U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40640086

Date: FEB. 25, 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) initially approved the petition, but later revoked the approval of the petition subsequent to a notice of intent to revoke (NOIR), 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. 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) 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.*

[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).

"[A]t any time" before a beneficiary obtains permanent residence, USCIS may revoke a petition's approval for "good and sufficient cause." Section 205 of the Act, 8 U.S.C. § 1155. If supported by the record, a petition's erroneous approval may justify its revocation. *See Matter of Ho*, 19 I&N Dec. at 590. USCIS properly issues a NOIR if the unexplained and unrebutted record at the time of the NOIR's issuance would have warranted the petition's denial. *Matter of Estime*, 19 I&N Dec. 450, 451 (BIA 1987). If a petitioner does not respond to a NOIR or does not overcome the alleged revocation grounds, USCIS properly revokes a petition's approval. *Id.* at 451-52.

II. ANALYSIS

SCOPS initially approved the petition in October 2022. Subsequent to an adjustment of status interview, USCIS conducted a site visit, and SCOPS later initiated revocation proceedings. Following the NOIR issuance and after considering the Petitioner's response, SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but did not establish her eligibility under the *Dhanasar* analytical framework. Specifically, although SCOPS found substantial merit in the proposed endeavor, they concluded the Petitioner did not establish that her proposed endeavor has national importance, that she is well-positioned to advance the proposed endeavor, and that, on balance, waiving the job offer requirement would be beneficial to the United States. For the reasons discussed below, we agree with SCOPS that the Petitioner has not shown her endeavor's national importance and, therefore, is not eligible for a national interest waiver. Accordingly, we will dismiss the appeal.

The Petitioner holds the foreign equivalent of a U.S. bachelor's degree in physical education and states she has over 10 years of experience teaching physical education in Brazil's public school system. Her past positions include roles as a volleyball and basketball teacher. The Petitioner also claimed she created her own free after school sports program in Brazil, which she operated for approximately seven years.

The Petitioner's proposed endeavor is to "direct the operations of [redacted], a company that will offer volleyball and soccer classes to children and adolescents from low-income families in several states in the U.S." She plans to offer free classes after school and states that her company's goal is "to promote the socialization of children and adolescents and the prevention of bullying among them as well as giving them the opportunity to have access to scholarships and to compete at an elite level."

In concluding the Petitioner did not show her endeavor's national importance under *Dhanasar's* first prong, SCOPS found that the Petitioner did not show that her proposed endeavor would have national or global implications in the field, have a significant potential to employ U.S. workers or other substantial positive economic effects, would broadly enhance societal welfare, enhance cultural or artistic enrichment, or impact a matter that a government entity has described as having national importance. In particular, SCOPS determined that the Petitioner did not show how her proposed endeavor would extend beyond the individuals or entities utilizing them to rise to the level of national importance. They also found that the record did not reflect a sufficiently direct connection between her proposed activities and a sufficiently broader impact.

On appeal, the Petitioner argues that SCOPS largely disregarded the evidence submitted in response to the NOIR. She asserts that the denial relied on broad, conclusory, boilerplate language and did not

provide an explanation for discounting the evidence. The Petitioner also asserts that SCOPS imposed standards not grounded in regulation or precedent, rendering the decision "arbitrary and capricious." With her appeal, the Petitioner submits a voluminous number of additional documents, most of which were already contained in the record. She also provided new evidence, including an affidavit summarizing events leading to the revocation of her initial approval and reiterating that she continues to actively work in furtherance of her company.

Upon de novo review, we conclude that the Petitioner has not overcome SCOPS' grounds for revocation or shown that SCOPS applied an improper standard of review in its decision. After carefully reviewing the record, we agree with SCOPS' decision that the Petitioner has not met her burden to demonstrate her proposed endeavor's national importance and, thus, has not established her eligibility for a national interest waiver.[2] Because this issue is dispositive of the appeal, we need not reach the question of whether she has established eligibility under the remaining two *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).

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.

Here, the Petitioner has not provided sufficient evidence to establish that her proposed endeavor's prospective impact rises to the level of national importance. In particular, the record does not illustrate how her specific endeavor would sufficiently extend beyond the children and adolescents she teaches to impact the industry, region, or nation more broadly at a level commensurate with national importance.

Much of the evidence in the record and the Petitioner's arguments focus on the overall value of sports programs for youth. The Petitioner attempts to highlight the broader implications of her endeavor by linking it to the general educational, health, societal, or other benefits that may arise from participation in such programs. But, she does not focus on the prospective impact of her specific endeavor and does not establish how it, in particular, as opposed to youth sports programs in general, would achieve these goals and have a broader impact on the field, region, or nation.

For instance, the Petitioner claims that her endeavor will provide "substantial benefits" to the United States including better high school graduation rates, better college acceptance rates, better employment rates, better health, and reduced gang or criminal activity. In support of these claims, she submits various articles and reports discussing topics including the influence of sports participation on academic performance and crime among students, the impact of crime on bank loans, and youth

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

sports participation and health status in early childhood. In addition, the Petitioner contends that her endeavor aligns with federal priorities and points to reports such as the National Youth Sports Strategy published by the Office of the Assistant Secretary for Health of the United States. But these documents provide only general background information on the aforementioned areas and do not specifically relate to or discuss the Petitioner's proposed endeavor, including how her future work might impact these areas more broadly. While we acknowledge the overall benefits that sports programs may have on children and adolescents, the Petitioner's work in an important industry or sector, even one that is the subject of national priorities, is not sufficient, in and of itself, to establish the national importance of the proposed endeavor. *See id.* at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes to undertake"). The Petitioner must still demonstrate her specific proposed endeavor's prospective impact in that area of national importance.

The Petitioner also argues that "it is clear that [redacted] is positioned to broadly enhance societal welfare through improving the health of its participants." 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 has not established how any benefits to her students would sufficiently extend beyond the participants in her program to affect the region or our nation more broadly at level commensurate with national importance. *Id.* at 893.

The Petitioner also makes other broad contentions such as claiming that "adding these sports programs can have significant impacts on reducing crime rates in high-crime areas of the United States" and "[r]eduction in the crime rates will result in increased access to loans from banks in these areas, which will result in greater rates of home ownership and small business creation in these areas." While the Petitioner claims that benefits such as these are "far from theoretical" and "the link between sports programs and education, as well as employment, have been studied extensively," she has not shown how her specific endeavor would produce such far-reaching results. The Petitioner's claims linking her 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 her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner also claims that her endeavor is nationally important because her company will "contribute to the overall U.S. economy by providing expert services, generating taxes, and creating new job openings." But she has not offered sufficient, specific evidence showing any substantial economic impact directly attributable to her future work. For example, according to her business plan, the Petitioner expects her company will employ four individuals, including herself, in year one, and increase to 52 individuals by year five.[3] The Petitioner also estimates her company will pay $138,779 in payroll taxes and create 107 indirect jobs by the fifth year. However, the Petitioner has provided little explanation or evidentiary support for the basis of these figures. She also did not demonstrate through documentation in the record how her claimed employment projections show a significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for the

[3] We note that in response to the NOIR, the Petitioner now claimed that her company would hire nine full-time employees and four part-time employees in year one. However, eligibility must be established at the time of filing. *See* 8 C.F.R. § 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). Even considering these numbers though, they do not demonstrate how the endeavor would create substantial economic impacts contemplated by *Dhanasar*.

[redacted], California region, where she will begin operations, or the nation. For instance, the Petitioner concedes that, excluding her own full-time position, all other employees will be hired on a part-time basis. The Petitioner does not explain, and the record does not illustrate, how these positions would then lead to a significant potential for job creation or other substantial economic benefits in the region or nation as she claims. In addition, we note that, although the Petitioner claims her business has been operational for at least four years, she admits that she has not hired any staff. While an endeavor is prospective in nature and so does not specifically require evidence of any actual hires, demonstrating such employment would help show whether the business plan figures are realistic—which they do not appear to be here.

Although any basic business activity has the potential to positively impact the economy, the Petitioner has not offered a sufficiently direct connection between her endeavor and any demonstrable economic effects in the region or nation. The Petitioner's references to abstract tax revenue, job creation, and other unspecified economic benefits rely more on generalizations about the results of typical business activity, rather than providing probative information about what the Petitioner plans to accomplish through the endeavor and how it may have national importance. The record does not demonstrate that, beyond the limited benefits provided to her prospective students and employees, the Petitioner's endeavor would have broader implications rising to the level of national importance.

We have also considered the Petitioner's support letters, but they likewise do not demonstrate her endeavor's national importance. Many of the letters discuss the Petitioner's skills, personal attributes, and past accomplishments, including her after school program in Brazil. But, insofar as these letters, the Petitioner, and other evidence in the record comment on these areas, they are considerations under *Dhanasar's* second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar*, 26 I&N Dec. at 890. Under the first prong, we look to the proposed endeavor itself. *Id.* at 889. Additionally, while some letters broadly state that the Petitioner's endeavor will make substantial contributions to the nation, they lack specific details and corroborating evidence to substantiate their claims. For example, while the letter written by [redacted] generally comments on the benefits that similar sports programs may have for children and teenagers in general, her assertions are largely conclusory and do not explain how the Petitioner's specific proposed endeavor would provide such benefits outside of the students she teaches to produce the broader, nationally important implications claimed. And although she contends that the students engaged in the Petitioner's after school program in Brazil had higher rates of high school graduation and higher rates of college acceptance, she does not provide any further details or an evidentiary basis for her claims. Additionally, while she claims that the Petitioner has developed a "scalable, community-based model that will provide immense benefit to children and families throughout the United States," she provides no further information about this model or explanation as to how it will provide such wide-reaching benefits. Consequently, these letters are of limited probative value in determining the endeavor's national importance.

Finally, we acknowledge the discrepancies noted by SCOPS in both the NOIR and revocation decision. However, we are not persuaded that the evidence submitted in response to the NOIR was sufficient to resolve SCOPS' concerns. For instance, the Petitioner claims that she provided documentation including four years of tax returns, more than $45,000 in earmarked funds, sponsorship agreements, and other evidence showing she was actively pursuing her endeavor. But, as SCOPS noted, these documents do not sufficiently clarify the contradictions in the evidence, nor do they

overcome the revocation. For instance, the letter written by [redacted], the Petitioner's tax preparer, stated that he was engaged in 2024 to retroactively file [redacted]'s taxes for the years 2021, 2022, 2023, and 2024. We are not persuaded that the Petitioner's retroactive filing of taxes in 2024 demonstrates she actively has been pursuing her endeavor as claimed since the time her petition was initially approved in 2022 prior to revocation.

Similarly, although the Petitioner provided a bank statement for the period beginning June 1, 2025 to June 30, 2025, reflecting $45,432.19 in reportedly "dedicated funds" for her endeavor, the document reflects that the account is solely in the Petitioner's spouse's name. This single bank statement, which is not in the Petitioner or her company's name, does not substantiate that these funds have been or will be used solely or partially in furtherance of the Petitioner's proposed endeavor. Likewise, the Petitioner also claims that she has submitted multiple letters of intent from potential sponsors. But these letters reflect only a general intent to sponsor the Petitioner's endeavor without any specific monetary commitments or any binding contractual terms. And, despite the letters all having been written in 2021, the Petitioner has offered little evidence that she has received any of the referenced funds from these potential sponsors.

The Petitioner also submitted photographs reportedly taken at various athletic clinics and events she hosted. However, the photographs themselves are not dated and the referenced events post-date USCIS' June 2024 site visit to her home. Without more, they do not sufficiently support her claims of "substantive and sustained efforts [she] has made toward launching her business." Lastly, while the Petitioner contends that her website was "not-yet-fully-operational" at the time of USCIS' site visit and that "there is no obligation to launch the business until the adjudication of the adjustment of status is fully complete," her explanations have not persuasively explained the discrepancies in the record. For instance, the Petitioner maintains that placeholder content during pre-launch is standard practice and submits a copy of a consulting contract dated October 11, 2021, for the design of her website. She contends this shows her website's launch was a carefully structured, professional undertaking and that she made good faith efforts to launch her site. But, a review of the contract reveals that website revisions, changes, and finalization were expected to occur within 23 days after essentially beginning the work. While the contract may support that the Petitioner sought professional assistance for her website, she has not adequately explained why the website still contained template and/or plagiarized language, as well as other questionable discrepancies almost three years after executing the contract.

The record as it currently stands does not establish that the prospective benefits of the Petitioner's proposed endeavor would rise to a level of national importance as required under *Dhanasar's* first prong. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence, and she has not met that burden here. *Matter of Chawathe*, 25 I&N Dec. at 375. The Petitioner has not overcome SCOPS' grounds for revocation. Because the identified reasons for dismissal are dispositive of this appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether she has established eligibility under the remaining two *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

The Petitioner's appeal does not overcome SCOPS' determination that she did not establish her eligibility for a national interest waiver. Accordingly, we affirm SCOPS' decision to revoke the approval of the petition.

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.