U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41003137

Date: FEB. 05, 2026

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 proposes to modernize the core operational systems of U.S. businesses, particularly small and medium-sized enterprises (SMEs). 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 that 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. The Record Establishes the Proposed Endeavor Has 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.* As stated above, the Petitioner's proposed endeavor is to modernize the core operational systems of U.S. businesses, particularly SMEs, by making advanced enterprise software and automation technologies accessible and practical. He asserts that his work has the potential to enhance U.S. economic competitiveness, supply chain security, and technological leadership. The record includes industry reports and articles about augmented reality (AR) technology, supply chain modernization and resilience, and the importance of SMEs and their impact on the economy. We conclude the Petitioner's proposed endeavor has substantial merit.

B. The Record Does Not Establish the Proposed Endeavor is of National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* SCOPS determined that the Petitioner did not establish the broader implications of his proposed endeavor and therefore he did not establish its national importance. On appeal, the Petitioner asserts that SCOPS' decision "relies on material factual mistakes and applies extra-regulatory demands inconsistent with *Dhanasar*. . . ." Upon review, we conclude that the

[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 a diploma and an academic evaluation as evidence of the equivalent of a U.S. bachelor's degree in computer information systems. In addition, the Petitioner submitted employment letters that establish at least five years of progressive experience in the specialty. SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

Petitioner's proposed endeavor does not meet the standard for national importance set forth in the *Dhanasar* framework.

The proposed endeavor as described above focuses on refining enterprise software systems and data processing technologies with the use of advanced AR and smart glasses technology. In addition, his plan aims to democratize his technology for SMEs to adopt without extensive customization, high upfront costs, or extended down time. *Dhanasar* states that an undertaking may have national importance 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. The Petitioner contends that his proposed endeavor will improve efficiency, accuracy, safety, and productivity across various industries. He states that his proposed endeavor will increase productivity, reduce errors, and cut costs; and will therefore enhance economic competitiveness, supply chain security, and technological leadership in the United States. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the evidence in the record does not support these asserted prospective impacts.

The Petitioner contends that SCOPS did not discuss that his proposed endeavor is related to the science, technology, engineering and mathematics (STEM) fields as it involves software systems and data processing technologies. The Petitioner further asserts that his proposed endeavor has applications in advancing AR, which is recognized as a critical and emerging technology (CET) by the National Science and Technology Council. We agree that SCOPS did not discuss the Petitioner's endeavor as it relates to a STEM field and AR in its national importance analysis. USCIS recognizes the importance of progress in STEM fields, especially in focused CETs and the essential role that individuals with advanced STEM degrees have in fostering such progress. 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual/. However, "in all cases, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *Id.* Here, the record does not demonstrate how the Petitioner's proposed endeavor will advance a STEM field or AR. Although the record establishes he will work in a STEM field and use AR to further his proposed endeavor, this alone does not result in national or global implications, and our focus remains on his specific proposed endeavor and its prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889.

The Petitioner states that his proposed endeavor will have broad implications as it is inherently replicable and is designed for broad dissemination. He contends that this endeavor will integrate innovative technologies and enhance core functionalities to significantly elevate SME performance, productivity, and global competitiveness. He asserts that this will strengthen national economic security and technological leadership. While we acknowledge the merit of this work, the record does not establish that the Petitioner's endeavor has national or global implications within the field. The Petitioner's business plan sets forth his intentions for how he will deliver his services. His business plan lists three delivery models. One is a four-week diagnostic consult that benchmarks processes, infrastructure, and organizational capability; which will result in a modernization roadmap for the client. The second delivery model is to design and execute a modernization plan for the client. And the third delivery model is for continuous post-implementation maintenance, enhancements, and operational analytics. On appeal, the Petitioner contends that SCOPS' decision erred as it focused on "the recipient of the service (an individual client) rather than the impact of the endeavor (a replicable framework that strengthens a national sector.)" However, the business plan sets forth how the

Petitioner will execute his proposed endeavor and thus the reach of his proposed endeavor. The proposed endeavor as set forth in the business plan creates a model for which the Petitioner will provide modernization services to SMEs and while this may result in the stated positive impacts to his SME clients, this does not establish a broader impact to the field as the Petitioner describes. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of national importance because they would not impact his field more broadly. *Matter of Dhanasar*, 26 I&N Dec. at 893. Similarly, the evidence here shows the services the Petitioner intends to provide to his direct clients, but it does not establish how his services will impact the field more broadly to have national or global implications.

The Petitioner contends that his proposed endeavor is of national importance, in part, because it aligns with government initiatives. He provides evidence of executive orders to support SMEs, federal goals for advancing manufacturing technologies, and policies related to SMEs' access to digital tools. He also highlights articles in the record about the importance of SMEs to the U.S. economy, and the importance of the resilience of supply chains. While this evidence supports the Petitioner's statements about the importance of SMEs and government initiatives to support them, it does not further the Petitioner's claim of his proposed endeavor's national importance. As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id* at 889. While we acknowledge the importance of the field and the merit of the Petitioner's work; the relevant question is not the importance of the field in which the individual will work; instead, we focus on the "the specific endeavor that the [Petitioner] proposes to undertake *Id.* Here, the Petitioner improperly relies upon the importance of the industry to further 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 record contains various letters from experts in his field. The Petitioner asserts that these letters further support the broad impact of his proposed endeavor. However, the majority of the letters in the record focus on the Petitioner's skill set and the impact of the Petitioner's prior work and not the prospective impact of the proposed endeavor. For example, on appeal the Petitioner quotes one author who states that the Petitioner's solutions are "a bedrock for efficiency and decision-making" with "field-wide impact." Here, however, the author is quoting another letter in the record in which that author discusses the Petitioner's expertise with information systems development and how different companies have utilized this general technology to improve their businesses. While we acknowledge the Petitioner's experience in the field; evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Id.* Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890.

On appeal, the Petitioner highlights another letter in the record stating that the author contends the proposed endeavor has the potential to "streamline operations for critical, and often overlooked, segment[s] of the U.S. economy." However, this letter also focuses on the Petitioner's experience, skill set, and past projects; relating to prong two. As stated above, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed

endeavor and is more relevant to *Dhanasar's* prong two analysis. *Matter of Dhanasar*, 26 I&N Dec. at 889. [3]

The third letter the Petitioner emphasizes on appeal, discusses the Petitioner's proposed endeavor and its prospective impact. However, it repeats many of the same claims already addressed without additional evidence. The author states that the proposed endeavor has national importance because it aligns with government initiatives, such as economic competitiveness and supply chain resilience. The author additionally asserts that the proposed endeavor will help SMEs improve operational efficiencies. These claims have been addressed above, so although the author of this letter concurs with the Petitioner's claims of broader implications, the record does not support the broader implications of the Petitioner's proposed endeavor. Therefore, we cannot conclude these letters further the Petitioner's claims of national importance as the record does not establish how his services will impact the field more broadly to have the national or global implications *Dhanasar* requires.

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 Petitioner states that his company will have 2 employees in its first year of operation and will employ at least 15 individuals by the fifth year. The business plan further projects that in its fifth year, the company will create over 2,000 indirect jobs and have over $1 million in revenue. However, the record does not provide evidentiary support for the stated financial projections to demonstrate how these numbers were calculated, details regarding the basis for these projections, or adequately explain how these staffing and revenue targets will be realized. As previously stated, a petitioner must support assertions with relevant, probative, and credible evidence. *Matter of Chawathe,* 25 I&N Dec. at 376. Without further explanation of the basis for these projections, we cannot assess whether the stated estimates are credible, and therefore, we conclude that the Petitioner has not met his burden to establish that his proposed endeavor stands to have "substantial positive economic effects" that would be commensurate with national importance. *Matter of Dhanasar,* 26 I&N Dec. at 890.

In reviewing the totality of the evidence, we conclude that the Petitioner did not satisfy his burden to establish, by a preponderance of the evidence, his proposed endeavor's national importance because he has not submitted sufficient evidence to support his claims of national importance. 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).

[3] We also note that the decision and appeal discuss a letter of intent from a technology consultancy preparing for U.S. expansion and their interest in the Petitioner's work. Here too, we conclude this evidence is more appropriate to discuss under a prong two analysis as interest or support from potential customers, users, investors, or other relevant entities or persons. *Id.*

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.