U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39700445

Date: OCT. 31, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a marine engineer and floating storage and regasification unit (FSRU) vessel manager, 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;

[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).

- 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 stated his proposed endeavor in part as follows: "I plan to work in the U.S. maritime engineering sector, bringing my world-class expertise in shipbuilding and FSRU operations to help revitalize the nation's shipbuilding industry. My goal is to contribute to the domestication of advanced shipbuilding expertise while supporting the implementation of the U.S. low-carbon energy security. I intend to help the development of high-tech vessels and cutting-edge floating units that not only meet but exceed global industry standards. I intend to actively share my knowledge and expertise with American maritime workers and elevate the quality of work of the U.S. shipbuilding industry, a cornerstone of both national security and industrial progress. This effort will help create new jobs in coastal regions, boost local economies, and significantly enhance the nation's energy security and resilience. By sharing my knowledge and experience, I intend to fill the critical gap and support the development of a skilled workforce and strengthen the country's shipbuilding capabilities."

SCOPS determined the Petitioner qualified for EB-2 classification as an advanced degree professional because he submitted evidence that he holds the equivalent of a U.S. bachelor's degree in marine engineering and a master's degree in marine engineering. In addition, he has over five years of progressive experience within his specialty. We agree that the Petitioner meets EB-2 classification. Therefore, the only issue on appeal is whether a waiver of the required job offer, and thus of the labor certification, would be in the national interest.

A. Substantial Merit and National Importance

The first 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 has other broader implications indicating national importance. *Id.* at 889-90.

SCOPS determined the Petitioner did not establish the national importance of his proposed endeavor because he did not demonstrate that his proposed endeavor would have a broader impact on his field outside of his company, clients, or employer. On appeal, the Petitioner asserts SCOPS misapplied *Matter of Dhanasar* and the record shows the national importance of his proposed endeavor. The Petitioner also expresses concern that the decision did not bear the signature of the SCOPS Deputy Associate Director of Adjudications, and that the decision contained repetitive, extraneous language from the request for evidence previously issued by SCOPS. However, we determine that the lack of

a signature is a procedural anomaly and does not affect the decision. Moreover, the regulations do not specifically require that SCOPS provide an actual signature on the decision. And, while portions of the decision may have been inartful, SCOPS nonetheless provided a written explanation for denying the benefit request. *See* 8 C.F.R. 103.3(a)(1) ("When a Service officer denies an application or petition . . . the officer shall explain in writing the specific reasons for denial.")

The Petitioner claims that his proposed endeavor has significant global impact that rises to the level of national importance. He contends that he is actively leading initiatives that directly serve national maritime, environmental and energy security goals. As example of the environmental and economic benefits of his proposed endeavor, the Petitioner intends to lead technical efforts to retrofit existing LNG carriers for use as zero-carbon bunkering hubs for hydrogen and ammonia-fueled ships at U.S. ports; integrate alternative fuel systems into FSRUs to facilitate safer and more flexible deployment of imported fuels within U.S. coastal areas; develop floating energy platforms that can withstand hurricanes and other climate-related stressors on the East Coast; and disseminate technical knowledge through white papers, design guidelines, and training programs aimed at advancing U.S. marine engineering capacity. The Petitioner argues that these engineering efforts directly support U.S. goals in decarbonization, energy security, and port modernization, and that his work is replicable across U.S. ports and has far-reaching implications for the maritime industry's transition to zero-emission operations.

We note that the Petitioner provided a certificate showing he is recognized as a First-Class Engineer Officer in the maritime engineering field. We acknowledge the many job letters, employment verifications and the "certificate of working experience" confirming that the Petitioner was employed during various periods in the industry. The Petitioner asserts that as a newbuilding supervisor on two vessels, he played a key role in overseeing design, construction, delivery, and technical oversight. The Petitioner highlights his work with FSRUs noting that there are 49 to 51 FSRUs worldwide and that he has managed the construction and operation of one or two of them focusing on integrating future-proof fuel systems. Notably, however, the Petitioner further contends that due to the large-scale and complex nature of constructing such vessels, there are no definitive records identifying which personnel worked on specific components or phases of projects; and consequently, he is unable to pinpoint his specific contributions. Moreover, the record also does not establish that the Petitioner's work on FSRUs has national or even global implications in his field given the insubstantial number of FSRUs. *See id.* at 889 (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field). Indeed, based on the Petitioner's own evidence from the World LNG Report – 2024, '[g]lobal regasification utilisation saw a downward trend in 2023, dropping from 43% on average in 2022 to 41%." This undercuts the Petitioner's argument that FSRUs are necessarily critical to the maritime industry.

The Petitioner also claims his proposed endeavor has national importance because it supports federal government programs, initiatives, and statutes including the 2025 Executive Order "Restoring America's Maritime Dominance" which prioritizes the development of LNG carriers, dual-fuel ships, and zero-carbon fuel infrastructure; the Merchant Marine Act of 1920 (commonly known as the Jones Act) which mandates that vessels transporting goods between U.S. ports must be U.S.-built, U.S.-owned, and U.S.-crewed; the 2023 National Blueprint for Transportation Decarbonization which identifies marine infrastructure and clean port development as key sectors for federal investment; the Department of Energy's 2023 Decarbonization Plan which emphasizes vessel retrofits, construction

of zero-emission fueling stations, and modernization of U.S. – flagged fleets; and the Department of Energy's 2021 Hydrogen Energy Earthshot Initiative which seeks to reduce the cost of clean hydrogen and establish supporting infrastructure. However, the Petitioner has not established that his specific proposed endeavor would involve these government programs and initiatives. The Petitioner claims that his "expertise – developed over two decades across shipyards in Korea, Malaysia, and Europe – uniquely positions him to contribute to the U.S. transition toward clean maritime energy and infrastructure resilience." He points out that his two-decade career includes leading vessel design and hull safety while overseeing the development of LNG carriers; managing retrofitting assessments in Malaysia including work on boil-off gas management systems, structural reinforcements, and environmental control systems; and supporting classification and compliance activities including work on Ballast Water Treatment Systems which he asserts are now required for U.S. waters under federal law. However, the Petitioner did not sufficiently articulate how he would impact these programs and initiatives or involve them in a manner commensurate with national importance.

The Petitioner contends that his proposed endeavor will create jobs in the coastal region and boost local economies. However, he does not show how his position as a marine engineer and FSRU vessel manager have significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for our nation. While the Petitioner makes general economic claims, he does not sufficiently explain or demonstrate how his particular proposed endeavor would have any projected U.S. economic impact or job creation. Without such evidence, the record does not show any benefits to the U.S. regional or national economy resulting from his services or position would reach the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Id.* at 890.

The Petitioner submits letters that positively describe his work ethic and capabilities. For example, the letter from G-M-, Chief Commercial Officer at [redacted] describes the Petitioner's duties as conducting thorough inspections, overseeing Factory Acceptance Tests (FAT) and Site Acceptance Tests (SAT), and performing detailed checks on the cryogenic piping system to ensure strict compliance with safety protocols and technical specifications. We note that G-M-, is a former supervisor of the Petitioner, and states that he strongly supports the Petitioner's petition. He explains the Petitioner is "an expert in LNG shipbuilding and safety management, with highly specialized skills in risk analysis, energy efficiency technologies, and environmental sustainability." He further states that the Petitioner's specialized knowledge is valuable for ensuring stable operations in extreme weather conditions, such as hurricanes. G-M- highlights the Petitioner's experience in building eco-friendly ships designed to reduce carbon emissions and maximize efficiency. He states, "[h]is forward-thinking approach to addressing climate change makes him a valuable asset in the global effort to create sustainable energy solutions." He does not, however, describe how the Petitioner's work has or would extend beyond the individual equipment and vessels on which he works to impact national interests on a level commensurate with national importance. *See id.* (explaining "we look for broader implications"). *Cf. id.* at 892 (stating Dhanasar submitted probative expert letters describing the importance of his specific research as it relates to U.S. strategic interests).

The Petitioner indicates that he will focus on combatting climate change. He claims that the articles discussing climate change support the national importance of his proposed endeavor. However, the determination of national importance does not focus on the importance of climate change in relation to marine engineering but "focuses on the specific endeavor that the foreign national proposes to

undertake." *Id.* at 889. Here, none of the articles speak to the potential prospective impact of the Petitioner's specific proposed endeavor.

The Petitioner submitted reports and articles on shipbuilding industry and various maritime initiatives in Korea and China. The materials also include the Department of Energy's (DOE's) national blueprint to coordinate a strategy to decarbonize the U.S. transportation sector, including maritime shipping; and the DOE's Hydrogen Shot which set a national goal to reduce the cost of clean hydrogen to $1 per kilogram within a decade. While these reports and articles address significant national issues, they do not discuss the Petitioner's specific proposed endeavor. Our assessment of national importance does not focus on the importance of a field or issues affecting a field in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. *Cf. id.* at 892 (citing media articles and other evidence documenting Congressional interest in Dhanasar's research).

In sum, the record does not establish that the Petitioner's proposed endeavor has national, global or other broader implications in his field indicative of national importance. Although the record includes evidence of national programs and initiatives that involve maritime vessels and the shipping industry, the Petitioner has not established that his specific proposed endeavor is addressed by or impacts these programs and initiatives in a manner commensurate with national importance.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of his specific proposed endeavor and thus 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 the Petitioner's 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"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

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 or merits a waiver of the job offer requirement in the national interest 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.