U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39107655

Date: JULY 7, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks to establish a U.S. information technology (IT) consultancy that would primarily serve the pharmaceutical industry. He requests classification under the employment-based, second-preference (EB-2) immigrant visa category and a waiver of the category's job-offer requirement. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(B)(i), 8 U.S.C. § 1153(b)(2)(B)(i). U.S. Citizenship and Immigration Services (USCIS) has discretion to excuse job offers in this category – and related requirements for certifications from the U.S. Department of Labor (DOL) – if petitioners demonstrate that waivers of these U.S.-worker protections would be "in the national interest." *Id.*

Service Center Operations (SCOPS) denied the petition. SCOPS found the Petitioner eligible for EB-2 classification as a member of the professions holding an "advanced degree" and that his proposed U.S. work would have "substantial merit." But SCOPS concluded that he did not demonstrate that a waiver would ultimately serve the national interest, finding insufficient evidence that his endeavor would have "national importance." On appeal, the Petitioner contends that SCOPS overlooked critical evidence and imposed "an unduly narrow interpretation of national importance."

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we agree with SCOPS that he has not established the claimed national significance of his proposed endeavor. We will therefore dismiss the appeal.

I. LAW

To establish eligibility for national interest waivers, petitioners must first demonstrate their qualifications for the EB-2 category, either as advanced degree professionals or aliens of "exceptional ability" in the sciences, arts, or business. Section 203(b)(2)(A) of the Act. To protect jobs for U.S. workers, this immigrant visa category usually requires prospective U.S. employers to offer aliens work and to obtain DOL certifications to permanently employ them in the country. *See* section 212(a)(5)(D) of the Act, 8 U.S.C. § 1182(a)(5)(D). Petitioners may avoid the job-offer/labor-certification requirements by demonstrating that waivers of the U.S.-worker protections would be "in the national interest." Section 203(b)(2)(B)(i) of the Act.

Neither the Act nor regulations define the term "national interest." So, to adjudicate these waiver requests, we have established a framework. If otherwise qualified as advanced degree professionals or aliens of exceptional ability, petitioners may warrant waivers of the job-offer/labor-certification requirements by demonstrating that:

- Their proposed U.S. work has "substantial merit" and "national importance;"
- They are "well positioned" to advance their intended endeavors; and
- All things considered, waivers of the job-offer/labor certification requirements would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. 884, 889-91 (AAO 2016); *see generally* 6 *USCIS Policy Manual* F.(5)(D)(1), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and His Proposed Endeavor

The record shows that the Petitioner has a technologist's degree in computer network administration and a master of business administration degree in IT management. He has more than 10 years' experience working for multinational companies as an IT manager and consultant. He has experience in digital transformation, IT strategy, and regulatory compliance.

The Petitioner proposes to establish a U.S. IT consultancy specializing in helping pharmaceutical companies. He has developed a "methodology" that he says enhances pharmaceutical data management, regulatory compliance, patient engagement, and operational efficiency. He states that his business "aims to address critical needs in the U.S. healthcare and pharmaceutical sectors by integrating customer relationship management, enterprise resource planning, and advanced analytics into a unified ecosystem."

The record supports SCOPS' findings that the Petitioner qualifies for EB-2 classification as an advanced degree professional and that his proposed U.S. work has substantial merit. We will now consider whether the venture has national importance.

B. National Importance

When determining whether a proposed endeavor has national importance, USCIS must focus on the particular venture, specifically on its "potential prospective impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. "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.* Also, "[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.

> Ultimately, if the evidence of record demonstrates that the person's proposed endeavor has the significant potential to broadly enhance societal welfare or cultural or artistic

> enrichment, or to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance.

6 *USCIS Policy Manual* F.5(D)(1).

SCOPS found insufficient evidence that the Petitioner's proposed U.S. consultancy would have national importance. SCOPS stated: "The petitioner did not provide sufficient evidence to show how his techniques, methodologies, or methods are sufficiently innovative or distinct from those in other similar businesses to represent an improvement in the field with the potential to have a broad impact on the field." SCOPS acknowledged that, in the consultancy's fifth year of operation, its business plan projects 22 employees and about $4.8 million in annual revenues. But SCOPS stated that the plan "does not offer any details showing [the projections'] basis or an explanation as to how they will be realized." SCOPS found that "it is not apparent how the prospective impact of his work, research or otherwise would extend beyond the prospective employer and rise to a level that would be commensurate with having national importance."

On appeal, the Petitioner contends that his methodology "distinctly depart[s] from the traditional siloed systems prevalent in the industry" and "addresses specific pharmaceutical challenges, including patient engagement, regulatory compliance, and operational efficiency, offering a tailored solution that enhances both business performance and public health outcomes." He states that his business plan provides examples of the methodology's success. The Petitioner also cites a 2025 non-precedent decision of ours "where a software solution's national importance was recognized not merely for its novelty but for its adoption and contributions to STEM [science, technology, engineering, and mathematics disciplines] and health advancements." He states that his methodology similarly "showcases a practical, results-driven approach that advances pharmaceutical practices, contradicting USCIS' dismissal of its innovative potential."

The record, however, contains insufficient evidence supporting the claimed importance of the Petitioner's methodology in his field. In his business plan, he contends that his approach has had a "Proven Impact." The plan states: "Projects like the [redacted] demonstrate the effectiveness of integrated systems, where CRM [Customer Relationship Management] platforms combined with operational insights improved customer engagement and streamlined sales processes." The record shows that the [redacted] at his current employer involved unifying CRM and e-commerce platforms. Letters from his employer praise the Petitioner's work on the project. But the letters do not mention his methodology or its purported importance in the field. In support of the approach's purported effectiveness, the business plan cites other projects on which he worked for his current and former employers. But letters from his other employers also do not mention his methodology or its claimed significance to the field. Further, the Petitioner stated in his business plan that he developed his approach "to address the unique challenges faced by the pharmaceutical industry." But he completed one of the cited projects at a former employer who was not in the pharmaceutical industry. The Petitioner has not explained how this non-pharmaceutical project demonstrates his methodology's effectiveness. *See AB Disc. Depot, LLC v. USCIS.*, No. 20-3245-CV, 2022 WL 453378, at *1 (2d Cir. Feb. 15, 2022) (finding that a petitioner must resolve inconsistencies or ambiguities in the record); *Matter of Ho*, 19 I&N Dec. 582, 591-92 (1988) (same).

In our 2025 appellate decision that the Petitioner cites, we remanded the national interest waiver petition of a medical research application developer. We found that SCOPS "did not sufficiently consider whether [her proposed endeavor] could have national importance based on its potential prospective impact on science, technology, health, education, or critical and emerging STEM technologies." But this decision was not published as a precedent and therefore does not bind us in this matter. *See* 8 C.F.R. § 103.3(c). Also, the decision's facts distinguish it from the Petitioner's case. In the non-precedent decision, the application developer "submitted evidence that she co-developed an application adopted by medical research institutions around the country." In contrast, the Petitioner here has not demonstrated adoption of his methodology in the pharmaceutical or consulting industry or otherwise established its importance to his field. *See generally* 6 *USCIS Policy Manual* F.5(D)(1) ("[P]etitioners should submit . . . supporting documentary evidence to establish that the endeavor is of national importance.")

The Petitioner contends that, in finding insufficient evidence of broad economic benefits of his proposed business, SCOPS "disregard[ed] the detailed financial framework outlined in [his] business plan." He also states that our 2025 non-precedent decision "warns against overemphasizing economic magnitude when STEM benefits are evident."

The Petitioner's business plan discusses the consultancy's proposed monthly prices for various types of services and how it determined those prices. But the plan does not explain the "Churn rates" and "Recurring charges" included in its revenue projections. Thus, the plan does not demonstrate the accuracy of its revenue projections.

Moreover, even assuming the accuracy of the business plan's projections, the Petitioner has not explained the national economic significance of a consultancy with 22 employees and $4.8 million in projected annual revenues. The record does not establish that the business would substantially affect the national economy. The Petitioner argues that he intends to locate his business in an economically distressed area. But he has not demonstrated that the business's economic benefits would significantly affect its region or the nation. As the Petitioner argues, in our 2025 decision, we found that SCOPS "overemphasized the potential prospective economic impact of [the] proposed endeavor." But, unlike here, the petitioner in that case submitted evidence alternatively showing that her work had national significance to her field.

The Petitioner also argues that SCOPS "misinterpret[ed] the scope and intent of [his proposed business]." He notes that, in the consultancy's fifth operating year, his plan proposes the business's expansion to [redacted] and [redacted] "targeting key pharmaceutical and biotech hubs to serve a national client base." He states that his business would offer services – including compliance management, enterprise resource planning optimization, supply chain reliability, and patient engagement – "designed to address universal needs across the pharmaceutical sector." "While the Petitioner's letters [of support] . . . emphasize past achievements," he states, "the plan's forward-looking strategy demonstrates scalability beyond individual firms. USCIS' conclusion thus reflects an unduly restrictive view, ignoring the endeavor's potential to standardize practices across a critical industry."

The Petitioner's business plan, however, does not include projections beyond the business's fifth operating year, the year of the consultancy's proposed expansion. The record lacks sufficient details

to demonstrate that the expanded consultancy would serve a national client base or generate enough economic benefits to substantially boost the national economy.

The Petitioner further states that SCOPS erred in discounting articles he submitted as too broad, arguing that his approach responds to their calls for "a digital transformation" and "a focus on patient-centric care." He states: "The plan's analysis is not a generic recitation but a specific application of these industry imperatives to the Petitioner's methodology, demonstrating how [it] meets national needs for pharmaceutical efficiency and health outcomes."

The articles submitted by the Petitioner provide helpful background on the pharmaceutical industry. But he has not sufficiently demonstrated that his methodology would advance the industry or propel his proposed business to generate substantial economic benefits. One of the articles states: "Virtually every pharmaceutical company recognizes the importance of digital technology to its business and has digital and analytics initiatives underway." As SCOPS found, the Petitioner has not sufficiently differentiated his IT methodology from others used by pharmaceutical companies. The record does not sufficiently support his claims of his approach's effectiveness and importance. The record requires additional evidence of his methodology's importance to the field. *See Matter of Dhanasar*, 26 I&N Dec. at 892 ("The petitioner submitted probative expert letters from individuals . . . that describe the importance of [his work].")

The Petitioner has not established that his proposed U.S. endeavor has national importance. We will therefore affirm the petition's denial.

C. The Remaining Issues

Our determination regarding the claimed national importance of the Petitioner's proposed venture resolves this appeal. We therefore need not reach and hereby reserve consideration of whether he is well positioned to advance his endeavor and whether, on balance, a national interest waiver would benefit the United States. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

III. CONCLUSION

The Petitioner has not demonstrated the claimed national importance of his proposed U.S. endeavor. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.