U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42601690

Date: APR. 30, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an architectural designer, seeks to qualify the Beneficiary under the 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).

SCOPS denied the petition, concluding the record did not establish the Beneficiary's eligibility for the requested national interest waiver. 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. An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(K)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

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:

[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 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.

II. NATIONAL INTEREST WAIVER

SCOPS determined that the Beneficiary qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. We agree with this determination. Therefore, the remaining issue is whether the Petitioner established that the Beneficiary is eligible for a national interest waiver under the *Dhanasar* framework.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* SCOPS concluded that the Petitioner did not establish that his proposed endeavor had substantial merit. We disagree, as the Petitioner's proposed endeavor falls within the range of areas of substantial merit, namely business, entrepreneurialism, and technology. *Id.* However, while the Petitioner has established that the Beneficiary's proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner indicates that he is a distinguished architectural designer who has made innovative contributions to the prefabricated housing field. The Petitioner states that he has been employed as a lead designer at [redacted] in the United States, a company designing custom architect-grade spaces. The Petitioner explains that he has been "pivotal in developing a customizable, panelized building system that addresses housing shortages in the United States by providing scalable, cost-effective, and high-quality housing solutions." The Petitioner emphasizes that the U.S. Department of Housing and Urban Development (HUD) identified manufactured housing, such as the type he works with, as a viable solution to the affordable housing crisis in the United States. The Petitioner asserts that his work would extend beyond individual housing projects and offer a replicable nationwide model supporting broader social stability and economic opportunity, making his work of national interest. He further indicated that his work aligned with federal initiatives, such as those promulgated through White House housing supply action plans, the expansion of the Low-Income Housing Tax Credit (LIHTC), and federal subsidies for affordable rental housing. He also emphasized California legislative measures allowing for the construction and sale of accessory dwelling units (ADUs) to expand homeownership and address housing shortages.

SCOPS later issued a request for evidence (RFE) indicating that the Petitioner's proposed endeavor was not clearly stated but just a broad depiction of goals. SCOPS determined that the Petitioner did not demonstrate how his employment with [redacted] would have a broader impact beyond the company, noting that merely working in the architectural field was not a proposed endeavor. As such, SCOPS requested that the Petitioner submit additional evidence including a more detailed description of his

proposed endeavor and why it had national importance, and how it would have national implications within his field, significant potential to employ U.S. workers or have substantial positive economic effects, broadly enhance societal welfare, and/or impact a matter that a government entity described as having national importance.

In response, the Petitioner stated that the objective of his endeavor is "to scale a proven, patented panelized platform to deliver attainable high-performance homes at speed, while continuously advancing design, manufacturing, and installation methods that reduce total project cost and compress time-to-occupancy." The Petitioner indicated that his "near term focus is to complete and deploy a second-generation (V2) single-family/ADU platform, featuring standardized structural, MEP, and envelope modules adaptable to varied U.S. climate zones and cold regimes." He further asserted that he had a "concrete, time-bound roadmap for the next 24-36 months."

The Petitioner contended that the national importance of this proposed endeavor was unambiguous, pointing to a shortage of approximately 4.7 million homes in the United States, high construction costs, constrained skilled labor, and lengthy, uncertain timelines suppressing housing supply nationwide. The Petitioner emphasized anticipated public benefits from his endeavor such as economic productivity, social equity, sustainability, and resilience, as well as "enabling higher throughput and earlier occupancy that support local tax bases and regional labor mobility." Likewise, he also discussed off-site fabrication that would reduce waste, limit site disruptions, and support tighter "building envelopes," which would promote higher energy performance and solar ready designs aligning with federal and state climate objectives. He further emphasized that his prefabrication plans would enable rapid high-quality reconstruction after wildfires and other disasters. The Petitioner stated that, in sum, his proposed endeavor was "to scale a patented panelized building system for affordable, sustainable single and multi-family housing directly advanc[ing] federally recognized priorities and address[ing] an urgent national need with a proven, market-tested approach."

In concluding that the Petitioner did not demonstrate the national importance of the Beneficiary's proposed endeavor, SCOPS again indicated that his proposed endeavor was too broad in scope and that his mere employment as an architectural designer was not a sufficiently specific endeavor. SCOPS stated that there was insufficient evidence that the Petitioner's proposed endeavor would have a potential prospective national impact on the field of architecture, industrial design, and manufacturing science as claimed. SCOPS indicated that articles discussing the Petitioner's work, and his employer, did not demonstrate its potential prospective national impact or how it would expand broadly beyond the company's operations and clients. SCOPS also concluded that the Petitioner did not show how his proposed endeavor would have the significant potential to employ U.S. workers or offer substantial positive effects for the nation.

On appeal, the Petitioner asserts that the provided evidence demonstrates that there is a "first order housing crisis" in the United States prioritized by the White House and HUD and that innovative modular housing utilizing panelized systems can meet this demand. The Petitioner states that his proposed endeavor directly addresses this national-level concern since it would increase production capacity and speed, allowing more units to be constructed in less time, make housing more affordable, provide ADUs consistent with California legislation, improve sustainability and energy performance, and reduce utility costs and environmental impact. The Petitioner points to articles submitted on the

record and contends these confirm that industry and policy experts recognize modular, panelized systems as a key component of future housing policy.

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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.

The Petitioner provided a wide array of potential prospective national impacts on differing, large economic and societal issues. However, the Petitioner provided insufficient detail and documentation to substantiate that his proposed endeavor would have this wide-ranging impact on U.S. society. For instance, the Petitioner discussed a national level impact on a projected shortage of 4.7 million homes in the United States, construction costs, economic productivity, social equity, sustainability, and "regional labor mobility." Similarly, the Petitioner discussed potential prospective national level impacts on waste reduction, energy performance, solar power, and rapid high-quality reconstruction after wildfires and other disasters. On appeal, the Petitioner further points to increased production capacity and speed of construction, allowing for more housing units to be constructed in less time, making housing more affordable, and reducing utility costs and environmental impact.

The Petitioner is required to demonstrate that the Beneficiary's proposed endeavor will have national or even global implications within a particular field or the significant potential to broadly enhance societal welfare or the advancement of valuable technology or a field of study. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual. The Petitioner's wide-ranging assertions as to potential prospective national impact crossing numerous economic and societal issues leaves substantial question as to whether the Beneficiary's proposed work with his employer would have a significant impact on any of them. Without more specific probative evidence, it is uncertain that the Beneficiary's proposed work with one company would have a potential prospective national level impact on the large national housing shortage in the United States as well as various other significant national level issues, such as sustainability, solar power, responses to natural disasters, utility costs, or environmental impacts.

Notably, the Petitioner emphasizes on appeal various articles indicating that industry and policy experts recognize modular, panelized systems as a key component of future housing policy, and further, that the U.S. executive branch has identified modular homes as a potential solution to the housing crisis. However, alignment with, or a mere potential contribution, to matters of national-level interest does not establish that a proposed endeavor is of national importance. The proposed endeavor must have broad and significant national implications. Generalized conclusory statements that do not identify a specific impact to the field have little probative value. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and provided substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id.*

Here, the Petitioner's assertions of potential prospective national importance are insufficiently non-specific and not properly supported. There is also little indication that there is specific interest from the U.S. government regarding the advancement of the Petitioner's work or that his employment with [redacted] would contribute significantly to the nation's ability to compete internationally in the field of modular housing. Further, although it is notable that the Petitioner was involved in the creation of two patents while working with his employer, including in a "panelized structural building system" and a "ceiling façade system," it is unclear how many other similarly placed companies in the industry hold similar patents and how his work on these patents stands apart from others in the field to indicate a potential prospective national impact. In fact, the patent documentation provided by the Petitioner reflects that he collaborated with several other colleagues on these patents leaving uncertainty as to whether it would be his work, or the work of the company collectively, that could effectuate a potential national-level impact. The Petitioner provided little information on how many other companies were working in the field of modular housing design and documentation to substantiate that his work is specifically set apart in the field. To illustrate, the Petitioner submitted documentation reflecting his participation in a jury panel related to microhome designs including various other colleagues, companies, and modular home designs, leaving question as to how his work is innovative in comparison and how it would have a national level impact on the large U.S. housing shortage.

In addition, the Petitioner provided insufficient detail and support as to how he would implement his proposed endeavor on a wide scale to create a national level impact. The Petitioner discussed a "concrete, time-bound roadmap for the next 24-36 months" rolling out a "second-generation (V2) single-family/ADU platform, featuring standardized structural, MEP, and envelope modules adaptable to varied U.S. climate zones and cold regimes." However, the nature of the Petitioner's technology and its innovation is left largely unexplained; for instance, it is not clear what MEP is, or how his proposed systems would be adaptable to differing climates. Likewise, the Petitioner mentions a "concrete plan" which is not provided on the record, nor does he indicate how his employer would support these largely unexplained plans and their level of investment in this business plan. It is also notable that the Petitioner submitted substantial documentation reflecting his work and the services provided by his employer reflecting specialized construction projects on individual homes in California, rather than large-scale projects to manufacture and sell modular homes on a national scale. In sum, it appears unlikely that the Beneficiary's proposed endeavor would have a potential prospective national impact on the various major economic and societal issues claimed given the lack of supporting evidence to substantiate that his work would have significant potential to broadly enhance the advancement of the technology in his field. The Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

SCOPS further concluded that the Petitioner did not sufficiently demonstrate how his proposed endeavor would extend beyond his employer to effectuate a national-level impact. Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance. It is noteworthy that the Petitioner does not directly address this material issue discussed by SCOPS on appeal. At issue is whether the petitioner can demonstrate that his individual endeavor stands to have broader implications, such as for a field, a region, or the public at large. For instance, an individual developing a particular technology for use or sale by a given company may not be able to establish national importance based on evidence that this technology will have benefits for the company or its clients alone. To establish broader public or commercial implications at a level consistent with national importance for the field or industry, the petitioner could demonstrate, through the submission of relevant evidence, widespread interest in adoption or licensing of the technology, a novel and important manufacturing or operational process, or how the technology stands to impact the development of similar technology by other companies. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https: //www.uscis.gov/policy-manual. The substantive nature of the Petitioner's planned employment is directly relevant to considering his eligibility under *Dhanasar's* first prong.

The Petitioner did not sufficiently clarify how the Beneficiary's proposed employment with the company would allow his asserted innovations in modular home design to disseminate beyond the scope of his employment, leaving question as to its potential prospective national impact. The Petitioner gave little explanation and support as to how his work would extend beyond his employer and its clients. For instance, based on the patent documentation, it appears that the Beneficiary's claimed innovations are owned and controlled by his employer and it did not indicate whether he was able to disseminate this information. As the Petitioner would be working with a private company, it is not apparent how his claimed innovations would be made publicly available rather than maintained as proprietary information. The record does not establish how the Beneficiary's proposed endeavor will have broader implications rising to the level of national importance.

Lastly, the Petitioner also suggested certain national-level economic impacts resulting from his proposed endeavor, such as "economic opportunity, making his work of national interest." However, the provided evidence does not demonstrate that the Petitioner's endeavor "has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area." *Dhansar* at 890. The Petitioner did not provide any economic or employment projections that would result from his proposed endeavor, and as we indicated, he did not submit clear and supported business plans, despite referring to a "concrete plan." Therefore, it is not evident how the company's economic activity resulting from the Petitioner's proposed endeavor would have substantial positive economic effects, particularly in an economically depressed area. Although any basic economic activity resulting from the Petitioner's work has the potential to positively impact a local economy, he has not provided sufficient explanation of the prospective national impact directly attributable to his proposed work or sufficiently established how his endeavor would significantly impact an economically depressed area.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under *Dhanasar*'s third prong. *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).[2]

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.

[2] We note that SCOPS concluded that the Petitioner demonstrated that the Beneficiary is well-positioned to advance her proposed endeavor consistent with the second prong of *Dhanasar*.