhance global competitiveness and national security and because it aligns with national goals related to sustainable aviation. The Petitioner cites no evidence to support these claims. The Petitioner submitted articles on the benefits of aviation and aviation safety, aviation consulting, the economic impact of U.S. civil aviation, the U.S. Department of Transportation's Strategic Plan, the state of American aviation, air transportation and regional economic development, airport size and urban growth, Florida aviation system plan, Federal Aviation Administration (FAA) airport grant projects, 2023 U.S. airport infrastructure needs, national plan of integrated airport systems, FAA national airspace system capital investment plan, bipartisan infrastructure law – airport infrastructure, FAA budget estimates, FAA CORSIA monitoring, reporting and verification program, shortage of skilled aviation professionals, FAA safety risk management policy, air transportation challenges, the costs and economic impact of flight delays, and FAA orders on aviation safety management and compliance. These articles and orders do not discuss the Petitioner's company or establish its potential prospective impact. Our assessment of national importance does not focus on the importance of issues to an industry in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.*

The Petitioner submitted support letters from professionals who praise his past accomplishments, but do not discuss his proposed endeavor. U-B-[2] commends the Petitioner's work and expresses his belief that the Petitioner will make a "substantial contribution to the development of [the] aviation market in [the] United States," but does not address the Petitioner's proposed endeavor. T-V- praises the Petitioner's accomplishments in aviation in Kazakhstan and expresses her belief that he will be "an asset to the development of the US national aviation industry," but does not discuss any potential prospective impact of his proposed endeavor. H-C- describes the Petitioner's "successful history in the field" and expresses confidence that his proposed endeavor will "address some of the major challenges affecting the aviation industry today," but does not articulate how the Petitioner's company will address such challenges in a manner commensurate with national importance. K-O- and S-J- also praise the Petitioner's past accomplishments and express confidence in his ability to contribute to the aviation industry in the United States, but do not discuss his proposed endeavor. These letters do not establish that the Petitioner's proposed company has national importance. *Cf. id.* at 892 (stating Dhanasar submitted probative expert letters describing the importance of his specific research as it related to U.S. strategic interests).

The Petitioner's business plan states his company will provide "highly specialized product services" including airport master plan preparation, airport master plan updates, safety analysis, safety

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

management, and new company consulting. The record does not indicate that any of these services are unique, innovative, or otherwise have national or global implications in the aviation or management consulting industries. *See id.* at 889. (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

In sum, the record does not establish that the Petitioner's proposed endeavor has significant potential to employ U.S. workers (even in economically depressed areas), has other substantial positive economic effects, has national or even global implications within his field, or other broader implications. Consequently, the Petitioner has not established that his proposed endeavor has national importance.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of his specific proposed endeavor and 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").

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, the Petitioner has not demonstrated that he is eligible for and merits a waiver of the job offer requirement in the national interest.

ORDER: The appeal is dismissed.