U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 40795232

Date: JAN. 06, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an attorney, seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary, a supply chain consultant, 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).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the job offer requirement is 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 immigrant classification as either 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:

- The proposed endeavor has both substantial merit and national importance;

[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 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

SCOPS found that the Beneficiary qualifies for the EB-2 classification as an advanced degree professional based upon obtaining the foreign equivalent of a master of science degree in railway engineering. SCOPS also found that the record establishes the substantial merit of the proposed endeavor. However, SCOPS found that the record did not establish the national importance of the proposed endeavor or the second or third *Dhanasar* prongs. Based on our de novo review, we agree with SCOPS that the Petitioner has not established the Beneficiary's eligibility for a national interest waiver under the analytical framework set forth in *Matter of Dhanasar*. Specifically, we conclude that the record does not sufficiently demonstrate the national importance of the proposed endeavor as required by the first *Dhanasar* prong.

In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* An endeavor that has national or global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances, may have national importance. *Id.* Additionally, an endeavor that is regionally focused may nevertheless have national importance, such as an endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area. *Id.* at 890.

The Beneficiary's proposed endeavor is to operate his consulting company, [redacted] which the he states is "dedicated to transforming procurement processes, optimizing supply chain strategies, and strengthening logistics operations." The Beneficiary states that the company will serve businesses in the transportation, manufacturing, and infrastructure sectors.

In finding that the record did not establish the national importance of the proposed endeavor, SCOPS found that the record did not show that the Beneficiary's endeavor would impact the industry more broadly or sufficiently extend beyond its clients to demonstrate national or global implications. SCOPS noted, for example, that the Beneficiary and his recommendation letter writers primarily focused on either the Beneficiary's own background, qualifications, and attributes, or the overall importance of the industry, rather than the demonstrating the importance of the specific, proposed endeavor or its potential prospective impact.

On appeal, the Petitioner contends that the decision "mischaracterized" the proposed endeavor. The Petitioner asserts that, rather than seeking to advance his career, the Beneficiary's goal in operating his consulting company is to enhance U.S. supply chain resiliency and efficiency on a broad scale. The Petitioner claims that the endeavor aligns with federal government priorities and that, based on the nature of supply chain improvements, the proposed endeavor does have the potential for a broad impact. Specifically, the Petitioner claims that supply chain improvements have the potential to produce "ripple effects," and that optimizing supply chain management and logistics has significant implications for improving U.S. employment levels and securing Americans against national security concerns.

However, we conclude that the Petitioner's assertions do not overcome SCOPS' findings or establish the national importance of the proposed endeavor. First, the Petitioner's claim on appeal that the proposed endeavor is "aligned" with and "advances" federal government priorities is not sufficiently persuasive of the endeavor's national importance. The Petitioner objects to SCOPS' characterization of the proposed endeavor as a private consulting company, claiming that the U.S. government "has repeatedly emphasized that strengthening supply chains is not only about individual companies but about broad national outcomes." However, these claims relate to the importance of supply chain management in general, and we agree with SCOPS that in considering national importance, we focus on the "specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889.

We acknowledge that the reports from, for example, the White House Council of Economic Advisers and the U.S. Department of Commerce relate to the Beneficiary's proposed endeavor. We agree that this evidence can be helpful in establishing the potential need for, or interest in, businesses that offer the type of supply chain and logistics consulting services that the Beneficiary proposes. Primarily, however, this speaks to the substantial merit of the proposed endeavor, which we agree with SCOPS has been established. Additionally, while such evidence could also be a positive factor in determining national importance, it is not, by itself, sufficient for the Petitioner to meet their burden of proof. The Petitioner did not submit letters from interested government agencies discussing the Beneficiary's specific proposed endeavor and its potential to impact U.S. supply chain resiliency or the U.S. economy. These documents do not discuss the Beneficiary's specific proposed endeavor or its potential prospective impact, and therefore they do not help establish that it is of such a scale that it has the potential to have significant positive economic effects, to have a broad impact on the field, or to otherwise rise to the level of national importance. As such, the evidence establishing this claimed "alignment" with U.S. federal government priorities is not sufficient to establish the proposed endeavor's national importance.

Similarly, the Petitioner's claims regarding the nature of supply chain improvements, the amount of money that U.S. companies dedicate to supply chain management, and the national security concerns that can arise from supply chain issues are not sufficiently supportive of the national importance of the proposed endeavor. For example, the Petitioner claims on appeal that the SCOPS decision "reflects a misunderstanding of how supply chain improvements propagate," that "supply chains are inherently interlinked on a national, and global scale," and that "supply chain optimization produces ripple effects that extend beyond any single company." The Petitioner asserts that "[e]ven modest improvements in supply chain performance can thus translate into billions of dollars in savings," and "strengthening those supply chains enhances the nation's preparedness and security." But these claims, even if true, relate to supply chain management and the logistics industry in general, not to the Beneficiary's specific proposed endeavor. These broad claims do not help establish that the Beneficiary's proposed consulting business has the potential to impact supply chain management, the U.S. economy, or national security on a scale commensurate with national importance.

Second, the Petitioner emphasizes on appeal the Beneficiary's work experience and background in supply chain management as establishing the national importance of the proposed endeavor. For example, the Petitioner asserts that the Beneficiary has a "proven track record" of implementing solutions that yield significant improvements and that the Beneficiary's "methodologies are at the

forefront of the field." However, the Beneficiary's skills, knowledge, and reputation in the field are not self-evident of the national importance of the proposed endeavor. As SCOPS noted in the decision, evidence of an individual's knowledge and expertise generally relates to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national" and whether they are well-positioned to advance it. *Matter of Dhanasar*, 26 I&N Dec. at 890. The issue here is whether the Beneficiary's specific proposed endeavor—to operate a logistics and supply chain management consulting business—has national importance under *Matter of Dhanasar's* first prong.

While an individual's position in their field may be relevant in some circumstances in establishing the potential prospective impact of their endeavor, the Petitioner does not demonstrate on appeal that it is relevant here, even though this deficiency was specifically identified by SCOPS in the decision. Instead, the Petitioner restates the same claims previously presented without sufficiently addressing SCOPS' findings. Without further evidence or information, we conclude that the evidence in the record does not support the claim that the Beneficiary's skills and expertise in the field are of such caliber that they demonstrate that his endeavor has the potential to impact the U.S. economy or supply chain efficiency at a level commensurate with national importance.

For example, the Petitioner cites on appeal to an opinion letter from [redacted] The Petitioner contends that [redacted] letter supports the national importance of the endeavor because [redacted] states that the Beneficiary's work "represents a cutting-edge contribution" and that it is clearly in the national interest to grant the Beneficiary a national interest waiver. But we agree with SCOPS that the opinion letter primarily discusses the Beneficiary's background, the importance of the field of supply chain management in general, and describes the endeavor as being "in line with" important national priorities. But, as discussed above, describing the importance of the field in general is not sufficient to establish the national importance of the proposed endeavor. As a matter of discretion, we may use opinion statements submitted by the Petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we will reject an opinion or give it less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.* We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.* Here, the opinion letter is of little probative value as it primarily repeats the Petitioner's claims about the importance of the field in general, rather than credibly describing the potential prospective impact of the Beneficiary's proposed endeavor.

Finally, the Petitioner contends on appeal that the SCOPS decision was in error because it departed from *Matter of Dhanasar* by requiring that the record demonstrate that the Beneficiary's consulting company would "immediately" generate significant U.S. hiring or substantial positive economic effects. However, the Petitioner does not cite to any specific language in the decision that indicates a requirement for an "immediate impact" rather than a potential prospective impact. Moreover, we disagree with this characterization of the SCOPS decision. Upon de novo review, we conclude that SCOPS' analysis sufficiently follows our precedent decision in *Matter of Dhanasar* as it relates to national importance and applies that framework to the evidence in the record.

We acknowledge that the Beneficiary intends for his proposed endeavor to provide a significant contribution to supply chain management and to U.S. companies. But we must consider the scope of

the specific proposed endeavor, as established by the record. *See Matter of Dhanasar*, 26 I&N Dec. at 889. Here, the record establishes that the Beneficiary hopes to assist U.S. companies with logistics and supply chain management through his consulting firm. Even if the Beneficiary is successful in operating this business and offering consulting services, the record does not demonstrate that this would have an impact outside of those individual clients or customers such that it would rise to the level of national importance.

## III. CONCLUSION

The Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, he has not established the Beneficiary's eligibility for a national interest waiver. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve our opinion regarding whether the record satisfies the second or third prongs of the *Dhanasar* analytical framework. *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).

**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.