U.S. Citizenship and Immigration Services

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

In Re: 42097686

Date: APR. 27, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a telecommunications and network 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

### A. Eligibility for Second Preference (EB-2) Classification

Although SCOPS concluded that the Petitioner qualifies as an advanced degree professional based on his foreign bachelor's degree and experience, the record does not contain sufficient evidence to demonstrate that his degree equates to a U.S. bachelor's degree. The record includes what appears to be a bachelor's degree in the Petitioner's name, but it is largely illegible. An academic evaluation in the record concludes that the Petitioner completed the equivalent of a U.S. bachelor's degree. It states that the evaluator's conclusion was based on the reputation of the academic programs offered by the foreign university, "the number of years of coursework, the nature of the coursework, the grades attained in the courses, and the hours of academic coursework . . . ." However, the evaluation offers little analysis to support the evaluator's conclusion, such as an explanation of how the coursework and academic hours compare to those of an equivalent bachelor's program at a U.S. university. Further, the record does not include a copy of the Petitioner's transcript to allow for an assessment of his academic history alongside the evaluation. Moreover, the academic evaluation states that the Petitioner received *Lisans Derecesi*, or a bachelor's degree in electrical and electronic engineering. However, according to American Association of Collegiate Registrars and Admissions Officers (AACRAO) Electronic Database for Global Education (EDGE), an engineering diploma is called Muhendislik Diplomasi.[2]

Due to lack of evidence and inconsistent information in the record, we are unable to determine whether the Petitioner's foreign degree is equivalent to a U.S. bachelor's degree. Because the Petitioner has not received prior notice to address whether he qualifies as an advanced degree professional, we will reserve the issue of EB-2 classification for consideration in future proceedings. However, the Petitioner should address these issues in future filings. 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.

### B. Eligibility for a National Interest Waiver

The Petitioner's proposed endeavor is to establish a company providing connectivity solutions to business enterprises. He aims to reduce cyber risks and modernize critical communication networks, strengthening national infrastructure and enabling sustainable digital transformation across industry.

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[2] We consider EDGE to be a reliable source of information about foreign credential equivalencies. *See Confluence Intern., Inc. v. Holder*, Civil No. 08-2665 (DSD-JJG), 2009 WL 825793 (D. Minn. Mar. 27, 2009); *Tisco Group, Inc.* v. *Napolitano*, No. 09-cv-10072, 2010 WL 3464314 (E.D. Mich. Aug. 30, 2010); *Sunshine Rehab Services, Inc.* No. 09-13605, 2010 WL 3325442 (E.D. Mich. Aug. 20, 2010). *See also Viraj, LLC v. Holder*, No. 2:12-CV-00127-RWS, 2013 WL 1943431 (N.D. Ga. May 18, 2013). *See* https://www.aacrao.org/edge/country/credentials/turkey for information regarding the education system in Turkey.

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 misapplied the *Dhanasar* analytical framework and overlooked evidence in the record. Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his endeavor under the first prong of the *Dhanasar* analytical framework.

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.[3] Regarding an endeavor in the fields of science, technology, engineering, or math—also known as 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.[4]

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.[5] 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.

To provide context concerning his endeavor, the Petitioner submitted information about cyberattacks and data breaches, the impacts of cybercrime, government initiatives related to connectivity, and telecommunications infrastructure in the United States. This documentation highlights issues related

[3] *See generally* 6 *USCIS Policy Manual* at F.5(D)(3), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.
[4] *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(4).
[5] *Id.*

to cybersecurity and infrastructure, and the Petitioner asserted that his endeavor is nationally important because it would address those issues. He submitted a business plan that outlines the services his company would offer, including telecommunications network security solutions, network infrastructure design and optimization, and cybersecurity training programs. However, much of the record discussing his proposed endeavor is not corroborated by supporting evidence.

For example, he asserts that his company would leverage "advanced telecommunications solutions and state-of-the-art technological innovations . . . to enhance connectivity, streamline operations, and facilitate digital transformation across various sectors." His company would offer "cutting-edge" methodologies and operational protocols to its customers—a "diverse client base" which, by adopting his strategies, would facilitate the "widespread deployment of secure, high-performance telecommunications systems." These assertions are not accompanied by supporting evidence of the innovations or methodologies his company would utilize, nor has the Petitioner explained how the distribution of his company's offerings would have a "broader impact extend[ing] to the U.S. economy and society by strengthening critical telecommunications infrastructure, enhancing cybersecurity resilience, and supporting nationwide digital transformation across multiple sectors."

The Petitioner generally asserts that his endeavor would have widely applicable implications for national security, economic stability, technological leadership, and public welfare. But these and other far-reaching contentions concerning the purported national importance of his proposed endeavor are not grounded by details concerning what services, specifically, his company would offer to have the impact he describes. On appeal, the Petitioner points to letters from a roof rack manufacturer, a wholesaler and e-commerce retailer, and a marketing company confirming interest in improving network reliability, security, and telecommunications infrastructure. It is not clear, however, how generalized interest from these companies in making technological improvements demonstrates the potential of his services to have an impact accordant with national importance. His assertions concerning the importance of his proposed endeavor are not corroborated by evidence in the record but largely rely on the importance of cybersecurity and the integrity of telecommunications infrastructure for the benefit of the public. However, it is not the overall importance of the industry, field, or profession in which an individual intends to work, but the particular endeavor that we consider in evaluating its national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889. He has not explained how his company would have a national-level impact beyond general assertions. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Further, we observe that the Petitioner has not addressed certain logistical considerations associated with his intentions. His company, he stated, would collaborate with government entities to design and implement broadband networks in underserved communities, and it would assist rural providers in navigating and securing federal loans to support infrastructure projects. His company would also offer services related to the design and operational support of data centers. He has not explained how his company would gain access to these entities or obtain the influence required to coordinate these expansive efforts. Although such considerations are relevant to assessing whether an individual is well positioned to advance an endeavor under *Dhanasar's* second prong, it is also pertinent to assessing the prospective potential impact of the endeavor.

Finally, the Petitioner has not explained how he would undertake an endeavor of a scale that would reach the level of "substantial positive economic effects" contemplated by *Matter of Dhanasar*. *Id.* at

890. He stated that by helping businesses enhance security and reduce vulnerability in their telecommunications networks, his company would help reduce operational costs while fostering job creation, supporting innovation, and enhancing business continuity across various sectors. He referred to a "ripple effect" that purportedly takes place when companies can effectively safeguard their operations, stating that "they experience improved efficiency, productivity, and profitability—all of which are essential for economic growth." His business plan depicts his company as employing 21 employees by its fifth year of operation, generating over $2.1 million in wages and more than $200,000 in payroll taxes.

The business plan, however, does not explain how these forecasts were calculated or adequately clarify how these projections will be realized. The Petitioner has not explained how his company would contribute to ripple effects that would broadly impact a business community or an economy on a substantial scale. And while he stated that his company would operate in a distressed community and support economic revitalization, the record does not include probative evidence of a potential nexus between his proposed endeavor and an underserved community. The Petitioner has not provided independent evidence or otherwise explained how his business would create jobs at a level that would have a significant impact in a region or have a prospective national impact on a specific field.

The record does not include probative evidence to demonstrate that his individual company's consultancy services would have a broader impact at a scale commensurate with national importance. Again, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. The record does not adequately support a determination that the Petitioner's business venture would have implications for businesses more broadly or for the economies in which they operate. Neither the business plan nor other evidence in the record specifies what methodologies or technological tools his company would offer. And while the company's services would include training programs, the record does not describe these programs or clarify how they would have a broader impact on cybersecurity education. 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. *See Matter of Dhanasar*, 26 I&N Dec. at 893.

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. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

## III. CONCLUSION

The Petitioner has not demonstrated the national importance of the proposed endeavor. 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.