



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 20140731

Date: MAY 31, 2022

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Advanced Degree, Exceptional Ability, National Interest Waiver)

The Petitioner, an aircraft pilot, seeks second preference immigrant classification as an individual of exceptional ability, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Texas Service Center denied the petition, concluding that the Petitioner did not establish that he is an individual of exceptional ability. The Director also concluded that, because the Petitioner did not establish he is an individual of exceptional ability, he is ineligible for a national interest waiver.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will summarily dismiss the appeal. *See* 8 C.F.R. § 103.3(a)(1)(v).

The Petitioner filed the appeal on August 21, 2021. The extent of the Petitioner's statement of the basis for the appeal is:

The Petitioner has his [*sic*] I-140 petition erroneously denied. The Petitioner is eligible for a national interest waiver under INA 203(b)(2)(b), whereas the endeavor does have national importance. The USCIS officers did not objectively evaluate all evidence under preponderance of evidence. Instead, they imposed novel standard. As will be demonstrated in the Brief of Appeal, the [P]etitioner has demonstrated success in similar efforts; as well as his endeavor has the potential of broadly impacting and promoting societal welfare. As such, on balance, it would be beneficial to the U.S. to waive the requirements of a job offer.

The Petitioner does not specifically identify any erroneous conclusion of law or statement of fact regarding the Director's conclusion that the Petitioner did not establish that he is an individual of exceptional ability. *See* 8 C.F.R. § 103.3(a)(1)(v). Instead, the Petitioner discusses issues not addressed in the Director's decision and not part of the denial basis, such as whether the proposed

endeavor has national importance and whether the Petitioner has demonstrated success in similar efforts. The Petitioner indicates that he will “submit my brief and/or additional evidence to the AAO within 30 calendar days of filing the appeal.” However, we have not received a brief or other statement that specifically identifies an erroneous conclusion of law or statement of fact in the Director’s decision regarding the conclusion that the Petitioner did not establish that he is an individual of exceptional ability, other than the general assertion that the Petitioner satisfies the eligibility criteria for the requested benefit. *See id.* Therefore, we will summarily dismiss the appeal. *See id.*

ORDER: The appeal is summarily dismissed under 8 C.F.R. § 103.3(a)(1)(v).