In Re: 37987217 Date: APRIL 24, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a contact center 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* 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 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 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.

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;
- The individual is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

[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).

II. ANALYSIS

SCOPS determined the Petitioner qualified for EB-2 classification as an advanced degree professional. We agree. The only issue on appeal is whether she qualifies for and merits a waiver of the job offer requirement in the national interest.

The Petitioner initially stated her proposed endeavor "is to work as a Federal Government telemarketing and Contact Center Service Provider" through her limited liability company. In her business plan, the Petitioner states her company's mission is "to offer comprehensive outsourcing solutions for call center, email, chat, and customer inquiry services."

A. Substantial Merit and National Importance

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* SCOPS determined the Petitioner's proposed endeavor has substantial merit. We agree.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or other broader implications indicating national importance. *Id.* at 889-90. SCOPS determined the Petitioner did not establish that her work would extend beyond her company and its clients to impact her field more broadly at a level commensurate with national importance.

On appeal, the Petitioner asserts her proposed endeavor has national importance because it improves societal welfare by aiding the government and U.S. citizens during natural disasters, addressing long wait times for Medicaid recipients, enhancing service delivery with user-friendly menu systems, advancing equity and accessibility with bilingual services, and improving access to social services by implementing scalable staffing models, advanced call routing technology, and performance metrics. The Petitioner submitted articles that discuss these issues, but do not address her specific proposed endeavor. Our assessment of national importance does not focus on the importance of a field or related issues in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id. Cf. id.* at 892 (citing media articles and other evidence documenting Congressional interest in Dhanasar's research).

The Petitioner also claims her proposed endeavor has national importance because it aligns with executive orders on enhancing customer experience and trust in government services. The Petitioner does not establish, however, that her work would extend beyond her company and its clients to impact customer experience and trust in government services more broadly at a level indicative of national importance. *See id.* at 889 (explaining "we look for broader implications").

The Petitioner's business plan indicates the company would employ between 10 and 30 agents and generate a profit of $297,099. These projections do not indicate that the Petitioner's company has significant potential to employ U.S. workers or would have other substantial positive economic effects

commensurate with national importance. *See id.* at 890 (discussing significant potential to employ United States workers and other substantial positive economic effects as indicative of national importance).

The Petitioner's business plan states it will offer services in inbound customer support, technical support, appointment setting, order processing, customer retention, seasonal services and overflow call handling, customer surveys, complaint resolution, virtual receptionist, data entry and verification, interactive voice response system management, social media management, email and chat support, multilingual support, outbound calling services, and quality assurance and monitoring. However, the record does not establish that any of these services are unique, innovative, or otherwise have national or global implications in the call center industry. *See id.* at 889. (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

On appeal, the Petitioner submits an article on the benefits of increased equity in federal contracting. Initially, the Petitioner submitted additional articles on long call center wait times, veterans facing long call wait times, call center data, APEX accelerators, long Medicaid call center wait times, Medicaid call center options, federal customer service, the Biden-Harris management agenda vision, the General Services Administration's Office of Customer Experience, contact center community, Executive Order on transforming federal customer experience and service delivery to rebuild trust in government, Executive Order on streamlining service delivery and improving customer service, the Small Business Act, contracting for disaster response and recovery, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Government Accounting Office's 2019 annual report, Executive Order on setting customer service standards, women-owned small businesses, bill introducing the Women-Owned Small Businesses Integrity Act of 2024, and small business size regulations. While relevant to the Petitioner's work, these articles do not discuss her proposed endeavor. Again, our assessment of national importance does not focus on the importance of a field or related issues in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id. Cf. id.* at 892 (citing media articles and other evidence documenting Congressional interest in Dhanasar's research).

In sum, the record does not establish that the Petitioner's proposed endeavor has national importance as it does not have significant potential to employ U.S. workers, other substantial positive economic effects, national or even global implications within her field, or other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of her specific proposed endeavor and does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of her eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach").

III. CONCLUSION

The Petitioner has not established the national importance of her proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that she is eligible for and merits a waiver of the job offer requirement in the national interest.

ORDER: The appeal is dismissed.