U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41501397

Date: FEB. 20, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a software developer, 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 the record did not establish that the Petitioner is eligible for or otherwise merits 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. On appeal, the Petitioner contends that SCOPS made factual errors, mischaracterized the record, and misapplied the *Dhansar* analytical framework. The Petitioner maintains that he satisfies all three prongs of the *Dhansar* framework under the preponderance of the evidence standard.

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 that they are an advanced 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:

[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).

- 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

SCOPS determined that the Petitioner qualified for the EB-2 visa classification as an individual holding an advanced degree, and we agree. SCOPS further decided that although the Petitioner's proposed endeavor has substantial merit, the Petitioner has not established that his proposed endeavor is of national importance, that he is well positioned to advance the proposed endeavor, and that, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus a labor certification. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer would be in the national interest. For the reasons we will discuss below, we determine that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework. While we may not address each piece of evidence individually, we have reviewed and considered each one.

The Petitioner intends to work in the United States as a software developer in the field of low-code development, business process automation, and enterprise modernization. With respect to his proposed endeavor, the Petitioner stated that his proposed endeavor focuses on "leading enterprise-level digital transformation initiatives and automating business processes through low-code development platforms[,] such as Appian and Microsoft Power Apps. Low-code development is an approach to creating enterprise software using visual, minimal-code platforms, enabling applications to be built faster and with fewer specialized programmers than traditional coding."

The Petitioner obtained a bachelor's degree in computer and communications engineering from [redacted] in Egypt in 2017 and a master's degree in information systems from [redacted] in 2020. The Petitioner previously worked at [redacted] as a lead solutions architect from 2021 to 2024, and his present employment at [redacted] as an application architect began in December 2024.

The Petitioner contends that SCOPS erred in its assessment of national importance by mischaracterizing the scope and impact of his proposed endeavor, disregarding evidence of the endeavor's broader significance, and imposing requirements beyond what the law mandates.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* An undertaking may have national importance, for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing

processes or medical advances. *Id.* 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 asserts that his low-code development work directly supports United States policy objectives in technology modernization. The Petitioner states that by developing low-code solutions, his work carries out objectives identified as national priorities. He references the 2021 Executive Order on transforming federal customer experience and service delivery and the Department of Defense's software modernization strategy. He asserts that his platforms further the aims of the Federal Data Strategy and the 21st Century Integrated Digital Experience Act (21st Century IDEA) by replacing outdated government systems with user-friendly, efficient digital services. The record includes various articles relating to low-code platforms, an industry report on software developers, quality assurance analysts, and testers, the federal data strategy framework, the National Science and Technology Council's 2024 critical and emerging technologies list update, and the Office of Management and Budget's 2023 memorandum providing guidance to agencies on how to design and deliver websites and digital services to the public and to assist agencies with implementing the 21st Century IDEA.

The various articles discuss the benefits of low-code platforms, and the Executive Order and implementing guidelines and framework support the importance of low-code artificial intelligence tools to accelerate government modernization. However, 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 specific endeavor that the foreign national proposes to undertake. *See Dhanasar*, 26 I&N Dec. at 889. We acknowledge the Petitioner's claim that his proposed endeavor supports the U.S. government's initiatives in promoting software modernization and delivering user-friendly efficient digital services to the public. But the Petitioner has not provided sufficient evidence specifically mentioning his proposed endeavor or discussing the government's interest in promoting the use of his work on developing low-code platforms, such that it has "national or even global implications within a particular field." *See id.* For example, the Petitioner has not sufficiently shown that his proposed endeavor would impact the field of technology, software development, or the U.S. information technology infrastructure more broadly rather than benefiting his employer, clients, or users of his low-code platforms. Without sufficient documentary evidence of its broader impact, the Petitioner's proposed work does not meet the national importance element of the first prong of the *Dhanasar* framework.

The Petitioner also asserts that his low-code development work influences and benefits multiple industries nationwide. He claims that his solutions have been implemented across industries and jurisdictions, helping institutions in various states and sectors. The Petitioner provided support letters from various individuals. A senior manager at [redacted] states that "[the Petitioner's] expertise in low-code development platforms, including Appian and Power Apps, has played a pivotal role in streamlining business operations, improving process automation, and optimizing enterprise workflows for a variety of businesses across multiple industries." The director of global advisory transformation at [redacted] affirms that "[the Petitioner'] low-code solutions enable rapid application development through visual interfaces, significantly reducing development time and making automation more accessible to a broader range of professionals" and "[t]he impact goes beyond any single individual employer industry because all organizations need and benefit from

enhanced agility, reduced operational costs, and improved decision-making." A manager at [redacted] expresses that "[the Petitioner's] proposed work presents a significant advance in low-code workflow automation and data integration, offering a transformative approach that modernizes traditional software development" and "[b]eyond its immediate industry impact, [the Petitioner's] initiative holds significant national importance by advancing technological innovation, strengthening U.S. competitiveness, and contributing to substantial economic growth." A principal at [redacted] states that "[the Petitioner] stands out among them due to his deep technical expertise, ability to drive enterprise-wide innovation, and commitment to advancing business process automation in ways that have broad-reaching implications for the U.S. economy and technological leadership." A business transformation executive and director at [redacted] asserts that "[the Petitioner's] unique ability to drive enterprise-wide digital transformation will benefit the United States for years to come." A partner at [redacted] asserts that "[the Petitioner's] expertise in compliance automation is particularly critical as organizations across industries increasingly rely on digital tools to meet evolving regulatory modernization, economic resilience, and operational efficiency in the United States." The chief executive officer of [redacted] expresses that the Petitioner's work on three low-code platforms "demonstrates [his] ability to craft scalable, reusable solutions whose benefits extend well beyond individual clients, confirming his capacity to generate sustained, nationwide value through low-code innovation."

The opinions of the Petitioner's references are not without weight and have been considered. We may, in our discretion, use advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we are ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of reference letters supporting the petition is not presumptive evidence of eligibility, and we may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). Thus, the content of the references' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of an accomplished digital product technical consultant in the field. *Cf. Visinscaia v. Beers*, 4 F.Supp.3d 126, 134-35 (D.D.C. 2013) (concluding that USCIS' decision to give little weight to uncorroborated assertions from professionals in the field was not arbitrary and capricious).

Here, the support letters discuss the Petitioner's contributions at [redacted] and [redacted], the benefits of low-code platforms, and the impact of low-code platforms on enterprise automation, public-sector modernization efforts, the U.S. economic competitiveness, the U.S. technological leadership, and global digital transformation. The letters also highlight the Petitioner's technical expertise, innovation, leadership, contributions, and commitment in the field of low-code development, business process automation, and compliance analytics, and his ability to bridge technological innovation with strategic business needs. However, the letters do not include sufficient persuasive and corroborating information about the Petitioner's proposed endeavor and its impact rising to the level of national importance. *See Dhanasar*, 26 I&N Dec. at 889. The assertion that the Petitioner's low-code platforms offer benefits in the field of digital transformation or enterprise modernization is not sufficient to establish that the Petitioner's proposed endeavor is of national importance. The support

letters are of little probative value as they conflate the importance of the field overall with the national importance of the Petitioner's specific endeavor.

As for the economic value and job creation that the Petitioner asserts his proposed endeavor will offer, the Petitioner claims that "his proposed endeavor has secondary job creation effects." The Petitioner asserts that "[b]y enabling more people to develop applications (citizen developers) and by increasing organizations' efficiency and growth, he indirectly supports job creation." The Petitioner also claims that "the low-code industry itself is creating new jobs (the rise of low-code developer roles, projected to be in high demand)" and "[i]f [the Petitioner] expands his practice or starts a firm, he would likely hire U.S. workers."

While we acknowledge the Petitioner's claims, the record lacks sufficient evidence to show that the Petitioner's low-code solutions will have an impact on the low-code industry or the U.S. economy at a level commensurate with national importance. *See Dhanasar*, 26 I&N Dec. at 889. For example, the Petitioner has not offered sufficient evidence to establish that his employer, clients, or firm will employ a significant population of workers in an economically depressed area or that his endeavor will offer a particular U.S. region or its population a substantial economic benefit through employment levels or business activity. Nor has the Petitioner demonstrated that any increase in his employer's or clients' revenue attributable to his low-code solutions stands to substantially affect economic activity regionally or nationally. The record does not sufficiently demonstrate that the Petitioner's proposed endeavor has significant potential to employ U.S. workers or has other substantial positive economic effects as contemplated in *Dhansar*. *See id.* at 890.

In addition, the Petitioner asserts that "by empowering non-traditional developers (through easier software tools), his endeavor addresses the national shortfall of IT talent, effectively creating new skilled contributors in the economy." The Petitioner submitted articles discussing software developers and other technology talent shortage in the United States. We are not persuaded by the argument that the Petitioner's proposed endeavor has national importance due to the shortage of workers in his field. The Petitioner has not established that his proposed endeavor stands to impact or significantly reduce the claimed national shortage. Moreover, shortages of qualified workers are directly addressed by the U.S. Department of Labor through the labor certification process. *See* 20 C.F.R. § 656, 8 U.S.C. §§ 1182(a)(5)(A), 1182(p)(1).

Because the documentation in the record does not sufficiently establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Therefore, further analysis of his eligibility under the second and third prongs outlined in *Dhanasar* would serve no meaningful purpose, and we will reserve these issues for future consideration should the need arise.[2]

[2] *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 alternate issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

Although the Petitioner has shown that he is a member of the professions holding an advanced degree and his proposed endeavor has substantial merit, he has not established by a preponderance of the evidence that the proposed endeavor is of national importance. Accordingly, we conclude that the Petitioner is ineligible 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.