U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41021025

Date: FEB. 18, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an infrastructure specialist, seeks employment-based second preference (EB-2) immigrant classification as either a member of the professions holding an advanced degree or an individual of exceptional ability, 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 the record 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 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

[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).

interest waiver if the petitioner demonstrates that: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

II. ANALYSIS

A. EB-2 Classification

SCOPS found the Petitioner qualifies for EB-2 classification as a member of the professions holding an advanced degree. Although the Petitioner submitted a copy of his diploma showing he earned a "titulo de Tecnologo em Gerenciamento de Redes de Computadores," he did not provide other academic records, including transcripts or an academic credential evaluation, to show his titulo de tecnologo is, in fact, equivalent to a U.S. bachelor's degree. Based on the record, we question whether the Petitioner has met this threshold requirement. However, as the resolution of the issues pertaining to the Petitioner's eligibility for a national interest waiver under the *Dhanasar* analytical framework is dispositive of this appeal, 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) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).[2]

B. National Interest Waiver

SCOPS concluded that the Petitioner did not establish his eligibility under the *Dhanasar* analytical framework. Specifically, although SCOPS found substantial merit in the proposed endeavor, they determined the Petitioner did not establish that his proposed endeavor has national importance under *Dhanasar's* first prong. They also found that the Petitioner did not show that he is well-positioned to advance the proposed endeavor, and that, on balance, waiving the job offer requirement would be beneficial to the United States under the second and third prongs. For the reasons discussed below, we agree with SCOPS' conclusions regarding national importance and, therefore, will dismiss the appeal.

The Petitioner is currently employed as an infrastructure specialist. He states he has over 20 years of experience in the information technology (IT) field working for major organizations in Brazil to support IT infrastructure, implement software solutions, manage cloud migrations, and optimize data storage and disaster recovery planning. His past positions include roles as a support analyst, consultant analyst, and VMware specialist.

The Petitioner stated that his proposed endeavor is to establish an IT consulting firm specializing in helping small and medium-sized businesses (SMEs) modernize their IT infrastructure. His proposed services include assessment and strategy development; IT system design and implementation; project management; training; maintenance and support; cybersecurity services; business process improvement; and disaster recovery planning (DRP). He also plans to offer specialized training programs to staff within client organizations in IT infrastructure management, virtualization (VMware,

[2] That said, the Petitioner should be prepared to address the issue in any future NIW filings.

Hyper-V, Citrix), and cloud computing via workshops, professional training sessions, and mentorship programs.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS found that the Petitioner did not show how his proposed endeavor would have broader implications beyond his company, clients, and the individuals he trains to rise to the level of national importance. They also found that the record did not show the endeavor had a significant potential to contribute to the advancement of a valuable technology or field of study, have substantial positive economic effects, or broadly enhance societal welfare or cultural or artistic enrichment.

On appeal, the Petitioner argues that SCOPS misapplied controlling law, improperly narrowed the scope of "national importance," and failed to give proper weight to the evidence in the record. Specifically, he argues that SCOPS erred by focusing on the localized nature of the Petitioner's proposed IT consulting services, rather than assessing their broader impact on U.S. economic resilience, cybersecurity, and SME competitiveness, which are recognized as nationally significant by federal policy.

Upon de novo review, and after carefully evaluating all the evidence submitted, we agree with SCOPS' conclusion that the Petitioner has not demonstrated his proposed endeavor's national importance and, thus, has not established his eligibility for a national interest waiver.[3] As explained in SCOPS' decision, the first prong—substantial merit and national importance—focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *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." *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.

In this case, the Petitioner has not met his burden to demonstrate that his proposed endeavor's prospective impact rises to the level of national importance. In particular , the record does not illustrate how his specific endeavor would sufficiently extend beyond his company, clients, and the individuals he trains to impact the industry, region, or nation more broadly.

The Petitioner argues that the technology sector plays a vital role in the U.S. economy and supports millions of jobs across nearly every industry. He asserts that his consultancy will not only improve the efficiency and competitiveness of American businesses, but also advance national priorities in areas such as economic development and competitiveness, SME digital modernization, supply chain stability, digital transformation, and cybersecurity. In support of his claim, he submitted various articles discussing topics such as IT modernization, the importance of technology adoption and digital tools for SMEs, the use of artificial intelligence in businesses, and the impact of data breaches and cyber threats.

[3] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

While we acknowledge the overall importance of IT consulting, its professionals, and the IT field generally, the relevant question is not the importance of the field, industry, or profession in which the individual will work. Instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889. Here, these documents provide only general background information and do not specifically relate to or discuss the Petitioner's proposed endeavor, including how his future work will impact these areas more broadly. And although the Petitioner argues that the evidence shows his work directly supports federal priorities, the record does not sufficiently detail how his future activities would meaningfully impact these areas. Working in an important field, including one that is the subject of federal priorities, is insufficient to establish the proposed endeavor's national importance. The Petitioner must still demonstrate the specific endeavor's potential prospective impact in that area of national importance.

The Petitioner asserts that his services are essential to improving the resilience, efficiency, and scalability of U.S. businesses and that the aggregated value of these services extends beyond individual business impact. But, he has not demonstrated how his specific endeavor, as opposed to IT consultants or the IT industry generally, would achieve these goals and have a broader impact on the field, region, or nation. Aside from generally claiming that he will establish an IT consulting firm offering various services such as "IT system design and implementation," "project management," "cybersecurity services," and "business process improvement," he has provided little detail discussing, for example, what these activities would specifically entail, how his services are distinguishable from those of other IT consulting firms, or how his work in particular would accomplish the claimed objectives. Importantly, he also has not explained how any impact produced would be direct and significant enough to rise to a regional or nationally important level. Although his endeavor may benefit his potential clients and individuals he trains, he has not established how *his* specific endeavor stands to impact the broader IT field, region, or nation, or otherwise have implications rising to the level of national importance.

The Petitioner also claims that his consulting framework is designed for scalable adoption across multiple industries, including healthcare, manufacturing, professional services, and logistics, which are critical or essential infrastructure sectors. While the Petitioner contends that his services "will generate positive ripple effects well beyond individual business performance" and "deliver transformative value across multiple sectors of the U.S. economy," the Petitioner's claims linking his proposed endeavor to these impacts are too attenuated and lack sufficient corroborating evidence to show the proposed endeavor's prospective impact. General conclusory statements without a sufficiently direct evidentiary tie between the proposed endeavor and the claimed impacts are insufficient. Again, the Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

We recognize that the Petitioner's IT consulting activities are intended to lead to improvements in, for example, IT modernization, efficiency, and administration, which may indirectly result in positive economic effects for his clients. However, the record lacks sufficient evidence that these gains would be significant enough to establish his proposed endeavor's national importance. While any increased business activity has the potential to positively impact the economy, the Petitioner has not demonstrated how the activity resulting from *his* business would rise to the level of having regional or nationally important impacts. And, despite his claims that his proposed activities will result in "cascading national effects" including job creation and retention, increased tax revenue, enhanced

supply chain security, and an improved cybersecurity posture nationwide, the Petitioner does not offer an evidentiary basis to conclude that the "ripple effects" from his proposed endeavor will have such far-reaching results. The record does not support a determination that any benefits to the U.S. regional or national economy resulting from the Petitioner's proposed endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See Matter of Dhanasar*, 26 I&N Dec. at 890

The Petitioner also contends that "USCIS has previously recognized that endeavors supporting critical infrastructure modernization and STEM competitiveness qualify as nationally important." But, the evidence must still demonstrate that the STEM-related endeavor has national importance, such as by advancing a STEM technology or area of research. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual (stating that with respect to the first prong, as in all cases, the evidence still must show that a STEM endeavor has national importance). Without more, the Petitioner has not established the national importance of the proposed endeavor simply because it relates to a STEM field.

In addition, the Petitioner states he will offer training programs to upskill the workforce, help "close the IT skills gap" and "support the development of a future-ready digital workforce." He claims that, by transferring knowledge within client organizations, he will help ensure the sustainability of IT improvements and support job creation through internal technical growth. But, in the same way that *Dhanasar* finds that a classroom teacher's proposed endeavor is not nationally important because it will not impact the field more broadly, the Petitioner also has not shown how his training activities for internal teams at his client companies would sufficiently extend beyond the individuals he trains to affect the region or our nation more broadly at level commensurate with national importance.

We have also reviewed the expert opinion letter written by [redacted] a teaching professor at [redacted] as well as other support letters in the record. However, they provide little persuasive evidence to establish the national importance of the Petitioner's proposed endeavor. For example, the professor's letter comments on the importance of the IT infrastructure management and technology fields generally, but he does not explain how the Petitioner's specific proposed endeavor would produce broader impacts rising to the level of national importance. For instance, the professor contends that the Petitioner's "efforts in delivering advanced IT infrastructure solutions have enabled SMEs to compete more effectively with larger corporations," and that "[b]y facilitating cloud migration, enhancing operational efficiency, and improving cybersecurity, his work has driven cost savings and scalability for businesses, eventually nurturing growth and innovation." But beyond these generalized assertions, he has provided little detail or corroborating evidence to substantiate his claims. Similarly, while the support letters praise the Petitioner's skills and past accomplishments, they do not discuss the Petitioner's proposed endeavor or specific impact thereof, including any potential broader implications of his work. As such, the letters are not probative of the Petitioner's eligibility under *Dhanasar's* first prong.

Because the record does not establish his proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether he has established eligibility

for the underlying EB-2 classification, as well as eligibility under the remaining two *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established 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.