U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40405099

Date: DEC. 09, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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 the Petitioner is eligible for a national interest waiver as a matter of discretion. 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:

- 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.

II. ANALYSIS

The Petitioner's proposed endeavor is to create [redacted] a co-living management system, designed to provide senior citizens in the United States with "affordable housing options while fostering social connection, improving financial security, and promoting aging-in-place solutions." SCOPS determined that the Petitioner established his eligibility for the EB-2 classification as a member of the professions holding an advanced degree.[2] However, SCOPS further concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that SCOPS erred in this finding. We conclude the record does not establish the Petitioner's proposed endeavor is of national importance and therefore he is not eligible for a national interest waiver as a matter of discretion.

A. National Interest Waiver- Substantial Merit

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.* The Petitioner states that his proposed endeavor, [redacted] will support the aging-in-place of senior citizens by providing affordable housing options, integrating health and wellness services, and promoting social connection. The mission of the Petitioner's proposed endeavor is to provide affordable, sustainable, and community-driven co-living solutions for senior citizens using artificial intelligence algorithms, financial management tools, and health integration features. We conclude that the Petitioner's proposed endeavor has substantial merit.

B. National Interest Wavier- National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The Petitioner contends that SCOPS misapplied the legal framework set forth in *Matter of Dhanasar* and minimized the public benefit of his proposed endeavor. The Petitioner states that [redacted] has national and global relevance in the area of senior housing and aging services

[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).

[2] The Petitioner submitted evidence of a master's degree in geodesy engineering from [redacted] Albania along with an academic evaluation stating that his degree is equivalent to a U.S. master of science degree in geodetic engineering. SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

and will directly address a national crisis. Further, the Petitioner asserts that his proposed endeavor aligns with national priorities and public policy goals such as addressing the shortage of affordable housing, expanding the digital health infrastructure, workforce development, and climate and urban efficiency.

Dhanasar states that an 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. *Matter of Dhanasar*, 26 I&N Dec. at 889. While we acknowledge the importance of addressing issues related to senior housing and aging services and the national priorities with which his proposed endeavor aligns; the relevance of the Petitioner's proposed endeavor to important issues does not establish the proposed endeavor's national importance as it does not demonstrate its prospective impact. 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.* Here, the Petitioner improperly relies upon the importance of the industry as sufficient to establish the national importance of his proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's broader impact on the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

The Petitioner contends that [redacted] will have broad societal benefits and enhance communities as it will contribute to reducing loneliness, support aging-in-place, and will help reduce public costs. He offers information on the issues currently impacting senior citizens; such as 40% of them experience isolation, the majority of senior citizens want to remain in their homes or communities, and the high costs of institutional care. We acknowledge the stated issues facing senior citizens; however, this does not establish the prospective impact of the Petitioner's proposed endeavor. *Id.* The Petitioner contends that the national importance of his work is validated by experts through the letters in the record. On appeal he highlights one author who reiterates the Petitioner's assertions and states that [redacted] is "a systems-level innovation" and that it "supports aging-in-place, reduces social isolation, enhances housing efficiency, and lessens the burden on institutional care systems and public eldercare expenditures." However, the Petitioner and the author provide little meaningful detail beyond generalized descriptions to explain why his management platform is innovative or an improvement from what is already available in the industry, or how his platform would result in the nationally important impacts claimed. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here the record does not provide sufficient evidence to support the Petitioner's assertions of national or global implications, or broad societal benefits. In *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. *Matter of Dhanasar*, 26 I&N Dec. at 893. Here too, although meritorious, without evidence of a broader impact, the record demonstrates that the proposed endeavor's impact is limited to the users of [redacted] and therefore does not meet *Dhanasar's* definition of national importance.

The Petitioner contends that [redacted] will have a significant economic impact and has the capacity to create jobs across several industries. *Dhanasar* states that an 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 business plan lists general job categories within various industries that will be created by

the Petitioner's proposed endeavor. For example, the Petitioner intends for [redacted] core operations to create roles in software development, artificial intelligence, legal, marketing, and customer service. The business plan also proposes [redacted] will create direct jobs for caregivers, wellness professionals, relocation support; as well as indirect jobs in services such as real estate, construction, transportation, and home maintenance. However, the record does not provide sufficient detail in order for us to determine if his proposed endeavor will have a substantial economic impact. While the Petitioner provides general information on the categories of jobs [redacted] will create in various fields; the record lacks specificity. For instance, the Petitioner does not include information about what specific jobs his proposed endeavor will create, where they will be created, and how many jobs he will create. Therefore, it is unclear if the jobs created by the Petitioner's proposed endeavor would result in substantive positive economic effects. The Petitioner further contends that his proposed endeavor will revitalize neighborhoods by making better use of housing stock; particularly in economically depressed areas. While the Petitioner's personal statement demonstrates that he will be living in New York, the record does not establish where he will carry out his endeavor and how he will operate in a way to impact economically depressed areas. Therefore, we cannot conclude that his proposed endeavor will have the, "substantial positive effects, particularly in an economically depressed area" to determine the Petitioner's proposed endeavor meets national importance as determined in the *Dhanasar* framework.

While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *Dhanasar* prongs. *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).

III. CONCLUSION

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence that he is eligible for or otherwise merits a national interest waiver as a matter of discretion.

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.