U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42907874

Date: MAY 15, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an "oil and gas completions and artificial lift specialist," seeks to qualify under the 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).

SCOPS denied the petition, concluding the record did not establish the Petitioner's eligibility for the requested national interest waiver. 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*.

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. NATIONAL INTEREST WAIVER

SCOPS determined that the Petitioner qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. We agree with this determination. Therefore, the remaining issue is whether the Petitioner established that he is eligible for a national interest waiver under the *Dhanasar* framework.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* SCOPS concluded that the Petitioner's proposed endeavor has substantial merit. We agree with this determination, as the Petitioner's proposed endeavor falls within the range of areas of substantial merit, namely business, science, and technology. *Id.* However, while the Petitioner has established that his proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner indicates he holds a bachelor's degree in civil engineering and an executive Master of Business Administration degree, and that he has over 19 years of progressive experience in engineering, operations, and executive leadership, mainly with the company [redacted] "one of the world's leading energy technology companies." The Petitioner states his proposed endeavor is to "develop and deploy AI [artificial intelligence]-powered inventory and procurement systems and that reduce downtime, waste, and safety risk in artificial lift systems, one of the most critical components of U.S. oil production." The Petitioner emphasizes the critical role of artificial lift systems in U.S. oil production, the potential "transformative impact" of AI on supply chain management, and the alignment of his endeavor with national energy policies.

In a statement, the Petitioner asserted that he would implement his proposed endeavor in three phases, the first involving piloting his proposed artificial lift tool with one business unit, likely his employer [redacted] using "live operational data to refine the model." He stated that he would next expand the tool out to other business units and partner organizations managing artificial lift systems and "scale and adapt the platform for other high-dependency segments like completions, wireline, and coiled tubing." The Petitioner pointed to how his proposed endeavor aligned with several federal initiatives focused on strengthening supply chain resilience and advancing AI technologies in the energy sector, most notably the "Unleashing American Energy" executive order. The Petitioner provided support letters from his colleagues at [redacted] discussing his extensive experience and the projects he worked on which brought substantial efficiencies and savings for the company.

SCOPS later issued a request for evidence (RFE) indicating that the Petitioner did not submit sufficient probative evidence to demonstrate interest from private or governmental entities in his proposed endeavor or that it was an urgent national interest. SCOPS also stated that the Petitioner did not establish that his proposed endeavor would significantly impact his field or constitute an original contribution of major significance. SCOPS requested that the Petitioner submit additional evidence including a more detailed description of his proposed endeavor and why it had national importance, and how it would have national implications within his field, significant potential to employ U.S. workers or have substantial positive economic effects, broadly enhance societal welfare, and/or impact a matter that a government entity described as having national importance.

In response, the Petitioner again emphasized that his proposed endeavor aligned with federal policies, including those promulgated by the "White House Council of Supply Chain Resilience," which prioritizes improving "monitoring timeliness and cross-agency coordination" and "AI-enabled visibility and early-warning systems for critical materials." He also discussed several "expert attestations" submitted by senior executives from his employer [redacted] highlighting his work for the company and showing "measurable improvements achieved through the platforms [he] built and deployed" that are "precisely the kind of process-improvement evidence *Dhanasar* cites as having "field-wide implications."

The Petitioner again laid out a three-phase approach to his proposed endeavor, indicating that he would begin with a "live-data pilot inside an ALS unit" beginning with "production data from an artificial-lift business unit to train the forecasting engine on SKU hierarchies, vendor-time variance, and basin-specific consumption." He stated that next he would engage in a "multi-unit and cross-company rollout" extending to other ALS units and partner operators "to capture vendor and activity diversity across Permian, Eagle Ford, and Bakken," indicating this was central to its national-level benefit. Lastly, he explained that he would adapt the same governance and forecasting logic "to adjacent segments" to expand the national footprint of his endeavor, including resulting in increased uptime, safer schedules, and lower energy logistics. He asserted that the national impact of his proposed endeavor "was clear," including "fewer parts-driven shut-ins, improved safety and cost discipline, and resilience aligned with national supply-chain and energy security objectives."

In concluding that the Petitioner did not demonstrate the national importance of his proposed endeavor, SCOPS emphasized that although the discussed executive orders showed the importance of his field, they did not demonstrate the national importance of his specific endeavor. SCOPS further determined that the provided recommendation and expert letters did not identify the broader implications of the Petitioner's proposed endeavor as necessary to establish its national importance. SCOPS also stated that the Petitioner did not establish how his proposed products and services would extend beyond his company and its clients.

On appeal, the Petitioner again contends that ALS supply-chain reliability has national level implications as expressed in various federal initiatives, such as executive orders related to the U.S. supply chain and its resilience and "Unleashing American Energy," stressing the deployment of digital and AI tools to manage risk in critical infrastructure. The Petitioner contends that the provided recommendation and expert opinion letters establish the implications of his proposed endeavor beyond his proposed employer. The Petitioner asserts that SCOPS applied an overly stringent standard of

potential prospective national impact, requiring nationwide impacts on gross domestic product (GDP) and employment, and the wide deployment of his proposed technology.

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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.

The Petitioner submitted ambiguous plans regarding his proposed endeavor, leaving substantial question as to the actual intentions in the United States. For instance, in support of the petition, the Petitioner indicated that he planned on piloting his proposed ALS monitoring tool in oil and gas "likely with [redacted] his long-term employer since 2006. However, it was not ultimately clear whether he would continue his employment with [redacted] or another company, and he elsewhere appeared to suggest that he would act as a consultant, submitting a letter in response to the RFE from a prospective client for this purpose. Without knowing for whom the Petitioner will specifically work, it is difficult to assess the potential prospective national impact of his proposed endeavor.

The Petitioner also provided insufficiently defined prospective plans and proposed technology rather than concrete business plans and supporting evidence to substantiate that his proposed ALS tool would have substantial national-level impact on his field. The Petitioner regularly indicated that his proposed tool had not yet been developed, stating that he would "use data, artificial intelligence, and the operational knowledge I've gained over nearly two decades to build a smarter, more resilient inventory and procurements systems for artificial lift operations." Likewise, the Petitioner indicated that "I am developing an AI-enabled planning and visibility platform for artificial-lift supply chains, integrating ERP/CMMS data with usage histories and vendor lead times to forecast material needs, surface risks early, and reduce stockouts, waste, and downtime." It is notable that the Petitioner's language suggests that he *would* [emphasis added] develop his claimed ALS tool, rather than demonstrating that he had developed it or had made substantial progress. Given the Petitioner's lack clarity as to his proposed AI-powered ALS tool, it is uncertain that it would likely be successfully rolled out in the massive oil and gas industry as necessary to effectuate a potential prospective national impact. The Petitioner also provided insufficient evidence to demonstrate that his methods in utilizing AI and ALS platforms are set apart from those used throughout the industry.

The Petitioner further provided a vague three phase plan to implement his new tool and effectuate a potential prospective national impact. For instance, he did not provide a detailed explanation of his plans to "roll [his tool] out to other business units and partner organizations that manage artificial lift systems." Notably, the Petitioner did not submit a detailed explanation of his tool and its operation. He also did not provide a timeline for his proposed pilot and the larger rollout out of the tool, the other business units and partner organizations he planned to work with, and information on how his plans would be financed. The Petitioner also stated that in the third phase of his plan he would "scale and adapt the platform for other high-dependency segments like completions, wireline, and coiled tooling," technical terms that are left unexplained as well as asserted national impacts resulting from the third

phase. In addition, the Petitioner explained that during the "live-date pilot inside an ALS unit" he would "begin with production data from an artificial-lift business unit to train the forecasting engine on SKU hierarchies, vendor lead-time variance, and basin-specific consumption." However, there was little meaningful explanation as to what these terms mean or how these actions would lead to a potential prospective national level impact on the oil and gas industry. The Petitioner must resolve ambiguity 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).

In fact, the Petitioner's proposed endeavor is mainly based on his accomplishments with his long-time employer in the oil and gas industry, [redacted] yet it is not clear how these discussed accomplishments relate to his proposed plans. For example, when discussing his yet to be developed tool, the Petitioner stated that his pilot "mirrors the way I have operationalized real-time HSE dashboards (clean inputs, role-specific views weekly cadence) across 4,000+ locations, achieving 99.2% training completion and 105% growth in observations." Again, the context of the Petitioner's claimed accomplishments are not explained in layman's terms and it is difficult to understand their significance, or how it would likely lead to a potential prospective national-level impact outside his employer. Further, the statistics provided by the Petitioner do not reflect his proposed plans but discuss what he already accomplished previously with his employer.

This discussion is mirrored in the recommendation and expert letters the Petitioner submitted, and which he greatly emphasizes on appeal. The Petitioner provided letters from [redacted] executives and other oil and gas professionals discussing his prior accomplishments while working for [redacted] However, these letters include little discussion of the specifics of his proposed endeavor and its likelihood of having a potential prospective national level impact. For instance, a letter from Mr. W-W-, former Vice President [redacted] stated that the Petitioner's "unified-data, forecasting-based approach reduced unit costs by approximately 18%, generated roughly $1 million in annual savings, and freed constrained manufacturing capacity sufficient to support roughly 5,000 wells." Mr. W-W- noted that these figures "highlight national importance." However, it is not clear how these company-specific impacts and their savings of $1 million would equate to a potential prospective national impact in the oil and gas industry the Petitioner stated generated $24.19 billion in 2024. Again, the Petitioner's assertions as to the potential prospective impact are largely based on the previous work he performed with his prior employer [redacted] rather than his future proposed endeavor.

While it is true that a petitioner's expertise and record of success in previous positions are considerations under *Dhanasar*'s second prong, the second prong does not evaluate the prospective impact of an endeavor, but instead "shifts the focus from the proposed endeavor to the foreign national." *Id.* As such, while a Petitioner's background may be helpful in describing the nature of their field and prior work, it is not sufficient to establish the national importance of their proposed endeavor. As discussed, the Petitioner did not properly articulate and document his proposed tool and business plans to properly substantiate its asserted national impact.

The Petitioner is required to demonstrate that the Beneficiary's proposed endeavor will have national or even global implications within a particular field or the significant potential to broadly enhance societal welfare or the advancement of valuable technology or a field of study. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual. However, the Petitioner provided insufficient detail and documentation to substantiate that his proposed endeavor would have a national-

level impact on the oil and gas industry. Without more specific probative evidence, it is uncertain that the Beneficiary's proposed work with [redacted] or as a consultant (even if this was clearly articulated), would have a potential prospective national level impact on the large oil and gas industry and its practices, or other significant national level issues, such as the priorities expressed in executive orders addressing overall U.S. supply chain and energy.

On appeal, the Petitioner refers to a newly submitted expert opinion from Mr. D-P-, Professor and Associate Dean at the [redacted] who again emphasizes the alignment of the proposed endeavor with the Unleashing American Energy executive order as well as a "Speed to Power" initiative launched by the Department of Energy (DOE). First, we note that Mr. D-P's experience is not in the oil and gas industry, but in medical and rehabilitative technologies, leaving uncertainty as to his ability to accurately opine on the significance of the Petitioner's proposed AI-powered ALS tool. Further, Mr. D-P- offers additional unsupported claims regarding the Petitioner's proposed endeavor, including claimed national-level impacts on public health and safety through hazard mitigation as well as educational and community development resulting from his efforts However, general alignment with, or a mere potential contribution, to matters of national-level interest does not establish that a proposed endeavor is of national importance. Likewise, the importance of artificial lift systems and the implementation of AI-technology do not establish national importance. The proposed endeavor must have broad and significant national implications. Generalized conclusory statements that do not identify a specific impact to the field have little probative value. *See e.g., 1756, Inc. v. U.S. 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).

As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and provided substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id.*

Here, the Petitioner's assertions of potential prospective national importance insufficiently detailed and not properly supported. For instance, there is also little indication that there is specific interest from the U.S. government regarding the advancement of the Petitioner's specific work or that his company would contribute significantly to the nation's ability to compete internationally in the field of oil and gas. It is reasonable to conclude, given the size and prominence of the oil and gas industry, that there are many companies and professionals focused on artificial lift systems and implementing AI into their operations. However, the specific nature of the Petitioner's methods, their innovative nature, and potential national impact is left largely explained. In sum, it appears unlikely that the Beneficiary's proposed endeavor would have a potential prospective national impact on the various major economic and societal issues claimed given the lack of supporting evidence to substantiate that his work would have significant potential to broadly enhance the advancement of methods or technology in his field. Again, the Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. at 582, 591-92.

SCOPS further concluded that the Petitioner did not sufficiently demonstrate how his proposed endeavor would extend beyond his employer or his potential clients to effectuate a national-level impact. Benefits to a specific company alone, even a company with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance. At issue is whether the petitioner can demonstrate that his individual endeavor stands to have broader implications, such as for a field, a region, or the public at large. For instance, an individual developing methods or technology for use or sale by a given company may not be able to establish national importance based on evidence that this technology will have benefits for the company or its clients alone. To establish broader public or commercial implications at a level consistent with national importance for the field or industry, the petitioner could demonstrate, through the submission of relevant evidence, widespread interest in adoption or licensing of the technology, a novel and important manufacturing or operational process, or how the technology stands to impact the development of similar technology by other companies. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https: //www.uscis.gov/policy-manual.

The Petitioner did not sufficiently clarify how his proposed employment would allow his asserted tool to disseminate beyond the scope of his company, leaving question as to its potential prospective national impact. For instance, it is not apparent how his claimed innovations would be made publicly available rather than maintained as proprietary information. The Petitioner emphasizes on appeal, as do his colleagues in provided recommendation letters, that his prior success in scaling solutions across 4,000 locations and his focus on differing "U.S. basins," demonstrating that his proposed endeavor would not be confined to a single employer. However, notably, the Petitioner's past accomplishments do not relate to his newly proposed tool implementing AI into ALS monitoring and the creation of a new tool for this purpose, an innovation he has shown little progress on. Further, it is not clear based on the recommendation letters how the Petitioner's prior work would extend beyond his employer and his immediate clients. In fact, as we have noted, it is not entirely clear with whom he would be employed under an approved petition. Therefore, the record does not establish how the Petitioner's proposed endeavor will have broader implications rising to the level of national importance.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under *Dhanasar*'s second and third prongs. *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.