U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41983117

Date: APR. 17, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an information technology (IT) systems engineer, 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 EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

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. 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

SCOPS concluded that the Petitioner qualifies as a professional holding an advanced degree. The record supports that conclusion. The Petitioner has a bachelor's degree in computer information systems from a university in Jordan, which is the U.S.-equivalent of a bachelor's degree, and letters of support confirm his completion of more than five years of progressive experience in his field. The remaining issue to be determined on appeal is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

The Petitioner's proposed endeavor is to establish and operate an IT consultancy company providing services to small- and medium-sized enterprises (SMEs) located in the United States. He stated that the company will focus on modernizing outdated IT infrastructure for SMEs across sectors such as healthcare, legal services, education, and local government. Its core mission will be to help these organizations transition from legacy on-premises systems to secure, cost-efficient, and scalable cloud and hybrid infrastructure.

Although SCOPS determined that the Petitioner established the substantial merit of his proposed endeavor, SCOPS concluded that he did not establish the endeavor's national importance, that he is well positioned to advance the endeavor, or that, on balance, it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner asserts that SCOPS' decision was erroneous and maintains that he has established his eligibility for a national interest waiver.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. 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.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* In *Matter of Dhanasar*, we further noted that "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.* 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.* at 890. If the evidence of record demonstrates that an individual's proposed endeavor has the significant potential to, for example, contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance.[2] Regarding an endeavor in the fields of science, technology, engineering, or math—also known as

[2] *See generally* 6 *USCIS Policy Manual* at F.5(D)(3), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.

STEM—importance may be found in its contribution to U.S. competitiveness or security in a variety of circumstances, such as when it will help the United States remain ahead of strategic competitors or current and potential adversaries.[3]

USCIS recognizes the importance of progress in STEM fields and the essential role of persons with advanced STEM degrees, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security.[4] However, a proposed endeavor does not necessarily carry national importance based solely on its relationship to a critical and emerging technology. When evaluating the national importance of a proposed endeavor, it is not the overall importance of the industry, field, or profession in which an individual intends to work, but the particular endeavor on which an individual intends to embark. *Matter of Dhanasar*, 26 I&N Dec. at 889. And we note that the Petitioner also emphasized the importance of his proposed endeavor based on purported shortages of IT specialists, but the shortage of an occupation does not render a proposed endeavor nationally important under the *Dhanasar* framework.[5] In fact, such shortages are directly addressed by the U.S. Department of Labor through the labor certification process.

To provide context for his proposed endeavor, the Petitioner submitted letters of recommendation from individuals familiar with the Petitioner's work who attest to his previous employment and his technical skills as an employee. On appeal, the Petitioner submits reports discussing SMEs and the economy, cyber breaches in the public and private sectors, technology for SMEs, and federal cybersecurity initiatives. While this documentation contains information about his technical abilities and the field in which he intends to work, it does not illustrate how the Petitioner's endeavor to offer consulting services to SMEs would impact the field of cybersecurity or the modernization of IT infrastructure for SMEs more broadly.

According to the business plan, the company's mission is to "deliver enterprise-grade IT modernization services that are both accessible and tailored to the unique needs of smaller organizations—groups that have traditionally been underserved by large consulting firms and slow to adopt digital infrastructure due to cost and complexity barriers." Core services provided will include system architecture design, virtual machine deployment, secure network configuration, data protection strategies, and cloud migration planning. In addition, the company will offer "ongoing systems monitoring, infrastructure performance optimization, and staff training to help clients maintain operational continuity and security compliance over time." The business plan states that these services will advance several national priorities, including "enhancing cybersecurity, boosting small business productivity, fostering equitable access to modern technologies, and strengthening the resilience of the digital economy."

The business plan further states that the company will provide these services from Michigan and discusses the benefits of operating from this location, including its transportation network and the fact that it is bordered by five states and a Canadian province. These elements "mak[e] it a logistical priming ground for both cross-border services and cloud integration projects." The business plan explains that the company will be located within the [redacted]—anchored by the

[3] *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(4).
[4] *Id.*
[5] *See generally* 6 *USCIS Policy Manual, supra,* at F.5(D)(3).

[redacted], and [redacted]—[which] attracts nearly $1.9 billion in federal academic research funding, produces hundreds of patents annually, and churns out a strong pipeline of engineering and tech talent." The company's proximity to these institutions, a rising technology sector, and an advanced manufacturing foundation will foster research-and-development partnerships through "collaborat[ion] with local universities, research centers, and innovation clusters to develop and deploy next-generation cloud and cybersecurity solutions."

The Petitioner's business plan outlines an expansive endeavor. However, he has not provided a cohesive proposal for how he will undertake the widespread ambition he envisions. The business plan presumes collaborations without the support of a plausible plan to facilitate them and utilizing resources without a course of action to access them. Although considerations concerning an individual's plan to pursue an endeavor are related to *Dhanasar's* second prong, they are relevant to evaluating an endeavor's national importance. Whether an individual is credibly capable of pursuing the proposed endeavor is pertinent to an assessment of its prospective potential impact.

In addition, the business plan does not demonstrate that his proposed endeavor has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects. It shows that, within five years, his company will create 21 jobs, generating more than $2 million in payroll expenses and more than $1 million in federal, state, and local tax revenue. The business plan, however, does not explain how these figures were calculated or adequately clarify how the projections will be realized. The Petitioner has not provided independent evidence or otherwise explained how his business would affect the economy or create jobs at a level that would have a significant impact in a region or have a prospective national impact on a specific field. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

While the business plan includes generalized claims about how his company's services would benefit the U.S. economy, the asserted impacts are not sufficiently supported by objective evidence related to his particular proposed endeavor. The Petitioner has not provided sufficient evidence to show that he would employ a significant population of workers in a particular region, nor has he shown that his proposed endeavor would offer substantial economic benefits through employment levels, business activity, or tax revenue. It is not clear how a business of the size and scope described in the business plan would have national or global implications. As such, the record does not demonstrate that the prospective benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See Matter of Dhanasar,* 26 I&N Dec. at 890.

In *Matter of Dhanasar* we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. Here, the Petitioner has not explained how his proposed endeavor to offer consultancy services would have a broader impact beyond the clients utilizing those services. To demonstrate the importance of his proposed endeavor, the Petitioner mainly relies on the importance of cybersecure SMEs to overall economic health, rather than any prospective positive impact resulting from the endeavor itself. Again, it is not the overall importance of the industry, field, or profession in which an individual intends to work, but the particular endeavor on which an individual intends to embark that we consider in evaluating whether it is of national importance. *Id.* at 889.

The record does not establish the national importance of the proposed endeavor as required by the first prong of *Matter of Dhanasar*. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The petition will remain denied.

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.