U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38701593

Date: JUNE 3, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a beverage company, seeks employment-based second preference (EB-2) immigrant classification of the Beneficiary, an industrial engineer, 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 that 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 the beneficiary is 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 a beneficiary's eligibility for the underlying EB-2 classification, they must then demonstrate that the beneficiary merits 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 beneficiary is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS determined the Beneficiary qualified for EB-2 classification as an advanced degree professional because he submitted evidence he holds the foreign equivalent of a U.S. master's degree in quality systems management. We agree. The only issue on appeal is whether he qualifies for and merits a waiver of the job offer requirement in the national interest.

In its initial letter, the Petitioner indicated the Beneficiary's proposed endeavor is to work as the North American Continuous Improvement Manager for the Petitioner. In its letter submitted in response to SCOPS' request for evidence, the Petitioner explained that in this role the Beneficiary would "increase productivity, reduce inefficiencies, increase profitability, and enable [the Petitioner] to respond nimbly to supply chain threats and shortages."

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* SCOPS determined the Petitioner's proposed endeavor has substantial merit. We agree.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or other broader implications indicating national importance. *Id.* at 889-90. SCOPS determined the Petitioner did not establish the national importance of the Beneficiary's proposed endeavor under these factors. On appeal, the Petitioner asserts SCOPS erred and submits an additional support letter.

On appeal, the Petitioner asserts the Beneficiary's work is international in scope because his process improvement initiatives are implemented across the Petitioner's facilities in the United States, Canada, and Mexico and his industrial engineering solutions impact the Petitioner's global customers. Specifically, the Petitioner claims the Beneficiary's work on the implementation of center line methodology "supports U.S. manufacturing competitiveness," and "strengthens the food and beverage supply chain in North America[,] ... influencing best practices throughout the industry." The Petitioner also asserts the Beneficiary's "expertise in Continuous Improvement and Maintenance Excellence has had a national-level impact by strengthening manufacturing performance and competitiveness in the U.S. industrial sector." The Petitioner does not, however, establish how the Beneficiary's work extends beyond the Petitioner and its customers to impact the beverage industry or the industrial engineering field more broadly at a level indicative of national importance. *See id.* at 889 (explaining "we look for broader implications").

The Petitioner further asserts the Beneficiary's proposed endeavor has national importance because the Beneficiary has "a critical role within the Petitioner, which forms a part of our nation's critical infrastructure." The Petitioner submitted the National Security Memorandum on Strengthening the Security and Resilience of United States Food and Agriculture and an article on industrial engineers. The memorandum and article do not discuss the Beneficiary's proposed endeavor. Our assessment of national importance does not focus on the importance of an industry or occupation in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.*

The Petitioner submitted letters from professionals who praise the Beneficiary's skills and accomplishments, but do not discuss his proposed endeavor. W-B-[2] commends the Beneficiary's work for [redacted] and describes him as "an Industrial Engineering leader" who can deliver "high impact contributions in the manufacturing industry." E-T- describes the Beneficiary's work as Regional Quality Manager for the [redacted]. C-D- praises the Beneficiary's work for [redacted] and describes him as "a skilled Industrial Engineer who has made significant contributions to the field." E-P- commends the Beneficiary's work for [redacted] and describes him as "a professional that provides high value to organizations looking for support in improving productivity and keeping a competitive advantage in the industry." While they praise the Beneficiary's skills and past work, these letters do not establish the potential prospective impact of his proposed endeavor. *Cf. id.* at 892 (stating Dhanasar submitted probative expert letters describing the importance of his specific research as it related to U.S. strategic interests).

In its October 19, 2023 letter, the Petitioner explained the Beneficiary led and implemented beverage filler valve rebuild program with 5S methodology, dunnage materials management, center line setup, production lines rebuild, and maintenance excellence program. The Petitioner also listed the Beneficiary's duties including managing the Continuous Improvement Program and the [redacted] On appeal, the Petitioner adds that the Beneficiary has led the planning and execution of the Petitioner's total equipment rebuild process, and implementation of center line methodology across multiple plants. However, the record does not indicate that any of these projects or duties were unique, innovative, or otherwise had national or global implications in the beverage industry or the industrial engineering field. *See id.* at 889. (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

In sum, the record does not establish that the Petitioner's proposed endeavor has national or global implications within his industry or field or other broader implications indicating national importance. Consequently, the Petitioner has not demonstrated that his proposed endeavor has national importance.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of the Beneficiary's specific proposed endeavor and does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of the Beneficiary's

[2] We use initials to protect the privacy of the referenced individuals.

eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach").

III. CONCLUSION

The Petitioner has not established the national importance of the Beneficiary's proposed endeavor and the Beneficiary does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that the Beneficiary is eligible for and merits a waiver of the job offer requirement in the national interest.

ORDER: The appeal is dismissed.