U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39982634

Date: NOV. 3, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a solar power engineer and entrepreneur, 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).

The Service Center Operations (SCOPS) denied the petition, concluding that although the Petitioner qualified as an advanced degree professional, he 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.

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:

- 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

The Petitioner's proposed endeavor is to establish a company specializing in solar-integrated electric vehicle (EV) charging stations. He wants to ensure "EV users have access to reliable, convenient, and affordable charging stations wherever they are." He plans to develop and operate regional manufacturing hubs "that will drive the production and deployment of modular EV charging solutions." To support the development and operation of these manufacturing hubs, the Petitioner states he will partner with leading universities, research institutions, and technology providers.

A. EB-2 Classification

The Petitioner submitted his U.S. Master of Business Administration degree and transcripts, as well as his foreign mechanical engineering degree and academic transcripts. He also provided a credential evaluation stating that his foreign degree is equivalent to a U.S. bachelor's degree in mechanical engineering. SCOPS determined that the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. 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.

B. 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 that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, SCOPS concluded the Petitioner did not establish that his proposed endeavor has national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "we look for broader implications" of the proposed endeavor and 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.

[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 appeal, the Petitioner asserts his proposed endeavor has national importance and contends SCOPS failed to "consider the weight of the evidence presented in his work history, educational history, registered patents, letters of recommendation, and the two independent evaluations."

The Petitioner highlights the expert opinion letters from two professors. The letter from B-B- contains conclusory statements serving as section headers, such as "[The Petitioner's] Endeavor Is Of Substantial Merit And National Importance," and "[The Petitioner's] Endeavor Has a National and Even Global Impact." However, despite referencing the Petitioner in the section headers, the opinion letter does not substantively discuss the Petitioner or the endeavor. Rather, the letter provides generalized information regarding the growing demand for solar EV charging infrastructures, the importance of EVs and clean energy, and highlights national initiatives. The opinion letter does not specifically address how the Petitioner's proposed endeavor may have national or even global implications within the field of engineering or any other field, significant potential to employ U.S. workers or other substantial positive economic effects, or other indicia of national importance, as contemplated by the first *Dhanasar* prong. *See id.*

We also reviewed the opinion letter from M-F-. While M-F- discusses the proposed endeavor and its claimed benefits, his opinion is largely conclusory and does not adequately explain how the Petitioner's work would produce such nationally important impacts. For example, M-F opines that the Petitioner's company will increase mobility of electric fleet, boost the American industry and job creation, reduce dependence on foreign oil, economically revitalize communities, and promote energy storage solutions. But beyond these generalizations, M-F- provides little explanation or corroborating evidence directly linking the Petitioner's company to these claimed benefits, the economy's growth, industry wide impact, or other substantial positive economic or societal effects. Because the opinion letters do not support their conclusory statements with supporting information material to the issue of whether the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance, they do not support the conclusion that the proposed endeavor may have national importance, as contemplated by the first *Dhanasar* prong.

Likewise, the Petitioner's letters of recommendation add little probative value in establishing the Petitioner's eligibility under *Dhanasar's* first prong. While the authors praise the Petitioner's skills, personal attributes, and past accomplishments, factors which relate more to the second prong, they do not discuss the Petitioner's specific proposed endeavor or the impact thereof.

The Petitioner claims that a proposed endeavor's merit may be established without immediate and quantifiable economic impact and "if the evidence of record demonstrates that the person's proposed endeavor has the significant potential to broadly enhance societal welfare or cultural or artistic enrichment, or to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance" and cites *Dhanasar*. He asserts that his petition must be "reviewed in light of the national security implications of energy independence and technology advancement." However, he submits little explanation or evidentiary support as to how his proposed endeavor would impact "energy independence and technology advancement" on a national level. Likewise, the Petitioner has not sufficiently explained or provided evidence to substantiate that his implementation of EV charging stations would have a potential prospective national impact on EV charging solutions and services in the United States. While the record includes a business plan, it does not articulate how his achievement on EV charging would extend beyond the company and its clients to impact his field

more broadly on a level indicative of national importance. Therefore, the Petitioner did not sufficiently substantiate that his proposed endeavor stands to result in broader implications at a level commensurate with national importance.

In addition, the Petitioner claims on appeal that his work will offer the type of "improved manufacturing processes" that would be considered nationally important to the field. *Id.* at 889. In his personal statement, the Petitioner explains that he developed a modular architecture that "can streamline manufacturing processes, reduce costs, and facilitate rapid deployment," as well as enable "easy upgrades and maintenance, ensuring that the charging infrastructure can adapt to evolving technologies and user needs." While *Dhanasar* indicates that an endeavor may have national importance based on "certain improved manufacturing processes," the Petitioner has not provided independent, corroborating evidence of his claims that such technologies have the potential to improve EV charging manufacturing. The Petitioner submitted a copy of provisional patent application for his "Scalable Modular Solar EV Charging Station." However, the Petitioner did not submit evidence showing that he filed a nonprovisional patent application thereafter.[2] More importantly, the Petitioner has not sufficiently demonstrated how his technologies will be available to the industry as a whole or influence the field more broadly.

Furthermore, the Petitioner has not demonstrated that the specific endeavor he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. *Id.* at 890. The Petitioner claims that his endeavor "not only will create U.S. jobs in his own company, but will cerate [*sic*] U.S. downstream jobs in manufacturing, instillation, and maintenance." However, the Petitioner's claims are unpersuasive. Without evidence regarding any projected U.S. economic impact or job creation directly attributable to his future work, the record does not show any benefits to the U.S. regional or national economy resulting from his work would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.*

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address her eligibility under the remaining prongs, and we hereby reserve them. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("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 alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to establish that she meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that she has not established eligibility for a national interest waiver as a matter of discretion.

[2] *See* United States Patent and Trademark Office, Provisional Application for Patent, https://www.uspto.gov/patents/basics/apply/provisional-application.

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 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.