U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40672200

Date: DEC. 16, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a business management and software development specialist, 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).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the required job offer, and thus of a 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.

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 doctoral degree is customarily required for the specialty, the alien must possess a U.S. doctorate or a foreign equivalent degree. *Id*.

Profession is defined as one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a U.S. baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation.[1] 8 C.F.R. § 204.5(k)(2).

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,[2] 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.

Id.

II. ANALYSIS

The Petitioner is a business development manager who proposes to develop a social networking platform through his business, [redacted] SCOPS denied the petition, concluding that the Petitioner failed to establish a discretionary waiver of the required job offer, and thus of the labor certification, would be in the national interest.

A. EB-2 Classification

With respect to the underlying EB-2 classification, the Petitioner does not claim eligibility for classification as an individual of exceptional ability in the sciences, arts, or business. Instead, he claims to be eligible as a member of the professions holding an advanced degree. SCOPS determined that the Petitioner qualified for the underlying classification as a member of the professions holding an advanced degree, but did not provide sufficient analysis to support that determination. Although SCOPS did not adequately analyze or explain how the Petitioner qualified for the classification, the resolution of the issues concerning the Petitioner's eligibility for a waiver of the job offer requirement, and thus of a labor certification, under the *Dhanasar* analytical framework is dispositive of this appeal. Accordingly, we will reserve consideration of the Petitioner's eligibility for the requested EB-2 category. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternate issues on appeal in removal proceedings where an applicant did not otherwise qualify for relief).

B. The Proposed Endeavor's Substantial Merit and National Importance

[1] Profession shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

[2] *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 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.*

SCOPS concluded that the Petitioner's proposed endeavor has substantial merit and that he is well positioned to advance it. SCOPS determined, however, that the Petitioner did not establish the proposed endeavor's national importance, and that, on balance, it would benefit the United States to waive the job offer requirement. In denying the petition, SCOPS found that the Petitioner did not establish his proposed endeavor's national importance as he did not demonstrate that the proposed endeavor stands to sufficiently extend beyond the individuals the Petitioner would serve to impact the industry or field more broadly. SCOPS also concluded that the Petitioner did not demonstrate the specific endeavor that he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for the country.

On appeal, the Petitioner asserts that SCOPS' decision contains "both erroneous conclusions of law and incorrect findings of fact." The Petitioner also contends that SCOPS' decision contains "instances of a misunderstanding and misapplication of law that go beyond harmless error and reach the levels of abuse of discretion." The Petitioner also argues that SCOPS erred by referring to his position as a software engineer rather than a business development manager. We find this to be a harmless error. In our de novo review, we concluded that the Petitioner has not sufficiently demonstrated the proposed endeavor's national importance under the first prong of the *Dhanasar* analytical framework.

In the initial petition, the Petitioner stated that his endeavor was to develop "an innovative online-to-offline social networking platform designed to cater to a diverse spectrum of individuals who face an elevated risk of social isolation, including young adults, seniors, low-income communities, immigrants, and members of the LGBTQ+ community, to tackle the pressing issue of social isolation and its profound impact on mental health within the United States." In response to SCOPS' request for evidence (RFE), the Petitioner clarified that his proposed endeavor is to "design, promote, and implement an innovative online-to-offline social networking platform for individuals at heightened risk of social isolation—including young adults, seniors, and low-income communities—in order to enhance their quality of life, foster socioeconomic development, and address the widespread and deeply impactful issue of social isolation and its detrimental effects on mental health." He noted that he will pursue his endeavor through his business,

On appeal, the Petitioner states that he has provided numerous documentations that demonstrate his proposed endeavor's national importance. The record includes academic records, expert opinion and recommendation letters, letters of interest, business plan, and industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner maintains that his proposed endeavor is of national importance because it will "enhance U.S. economic competitiveness by increasing foot traffic to local small and medium-sized businesses through real-world interactions facilitated by the platform." In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we

focus on "the specific endeavor that the [petitioner] proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889. In *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. Here, the Petitioner affirms that his endeavor will contribute to public health by addressing social isolation and mental health through his online-to-offline social networking platform. The Petitioner, nonetheless, has not demonstrated that his proposed endeavor offers broader implications in his field or substantial positive economic effects for the country that rise to the level of national importance.

The Petitioner states that his platform will "encompass a series of functionalities designed to enhance the mental and physical well-being of its users, including a user-friendly interface for exploring social activities via interactive maps and list views." He declares that his endeavor will "reduce the health burdens associated with isolation, support aging in place, and enhance the nation's social infrastructure by enabling meaningful relationships and community participation." He further states that his work will continue to support advancement in the field by "fostering a more connected and enriching social landscape for Americans." While we acknowledge the substantial merit of the Petitioner's proposed endeavor, the record does not establish that the Petitioner's proposed endeavor's impact will be nationally important. Similarly, while we recognize the Petitioner's assertions in his initial petition and in response to SCOPS' RFE, the Petitioner has not provided additional insights on appeal to demonstrate his proposed endeavor's national importance.

For example, the Petitioner asserts that his endeavor holds national importance due to its "potential for significant economic impact." The Petition states that he has hired "several U.S. workers to aid him in driving his endeavor forward." However, the information he submitted only indicates that he has hired four employees and plans to hire a total of five employees by the fifth year. He also claims that he established his business in an economically depressed area in Delaware and that his hiring plans will increase tax contributions, boost the local economy, drive improvements to societal welfare, and generate positive economic impacts. However, it is unclear whether the Petitioner and his employees will be physically working in Delaware or operating the business virtually. Moreover, the Petitioner does not provide sufficient detail regarding the basis of these economic impact projections, nor does he sufficiently explain how the benefits of his endeavor would extend beyond his clients and employees to create substantial positive economic effects for the country rising to the level of national importance. Without sufficient evidence regarding the projected U.S. economic impact or job creation directly attributable to his future work, the record does not show that the benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Id.* at 890.

The Petitioner states he will accomplish his endeavor by "leveraging [his] extensive experience in business development, product marketing, and entrepreneurship," as well as his "academic background in corporate management and training in artificial intelligence." In support, the Petitioner submits expert opinion letters and support letters. The authors of the letters highlight the Petitioner's proposed endeavor, professional experience, and expertise, including his leadership, logistics, and strategic thinking skills. In particular, some authors discuss the Petitioner's proposed endeavor and assert that the Petitioner's endeavor is of national importance based on his ability to bring economic

revitalization, social equity, and technological advancements. Other letters state that the Petitioner's endeavor would produce advancement in the field of social networking. While these letters are supportive in tone and positive factors, they do not offer sufficient, detailed, and concrete examples of how the Petitioner's endeavor has the potential for broad and measurable implications for the country beyond impacting his company and its clients. Moreover, the first prong focuses on the proposed endeavor itself, not the petitioner. *Id.* The Petitioner must establish that his specific endeavor has national importance under *Dhanasar's* first prong. Similarly, although an individual's experience, qualifications, contributions, and achievements are material, they are misplaced in the context of the first *Dhanasar* prong. The Petitioner's professional experiences are generally material to *Dhanasar*'s second prong—whether an individual is well positioned to advance a proposed endeavor—but they are generally immaterial to the first *Dhanasar* prong—whether a specific, prospective, proposed endeavor has both substantial merit and national importance. *See id.* at 888-91.

The Petitioner states that his endeavor of developing an online-to-offline social networking platform holds national importance because it closely aligns with the Biden Administration's initiatives to address the country's mental health crisis, and that the endeavor will impact a matter that a government entity has described as having national importance. As previously mentioned, in determining national importance, 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 [petitioner] proposes to undertake." *Id.* at 889. 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, the Petitioner has not demonstrated that his undertaking has implications beyond his employees and customers to impact the U.S. economy on a broad scale rising to the level of national importance. Furthermore, alignment with general national goals, in and of itself, does not necessarily establish that the Petitioner's endeavor rises to the level of national importance. In this case, the record does not include adequate corroborating evidence, to show that the Petitioner's specific proposed endeavor offers broader implications in his field, enhancements to U.S. societal welfare, or substantial positive economic effects for the country that rise to the level of national importance.

The Petitioner argues that "it is not inherently necessary to meet each of the possible evidentiary examples provided in the precedent decision in order to prove that a proposed endeavor is of national importance." Instead, the Petitioner contends that "so long as a Petitioner has provided sufficient evidence to demonstrate that the proposed endeavor is of national importance by a preponderance of the evidence, the standard is met, and the prong satisfied." We disagree. The Petitioner must still demonstrate the potential prospective impact of his specific endeavor in that area of national importance. It is insufficient to claim an endeavor has national importance or will create a broad impact without providing evidence to corroborate such claims. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

C. The Remaining *Dhanasar* Prongs

Because the documentation in the record does not establish the proposed endeavor's national importance as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding his eligibility under the second

and third prongs outlined in *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *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

The Petitioner has not established the national importance of his proposed endeavor, and he does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that he is eligible for or merits a waiver of the job offer and labor certification requirements in the national interest 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.