U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 44004678

Date: SEP. 3, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner 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).

USCIS denied the petition, concluding that although the Petitioner qualified as an advanced degree professional, he had not established 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 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

In the letter the Petitioner initially filed in support of the petition, he explained that he has been an architect for an architecture firm in New York since July 2024. He stated that his proposed endeavor is to "advance sustainable architecture and urban design through energy-efficient public and educational building projects and master planning for cultural institutions in partnership with [redacted]" In addition, he explained that through his work on projects such as the [redacted] and the [redacted] projects, his endeavor "will directly benefit underserved communities and improve civic spaces, while reducing the environmental impact of building and improving human health."

A. EB-2 Classification

The Petitioner submitted his U.S. master's degree in urban planning, along with the academic transcripts. USCIS 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.* 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.* USCIS determined that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, USCIS concluded that the Petitioner did not establish that his proposed endeavor has national importance.

On appeal, the Petitioner asserts the "record establishes national importance through at least two highly developed, objective projects, reinforced by a sustained portfolio of additional public-interest infrastructure work that USCIS listed but did not meaningfully analyze." The Petitioner also contends USCIS' decision included factual, legal, and analytical errors and ignored evidence in the record.

[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).

Upon de novo review, we agree with USCIS' 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.[2]

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.* at 890. 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.*

We acknowledge that the Petitioner is working on "major public-sector initiatives" in New York and Connecticut, including the [redacted] and the [redacted] projects. In response to USCIS' request for evidence (RFE), the Petitioner stated that his proposed endeavor "focuses on the advancement of sustainable architecture and urban design through government-funded public infrastructure projects." Here, the matter is not whether these projects are nationally important. Instead, the Petitioner must demonstrate the national importance of his specific, proposed endeavor of "advanc[ing] sustainable architecture and urban design through energy-efficient public and educational building projects and master planning for cultural institutions."

In support of national importance, the Petitioner references letters of recommendation in the record, specifically from P-L- and D-C-E-. While P-L- discusses the [redacted] project and its claimed benefits, he does not discuss any broad implications that the Petitioner's work will have for the field of sustainable architecture and urban design. Instead, P-L- focuses on the local benefits of the Petitioner's work. For example, P-L- states that the Petitioner's "work ensuring that local manufactures and small businesses can access affordable, quality space within this development is directly contributing to the long-term economic resilience of the [redacted]"

We also reviewed the letter from D-C-E-. Although D-C-E- speculates that the Petitioner's proposed endeavor would be nationally important, his opinion is general in nature and does not meaningfully address the details of the Petitioner's specific work and how it, in particular, would produce the nationally important impacts claimed. Rather, he makes broad generalizations, such as "[t]he expertise and innovation that [the Petitioner] contributes to this ground-breaking advance in transportation infrastructure has applications nationwide" and that the Petitioner "and his team at [redacted] will make critical contributions to this project shall yield benefits far beyond [redacted] County, New York, and will provide a replicable model for similar projects throughout the United States." But he provides little explanation as to how the Petitioner's endeavor, in particular, would specifically accomplish these results. He also provides little corroborating evidence directly linking the Petitioner's services to any broader impacts in the industry, region, or nation as claimed.

In addition, the record includes a letter from E-G-, a chief urban designer, in which he describes the Petitioner's projects in urban design. E-G- asserts that the Petitioner's "work directly advances nationally significant urban design solutions that are in line with, and sets an example for federal, state

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

and city projects that show how intelligent design can foster equitable economic development in support often over-looked communities across the country." He also states that the Petitioner's "continued contribution will serve the national interest by advancing practical, effective, and equitable models of architecture and urban design practice that directly address the most pressing infrastructure, climate, and social equity challenges facing American cities today." But beyond these generalizations, E-G- also provides little explanation or corroborating evidence directly linking the Petitioner's work to these claimed benefits, industry wide impact, or other substantial positive economic or societal effects.

Because these 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.

The record also includes letters of support. The authors praise the Petitioner's abilities and the personal attributes that make him an asset in the field of architecture and urban planning, as well as discuss his experience and qualifications. For instance, one letter states that the Petitioner "consistently demonstrated exceptional talent, aptitude for innovation, and a profound commitment to the field of architecture and master planning." Another letter states that the Petitioner "is a visionary Architect whose work has and will benefit communities around the country." While the letters evidence the high regard the Petitioner's colleagues have for him and his work, they do not offer persuasive detail concerning the impact of his proposed endeavor or establish how such an impact would extend beyond his employer and its projects. Moreover, although an individual's experience, qualifications, contributions, and achievements are material, they are misplaced in the context of the first *Dhanasar* prong. The Petitioner's professional experiences are generally material to *Dhanasar*'s second prong—whether an individual is well positioned to advance a proposed endeavor—but they are generally immaterial to the first *Dhanasar* prong—whether a specific, prospective, proposed endeavor has both substantial merit and national importance. *Id.* at 888-91. As such, the letters are not probative of the Petitioner's eligibility under the first prong of *Dhanasar*.

Moreover, the Petitioner stated in response to the RFE that "[w]hile [the Petitioner] is currently employed with [redacted] it was never stated that this employment alone was his proposed future endeavor for purposes of the National Interest Waiver petition or otherwise." He further asserts that his endeavor will have an impact that extends far beyond [redacted] and its customers. However, the record does not clearly demonstrate how the Petitioner would pursue the endeavor independently outside the scope of his current role. Additionally, the Petitioner does sufficiently explain whether the work performed for [redacted] is meaningfully distinct from the proposed endeavor. While the Petitioner's work as a project architect for [redacted] with a focus on advancing sustainable architecture and urban design may demonstrate the substantial merit of the proposed endeavor, it does not support or demonstrate its prospective potential impact nationally, or even globally, or through broader implications rising to a level of national importance. Here, the Petitioner has not demonstrated that his proposed endeavor extends beyond his routine employment duties or that it is independent of [redacted] objectives. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Furthermore, the Petitioner does not show that his work in advancing sustainable architecture and urban design would have significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for our nation. Without evidence regarding any projected U.S. economic impact or job creation directly attributable to his future work, as opposed to his employer, the record does not show that benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890.

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address his 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 he 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 he has not established eligibility for 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.