U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40002448

Date: OCT. 29, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an engineer in the renewable energy industry, seeks classification under the employment-based, second-preference (EB-2) immigrant visa category and a waiver of the category's job-offer requirement. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(B)(i), 8 U.S.C. § 1153(b)(2)(B)(i). U.S. Citizenship and Immigration Services (USCIS) has discretion to excuse job offers in this category – and thus requirements for certifications from the U.S. Department of Labor (DOL) – if petitioners demonstrate that waivers of these U.S.-worker job protections would be "in the national interest." *Id.*; *see also Brasil v. Sec'y, Dep't of Homeland Sec.*, 28 F.4th 1189, 1193 (11th Cir. 2022) (holding that a national interest waiver is discretionary in nature).

Service Center Operations (SCOPS) denied the petition. SCOPS found the Petitioner eligible for EB-2 classification. But SCOPS concluded that he did not demonstrate the merits of a national interest waiver. On appeal, the Petitioner contends that, in finding insufficient evidence of his proposed endeavor's "national importance" and a waiver's ultimate benefit to the United States, SCOPS mischaracterized evidence and misconstrued case law.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we affirm SCOPS' conclusion that he did not establish the claimed national importance of his proposed endeavor. We will therefore dismiss the appeal.

I. LAW

To establish eligibility for national interest waivers, petitioners must first demonstrate their qualifications for the EB-2 category, either as members of the professions holding "advanced degrees" or their equivalents, or as aliens of "exceptional ability" in the sciences, arts, or business. Section 203(b)(2)(A) of the Act. To protect jobs for U.S. workers, this immigrant visa category generally requires prospective U.S. employers to offer aliens work and to obtain DOL certifications to permanently employ them in the country. Section 212(a)(5)(D) of the Act, 8 U.S.C. § 1182(a)(5)(D). Petitioners may avoid the job-offer and labor-certification requirements by demonstrating that waivers of the U.S.-worker protections would be "in the national interest." Section 203(b)(2)(B)(i) of the Act.

Neither the Act nor regulations define the term "national interest." So, to adjudicate these waiver requests, we have established a framework. If otherwise qualified as advanced degree professionals or aliens of exceptional ability, petitioners may warrant waivers of the job-offer and labor-certification requirements by demonstrating that:

- Their proposed U.S. work has "substantial merit" and "national importance;"
- They are "well positioned" to advance their intended endeavors; and
- All things considered, waivers of the job-offer and labor-certification requirements would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. 884, 889-91 (AAO 2016); *see generally* 6 *USCIS Policy Manual* F.(5)(D)(1), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and His Proposed Endeavor

The record shows that the Petitioner earned an Indian bachelor of engineering degree in mechanical engineering and a U.S. master of science degree in sustainable energy. He has worked in the U.S. renewable energy industry for about eight years. He currently serves as an "engineering leader" for a large electricity supplier.

The Petitioner proposes to continue working for his employer, designing and deploying solar and battery storage infrastructure in the United States, which he says supports clean energy use, grid reliability, and climate resilience. He stated that his endeavor "involves designing and implementing scalable solar energy systems, improving energy efficiency through innovative solar design, optimizing development processes for solar projects, mentoring the next generation of sustainable energy professionals, and fostering collaborations that promote American leadership in solar technologies."

The record supports SCOPS' findings that:

- the Petitioner qualifies for EB-2 classification as an advanced degree professional;
- his proposed endeavor has substantial merit; and
- he is well positioned to advance it.

We will next review SCOPS' determination that the Petitioner did not demonstrate the claimed national importance of his proposed endeavor.

B. National Importance

When determining whether a proposed endeavor has national importance, USCIS must focus on the particular venture, specifically on its "potential prospective impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. "An 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.* Also, "[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.

> Ultimately, 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.

6 *USCIS Policy Manual* F.5(D)(3).

SCOPS found insufficient evidence that the Petitioner's proposed endeavor would have implications beyond his employer and its customers. *See* 6 *USCIS Policy Manual* F.5(D)(3) ("Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance.")

On appeal, the Petitioner contends that SCOPS' decision contains both legal and factual errors. We will first review the alleged legal errors.

1. Alleged Legal Errors

The Petitioner contends that SCOPS "grossly misapplied" precedent case law. He argues that SCOPS "misconstrued" *Dhanasar*'s examples of national importance by treating them "as the exclusive means" of meeting the standard. He maintains that the error caused SCOPS to disregard several of his arguments regarding his proposed endeavor's national importance.

As previously indicated, *Dhanasar*'s examples of national importance include proposed endeavors that have "national or even global implications within a particular field" or "significant potential to employ U.S. workers or … other substantial positive economic effects, particularly in an economically depressed area." *Matter of Dhanasar*, 26 I&N Dec. at 889-90. The Petitioner states that, "[b]y focusing only on whether [his] proposed endeavor impacts the field/industry or has positive economic effects," SCOPS' decision "fails to provide meaningful consideration to the myriad of other means by which the Petitioner argues that his endeavor qualifies as nationally important." He claims that his proposed endeavor has national importance because it would: strengthen U.S. infrastructure; support decarbonization and energy transfer goals; drive innovation through applied engineering leadership; expand equitable access to clean energy; shape public-private deployment models; and influence discourse and best practices through case studies, co-authored papers, and media engagement.

The record, however, does not support the Petitioner's contentions that SCOPS misapplied *Dhanasar*'s national importance examples and disregarded his arguments. In its decision, SCOPS considered not only his proposed endeavor's impact on the renewable energy industry and the economy, but also whether the endeavor "[w]ill broadly enhance societal welfare; or [w]ill broadly enhance cultural or artistic enrichment."

Also, the record shows that SCOPS addressed the national importance arguments that the Petitioner raised previously and lists on appeal. SCOPS' decision quotes portions of his RFE response, his

written statements, and a letter from a senior director of his employer. These documents assert, among other things, the Petitioner's work in "advancing renewable energy infrastructure;" "driving technological innovation;" "expanding renewable energy access to all;" "bringing clean energy to underserved communities;" "shaping industry-wide trends through high-profile collaborations;" and "influencing national energy policy and clean energy accessibility." After quoting these excerpts, SCOPS found that the Petitioner has not demonstrated that his proposed work would have broader implications commensurate with national importance. Thus, the record does not support the Petitioner's contention that SCOPS limited its national importance consideration to *Dhanasar*'s examples and disregarded several of his arguments.

The Petitioner also contends that SCOPS misconstrued our *Chawathe* decision. SCOPS cited the decision after stating: "Reliance on background information and statistics concerning various topics is generally not probative." The statement and citation are in a paragraph that discusses how renewable energy articles and reports that the Petitioner submitted do not demonstrate the claimed national importance of his specific proposed endeavor.

The Petitioner states that *Chawathe* does not address "background information and statistics." He argues that considering these materials as non-probative evidence "is contrary to USCIS adjudicative principles." He contends that such evidence "is not only permissible but often essential in NIW [national interest waiver] cases" because it "provides necessary context for evaluating the national scope, societal relevance, and policy alignment of a petitioner's proposed endeavor."

We agree that *Chawathe* does not specifically address "background information and statistics." Rather, at the cited pages, *Chawathe* discusses probative evidence in general. *See Matter of Chawathe*, 25 I&N Dec. at 375-76. Thus, the record indicates that SCOPS did not cite *Chawathe* regarding the evidentiary value of background information and statistics. Rather, SCOPS cited *Chawathe* related to its general value concerning probative evidence. By citing *Chawathe* for that reason, SCOPS did not misconstrue the decision.

The Petitioner further asserts that, by misinterpreting a federal court decision, SCOPS "ignore[d] several key arguments that would have led to a different conclusion." Near the beginning of its decision, SCOPS stated that USCIS "is not required to specifically address each claim the self-petitioner makes, nor is it necessary for it to address every piece of evidence the self-petitioner presents." To support that statement, SCOPS cited, in part, a precedential decision of the U.S. Court of Appeals for the Eleventh Circuit, which has jurisdiction over the Petitioner's residence. *See Kazemzadeh v. U.S. Att'y Gen.*, 577 F.3d 1341, 1353 (11th Cir. 2009). The Petitioner notes that the court in *Kazemzadeh* vacated a Board of Immigration Appeals (BIA) decision in removal proceedings, finding that the Board did not give "reasoned consideration" to the alien's religious persecution claim. *Kazemzadeh*, 577 F.3d at 1354. He contends: "*Kazemzadeh* does not permit adjudicators to ignore specific arguments; it requires reasoned consideration of all material evidence and claims."

The Petitioner, however, quotes SCOPS' decision out of context. The full sentence containing the applicable statement reads: "*When USCIS provides ... reasoned consideration to the petition, and has made adequate findings*, it is not required to specifically address each claim the self-petitioner makes, nor is it necessary for it to address every piece of evidence the self-petitioner presents." (emphasis

added). Thus, the statement, when viewed in context, indicates that SCOPS recognized the need for reasoned consideration of the Petitioner's evidence and claims.

Also, *Kazemzadeh* supports SCOPS' statement. Indeed, SCOPS' statement virtually mirrors the court's language. The court stated: "Where ... the [Immigration Judge] has given reasoned consideration to the petition, and made adequate findings, we will not require that it address specifically each claim the petitioner made or each piece of evidence the petitioner presented." *Kazemzadeh*, 577 F.3d at 1351 (citations omitted). Unlike the Petitioner's case, *Kazemzadeh* involved removal proceedings. But courts in the Eleventh Circuit have applied the same rule to visa petition proceedings. *See, e.g., Diamond Miami Corp. v. USCIS*, No. 1:23-cv-3109-MLB, 2019 WL 4954807, at *2 (S.D. Fla. Oct. 8, 2019) ("[T]he agency is not required to discuss every piece of evidence, so long as it gives reasoned consideration to the evidence submitted."). Thus, SCOPS did not "grossly misappl[y]" *Kazemzadeh*.

The Petitioner argues that his proposed endeavor has national importance because his continuing role with his employer would include managing "flagship solar projects" that "generate extensive industry visibility and serve as models for fossil fuel transitions." The record indicates that, since beginning employment with his current employer, the Petitioner has worked on two large corporate solar projects in the United States that have attracted media attention. One involved developing 842 megawatts (MW) of new solar capacity for a large retailer across multiple states. The other includes building a solar facility expected to generate about 60,000 MW on an oil refinery site.

The Petitioner, however, has not demonstrated that his work on such "flagship" projects has national importance. The record lacks sufficient evidence supporting his claim that flagship projects spur other companies to invest in solar energy. He submitted a 2021 U.S. university report examining the role of corporate renewable power purchase agreements (PPAs) in supporting U.S. wind and solar energy deployment. The report concludes that "relying on private-sector actors to voluntarily address unpriced greenhouse gas externalities would be a speculative decarbonization strategy." The report states:

> While large, creditworthy corporations will continue to utilize renewables PPAs as a mechanism for emission reductions, eventually this pool of buyers will be exhausted, and smaller, less creditworthy, and more price-sensitive businesses will face challenges utilizing these structures. Even the most optimistic scenario indicates overall renewables deployment that is well below the levels needed to achieve deep decarbonization in the United States.

The Petitioner also submitted a copy of a 2020 magazine article entitled "Big Companies Drive Clean Energy Development. Can Small Businesses Do the Same?" *See* Andy Stone, *Forbes* (May 26, 2020). Despite its title's first sentence, the article undermines the Petitioner's argument by focusing on the challenges that smaller companies face in transitioning to solar energy. The article states:

> Smaller companies ... are more limited in their options to decarbonize. They lack financial heft to fund green energy projects ..., the organizational scale to open dedicated energy procurement departments, and have little incentive to dive into the business of energy generally.

Id. Thus, the record contains conflicting evidence on the future value of flagship solar energy projects.

Also, the Petitioner has not established that flagship solar projects would constitute a significant part of his work. In his initial submission, he indicated that his projects generate much less electricity than flagship projects. He stated that his "projects vary in size, with smaller solar systems generating about 2 megawatts (MW) of power – enough to supply electricity to approximately 400-600 homes – and larger installations producing up to 20 MW, which can power around 4,000-6,000 homes." In a letter, a former co-worker of the Petitioner described the Petitioner's projects using the same figures. The flagship projects on which he has worked aim to generate much greater electricity amounts. The Petitioner has not explained the discrepancy in the stated sizes of his projects. *See Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988) (requiring a petitioner to resolve inconsistencies of record with independent, objective evidence pointing to where the truth lies).

Further, articles submitted by the Petitioner about the retailer's solar project indicate that the project involves multiple renewable energy suppliers, not just his employer. Thus, the record does not indicate whether he managed the entire flagship project or a smaller project part. If the Petitioner managed a smaller project part, that would limit his endeavor's potential national importance.

The Petitioner also claims that his proposed work would "contribut[e] to patentable innovations in collaboration with R&D [research and development] teams at a company [his employer] known for a prolific solar technology portfolio." In his RFE response, he stated that he "directly contribut[es] to technological innovation through collaboration with research and development teams, ensuring that practical insights from the field are integrated into new advancements." The senior director of the Petitioner's employer indicated that the Petitioner's experiences in the field could provide valuable data to R&D teams. She stated: "For example, if he identifies inefficiencies in energy storage integration at a site, that feedback can drive improvements in battery management software."

The record includes evidence that the Petitioner's employer holds many patents in the renewable energy field. But the record does not indicate his contributions to any of the patented innovations. The Petitioner has not explained how his contributions to patents have or would improve his field or lead to national importance.

The Petitioner also contends that his proposed endeavor has national significance because it would support "national energy policy objectives, such as grid modernization, energy resilience, and clean energy deployment." Also, he states that U.S. government reports and policy documents identify renewable energy deployment and distribution as matters of national interest.

But merely contributing to national goals does not establish a proposed endeavor's national significance. As previously indicated, when considering national importance, USCIS must focus on the *specific* proposed venture. *See Matter of Dhanasar*, 26 I&N Dec. at 889 ("The first prong, substantial merit and national importance, focuses on the specific endeavor that the foreign national proposes to undertake.") Thus, the Petitioner must demonstrate that his proposed endeavor does not merely contribute to national goals but – by itself – has national implications.

The Petitioner argues that his proposed work has "field-wide implications beyond any one employer or site" because he would develop "scalable" renewable energy infrastructure that could be used in future differently-sized solar projects. But the record lacks independent, corroborating evidence that others in the field have or would use his infrastructure designs or that his designs have had or would have broad implications in the field. *See* 6 *USCIS Policy Manual* F.5(D)(3) (suggesting that, to demonstrate a technology's national importance, petitioners submit relevant evidence of "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").

The Petitioner contends that his employment by "the largest generator of wind and solar energy in the world, a trendsetter in clean-energy infrastructure and a recipient of numerous national recognitions," demonstrates the claimed national importance of his work. He states that his work for his employer "inherently reaches beyond internal operations and contributes to broader industry and policy developments." The record, however, lacks sufficient evidence that his specific work with his employer would have such influence in the field.

The Petitioner also argues that he submitted examples of his work "showing [that] his designs reduced costs, improved energy efficiency, and met sustainability mandates." Copies of computer printouts link him to his employer's solar projects and indicate his receipt of a commendation "for managing the uncertainty of ... projects with grace, patience and a clear understanding of the ultimate goal." The materials also show that he was assigned and completed two "Improvement Opportunities" and that he standardized CAD [computer-aided design] templates and best practices, and revised a tracker system. The materials state that these improvements increased company efficiency. But the record lacks evidence that these improvements had or would have national implications.

The Petitioner also argues that he submitted documentation of his contributions "to expand[] solar energy access in disadvantaged and rural communities – impacts aligned with federal equity and environmental justice initiatives." He states that his endeavor "addresses critical national equity concerns and helps remedy geographic and socioeconomic disparities in energy access."

Evidence shows the Petitioner's involvement in a rural solar project that developed a battery storage system capable of discharging 12 MW of power over four hours, enough to supply electricity to 4,000 homes during peak demand. The record also indicates that the U.S. government funds projects to improve energy systems in rural and remote areas. We further recognize that benefits to "an economically depressed area" can demonstrate a proposed endeavor's national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889. But the Petitioner has not sufficiently explained or demonstrated how the rural project on which he worked had or would have national implications.

Citing four decisions of ours, the Petitioner argues that "USCIS has previously found national importance where petitioners implemented energy systems or solutions with field-wide implications." The Petitioner, however, cites non-precedent decisions. Thus, we need not follow them here. *See* 8 C.F.R. § 103.10 (requiring Department of Homeland Security employees to follow precedential BIA and Attorney General decisions in matters involving the same or similar issues). Also, despite these non-precedent decisions, the Petitioner has submitted insufficient evidence to demonstrate that his specific proposed work would impact his field in a nationally important way. *See Matter of Church*

Scientology Int'l, 19 I&N Dec. 593, 597 (Comm'r 1988) (stating that the immigration service "is not required to approve applications or petitions where eligibility has not been demonstrated, merely because of prior approvals which may have been erroneous").

The Petitioner states that he co-authored a "market research article discussing the impact of corporate-led solar adoption in underserved regions and its broader implications." He describes the article as evidence of his "influence on public discourse and industry practice, extending beyond his employer and into national energy policy debates."

A letter from another former co-worker of the Petitioner states that, in 2016, he and the Petitioner co-authored the article, which was published by the energy nonprofit that employed them and highlighted a 12-MW solar project by a utility company that "significantly boosted" its state's solar capacity. He stated that the Petitioner's analysis revealed that the utility ranked fourth in the United States that year for new solar capacity installed per customer. The letter states:

> The significance of this discovery is difficult to overstate. This wasn't a large, well-known utility in a state famous for its solar initiatives. ... [The Petitioner]'s analysis brought to light the impressive strides this utility was making in advancing solar energy in what many would consider an unlikely location.

The Petitioner claimed that this finding "had a significant impact, challenging the industry's assumptions about where solar adoption was possible and helping to broaden the narrative around renewable energy growth in the U.S."

The record, however, lacks evidence corroborating the claimed significance of the Petitioner's discovery. His RFE response's table of contents indicates his submission of a copy of the article and evidence of citations to it. But the designated exhibits contain a copy of a different publication by the nonprofit that year and evidence of citations to that other publication. The other publication, a report on the results of the nonprofit's survey of U.S. utilities, does not list the Petitioner as one of its five authors. Rather, it "acknowledge[s]" him and other nonprofit staff members "for lending their knowledge and expertise to the survey and report."

For the foregoing reasons, the Petitioner has not demonstrated that SCOPS legally erred in finding insufficient evidence that his proposed endeavor has national importance.

2. Alleged Factual Errors

The Petitioner contends that SCOPS "grossly mischaracterize[d]" the nature of his evidence, which purportedly established "the size, scope, originality, and national importance" of his work. SCOPS described the evidence as

> various articles where many emphasize the importance of clean energy, how small business can have a big impact in the climate fight, how [the large retailer] makes [a] big community solar play, and how [the Petitioner's employer] leads the industry as [a business magazine]'s most admired utility in 2025.

SCOPS' decision concludes that "the articles [submitted by the Petitioner] do not discuss any details relating to the specific endeavor and its impact other than that it is in the broader field."

The Petitioner contests the decision's statements. He states that SCOPS did not mention all of the submitted articles and that many of them discuss solar projects that he "helps lead." He states that the remaining articles "still give important context to the broader implications of those projects." He argues: "Far from offering general or irrelevant commentary on the clean energy field, the materials demonstrate that [the Petitioner] is leading nationally visible projects, advancing federal policy goals, and delivering scalable technical solutions with broad economic, environmental, and equity implications."

We acknowledge that SCOPS' description of the Petitioner's articles did not discuss or identify all of them. But the Petitioner has not demonstrated that any of the articles establishes his specific proposed endeavor's national importance. Thus, even if SCOPS erred, which they did not, the error would be harmless. *See Salmeron-Salmeron v. Spivey*, 926 F.3d 1283, 1287 (11th Cir. 2019) (holding that USCIS' erroneous submission of an administrative record was harmless because it "clearly had no bearing on the procedure used or the substance of decision reached"); *see generally Matter of O-R-E*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless or scrivener's errors).

The Petitioner also challenges SCOPS' finding that "[i]ndividually tailored services help serve specific needs of an employer or client, but by nature, they do not represent broadly applicable measures that a wide range of companies can readily adopt." He provides various scenarios "in which an employee's work for his or her employer can lead to industry-wide adoption." For example, he states that a nutritionist could develop a diet for a high-profile athlete that generates widespread media attention and is adopted by wellness coaches, food brands, and health organizations across the United States, ultimately influencing public health guidelines. The Petitioner contends that SCOPS' "factual error" reveals that SCOPS "incorrect[ly] assum[ed] that work for a specific employer or client cannot be drivers in innovation and have broader impacts on the field." He maintains that SCOPS' assumption "prevented [the Petitioner]'s proposed endeavor from receiving the reasoned consideration that it deserved."

We agree that, under certain circumstances, a petitioner's work for their employer could affect an industry, however, here, he has not established that his venture's benefits would have national implications. Thus, the asserted error is harmless. *See Salmeron-Salmeron*, 926 F.3d at 1287; *see generally Matter of O-R-E-*, 28 I&N Dec. at 336 n.5.

For the foregoing reasons, the Petitioner has not demonstrated that SCOPS' factual errors prevented him from establishing his proposed endeavor's claimed national importance.

C. Waiver Benefits to the United States

Our decision regarding the national importance of the Petitioner's proposed endeavor resolves this appeal. We therefore need not reach and hereby reserve consideration of his appellate arguments regarding a waiver's purported benefits to the United States. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

III. CONCLUSION

The Petitioner has not demonstrated that his proposed endeavor would have national importance. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.

NOTICE: This is the final decision in this matter. A motion's filing would not postpone the decision's effect. *See* 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are unlawfully present, or who are otherwise inadmissible or deportable, may receive Forms I-862, Notices to Appear, placing them in removal proceedings. *See* section 240 of the Act, 8 U.S.C. § 1229a. Removal proceedings may result in an alien's removal from the United States and ineligibility for future U.S. visas or other immigration benefits.