U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40670911

Date: DEC. 15, 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 Petitioner qualified for classification as a member of the professions holding an advanced degree, but that he 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, 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

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree. The remaining issue to be determined 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. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework.

With respect to his proposed endeavor, the Petitioner indicated that intends "to optimize and enhance supply chain management in order to mitigate logistics-related carbon emissions, improve resilience against disruptions, and foster more strategic sourcing relationships."[2] He further stated that his undertaking is aimed at implementing "cost-savings strategies based on network design analysis" and "supply chain resilience through improved visibility using state-of-the-art track and trace solutions, providing volume estimations to strategic industry partners."

In response to SCOPS' request for evidence, the Petitioner reiterated that his "proposed endeavor is to design and implement advanced supply chain methodologies that contribute to optimize logistics processes in the United States to enhance resource management throughout logistics operations in order to increase industry cost competitiveness, reduce environmental impact, and fortify national security and resilience against operational disruptions." He stated that he "will do so by creating modern procedures that enable cost-effective sourcing, streamlined routing, and real-time tracking protocols." The Petitioner further explained that he planned "to provide my expertise and experience at [redacted]. In my current position as International Supply Chain - Associate Director, I lead a team responsible for both the operational execution and strategic process improvements for all imports and exports to and from North America."

While the Petitioner further asserted that his "work will continue to be circulated in the field through professional logistics consortiums, conference presentations, and publications in peer-reviewed industry journals," the record does not include evidence to corroborate his claim. For example, he does identify the specific papers he intends to present at consortiums or conferences, or the peer-reviewed journals in which he has published or plans to publish his work. Unsupported assertions and speculation have no evidentiary value and are insufficient to establish a filing party has satisfied their burden of proof. *See Matter of Mariscal-Hernandez*, 28 I&N Dec. 666, 673 (BIA 2022).

[2] At the time of filing, the Petitioner was working full-time for [redacted] as "Associate Director International Supply Chain North America." He provided information from his employer stating that "[t]he key objective of this role is to ensure the successful planning, compliance, and execution of international shipments." As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for him to have a job offer from a specific employer. However, we will consider information about his position to illustrate the capacity in which he intends to work in order to determine whether his proposed endeavor meets the requirements of the *Dhanasar* framework.

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* SCOPS determined the Petitioner's proposed endeavor has substantial merit. We agree.

SCOPS concluded, however, that the Petitioner did not establish the national importance of his proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. 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 has other broader implications indicating national importance. *Id.* at 889-90.

The Petitioner submitted articles on the importance of supply chain management, supply chain resilience, supply chain sustainability, controlling business logistics costs, supply chain optimization, and utilizing artificial intelligence (AI) in the supply chain. The Petitioner claims that these articles support the national importance of his proposed endeavor. The determination of national importance does not focus on the importance of his occupation in general or value of effective supply chain management practices, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the Petitioner, or otherwise speak to the potential prospective impact of his specific proposed endeavor.

In addition, the Petitioner presented letters of support from B-M-M-, K-A-S-, D-S-R-, N-B-, and G-D-B- discussing his supply chain management capabilities and experience. He also provided letters from R-S-, S-D-, and A-V- reflecting interest in collaborating with the Petitioner on future projects.[3] The Petitioner's skills, knowledge, and prior work in his field, as well as interest from potential customers, 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 Petitioner also provided a letter of support from M-T-, a Managing Director at [redacted], in support of his national interest waiver. M-T- contends that the Petitioner's proposed work contributes to resilient domestic supply chains "by reducing reliance on fragile global inputs, modernizing logistics frameworks, and enhancing visibility across critical networks." He further asserts that the Petitioner's undertaking "directly advances the country's highest economic and security priorities by designing and implementing advanced supply chain methodologies that improve logistics efficiency,

[3] For example, in a letter to the Petitioner, S-D-, Human Resources People Partner at [redacted], stated: "On behalf of [redacted], I am writing to express our strong interest in continuing our collaboration with you in your efforts to modernize and strengthen international supply chain operations, with a focus on operational efficiency, trade resilience, and economic competitiveness." She further asserted: "Your contributions, shared through professional consortiums, conferences, and journals, extend your impact across the U.S. economy." Her statement, however, does not identify the specific consortiums, conferences, and journals where the Petitioner has shared his work and the way it was shared, or the novel industry methods he shared through either publication or presentation.

reduce foreign dependencies, and support real-time adaptability," but he does not identify any specific novel supply chain methodologies developed or under development by the Petitioner that stand to offer broader implications his field or industry. Nor does the letter from M-T- demonstrate how the Petitioner's day-to-day management of supply chain operations for his employer rises to a level of national importance. M-T-'s letter does not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed endeavor offers broader implications in his field or substantial positive economic effects for our nation that are indicative of its national importance.

In the decision denying the petition, SCOPS determined that the Petitioner had not established the national importance of his proposed endeavor. SCOPS indicated the Petitioner had not demonstrated that his undertaking "extends beyond his current or future employers to impact the field or any other industries or the U.S. economy more broadly at a level commensurate with national importance."[4] In addition, SCOPS indicated the Petitioner had not shown that his proposed work stands to "employ a significant population of workers in an area, or offer a region or the country a substantial economic benefit."

In his appeal brief, the Petitioner states that SCOPS erred in requiring him to show he "has made significant contributions to the field or industry." We agree with the Petitioner that there is no such requirement under *Dhanasar's* first prong and acknowledge that SCOPS' decision contains some problematic language. SCOPS' error in this regard, however, is not so significant as to undermine the remaining reasons for denial.

The Petitioner argues that his proposed "endeavor is of national importance because it addresses the nationally urgent problems of U.S. infrastructure modernization, energy independence, and economic security by integrating data-driven logistics and predictive analytics to modernize U.S. supply chain systems." He claims that his undertaking stands to "advance innovative supply chain methodologies to improve resource efficiency and strengthen the competitiveness of U.S. supply chains, driving broad economic benefits across the U.S. economy and supporting U.S. technological leadership, particularly in the area of AI development and implementation." The Petitioner further contends that he provided ample evidence demonstrating that his "proposed endeavor would have a positive impact on the U.S. beyond [his] company or clientele." The Petitioner, however, has not provided evidence demonstrating that his proposed supply chain management activities would operate on such a scale as to rise to a level of national importance. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. Furthermore, while any basic economic activity has the potential to positively affect the economy to some degree, the Petitioner has not demonstrated how the potential prospective impact of his proposed endeavor stands to offer broader implications in his field or industry beyond his employer or collaborative projects.

In addition, the Petitioner indicates that he provided articles "from reputable industry and U.S. government sources demonstrating that his proposed endeavor is of national importance." He has not

[4] SCOPS stated: "The fact that the Petitioner's field of interest bears national importance does not render his specific proposed endeavor as having national importance by association. If the Petitioner's contention is that the proposed endeavor will make an impact on the issues in question, then he must establish how his specific proposed endeavor will do so on a commensurately meaningful level to merit national importance. It has not been demonstrated how the Petitioner intends to personally achieve this to an extent that elevates the proposed endeavor to that level."

shown, however, that his specific projects stand to "strengthen the resilience of U.S. supply chains," "optimize logistics processes in the United States," or "develop greener, more sustainable practices" at a meaningful level for U.S. interests.

The Petitioner further contends that his proposed "endeavor is of national importance because it will see him design logistical frameworks that enhance traceability, integrity, and rapid response in both domestic and cross-border operations, thereby introducing new elements to supply chain operations that act as essential factors in strengthening national safety, preparedness, and security." The record, however, does not include corroborating evidence to show that the specific logistical frameworks he plans to design stand to offer broader implications in his field or to generate substantial positive economic effects in the United States.

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of his work. While the Petitioner's statements reflect his intention to optimize and enhance supply chain management practices, he has not offered sufficient information and evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. 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. *Id*. at 893. Here, we conclude the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond his employer and collaborative projects to impact his field, the logistics industry, federal initiatives, or the U.S. economy more broadly at a level commensurate with national importance.

Furthermore, the Petitioner has not demonstrated that the specific endeavor he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to his future work, the record does not show that benefits to the regional or national economy resulting from the Petitioner's supply chain management projects would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id*. at 890.

The Petitioner has not established that his 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 has other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

Because the documentation in the record does not establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. As this issue is dispositive of the Petitioner's appeal, we need not reach, and therefore reserve, determination of his eligibility under the second and third prongs of the *Dhanasar* framework. *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

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

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.