U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39933365

Date: OCT. 23, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a strategic planning executive in the energy industry, 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).

SCOPS denied the petition, concluding that the record did not establish that: (1) the Petitioner's proposed endeavor has national importance; (2) the Petitioner is well positioned to advance the proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. The matter is now before us on appeal under 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) the proposed endeavor has both substantial merit 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).

national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

II. ANALYSIS

The Petitioner is a registered professional engineer in Pakistan, with master's degrees in business administration and metallurgical engineering. The Petitioner worked for [redacted] in Pakistan in various capacities from 1998 to 2021, most recently as a lead facility engineer. Since 2021, the Petitioner has been a deputy chief commercial officer for the [redacted]

The Petitioner claims eligibility both as member of the professions holding an advanced degree and as an alien of exceptional ability. We agree with SCOPS that the Petitioner qualifies as a member of the professions holding an advanced degree, and therefore we need not discuss the parallel claim of exceptional ability.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

The Petitioner initially stated: "My endeavor is to support United States initiatives in global energy markets as a Project Management and Strategic Planning Executive contributing towards creating partnerships for the advancement of sustainable energy access and sources, international procurement, business development, risk management, asset protection and capability development."

The intended occupation is the one through which the person plans to advance the proposed endeavor, and the proposed endeavor is more specific than the general occupation. For example, in *Matter of Dhanasar*, the occupation was engineer while the endeavor was engaging in research and development relating to air and space propulsion systems. *See generally* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policy-manual.

After SCOPS requested a more detailed description of the proposed endeavor, the Petitioner repeated the passage quoted above, and added that he "plans to seek employment within the government or private entities that are specifically working on projects, and the creation of partnerships that move the energy field forward in efficient, sustainable, and cost-effective ways."

The Petitioner asserted that his proposed endeavor has national importance because it relates to sustainable energy, which offers economic and environmental benefits. The Petitioner cited evidence of the extent of U.S. investment in sustainable energy in the United States, and quoted a journal editorial regarding "the importance of an appropriate strategic planning and management process in the energy industry." The Petitioner stated that his proposed endeavor aligns with five "U.S. National Interests Impact Areas":

- Promotion of Sustainable Energy Sources and Partnerships
- Asset Protection and Preservation of National Security

- International Diplomacy and Procurement
- Economic Development
- Growth of Employment Opportunities

The Petitioner listed several "Initiatives" associated with the proposed endeavor:

- Strategic Planning: Formulating plans for sustainable energy projects.
- Partnerships: Building alliances with global entities to advance energy access.
- Risk Management: Implementing strategies to protect critical energy infrastructure.
- Compliance: Ensuring adherence to security regulations.
- Diplomacy: Engaging with international stakeholders to foster collaboration.
- Procurement: Streamlining international procurement processes for energy projects.
- Investment: Attracting investment in sustainable energy projects.
- Business development: Promoting growth in the energy sector.
- Job Creation: Developing new roles in the sustainable energy sector.
- Training: Providing training and development programs for the workforce.

The Petitioner asserted that these initiatives would result in impacts such as "[r]eduction in carbon emissions," "[e]nhanced protection of national resources and assets," and "[s]trengthened international relations." But the Petitioner provided few details about the endeavor itself and how it would achieve the impacts claimed.

The Petitioner submitted copies of articles and government reports about "U.S. Issues of National Importance related to Global Energy Project Management," such as renewable energy, pollutant emissions, and employment in the energy sector. The Petitioner did not establish that these materials directly address his proposed endeavor, rather than the broader topics that his proposed endeavor seeks to address.

The Petitioner submitted an expert opinion letter from an assistant professor of [redacted] engineering at the [redacted] The writer, who claimed no experience in the energy industry, offered no further details about the nature of the proposed endeavor. Instead, the letter includes several slight variations of the Petitioner's own one-sentence description of the endeavor, referring to "creating partnerships to advance sustainable energy access and sources, international procurement, business development, risk management, and asset protection."

The writer also stated that the "proposed endeavor has significant potential to improve national security, generate jobs and tax revenue, provide essential services to advance the field of sustainable energy, and strengthen U.S. companies, contributing to their growth and profits." The writer quoted general statistics about energy consumption, fossil fuels, and renewable energy, and stated that the Petitioner's proposed "endeavor supports areas of national importance by aligning with U.S. strategic objectives to enhance energy security, reduce greenhouse gas emissions, and promote economic growth through renewable energy expansion." But instead of providing any details about how the proposed endeavor would achieve these goals, the writer began discussing the Petitioner's background and experience – elements better suited to the second *Dhanasar* prong, concerning whether the Petitioner is well positioned to advance the proposed endeavor.

In a request for evidence (RFE), SCOPS stated that the Petitioner "relies upon arguments related to the importance of the field, rather than the importance of the proposed endeavor." SCOPS acknowledged the Petitioner's submission of published articles, but SCOPS observed that "the articles do not discuss any details relating to the specific endeavor and its impact." SCOPS requested "[a] detailed description of the proposed endeavor and why it is of national importance."

In response, the Petitioner asserted that his "endeavor has significant potential to employ U.S. workers." He added:

> The instant endeavor seeks to support [the] nationally important initiative of creating jobs through contributing to the strategic planning to ensure the success of these jobs. This type of support and impact is known as Capability Development and is a goal of [the proposed] endeavor. . . . [The Petitioner] will use his Capability Development expertise to materialize his endeavor and have a direct positive impact in furthering the objectives of the current administration of job creation for U.S. workers. . . .
>
> . . . . [The Petitioner's] endeavor as a strategic planning executive working with the government or a private institution will contribute directly to the nationally important goal of managing key investments in energy, technology and manufacturing.

The Petitioner also asserted that his "endeavor will broadly enhance societal welfare" because it "includes working in a role which will allow him to contribute to 'asset protection and capability development.' . . . The direct impact of [the Petitioner's] work would be to enhance the livelihood of citizens providing for societal welfare through cost effective and easy access to energy."

The Petitioner asserted that his proposed "endeavor impacts multiple matters that the U.S. government has described as having national importance and that are the subject of national initiatives," such as "international procurement," "partnerships for the advancement of sustainable energy access and sources," and "risk management." Citing several "U.S. government Fact Sheets" issued in 2025, the Petitioner stated: "The current administration's outspoken commitment to efficiency, management of resources and people, and positioning the United States as a nation able to engage in strategic partnerships with international constituents are the nationally important initiatives to which [the Petitioner's proposed] endeavor contributes."

The above statements, however, still lack details about the endeavor itself. In response to the RFE, and at other times in this proceeding, rather than describe his intended future work in any detail, the Petitioner cited general information about the field of project management, and he pointed to his past "work on specific projects and their impact in the regions in which they were located."

SCOPS denied the petition, stating the importance of an overall field, such as project management in the energy industry, does not establish the national importance of the Petitioner's specific proposed endeavor. SCOPS also stated that descriptions of the Beneficiary's past work and intended future duties do not suffice to establish the national importance of the proposed endeavor. SCOPS concluded that the Petitioner had not shown how the proposed endeavor would produce significant benefits beyond the Petitioner's eventual employer.

On appeal, the Petitioner states that he "specifically outlined a defined, prospective endeavor focused on advancing U.S. interests in sustainable energy access, global project management, and strategic planning." The Petitioner also claims to have "articulated a detailed plan of action . . . to directly support U.S. federal energy priorities." To support these claims, the Petitioner cites background information about the energy industry and government initiatives which do not refer to the Petitioner or provide any details about the Petitioner's plans. The vague and general nature of the proposed endeavor is evident from the Petitioner's assertion that he seeks to work "with the government or a private institution."

The Petitioner cites previously submitted letters describing his "work history and documented roles" in past projects to show "how the petitioner proposes to integrate his expertise . . . to achieve measurable and sustainable outcomes in areas such as job creation, risk mitigation, strategic procurement, and decarbonization." As SCOPS observed, discussion of the Petitioner's experience addresses the second *Dhanasar* prong rather than the first. These letters do not establish the prospective impact of the Petitioner's proposed endeavor as a project manager in the United States, and they do not address some of the areas, such as "decarbonization," that the Petitioner specifies.

The environmental and economic importance of the energy industry does not establish that the work of a project manager on a particular project has national importance proportional to the overall project or, more broadly, to the energy industry. One manager's work on a nationally important project does not establish that the manager's work, itself, has national importance at a level that would warrant a national interest waiver of the statutory requirement of a job offer and labor certification.

The Petitioner states that his:

> proposed endeavor—strategic planning and project management to support U.S. initiatives in global energy markets—does not describe narrow or customized services to individual employers. Rather, it involves transferable and scalable systems-level strategic planning frameworks that have been developed, deployed, and adapted across entire national and regional energy infrastructures. His creation of the [redacted] Network Planning Manual, which is globally adopted as a benchmark planning framework for retail energy infrastructure, reflects a systemic methodology—not an employer-specific model.
>
> These frameworks . . . are not created in isolation or tailored just for private corporate outcomes. As documented, they enable multiple companies . . . to align their operational development with national and international energy goals.

The cited example of the broad applicability of his work is [redacted] *Retail Network Planning Manual*. The Petitioner submitted three pages of this document. The reproduced portion includes this passage, under the heading "CONFIDENTIALITY": "The methodologies described in this manual are for the exclusive use of [redacted] staff and are not to be shared with third parties. Network Planning is an area of competitive advantage and accordingly Group know-how should be protected." This information indicates that the manual was created specifically for one employer. The Petitioner does not identify evidence showing that his work has been, or will be, adopted across entire industries or sectors as claimed.

Throughout this proceeding, the Petitioner has submitted general information about the importance of the energy industry, and established his credentials as a project manager within that industry. But he has not described his proposed endeavor beyond stating that he would continue working in that industry in either a public or private capacity – which indicates a range of possibilities rather than a specific endeavor.

The general importance of a given field and an alien's level of skill in that field do not suffice to establish the national importance of a given proposed endeavor. Members of the professions with advanced degrees are typically subject to the statutory job offer requirement, including labor certification. Even a degree of expertise significantly above that ordinarily encountered in a given field is not sufficient for a national interest waiver of the job offer requirement.[2] Likewise, by statute, an alien is generally subject to the job offer requirement even if that alien's work will substantially benefit the national economy, cultural or educational interests, or welfare of the United States.[3]

In light of the above conclusions, the Petitioner has not met his burden of proof to show that he satisfies the national importance element of the first prong of the *Dhanasar* national interest test. Detailed discussion of the remaining prongs cannot change the outcome of this appeal. Because the Petitioner has not otherwise established eligibility for the classification sought, we need not reach, and therefore reserve, the remaining *Dhanasar* 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).

III. CONCLUSION

The Petitioner has not established the national importance of the proposed endeavor. Therefore, the Petitioner has not shown eligibility for the national interest waiver, and we will dismiss the appeal as a matter of discretion.

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.

[2] *See Matter of Dhanasar*, 26 I&N Dec. at 886 n.3.
[3] *See* section 203(b)(2)(A) of the Act.