U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42228862

Date: APR. 06, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an entrepreneur, 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* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

SCOPS denied the Form I-140, Immigrant Petition for Alien Workers (national interest waiver), concluding that the Petitioner 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, petitioners 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 petitioners establish eligibility for the underlying EB-2 visa 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;
- The individual is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

SCOPS found the Petitioner met the underlying requirements for EB-2 classification. According to SCOPS the Petitioner demonstrated he has the foreign equivalent of a U.S. bachelor's degree followed by at least five years of progressive experience in the specialty.

SCOPS also determined that the Petitioner established the substantial merit of his proposed endeavor but not its national importance to demonstrate *Dhanasar's* first prong. SCOPS further found the Petitioner was not well-positioned to advance his proposed endeavor to meet the requirements of *Dhanasar's* second prong, and had not demonstrated that, on balance, waiving the job offer requirement would benefit the United States under *Dhanasar's* third prong.

On the Form I-290B, Notice of Appeal or Motion, the Petitioner indicated he would be submitting an appeal brief and/or additional evidence to us within 30 calendar days of filing the appeal. The appeal was filed in January 2026. To date, we have not received the Petitioner's brief or additional evidence.

On the Form I-290B, the Petitioner states:

> USCIS has erred in misinterpreting the evidence presented by the Petitioner in both the original submission and the Request for Evidence. USCIS did not take into account the entire evidence presented and, where it was taken into account, misapplied it under the *Matter of Dhanasar* criteria.
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> For example, . . . USCIS erred in: [r]educing the complex endeavor to routine billing; [o]verlooking the endeavor's role in federally mandated quality frameworks; [f]ailing to recognize patient-facing transparency as part of the same infrastructure; and [d]iscounting national scalability and program integrity benefits.

The Petitioner's proposed endeavor is to operate a medical billing and healthcare revenue cycle management firm. However, the Petitioner's assertions lack detail on how the complexity of his proposed endeavor, his endeavor's role in federally mandated quality frameworks, and his endeavor's patient transparency is relevant to and meets national importance. He also does not explain how

[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); *see generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual.

SCOPS discounted the national scalability of his proposed endeavor, or did not take into account his evidence.

The reason for filing an appeal is to provide an affected party with the means to remedy what they perceive as an erroneous conclusion of law or statement of fact within a previous proceeding. *See* 8 C.F.R. § 103.3(a)(1)(v). By presenting only a generalized statement of an error without explaining the specific aspects he considers to be incorrect, the affected party has failed to identify the basis for contesting his eligibility for a national interest waiver on appeal. *See Matter of Pongatchev*, 28 I&N Dec. 719, 729 (BIA 2023) (concluding issues that are not meaningfully appealed are waived); *see also Matter of O-R-E-,* 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012) and finding when a filing party mentions an issue without developing an argument, the issue is deemed waived); *Darling Ingredients, Inc. v. Occupational Safety & Health Rev. Comm'n*, 84 F.4th 253, 264 (5th Cir. 2023).

Even if the Petitioner had provided more specificity with respect to his prong one arguments, a Petitioner must establish each of *Dhansar's* prongs. *Matter of Dhanasar*, 26 I&N Dec. at 889. Here, the Petitioner has limited his arguments to SCOPS' analysis of the national importance of his endeavor and does not address *Dhanasar's* remaining two prongs. By not addressing whether he is well-positioned to advance his proposed endeavor, and whether, on balance, waiving the job offer requirement would benefit the United States, he has waived these arguments and has thereby not demonstrated his eligibility under *Dhanasar's* second and third prongs.

Consequently, the Petitioner has not established his eligibility for the national interest waiver.

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.