U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42929154

Date: JULY 8, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner is a systems engineer who seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree and, as well as a national interest waiver (NIW) 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).

Through its Service Center Operations (SCOPS), USCIS denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding that the record established that the Petitioner qualified for the underlying visa classification, but he did not merit a discretionary waiver of the job offer requirement in the national interest. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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.

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 USCIS may, as matter of discretion, grant a national interest waiver if the petitioner demonstrates that:

- 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. USCIS' decision to grant or deny an NIW is discretionary in nature. *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the First, Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals).

On appeal, the Petitioner asserts that SCOPS did not consider all of his evidence and he restates much of the claims he presented in the proceedings below. Here, the Petitioner must demonstrate that USCIS ignored and did not consider his evidence. This burden demands "that a petitioner present 'clear, affirmative evidence' that the agency did not review the evidence before it." *Cruz v. Bondi*, 146 F.4th 730, 740 (9th Cir. 2025) (quoting *Gov't of Guam v. Guerrero*, 11 F.4th 1052, 1060 (9th Cir. 2021)); *Al-Hela v. Biden*, 66 F.4th 217, 236–37 (D.C. Cir. 2023). A petitioner must first show what record evidence *in particular* was supposedly ignored or misconstrued by the agency, and such a showing cannot be vague, nor can it gesture broadly toward swaths of evidence—it must be clear and affirmative. *Cruz*, 146 F.4th at 740 (citing *Gov't of Guam*, 11 F.4th at 1060); *Colindres v. U.S. Dep't of State*, 71 F.4th 1018, 1025 (D.C. Cir. 2023).

Also, a petitioner must explain why that evidence was not only material, but also "highly probative or potentially dispositive." *Cruz*, 146 F.4th at 740 (quoting *Cole v. Holder*, 659 F.3d 762, 772 (9th Cir. 2011)). But here the Petitioner has not met that burden and they have not demonstrated that the evidence that was not specifically discussed would have affected this case's outcome (i.e., that they were prejudiced by the lack of discussion). *Id.* (quoting *Najmabadi v. Holder*, 597 F.3d 983, 991 (9th Cir. 2010)). *See also Rhoa-Zamora v. I.N.S.*, 971 F.2d 26, 34 (7th Cir. 1992), *as modified on denial of reh'g* (Nov. 4, 1992); *Safari Club Int'l v. Haaland*, 31 F.4th 1157, 1177–78 (9th Cir. 2022).

First, we note that the Petitioner submitted foreign language documents that are not accompanied by a proper translation certificate. "Petitioners and applicants for immigration benefits are required by regulation to provide certified English translations of any foreign language documents they submit." *Matter of Nevarez*, 15 I&N Dec. 550, 551 (BIA 1976) (citing 8 C.F.R. § 103.2(b), now promulgated at 8 C.F.R. § 103.2(b)(3)) which states: "Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English."

The language utilized within the regulation implicitly precludes a single certification that validates several translated forms of evidence unless the certification specifically lists the translated documents. Without a single translator's certification for each foreign language form of evidence, or a translator's certification specifically listing the documents it is validating, the certification cannot be regarded to be certifying any specific form of evidence. The final determination of whether evidence meets the plain language requirements of a regulation lies with USCIS. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988) (finding that the appropriate entity to determine eligibility is USCIS).

As noted above, the regulation does not contain any provision that allows for such a blanket translation certificate. The submission of a single translation certification that does not identify the document or documents it purportedly accompanies (as in this case when it states "Personal statement, endeavor, supporting documents), does not meet the requirements of the regulation at 8 C.F.R. § 103.2(b)(3). Consequently, any foreign language document containing deficiencies in translation or based on a blanket certification of translation is not probative evidence and any foreign language document that is not specifically listed on the certificate has diminished evidentiary value.

The Petitioner's proposed endeavor is to help U.S.-based small and medium-sized companies expand into foreign markets by offering strategies he asserts these companies could not readily develop themselves. He claims he will rely on more than two decades of experience in systems engineering and international business with major global firms to address barriers like limited resources, lack of local knowledge, and complex regulations. He alleges his work will boost these companies' profitability and global standing while supporting U.S. job creation, tax revenues, and stronger trade relations with a strategically important region.

SCOPS noted a lack of information and probative supporting evidence relating to how his services and company will expand to multiple cities, how he will achieve the estimates for client and revenue growth year-over-year, or how any of the media coverage applied to his proposed endeavor instead of generally applying to small startup businesses. In the appeal, the Petitioner does not adequately or directly address these issues and instead he discusses claims and evidence in a similar manner that he already did before SCOPS.

Much of those previous claims are comprised of vague generalities of business improvements and opportunities. We acknowledge the Petitioner intends for the endeavor to promote growth in small and medium sized American companies. However, he has not shown that his endeavor will have substantial positive economic effects or impacts, which is a focus in *Dhanasar* for endeavors proposing to positively affect the economy. The *Dhanasar* decision explains 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. We acknowledge it isn't necessary for those effects to be national in scale. Still, *Dhanasar* does concentrate on an elevated showing from petitioners relating to the potential prospective impact, and on the potential to employ U.S. workers.

Petitioners should demonstrate "substantial positive economic effects" or impacts to a particular area, region, or industry. *Id.* at 889. Second, simply having the potential to employ U.S. workers does not rise to the metric noted in *Dhanasar* that such potential be "significant." *Id.* Both of these exceed simply creating positive economic effects in the area, region, or industry, as this limiting language in *Dhanasar* ("substantial" and "significant") carries meaning, is of particular importance for endeavors relating to economic improvement claims under the first prong, and is not considered dicta. Here, through the business plan and the remaining evidence, the Petitioner has not demonstrated the "significant potential to employ U.S. workers . . . in an economically depressed area . . . .," which is a central point in *Dhanasar*. *Id.* The Petitioner should provide sufficient evidence to support his claims that these estimates rise to the level of national importance and have a broad impact in his field. *Id.* at 893.

The Petitioner also notes his plan aligns with national priorities and initiatives. But simple alignment or shared common aspects with industry improvements or goals are not sufficient to meet the first prong's national importance requirement. In focusing generally on small and medium sized businesses, the Petitioner has not established his specific endeavor will substantially benefit and impact the field more broadly. Nor has he demonstrated he has the potential to widely advance and broadly affect U.S. strategic interests. *Matter of Dhanasar*, 26 I&N Dec. at 892. This misplaced focus does not address the national importance requirements of the *Dhanasar* decision, nor does it adequately tie the Petitioner's endeavor to those business improvements.

The Petitioner also generally mentioned numerous support letters he asserts highlight his endeavor's potential to create ripple effects that extend beyond his immediate objectives to have a broader influence. But in doing so, the Petitioner did not identify any specific letter or explain how any letter adequately supports his claims. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Rehman*, 27 I&N Dec. 124, 125 (BIA 2017). Commensurate with that burden is the responsibility for explaining the significance of offered evidence. *Innova Sols., Inc. v. Baran*, 338 F. Supp. 3d 1009, 1023 (N.D. Cal. 2018) (citing *Repaka v. Beers*, 993 F. Supp. 2d 1214, 1219 (S.D. Cal. 2014)). Filing parties should not generally refer to several support letters without notifying the appellate body of the specific documentation that corroborates their claims, and in what way, within such large quantities as doing so places an undue burden on the appellate body to search through the documentation without the aid of the filing party's knowledge. *Nolasco-Amaya v. Garland*, 14 F.4th 1007, 1012–13 (9th Cir. 2021) (citing *Toquero v. INS*, 956 F.2d 193, 196 n.4 (9th Cir. 1992)); *Nazakat v. INS*, 981 F.2d 1146, 1148 (10th Cir. 1992).

It is the filing party's responsibility to inform us of what errors the lower entity committed and how their claims and evidence satisfy which eligibility requirements. *Nolasco-Amaya v. Garland*, 14 F.4th at 1012–13; *Spear Mktg., Inc. v. BancorpSouth Bank*, 791 F.3d 586, 599 (5th Cir. 2015); *S.E.C. v. Thomas*, 965 F.2d 825, 827 (10th Cir. 1992); *see also Harolds Stores, Inc. v. Dillard Dep't Stores, Inc.*, 82 F.3d 1533, 1540 n.3 (10th Cir. 1996) (concluding that where the evidence in the record is voluminous, it is imperative that an appellant provide specific references to record); *Uli v. Mukasey*, 533 F.3d 950, 957 (8th Cir. 2008) (citing to *Matter of D-I-M-*, 24 I&N Dec. 448, 451 (BIA 2008) and noting when a case includes voluminous background materials, it is necessary to specifically identify the material one relies on to come to their conclusion). The truth is to be determined not by the quantity of evidence alone but by its quality. *Matter of Chawathe,* 25 I&N Dec. at 376 (citing *Matter of E-M-*, 20 I&N Dec. 77, 80 (Comm'r 1989)).

Even setting that shortcoming aside, while we acknowledge the nominal benefits of such secondary "ripple effects" that the Petitioner asserts, it is essential to differentiate between localized impacts and those of national significance. Merely demonstrating secondary effects within a narrow area does not inherently satisfy the stringent threshold for national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 893. Rather, the Petitioner must demonstrate a capacity to substantially benefit the industry or the broader field, or that he has the potential to widely advance and broadly affect U.S. strategic interests. *Id.* at 890, 892. Therefore, it is the Petitioner's responsibility to offer sufficient arguments and evidence for us to discern the magnitude of his proposed contributions to ascertain his eligibility for an NIW.

The appeal will be dismissed for the above stated reasons, with each considered an independent and alternative basis for the decision. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden.

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.