U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39460700

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 pilot, 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 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: (1) the proposed endeavor has both substantial merit and 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.*

[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).

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but did not establish his eligibility under the *Dhanasar* analytical framework.[2] In particular, they found that the Petitioner did not demonstrate his proposed endeavor's national importance under the first prong.[3] For the reasons set forth below, we agree with SCOPS' conclusions regarding national importance and will dismiss the appeal.[4]

The Petitioner states he is an aircraft captain and pilot with over 26 years of experience in flying and navigating airplanes. His past positions include roles as an airline and helicopter pilot, captain, instructor, examiner, and first officer.

In his "Detailed Statement of Proposed Plans," the Petitioner indicated he intends to work in the aviation field and that his goal is to join a major airline to fly and support flight safety and the training sector. Specifically, he claims he will benefit the United States by "not only teaching students to fly and working as a pilot aircraft, but also by taking a direct role in the science and field of aerospace technology, besides in the area of aviation security, in which I have extensive experience acquired while I was working in large airlines in this same area."

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS found that the Petitioner did not establish his endeavor would have a broader impact on the field outside of his company, business partners, alliances, and/or clients, or that it would have potential implications that are of national importance to the United States. SCOPS concluded the evidence did not support the proposed endeavor's potential prospective impact, such as evidence that the endeavor would have broader implications, a significant potential to employ U.S. workers or other substantial positive economic effects, or otherwise broadly enhance societal welfare.

On appeal, the Petitioner argues, among other things, that SCOPS did not properly analyze the record and disregarded the evidence in the aggregate without giving due weight to the totality of the circumstances and, therefore, misinterpreted the facts. He also asserts that the evidence submitted, including the articles and support letters, demonstrates his eligibility for a national interest waiver.

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[2] In concluding the Petitioner qualifies as an advanced degree professional, SCOPS' decision did not address the key question of whether the Petitioner's intended occupation qualifies as a profession under 8 C.F.R. § 204.5(k)(2), by requiring a U.S. baccalaureate degree or a foreign equivalent degree as the minimum requirement for entry into the occupation. The record is not definitive as to whether the Petitioner proposes to be an airline pilot or more specifically a commercial pilot, although he references his goal of working for "a major airline" and appears to suggest he would be a commercial pilot. On this record as currently constituted, we cannot determine whether the Petitioner would qualify as an advanced degree professional and will reserve the issue. *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). Additionally, we note that the Petitioner initially claimed he is an individual of exceptional ability, but SCOPS did not reach the issue in their decision. As the appeal will be dismissed on other dispositive grounds, we need not make a determination on this matter. In any further filings, the Petitioner must establish he qualifies for the underlying EB-2 classification as either an advanced degree professional or as an individual of exceptional ability.

[3] SCOPS did not make clear findings as to whether the Petitioner established his proposed endeavor had substantial merit. However, because we agree that the Petitioner did not demonstrate the national importance element of *Dhanasar's* first prong, we will reserve this issue. *See id.*

[4] SCOPS also concluded that the Petitioner did not meet *Dhanasar's* second or third prongs, which we will also reserve. *See id.*

With his appeal, he submits a voluminous number of documents, many of which were previously submitted. The additional evidence includes support and employment letters, articles, industry reports, as well as his previously filed statement of proposed plans, expert opinion letter, and affidavit.

Upon de novo review, and after carefully evaluating all the evidence submitted, we agree with SCOPS' conclusion that the Petitioner has not demonstrated his proposed endeavor's national importance and, thus, has not established his eligibility for a national interest waiver.[5]

As explained in SCOPS' decision, the first prong—substantial merit and national importance—focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that "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, such as those resulting from certain improved manufacturing processes or medical advances." *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.

Here, the Petitioner has not offered sufficient evidence to meet his burden to demonstrate that his proposed endeavor's prospective impact rises to the level of national importance. In particular, the record does not illustrate how his specific endeavor would sufficiently extend beyond his company, clients, and individuals he trains to impact the industry, region, or nation more broadly at a level commensurate with national importance.[6]

Much of the evidence in the record and the Petitioner's arguments focus on the general importance of pilots and the aviation field generally. He cites to various articles he submitted with his petition such as reports from the U.S. Department of Transportation, U.S. Air Force's Research Report, and the Federal Aviation Administration's 2020 report. He also highlights other articles discussing topics such as pilot shortages, the importance of transportation to national security, the economic impact of the civil aviation industry, and the requirements to become a pilot. The Petitioner asserts that the articles showed that the proposed endeavor has "an impact so substantial on air transportation, that affects the whole economy of the country, interstate commerce, the communication among states, institutions, companies and citizens, as well as all aspects of the United States' security and welfare." He asserts that his endeavor's alignment with U.S. governmental priorities and national security further supports his endeavor's national importance. On appeal, he also submits articles discussing the benefits of immigrants to the nation.

In determining national importance, however, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, the focus is on "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. In this case, the articles and reports

[5] While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety.
[6] We additionally note that, while the Petitioner claims his endeavor is comprised of working as a pilot, instructor, and "taking a direct role in the science and field of aerospace technology," he has not sufficiently explained or delineated what percentage of his time would be devoted to each of these activities under his proposed endeavor. This further impedes our analysis and adds to the difficulty of concluding whether the endeavor overall would be nationally important.

provide only general background information on the occupation and aviation field, and do not specifically relate to or discuss the Petitioner's proposed endeavor of working as an individual pilot and instructor for a company, including how this endeavor in particular would impact the field, region, or nation more broadly. While we acknowledge the value of pilots, the aviation field, and immigrants generally, in determining national importance, working in an important field alone is insufficient to establish the national importance of the proposed endeavor. The Petitioner must still demonstrate the endeavor's potential prospective impact in that area of national importance.

Although the Petitioner also asserts that his endeavor has national importance because aviation is in a STEM (science, technology, engineering, and mathematics) field, the evidence must still demonstrate that the STEM-related endeavor has national importance, such as by advancing a STEM technology or area of research. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual. Without more, the Petitioner has not established the national importance of the proposed endeavor simply because it relates to a STEM field.

The Petitioner also highlights current pilot shortages and claims he will train American workers to fly using his own "original training methodology," which he claims has resulted in increased efficiency and safety. But beyond this vague statement, he has not further explained, for example, what his original methodology is, what it involves, how it is different or better than what is already being done in the field, or how it would offer original innovations that contribute to advancements or otherwise have broader implications for the industry. *See Matter of Dhanasar*, 26 I&N Dec. at 889. And he has provided little corroborating evidence to support his claims that his methodology has resulted in increased efficiency and safety as claimed. It is incumbent on the Petitioner to support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). As it stands, the record does not sufficiently establish that his methodology would result in broader, nationally important impacts.

With regard to his activities as a flight instructor, we determined in *Dhanasar* that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Matter of Dhanasar*, 26 I&N Dec. at 893. In the same way, we also conclude that the Petitioner has not shown how his training activities would sufficiently extend beyond the individuals he teaches to affect the region or our nation more broadly at level commensurate with national importance.

We have also considered the Petitioner's support letters but they likewise do not demonstrate his endeavor's national importance. The majority of the letters comment on the Petitioner's skills, expertise, personal attributes, and past accomplishments. But, insofar as these letters, the Petitioner, and other evidence in the record comment on these areas, they are considerations under *Dhanasar's* second prong. *Id.* at 890. When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Id.* at 889. And while some of the letters do broadly claim that the Petitioner will contribute to the nation by benefiting aviation companies, the transportation system, and individuals who train with him, their assertions are largely conclusory and provide little detail explaining how the Petitioner's work, in particular, would produce such broader, nationally important impacts.

For example, we reviewed the expert opinion letter written by [redacted] an airline pilot, simulator instructor, and FAA designated evaluator. He claims, among other things, that the ten largest U.S. major airlines operate a total of 4,280 commercial aircraft and employ 67,055 airline pilots, and that this workforce drives 90 percent of the U.S. aviation market or $1.125 trillion. He asserts that the Petitioner can, therefore, be responsible for $16.8 million of the GDP. But he provides little explanation for how he determined the Petitioner would be responsible for such a significant GDP contribution and offers little corroborating evidence to support the Petitioner's endeavor would have such substantial economic impacts. Without more, his statement provides little probative value in evaluating the proposed endeavor's national importance.

Finally, we are not persuaded by the Petitioner's appellate arguments that SCOPS did not properly consider all the evidence, including the expert opinion and support letters in the record under *Buletini v. INS*, 860 F. Supp 1222 (E.D. Mich 1994) and other similar cases cited by the Petitioner. The court in *Buletini* did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor did it suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor address every piece of evidence the Petitioner presents. *See, e.g.*, *Lingeswaran v. U.S. Att'y Gen.*, 969 F.3d 1278, 1292 (11th Cir. 2020). Moreover, USCIS may, in its discretion, use opinion statements submitted by a petitioner as advisory, but USCIS is not required to accept or may give less weight to an opinion that is not in accord with other information or is in any way questionable. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). USCIS is ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought, and the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.*

Here, the Petitioner submitted over 10 letters from various colleagues, acquaintances, and an expert in the field. He also submitted an unsigned, undated document on "Global Education Group" letterhead that broadly discusses the "Shortage of Aviation Pilots in the United States" but does not mention the Petitioner or the specific proposed endeavor. Although the Petitioner contends that SCOPS did not adequately consider the submitted letters, SCOPS referenced both the expert opinion and other support letters and discussed the reasons it found the evidence was not probative. As noted above, most of these letters comment on the Petitioner's skills, expertise, personal attributes, and past accomplishments, and relate to prong two rather than the issue of national importance. We agree with SCOPS' conclusions, and upon our review, these documents do not persuade us that SCOPS erred in their evaluation of the evidence.

Accordingly, we agree with SCOPS that the record, including the additional documents submitted on appeal, does not demonstrate that, beyond the benefits provided to his company, clients, and individuals he trains, the Petitioner's proposed endeavor will have broader impacts rising to the level of national importance under *Dhanasar's* first prong. Because the identified reasons for dismissal are dispositive of this appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether he has established eligibility under the remaining two *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

As the Petitioner has not met the national importance element requisite to the first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for, or otherwise merits, a national interest waiver 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.