U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37824620

Date: MAY 15, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an aircraft mechanic, seeks employment-based second preference (EB-2) immigrant classification as either a member of the professions holding an advanced degree or an individual of exceptional ability, 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 Petitioner did not qualify for EB-2 classification and 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:

[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).

- 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

In his professional plan, the Petitioner states he intends to "contribute to the U.S. economy as an Aircraft Mechanic, with relevant experience in diagnosis, repairs, and inspection systems of aircraft and aircraft engines" and will work for U.S. companies of all sizes. The Petitioner lists specific tasks he will perform and states: "I will effectively inspect mechanical, hydraulic, and structural systems and diagnose malfunctions of aircrafts for American aviation companies. I will use power and hand tools to repair aircraft parts, such as broken wings and leads, in addition to ensuring compliance with aviation safety rules and regulations." In response to SCOPS' request for evidence (RFE), the Petitioner submitted documentation that he had formed his own company specializing in aviation engineering and maintenance consultancy services for maintenance, repair, and overhaul organizations.

A. EB-2 Classification

The Director determined the Petitioner was not eligible for EB-2 classification as a member of the professions holding an advanced degree or an individual of exceptional ability. As the Petitioner is not eligible for a national interest waiver for the reasons discussed below, we do not reach and hereby reserve our determination of his eligibility for EB-2 classification. *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").

A. National Interest Waiver: Substantial Merit and National Importance

The first prong in the *Dhanasar* analytical framework for evaluating national interest waivers is substantial merit and national importance. *Dhanasar*, 26 I&N Dec. at 889. This prong 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 his proposed endeavor would extend beyond his company to impact his field more broadly at a level commensurate with national importance.

On appeal, the Petitioner asserts SCOPS erred and his proposed endeavor will have broader implications on the aviation and aircraft maintenance field, outside of his own company. The Petitioner claims his "leadership in AI-driven diagnostics and predictive maintenance technologies ... will not only improve the safety and reliability of air travel but will also set a new benchmark for maintenance efficiency in the United States" and "enhances the collective skillset of professionals across the country and ultimately drives the aviation sector toward higher standards of safety and performance." The Petitioner asserts his work "has the potential to influence global standards as international organizations look to replicate the success achieved by U.S. airlines under [the Petitioner's] guidance." The Petitioner cites no evidence to support these claims. The record does not indicate that the artificial intelligence (AI)-driven diagnostics and predictive maintenance technologies used by the Petitioner are unique, innovative or otherwise have national or global implications in the aviation industry. *See id.* at 889. (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

The Petitioner also claims his proposed endeavor will improve societal welfare by ensuring the safety, efficiency, and reliability of aviation operations. The Petitioner asserts "[a]s American airlines adopt his predictive maintenance protocols, safety innovations, and environmentally sustainable practices, they will establish a global benchmark for aviation excellence." Again, the Petitioner cites no evidence to support this claim. The Petitioner also does not articulate how his work would extend beyond individual airlines to impact the aviation industry or societal welfare more broadly in a manner commensurate with national importance. *See id.* (explaining "we look for broader implications").

The Petitioner submitted a letter from M-C-[2], Associate Professor of [redacted] University, expressing his opinion that the Petitioner qualifies for a national interest waiver. M-C- claims the Petitioner's proposed endeavor "is important to the United States for a variety of reasons, including increasing air transport safety, and bridging the gap between demand of aircraft mechanics and available talent." M-C- discusses the national importance of the aviation industry as indicated by federal funding for the Airport Improvement Program and "the importance of aircraft mechanics to the U.S. economy as well as the health and quality of life of U.S. citizens." M-C- does not, however, articulate how the Petitioner's work would extend beyond individual airlines to impact the aviation industry, the economy, or societal welfare more broadly at a level indicative of national importance.

The Petitioner submitted support letters from professionals who praise his past accomplishments and express confidence in his ability to positively contribute to the aviation industry in the United States, but do not discuss any potential prospective impact of his proposed endeavor. J-P- commends the Petitioner's work at [redacted] and states his "expertise and contributions are invaluable to the growth of the aviation sector in the United States," but does not discuss the Petitioner's proposed endeavor. J-R- also praises the Petitioner's work at [redacted] and states his continued presence in the United States is vital for the broader aviation industry, but does not address the Petitioner's proposed endeavor. K-J-S- commends the Petitioner's work for [redacted] LLC and states he "consistently contributes to the success of our company and the broader aviation industry," but does not address the Petitioner's proposed endeavor. L-G- describes the Petitioner as an asset to [redacted] but does not discuss the Petitioner's proposed endeavor. These letters are insufficient to demonstrate the national importance of the Petitioner's proposed endeavor. *Cf. id.* at 892 (stating Dhanasar submitted

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

probative expert letters describing the importance of his specific research as it related to U.S. strategic interests).

In response to the RFE, the Petitioner submitted a supplement to his professional plan in which he states he will also develop comprehensive training programs for aircraft mechanics. The Petitioner asserts these programs will address the aircraft mechanic shortage and "contribute to the long-term sustainability and competitiveness of the U.S. aviation sector." In *Dhanasar,* we determined that the petitioner's teaching activities did not rise to the level of national importance because they would not impact his field more broadly. *Id.* at 893. Here, the Petitioner has not established that his training programs would sufficiently extend beyond his individual trainees to impact his field more broadly at a level commensurate with national importance.

In his professional plan supplement, the Petitioner also claims his training programs will address the growing shortage of skilled aircraft mechanics and will have significant potential to employ U.S. workers, particularly in economically distressed regions. However, the Petitioner's original and supplemented professional plans do not indicate that the Petitioner will employ any mechanics himself. In addition, the U.S. Department of Labor addresses labor shortages through the labor certification process which the Petitioner seeks to waive in this case.

In his professional plan supplement, the Petitioner further asserts his proposed endeavor will impact a matter of national importance, the shortage of skilled mechanics in the aviation industry. The Petitioner claims his "training programs and maintenance improvements will directly address this need by equipping the U.S. workforce with the skills necessary to sustain the aviation industry's growth." While the shortage of aviation mechanics impacts the aviation industry, our assessment of national importance does not focus on the importance of issues affecting an industry alone, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. As explained above, the Petitioner has not established that his training programs would extend beyond individual trainees to impact his field more broadly in a manner commensurate with national importance.

In sum, the record does not establish that the Petitioner's proposed endeavor has significant potential to employ U.S. workers, has national or global implications within his field, or other broader implications indicating national importance. Consequently, the Petitioner has not demonstrated 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. at 25.

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.

ORDER: The appeal is dismissed.