U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40780656

Date: JAN. 28, 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 for the Beneficiary, a quality control manager, 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 Petitioner had not established that the Beneficiary merits a waiver of the EB-2 classification's job offer requirement, and thus of the labor certification. 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).

II. ANALYSIS

SCOPS determined that the Beneficiary qualifies for the underlying EB-2 classification as an advanced degree professional but that the Petitioner did not establish the Beneficiary's eligibility under the *Dhanasar* analytical framework. In particular, SCOPS found the Petitioner had established the substantial merit of the Beneficiary's proposed endeavor but not its national importance under *Dhanasar's* first prong.[2] For the reasons set forth below, we agree with SCOPS' conclusions regarding national importance and, therefore, will dismiss the appeal.

The Beneficiary currently works as a quality control manager and has over seven years of experience in designing and performing quality control on construction projects. His past work also includes employment as a design engineer. The Petitioner states that the Beneficiary endeavors to continue working as a quality control manager, where he will: oversee construction projects including on military bases; monitor project and personnel to ensure compliance with project requirements and legal and client regulations; create reports documenting compliance and communicate issues to stakeholders and regulators; and leverage technical knowledge and emergent technologies to develop solutions as problems arise to keep projects on time and on budget.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS found that the Petitioner did not establish the potential prospective impact of the Beneficiary's proposed endeavor. In particular, they found that the record did not show how the Beneficiary's work would produce an impact beyond the company's customers, clients, employees, trainees, and others with whom he may work to rise to the level of national importance or to trigger substantial positive economic impacts.

On appeal, the Petitioner argues that SCOPS misapplied *Matter of Dhanasar*, disregarded "probative, unrebutted" evidence from U.S. Navy stakeholders and independent experts, and used boilerplate language that mischaracterized the petition as a "self-petition," suggesting SCOPS did not meaningfully engage the record.

Upon de novo review, and after a careful review of the record, we agree with SCOPS' conclusion that the Petitioner has not met his burden to demonstrate the national importance of the Beneficiary's proposed endeavor and, thus, has not established the Beneficiary's eligibility for a national interest waiver.[3]

As an initial matter, we acknowledge the Petitioner's assertion that SCOPS' decision incorrectly referenced the Beneficiary as the "self-petitioner." However, this error was, at most, harmless. SCOPS' decision cited to and analyzed the Beneficiary's actual proposed endeavor of working as a quality control manager, which is the crux of *Dhanasar's* first prong analysis. And, as explained below, after reviewing the record, we agree with SCOPS that the evidence does not support the proposed endeavor's national importance. As such, SCOPS' erroneous language is not so flawed as

[2] SCOPS also concluded that the Petitioner did not show the Beneficiary's eligibility under *Dhanasar's* second or third prongs.

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

to undermine the decision. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless scrivener's errors).

Turning to the *Dhanasar* analytical framework, 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 established that the prospective impact of the Beneficiary's proposed endeavor rises to the level of national importance. The Petitioner argues that the ultimate "client" and "beneficiary" in this case is the United States Government and, therefore, the benefits inure to the U.S. Government and, ultimately, to the American public. The Petitioner contends that the Beneficiary's work as a quality control manager for [redacted] construction projects is crucial in ensuring all aspects of construction meet the [redacted] strict technical, safety, and operational standards, and in contributing to the mission readiness and security of the nation. Therefore, the Petitioner argues that the role's impact extends beyond individual projects and contributes to the overall operational efficacy, safety, and sustainability of the [redacted] infrastructure. The Petitioner also asserts that the U.S. government has consistently underscored the significance of maintaining and modernizing its defense infrastructure as a matter of national importance. He points to industry reports from the Department of Defense (DOD) and Government Accountability Office (GAO), citing "deteriorating conditions in military facilities as a critical vulnerability that could undermine national defense readiness."

The record, however, does not sufficiently establish how the Beneficiary's work as an individual quality control manager for a single company would rise to the level of national importance. The Petitioner argues that, because the Beneficiary's work is in direct support of the [redacted] and other government entities, the scope of his endeavor and the benefits they create are "inherently" nationally important. But, the Beneficiary's work in an important industry or sector 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 his proposed endeavor's potential prospective impact in that area of national importance. In this case, the evidence does not establish that the Beneficiary's work would sufficiently extend beyond his immediate sphere of influence to produce the regional or nationally important impacts claimed.

For example, although the Petitioner highlights the "significant" role that quality control managers play for companies contracting to the U.S. government in contributing to the overall operational efficacy, safety, and sustainability of the [redacted] infrastructure, this does not illustrate how the Beneficiary's specific proposed endeavor would have broader implications rising to the level of national importance. *See* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual (providing that the term "endeavor" is more specific than the general occupation). Likewise, the Petitioner relies on the importance of the military and its related projects to establish the endeavor's

national importance but, as stated above, working in or adjacent to an important field is insufficient to establish the national importance of the proposed endeavor. While the Beneficiary's work may benefit his company and clients, the record does not sufficiently illustrate how this particular endeavor, as opposed to quality control managers or work related to military projects generally, would create such broader impact in the industry, economy, region, or nation that it would rise to the level of national importance.

We have also considered the Beneficiary's support letters but they also do not establish the endeavor's national importance. First, to the extent that the Petitioner, letters, and other evidence in the record, highlight the Beneficiary's skills, personal attributes, expertise, and record of success, these are considerations under *Dhanasar's* second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the Petitioner has demonstrated the national importance of the proposed endeavor. And while some of the letters do claim the proposed endeavor is nationally important, the statements are largely conclusory and focus on the importance of quality control managers generally, the importance of the military, and the importance of the projects themselves, rather than specifically explaining why the Beneficiary's work, in particular, would directly result in the nationally important impacts claimed.

For example, the Petitioner submitted an expert opinion letter from [redacted] an associate professor of civil engineering at [redacted]. Although the professor claims the proposed endeavor "is of vital importance to the country's national security, economic prosperity, and infrastructural development," the letter does not offer details on how the Beneficiary's specific endeavor would produce the impacts claimed. For instance, [redacted] broadly claims that the proposed endeavor will "support the economic prosperity of this nation not only through improved national security that will inform on increased international influence in global economies, but also through supporting several sectors that are essential to GDP growth." He also states that military spending has a direct positive impact on the U.S. economy and that, by supporting the Beneficiary's endeavor, the nation will be supporting military spending on infrastructure improvement. But, aside from these broad generalizations, [redacted] does not offer specific evidence regarding any U.S. economic impact, job creation, or other substantial benefits directly attributable to the Beneficiary's future work. While any basic economic activity has the potential to positively impact the economy, the Professor does not explain, and the record does not demonstrate, how working as an individual quality control manager for a single company generates such significant economic activity that it would rise to the level of "substantial positive economic effects" or produce other nationally important impacts as contemplated by *Dhanasar*. *Id.* at 890. The Professor's letter, instead, primarily relies on the importance of the nation's military to national security and the economy to show national importance, rather than on the potential prospective impact of the endeavor itself.

Because the documentation in the record does not sufficiently establish the national importance of the proposed endeavor as required by *Dhanasar's* first prong, the Petitioner has not demonstrated the Beneficiary's eligibility for a national interest waiver. Further analysis of the Beneficiary's eligibility under the second and third *Dhanasar* prongs, therefore, would serve no meaningful purpose. Accordingly, we reserve those issues. *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).

III. CONCLUSION

As the Petitioner has not shown that the proposed endeavor is of national importance under *Dhanasar's* first prong, it has not established that the Beneficiary 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.