U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42095679

Date: APR. 7, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an individual working in the supply and trade field, 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 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.

SCOPS determined that, despite qualifying for the underlying EB-2 classification as a member of the professions holding an advanced degree, the Petitioner did not establish he is eligible for, and merits as a matter of discretion, a national interest waiver. Applying the three-prong analytical framework set forth in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), SCOPS determined the Petitioner did not present a clear, specific proposed endeavor and, ultimately, concluded that the Petitioner: (1) did not establish that his endeavor has substantial merit and national importance, (2) did not demonstrate that he is well positioned to advance the endeavor, and (3) did not show that on balance, waiving the job offer requirement would benefit the United States.

On appeal, the Petitioner alleges that SCOPS' decision "contains numerous erroneous conclusions of both law and fact." Specifically, with regard to *Dhanasar's* first prong, the Petitioner contends that the record contains sufficient evidence to establish the substantial merit and national importance of his proposed endeavor. He reargues, among other things, that SCOPS did not properly consider the evidence, which showed the substantial economic impact and workforce development potential of the proposed endeavor, his endeavor's "significant contributions" to societal welfare and environmental sustainability, and his endeavor's alignment with U.S. government priorities of national importance.

Upon review of the entire record, we adopt and affirm SCOPS' decision regarding the Petitioner's eligibility under *Dhanasar's* first prong. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted").

Contrary to the Petitioner's arguments on appeal, SCOPS properly reviewed and analyzed the evidence, and correctly found that the Petitioner's description of his proposed endeavor was too vague to establish his eligibility under *Dhanasar's* first prong. Beyond generally asserting that he "intends to benefit U.S.-based shipping companies, trading firms, and maritime logistics providers and impact the maritime logistics and vessel operations field" by providing "innovative solutions to optimize freight and vessel operations in the U.S. shipping industry," he has provided little detail explaining the specific activities he proposes to do in his endeavor. Although he provided "objectives" of his future work including enhancing operational efficiency in U.S. shipping through data-driven techniques, reducing fuel costs and emissions, aligning with sustainability goals, optimizing cargo logistics to ensure full-capacity vessel operations, and introducing advanced risk mitigation strategies in freight operations, beyond these generalized descriptions, the Petitioner has not specifically discussed what these activities would actually entail within these broad objectives and has not shown how his work would have broader implications to the economy, societal welfare, environment, or nation such that it would rise to the level of national importance.

Additionally, we further note that, while the Petitioner emphasizes his skills, expertise, and past achievements again on appeal, these are considerations under *Dhanasar's* second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar*, 26 I&N Dec. at 890. The issue under the first prong is whether the Petitioner has demonstrated the national importance of the proposed work itself, which he has not done. Likewise, although the Petitioner asserts that his proposed endeavor is aligned with federal priorities, which he claims have been "formally identified as priorities of national importance," the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, the focus is on "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. And to the extent the Petitioner relies on his plans to implement "structured training programs" for maritime professionals, he has not shown through the documentary evidence how these activities would sufficiently extend beyond the individuals he trains to affect the field, region, or nation more broadly at a level commensurate with national importance. *See id*. at 893.

As the record currently stands, we agree with SCOPS that the evidence lacks adequate information to establish the Petitioner's proposed endeavor has implications at a level sufficient to establish its substantial merit or national importance.

It is the Petitioner's burden of proof to prove by a preponderance of the evidence that he is qualified for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the Petitioner did not establish his proposed endeavor's national importance as required by *Dhanasar's* first prong, he has not demonstrated eligibility for a national interest waiver. Further analysis of his eligibility under the second and third prongs, therefore, would serve no meaningful purpose and we will reserve these

issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

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.