U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40220924

Date: DEC. 01, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an 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* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

SCOPS revoked the approval of the petition after issuing a notice of intent to revoke (NOIR), concluding that the Petitioner had not established 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, petitioners must establish they are advanced degree professionals or individuals of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act.

If petitioners establish 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.

Matter of Dhanasar, 26 I&N Dec. at 889.

USCIS may revoke a petition's approval for good and sufficient cause at any time before a beneficiary obtains permanent residence. *See* section 205 of the Act, 8 U.S.C. § 1155. A petition's erroneous approval may justify its revocation. *Matter of Ho*, 19 I&N Dec. at 590. USCIS properly issues a NOIR if the record at the time of the NOIR's issuance would have warranted the petition's denial. *Herrera v. USCIS*, 571 F.3d 881, 886 (9th Cir. 2009); *Matter of Estime*, 19 I&N Dec. 450, 451 (BIA 1987). USCIS properly revokes a petition if a petitioner does not timely submit a NOIR response or the response does not overcome the revocation grounds. *Matter of Estime*, 19 I&N Dec. at 451-52.

II. ANALYSIS

The Petitioner is a national of Uzbekistan who obtained a master's of science degree in information systems technologies in 2020 from [redacted] located in Delaware. According to the initial petition, his proposed endeavor is to work as an independent business owner in the transportation field, using his degree and strong knowledge and experience of information technology project management, and offering his services across the United States. In response to SCOPS' NOID, the Petitioner stated his proposed endeavor focuses on expanding and enhancing the operations of his company within the United States' long-distance freight transportation and logistics industry.

SCOPS determined the Petitioner established his eligibility for the EB-2 classification as an advanced degree professional. SCOPS further found the Petitioner's proposed endeavor has substantial merit, but did not have national importance to satisfy *Dhanasar's* first prong requirements. Upon de novo review, we affirm SCOPS' determination of these issues.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. "We look for broader implications" of the proposed endeavor and explained that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* at 890. 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.*

In response to the NOID, the Petitioner submitted documents in support of his proposed endeavor's national importance, which include: a personal statement, two letters of recommendation, a business plan, and expert opinion letter. According to the Petitioner's statement he acquired his first truck in July 2021 and has since expanded to 39 freight vehicles. His business plan discusses his claimed achievements in the trucking industry, as well as his background, qualifications, and skill set. The letters of recommendation, both dated August 2022, are authored by a former employer and a current employee of the Petitioner and speak to his abilities and skills. SCOPS acknowledged this information and determined that these letters would be more relevant under *Dhanasar's* second prong. We agree.

The Petitioner's knowledge, skills, and abilities relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the specific endeavor that he proposes to undertake has national importance under *Dhanasar's* first prong.

The business plan provides that the Petitioner developed a dashboard transportation tracking software tool to increase the efficiency and productivity of his drivers and service crew and discusses the company's marketing strategies for growth. The letter of recommendation by his employee discusses the Petitioner's use of this technology in his business to reduce paperwork. SCOPS determined the Petitioner did not establish his techniques' impact to the field. We note that the *Dhanasar* decision contemplates that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *Id.* at 893. Here, the Petitioner did not discuss the potential use of his processes, procedures and developed technologies by the field. Moreover, the Petitioner has not established that his endeavor's methods or strategies improve upon those already available and in use in the United States such that his proposed endeavor would have national or global implications within his field or for the United States.

Further, the Petitioner's business plan included economic projections for his business, including that it is positioned to create up to 54 direct jobs, 221 indirect jobs by year five of operations in Ohio's economically depressed area. The plan further claims his company is expected to contribute up to $58 million to the U.S. economy. SCOPS determined the Petitioner had not provided sufficient evidence regarding his endeavor's projected economic impact. We agree that the Petitioner did not present supporting evidence corroborating the assertions and figures in his business plan. We also add that the Petitioner did not demonstrate how his business plan's claimed revenue and employment projections, even if credible or plausible, would have significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for our nation. For example, the business plan forecasts creating 54 direct jobs in year five but does not demonstrate the relevance of these numbers and show that such future staffing levels would provide substantial economic benefits to Ohio or the U.S. economy more broadly to reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

The Petitioner's personal statement described how he started a separate company to handle the training and recruitment of his drivers and operators. SCOPS found that the Petitioner did not demonstrate his teaching activities would rise to the level of national importance. In *Dhanasar*, we determined 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. Similarly, here, the record does not show through supporting documentation how the Petitioner's endeavor sufficiently extends beyond his prospective employees to impact the field or the U.S. economy more broadly at a level commensurate with national importance.

The Petitioner's statement also discussed the national importance of the transportation sector and claims his endeavor aligns with U.S. national priorities. As SCOPS found, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work, but "the specific endeavor that the foreign national proposes to undertake."

Matter of Dhanasar, 26 I&N Dec. at 889. As a result, merely aligning with government initiatives is insufficient to establish the national importance of a proposed endeavor. *See id.*

SCOPS determined the Petitioner's expert opinion letter, dated August 2024, was not probative. While the letter opines on the potential benefits of the Petitioner's proposed endeavor, the letter only raises the same assertions as those in the business plan, arguing that the Petitioner's proposed endeavor, for example, has significant potential to employ U.S. workers, broadly enhance societal welfare, and have other substantial positive effects. However, the letter, like the business plan, did not cite corroborating evidence and the record does not support its assertions. As a result, the Petitioner's expert opinion letter and the record as a whole has not established the national importance of his proposed endeavor. *See Matter of Chawathe*, 25 I&N Dec. at 375-76 (providing we consider not only the quantity, but also the quality, including relevance, probative value, and credibility, of the evidence in determining whether a petitioner has met the burden under the preponderance standard)

On appeal, the Petitioner asserts that SCOPS overlooked evidence but does not identify the evidence that was overlooked. For the reasons discussed above, SCOPS properly reviewed the evidence in determining the Petitioner had not established the national importance of his proposed endeavor and revoking the petition.

On appeal, the Petitioner asserts that his proposed endeavor will address critical workforce shortages but does not provide corroboration for this assertion. Further, the alleged shortage of occupations or occupational skills does not render his proposed endeavor nationally important under the *Dhanasar* framework. In fact, such shortages of qualified workers are directly addressed by the U.S. Department of Labor through the labor certification process.

The remainder of the appeal raises the same arguments addressed below, such as the importance of the trucking industry, the endeavor's alignment with national initiatives, the Petitioner's professional background, the potential economic impact of his endeavor, the impact of his training school, but does not allege how SCOPS erred in its analysis of these issues. In addition, the Petitioner has not addressed the specific deficiencies in SCOPS decision.

SCOPS also concluded the Petitioner was not well-positioned to advance his proposed endeavor under *Dhanasar's* second prong, and he had not demonstrated that, on balance, waiving the job offer requirement would benefit the United States, as required under *Dhanasar's* third prong. As the identified reasons for dismissal are dispositive of the appeal, we decline to reach and hereby reserve the Petitioner's eligibility under *Dhanasar's* second and third prongs. *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); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

As the Petitioner has not established the requisite first prong of *Dhanasar's* analytical framework, he consequently has not established that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. We affirm SCOPS' revocation of the petition.

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.