U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38596482

Date: MAY 27, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an airport engineer, 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

SCOPS determined the Petitioner qualified for EB-2 classification as an advanced degree professional because he submitted evidence he holds the foreign equivalent of a U.S. master's degree in engineering. 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 initial statement, the Petitioner indicated he would work as "an independent airport engineering consultant, a U.S. government agency employee, a private company employee, or as a speaker, trainer, or educator sharing advanced methods and practices in the runway design and planning." In response to SCOPS' request for evidence (RFE), the Petitioner further explained, "As an Airport Planner, Pavement Expert, and the Lead Engineer responsible for runway drainage at airports, my role extends beyond traditional engineering duties to encompass designs critical for passenger safety and national defense." On appeal, the Petitioner clarifies that his proposed endeavor is to "introduce cutting-edge runway layout optimization, rapid exit taxiway (RET) design, and next-generation pavement engineering to fundamentally enhance the efficiency, safety, and longevity of U.S. airports."

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.* 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 imposed requirements beyond those encompassed by *Matter of Dhanasar*. Specifically, the Petitioner claims SCOPS relied on the lack of significant potential to employ U.S. workers and the lack of federal government interest or endorsement. These portions of SCOPS' decision are withdrawn as neither of these factors is required to establish national importance. The Petitioner also claims SCOPS did not consider all the evidence he submitted. We have reviewed the entire record.

The Petitioner asserts his proposed endeavor has national importance in four areas: 1) next-generation runway and taxiway design methodology that maximizes efficiency while reducing aircraft congestion; 2) implementing state-of-the-art pavement engineering techniques that increase durability, improve safety, and significantly cut long-term infrastructure costs and support the Federal Aviation

Administration's (FAA's) efforts to reduce runway safety risks nationwide; 3) advanced airport site selection and phased construction strategy to revolutionize operational efficiency; and 4) contributing to the advancement of U.S. aviation infrastructure. The Petitioner explains how his expertise and methodologies will achieve these goals, but does not cite any evidence to support his claims.

The Petitioner also asserts his proposed endeavor has national importance because it aligns with the findings of the 2023 U.S. Airport Infrastructure Needs Report. The Petitioner submits a copy of this report, but does not explain how his work would extend beyond his individual employers to impact federal airport infrastructure needs more broadly in a manner commensurate with national importance. *See id.* at 889 (explaining "we look for broader implications").

The Petitioner also submitted articles on the bipartisan infrastructure law, FAA awards to improve airport infrastructure and reduce runway incursions, runway incursion mitigation, evaluation of trapezoidal-shaped runway grooves, runway grooving, trapezoidal grooving, annual worldwide aviation accident statistics, addressing close calls to improve aviation safety, the world's 10 best airports for 2024, 10 busiest airports worldwide, and annual worldwide aviation accident report for 2023. While they address issues important to the aviation industry, none of these articles discuss the Petitioner's proposed endeavor. Our assessment of national importance does not focus on the importance of an industry or issues affecting an industry in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.*

In his RFE response, the Petitioner described his expertise in runway layout and length design, airport pavement, trapezoidal grooving, and aviation lighting. While the Petitioner submitted letters from professionals praising his accomplishments in these areas, the record does not indicate that any of his methodologies or techniques have national or global implications in the aviation industry. *See id.* (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

The Petitioner submitted letters from professionals who praise his skills and past accomplishments, but do not establish the potential prospective impact of his proposed endeavor. R-B-[2] states the Petitioner's design expertise will improve airport safety and his work "will contribute to boosting commerce and tourism as airports are vital hubs that significantly contribute to the national economy." R-B- further explains the Petitioner's work will ensure operational efficiency and sustainable practices that reduce environmental impact. R-B- does not demonstrate, however, that the Petitioner's work would extend beyond his employers to impact airport safety, the U.S. economy, and the environment more broadly at a level indicative of national importance.

M-C- praises the Petitioner's work on the [redacted] International Airport and describes him as "one of the top-tier airport engineers," but does not discuss the Petitioner's proposed endeavor. Y-H-J- commends the Petitioner's achievements at [redacted] and states the Petitioner's proposed endeavor will "boost airport safety" and "contribute to national security, economic development, and the quality of life for the American people." However, Y-H-J- does not explain how the Petitioner's work would extend beyond his employers and trainees to impact

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

national security, the U.S. economy, and the American quality of life more broadly in a manner commensurate with national importance.

S-W-P- praises the Petitioner's work at [redacted] and states the Petitioner's proposed endeavor will "assist the United States in enhancing and maintaining its national airport infrastructure," which will "not only promote national security but also drive economic development and elevate the quality of life for the American people." S-W-P- does not explain how the Petitioner's work would extend beyond individual projects for his employers to impact national security, the U.S. economy, and the American quality of life more broadly at a level indicative of national importance. I-H-K- states the Petitioner's "proven ability to design resilient and adaptable airport runway systems would be invaluable to U.S. airports, strengthening its national security, enhancing military readiness, and optimizing emergency logistics." I-H-J- does not explain how the Petitioner's work would extend beyond his individual employers or trainees to impact national security, enhance military readiness and emergency logistics more broadly in a manner commensurate with national importance.

K-H-S- praises the Petitioner's work at [redacted] on the revitalization of [redacted] International Airport and states the Petitioner's "talents will not only enrich the field of airport infrastructure with his innovative approaches but also continue to catalyze significant developments in the aviation industry within the United States." K-H-S- does not discuss the Petitioner's specific proposed endeavor. S-P- commends the Petitioner's work on a Cambodian infrastructure project and describes the Petitioner as an "exceptional talent in the airport infrastructure field," but also does not discuss his proposed endeavor. L-M-K- praises the Petitioner's work at [redacted] on projects at [redacted] International Airport and describes him as "an indispensable contributor to the airport infrastructure sector," but does not discuss his proposed endeavor. S-P- also commends the Petitioner's work on the Cambodian infrastructure project and states the Petitioner's "experience and capabilities are well-suited to address the varied technical challenges within the aviation sector of the United States," but does not discuss his proposed endeavor. H-J-Y- summarizes the Petitioner's successful work at [redacted] on nine projects, but also does not discuss the Petitioner's proposed endeavor.

The Petitioner also submitted a letter from K-L-, Professor of Civil and Environmental Engineering at the [redacted] expressing his opinion that the Petitioner qualifies for a national interest waiver. K-L- states that the Petitioner's expertise "directly contributes to improving runway/taxiway safety, minimizing risks of skidding and accidents, impacting the entire population." K-L- also explains that the Petitioner's "approach to runway/taxiway pavement design includes … Carbon Dioxide Reduction Strategies and Noise Lowering Solutions for construction and maintenance, significantly reducing the environmental footprint." K-L- further states the Petitioner's contributions can lead to substantial savings for airports and elevate industry standards. However, K-L- does not articulate how the Petitioner's work would extend beyond his individual employers or trainees to impact his field more broadly in a manner commensurate with national importance.

The Petitioner's support letters attest to his qualifications, skills, and past accomplishments, but are more relevant to the second *Dhanasar* prong where we consider whether individuals are well positioned to advance their proposed endeavors. Because they do not discuss the Petitioner's proposed endeavor or do not establish that it would have broad implications in his field commensurate with national importance, the Petitioner's support letters are insufficient to establish the potential

prospective impact of his proposed endeavor. *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).

In sum, the record does not establish that the Petitioner's proposed endeavor has national or global implications within his field or has 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. 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.