U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40798364

Date: DEC. 23, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a product engineer, 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 job offer requirement is 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.

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

II. ANALYSIS

SCOPS found that the Petitioner qualifies for the EB-2 classification as an advanced degree professional, based upon obtaining a master of business administration degree. SCOPS denied the petition, however, finding that the Petitioner did not establish either the national importance of the proposed endeavor or that, on balance, waiving the job offer requirement would benefit the United States.[2]

As to the proposed endeavor, the Petitioner states:

> My proposed endeavor is to develop and implement a comprehensive strategy to accelerate the adoption of electric vehicles (EVs) by addressing key challenges in manufacturing efficiency, supply chain resilience, and charging infrastructure development, ultimately improving consumer affordability, driving widespread adoption, and improving the competitiveness of the U.S. automotive industry in the global market. Leveraging my expertise in financial modeling, budget forecasting, pricing strategy, and my experience as a Product Engineer, I will optimize production and supply chain processes for electric vehicles (EVs) by analyzing sourcing, demand forecasting, cost structures, and profitability projections to enhance manufacturing scalability and efficiency.

In response to SCOPS' request for evidence (RFE) the Petitioner submitted an updated personal statement in which he clarified that he would further his proposed endeavor by establishing a consulting firm in [redacted] Michigan. With the RFE response, the Petitioner submitted an updated plan in which he described his plans for this consulting business. The Petitioner claims that his endeavor will make EVs more affordable and boost U.S. economic growth.

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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

On appeal, the Petitioner asserts that SCOPS mischaracterized the proposed endeavor and conflated the endeavor with the Petitioner's intended employment. The Petitioner claims that his intended employment is "merely held in furtherance of the proposed endeavor." The Petitioner also objects to

[2] The SCOPS decision did not include a finding as to whether the Petitioner established the second *Dhanasar* prong or the substantial merit element of the first *Dhanasar* prong. Because, as we discuss below, we conclude that the Petitioner did not establish the national importance element of the first *Dhanasar* prong, we need not reach the issue of whether the Petitioner has established these elements or the third *Dhanasar* prong, and we reserve our opinion as to those issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curium) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

SCOPS' conclusion that the endeavor was insufficiently defined and asserts that he provided a "comprehensive, well-documented endeavor plan outlining precise technical activities, financial markets, target clients, operational geography, and its contribution to multiple federal initiatives." The Petitioner also claims that he submitted "objective, policy-based" evidence that was overlooked by SCOPS, such as White House press releases, economic studies, and data on EV market expansion. The Petitioner further claims that he provided evidence from reputable government sources such as the Small Business Administration and the International Trade Administration and expert opinion letters that establish the endeavor's national importance.

First, we appreciate the distinction that the Petitioner draws between the proposed endeavor and the employment that the Petitioner intends to hold in furtherance of that endeavor. Additionally, we acknowledge that the Petitioner hopes that his proposed endeavor will have an impact on the field beyond the clients of his consulting business. But we do not agree that consideration of the way in which the Petitioner intends to implement his endeavor—specifically, that he intends to establish a consulting business—improperly limits the scope of the national importance analysis. Indeed, the Petitioner also encourages us to consider that he has provided a "comprehensive, well-documented endeavor plan outlining precise technical activities, financial markets, target clients, operational geography, and its contribution to multiple federal initiatives" as part of the national importance analysis. Moreover, the Petitioner does not explain how else we would assess the potential prospective impact of the endeavor without considering the updated plan submitted and the specific way in which he seeks to implement his endeavor. The Petitioner's proposed endeavor is to develop a strategy to accelerate the adoption of EVs by addressing "manufacturing efficiency, supply chain resilience, and expansion of charging infrastructure." This broad goal statement is not specific or detailed enough for us to assess the potential prospective impact of it in the abstract, without considering the specific ways in which the Petitioner intends to implement this goal.

Regarding the "objective, policy-based" evidence to support the endeavor's importance, the Petitioner on appeal refers specifically to evidence such as information from the International Trade Administration regarding U.S. competitiveness in the automotive industry, resources from the Small Business Administration on managing business finances, and White House Fact Sheets on topics such as improving affordability for Americans and incentivizing domestic automobile production. The Petitioner asserts that this evidence from "reputable, objective sources" demonstrates the importance of the Petitioner's endeavor "to the field and nation as a whole."

Upon de novo review, we conclude that these articles and reports about government initiatives and priorities do not establish the endeavor's national importance. This evidence provides background information about the automobile industry, the EV market, and small business financing. However, this evidence relates only to these topics in general and not the Petitioner's specific proposed endeavor. In determining whether a proposed endeavor has national importance, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on the "specific endeavor that the foreign national proposes to undertake." *See Matter of Dhanasar*, 26 I&N Dec. at 889. These articles and reports do not discuss the Petitioner's specific proposed endeavor, do not help demonstrate the potential prospective impact of the endeavor on the EV industry, and do not otherwise demonstrate the national importance of the endeavor.

Moreover, not all of the policy documents in the record stand for the proposition that the Petitioner claims. For example, the Petitioner asserts that he submitted evidence of "the White House's initiatives to reduce household transportation costs and bolster EV affordability," and that this evidence demonstrates that the Petitioner's endeavor "will complement high-priority economic goals." But the evidence to which the Petitioner refers here is a White House Fact Sheet, titled "Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis," which does not discuss promoting EV affordability. Instead, the Fact Sheet claims that "the unlawful regulatory mandate on companies to effectively eliminate many or most gas-powered vehicles has resulted in artificial price increases on those popular vehicles to subsidize electric vehicles disfavored by consumers."

Moreover, even where the evidence is supportive of the Petitioner's claims that his endeavor relates to U.S. government policy priorities, it does not demonstrate that the endeavor is nationally important. For example, the Petitioner submitted evidence about the National Electric Vehicle Infrastructure (NEVI) Formula program, administered by the Departments of Transportation and Energy to develop a nationwide EV charging network. The Petitioner asserts that this evidence shows "that the Petitioner's endeavor is not operating in a vacuum; rather, it is purposefully constructed to serve as an engine for implementing and sustaining nationally significant clean energy goals." Again, this evidence may show that the Petitioner's endeavor relates to some federal initiatives, such as those that involve improving EV charging availability. But the Petitioner has not established how this evidence demonstrates the potential prospective impact of the endeavor on those priorities.

Although the Petitioner emphasizes on appeal these articles and government initiatives that discuss the automotive and EV industry, the Petitioner must demonstrate the national importance of his specific, proposed endeavor rather than the importance of the industry or field. In *Matter of Dhanasar*, we 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." *Matter of Dhanasar*, 26 I&N Dec. at 889. But the evidence the Petitioner highlights here does not discuss the Petitioner's proposed endeavor, its potential to impact the field, or otherwise help demonstrate the endeavor's national importance.

Finally, the Petitioner submitted several opinion and advisory letters, which he claims, "independently highlight how his work will advance clean energy goals, strengthen domestic manufacturing, and foster equitable infrastructure expansion." We conclude that these opinion letters do not support the national importance of the proposed endeavor. Primarily, the letter writers describe the Petitioner's educational and employment background, repeat the Petitioner's description of his proposed endeavor, and repeat his broad assertions that it will impact the field. For example, [redacted] Professor of Economics at [redacted] opines that the Petitioner's proposed endeavor will address macroeconomic challenges in the EV industry "by helping manufacturers strengthen their financial position through targeted cost management" and that it "will play a critical role to strengthen the ability of U.S. manufacturers, particularly small and mid-sized firms, to absorb financial pressures and maintain a competitive position against foreign producers in both pricing and production capacity." But [redacted] does not credibly explain how the Petitioner's consulting and advisory services for his clients, even if beneficial to those clients, have the potential to have a broad impact that would rise to the level of national importance. [redacted] also repeats the Petitioner's claims that the proposed endeavor contributes to "national economic and energy objectives" and is "consistent with national

initiatives." Again, these claims relate to the importance of the field, not the Petitioner's specific proposed endeavor.

As a matter of discretion, we may use opinion statements submitted by the Petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we will reject an opinion or give it less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.* We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.* Here, the opinion letters are of little probative value; rather than credibly describing the potential prospective impact of the endeavor, they primarily repeat the information stated by the Petitioner, describe potential benefits to the Petitioner's clients rather than describing a broad impact on the field, and conflate the importance of the industry with the Petitioner's specific endeavor.

The Petitioner asserts on appeal that his "proposed consulting firm will equip EV-sector stakeholders with advanced financial-engineering tools designed to strengthen domestic supply chains, enhance cost-efficiency, and improve capital deployment in line with emergency regulatory demands, thus bolstering U.S. energy security." The Petitioner contends that his updated plan submitted in response to the RFE "outlines a sequenced roadmap to achieve scale, including the integration of predictive modeling, tailored cost-optimization strategies, and budget restructuring, all targeting systemic inefficiencies that limit growth for small and mid-sized EV manufacturers." The Petitioner asserts that he provided financial projections, startup capital confirmation, and detailed operational strategies, and that these provide a "concrete, well-supported picture of feasibility and national benefit."

The evidence in the record does not support these claims. The Petitioner's updated plan discusses global market conditions and challenges in EV industry and discusses the Petitioner's intention to "leverage [his] background" and "utilize [his] skillset" to improve financial stability and efficiency in the industry. The Petitioner claims that his approach is unique and will "fill a major gap" in the industry. But the record does not sufficiently demonstrate how the Petitioner's claimed approach is unique or how it will broadly impact the field. A petitioner must also support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. While we acknowledge the Petitioner's intention for his endeavor, pursued through this consulting business, to broadly impact the EV industry, the Petitioner's unsupported assertions regarding the potential broad impact of the proposed endeavor are insufficient to meet his burden of proof.

In *Matter of Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of national importance because they would not extend beyond his students to impact his field more broadly. *Matter of Dhanasar*, 26 I&N Dec. at 893. Here, we conclude that the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond his consulting company and its clientele to impact the U.S. electric vehicle market or the U.S. economy, at a level commensurate with national importance.

III. CONCLUSION

The Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, he is not eligible for a national interest waiver. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve our opinion regarding whether the record satisfies the substantial merit element of the first *Dhanasar* prong or second and third *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).

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.