U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41216346

Date: FEB. 06, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a supply chain manager, 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 although the Petitioner qualified as an advanced degree professional, she did not establish 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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

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.

On appeal, the Petitioner contends SCOPS' decision makes extensive references to a different individual throughout the denial and incorrectly described the proposed endeavor. The Petitioner states that SCOPS did not properly evaluate the petition and the response to the request for evidence under the *Dhansar* framework. Specifically, SCOPS named a different individual throughout the decision. In addition, SCOPS references [redacted] several times but this group is not found in the record. SCOPS also indicated that the Petitioner was awarded a master of science degree in computer science from the [redacted] but the Petitioner submitted evidence that she was awarded a master of science degree in supply management from the [redacted] Further,

SCOPS stated the Petitioner's proposed endeavor as working as a software developer for [redacted] when in fact the Petitioner asserts that the proposed endeavor, in part, is to "advance data-driven automation technologies that enable real-time capacity planning and labor optimization at scale, with the goal of strengthening the U.S. supply chain and enhancing operational resilience for American businesses – particularly small and medium-sized enterprises (SMEs)."

We agree with the Petitioner and withdraw SCOPS' decision regarding the Petitioner's eligibility for the national interest waiver as it is insufficient for review. We observe that SCOPS incorrectly mischaracterized the Petitioner's proposed endeavor in their first prong analysis under the *Matter of Dhanasar* when SCOPS stated the Petitioner will work as a software developer for a company rather than the Petitioner's stated proposed endeavor involving supply management.

Further, while SCOPS generally listed some of the evidence submitted by the Petitioner, SCOPS did not include an analysis of the evidence and an explanation of its deficiency. USCIS regulations require that a denial decision explain specific reasons for denial and notify the affected party of its appeal rights. 8 C.F.R. § 103.3(a)(l)(i), (iii); *cf. Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that the reasons for denying a motion must be clear to allow the affected party a meaningful opportunity to challenge the determination on appeal).

Therefore, we conclude that SCOPS erred in identifying the proposed endeavor and did not consider the Petitioner's evidence as submitted in the record. On remand, SCOPS should consider the evidence provided in support of the proposed endeavor's national importance and provide an analysis of that evidence to support its conclusion. As to the second and third prongs of *Dhanasar*, SCOPS did not discuss the evidence weighed or addressed the Petitioner's specific claims. Without a proper evaluation of the factors identified in *Dhanasar*, SCOPS determination for this prong was insufficient. On remand, SCOPS should re-evaluate the Petitioner's claims and evidence of under the *Dhanasar* framework.

Overall, the erroneous references to the nature of the Petitioner's proposed endeavor and the lack of discussion of the specific evidence in the record, make it unclear whether SCOPS fully analyzed the evidence submitted by the Petitioner and based the decision solely on that evidence. Therefore, we will withdraw the decision and remand the matter to SCOPS to review the entire record and determine whether he has established eligibility under *Dhanasar*'s three prongs.

This matter will be remanded to SCOPS to determine if the Petitioner has established eligibility for a national interest waiver. SCOPS may request any additional evidence considered pertinent to the new determination. As such, we express no opinion regarding the ultimate resolution of this case on remand.

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.