U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38704547

Date: JUNE 18, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an industrial engineer, seeks employment-based second preference (EB-2) immigrant classification 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 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 Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but did not establish his eligibility under the *Dhanasar* analytical framework. In particular, they found the Petitioner did not demonstrate his proposed endeavor's substantial merit or national importance under the first prong.[2] For the reasons set forth below, we agree with SCOPS that the Petitioner has not shown his endeavor's national importance and, therefore, is not eligible for a national interest waiver. Accordingly, we will dismiss the appeal.

The Petitioner states he has more than seven years of professional experience in procurement, logistics, supply chain management, quality control, and quality assurance. His past roles include acting as an inventory management control officer, control engineer, senior quality assurance engineer, and loss prevention specialist, which he claims have given him an understanding of inventory management, risk assessment, security protocols, and mitigation of losses and process control.

In his initial filing, the Petitioner stated his proposed endeavor is to "serve as a consultant to develop innovative loss prevention strategies and supply chain solutions tailored to department stores to enhance security measures, optimize inventory management, and implement technology-driven surveillance and inventory tracking systems, to reducing losses from theft." In response to SCOPS' request for evidence (RFE), the Petitioner clarified that he planned to develop his endeavor through establishing his own company, [redacted] Additionally, he outlined "key components" of his endeavor including: advanced AI-powered video surveillance; RFID-based inventory tracking; data analytics for loss prevention; employee training and education programs; optimized store layout and security measures; integration of IoT devices; and supply chain optimization.

In concluding the Petitioner did not show his endeavor's substantial merit under *Dhanasar's* first prong, SCOPS found the Petitioner had made a material change to his endeavor and that the record did not support that the endeavor had substantial merit. In determining the endeavor did not have national importance, SCOPS found the record did not show the endeavor would have broader implications in the retail loss prevention and supply chain management fields; that it would have a significant potential to employ U.S. workers or have other substantial positive economic effects; that it would broadly enhance societal welfare or cultural or artistic enrichment; or that it would have an impact on government initiatives.

On appeal, the Petitioner argues that SCOPS failed to recognize the broader implications of his endeavor. He asserts SCOPS applied a narrower interpretation of the substantial merit and national importance requirements, thereby undervaluing his contributions to national supply chains, business, and technology needs.

Upon review, we conclude that the Petitioner's proposed endeavor has substantial merit. The evidence related to the Petitioner's company is not a material change but rather an elaboration of his previously claimed endeavor. The record contains sufficient documentation, including the Petitioner's professional plan, articles, and other background material, to show that the endeavor falls within one or more of the areas contemplated by *Dhanasar* to support its substantial merit. *See Matter of*

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

Dhanasar, 26 I&N Dec. at 889 (providing that an endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education). As such, we will withdraw SCOPS' determination on this issue. Nevertheless, we agree with the SCOPS' conclusion that the Petitioner has not demonstrated his proposed endeavor's national importance and, thus, has not shown he satisfies *Dhanasar's* first prong.[3]

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. 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 offered sufficient evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. In particular, he has not shown how his endeavor through his company will have a broader impact in the industry, region, or nation beyond the employees and individual clients he will serve.

The Petitioner places considerable emphasis on the importance of retail loss prevention and the supply chain generally and submitted various articles and reports discussing these areas. He speaks in generalities and relies on the potential benefits that overall loss prevention strategies in retail business and supply chain optimization have on the economy and societal welfare and claims that by fostering greater efficiency, innovation, and demand, his endeavor will contribute to job creation and economic growth. He also contends that his endeavor aligns with national initiatives to enhance the supply chain, which will increase wholesale and retail business, which will then contribute to a stable economy and position the United States as a global leader in supply chain and loss prevention. He asserts that this will, in turn, foster economic growth, control inflation, and empower entrepreneurs to create jobs.

The Petitioner, however, neglects to focus on the prospective impact of his specific endeavor and does not demonstrate how it, in particular, as opposed to the industry generally, would achieve these goals and have a broader impact the field, region, or nation. The articles and reports provide only general background information on the aforementioned areas and do not specifically relate to or discuss the Petitioner's proposed endeavor, including how his specific endeavor might impact these areas more broadly. And while we acknowledge the overall importance of retail loss prevention and supply chains generally, as noted above, the pertinent question is not the importance of the field, industry, or profession in which the individual will work. Instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Simply working in an important field is insufficient to establish the proposed endeavor's national importance. The Petitioner must still demonstrate the specific endeavor's potential prospective impact in that area of national importance.

[3] While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

Additionally, while the Petitioner submitted a professional plan outlining the potential economic implications of his endeavor, he did not provide sufficient explanation or evidentiary support for the bases of his figures. However, even assuming the accuracy of the numbers, the Petitioner still did not demonstrate how his claimed employment and revenue projections show a significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for the [redacted] Florida region, where he will begin operations, or the nation. For example, although he forecasts revenue of $200,000 to $300,000 in the first year of operation, increasing to $738,920 to $1,034,488 by the fifth year, he did not establish the significance of this data or explain how the benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. Additionally, while the professional plan claims he will employ three employees in the first year of operation, increasing to 20 employees by the third year, he did not demonstrate the relevance of these numbers or show how such employment figures would utilize a significant population of workers in the area or would substantially impact job creation and economic growth, either regionally or nationally. While any increased business activity has the potential to positively impact the economy and thereby societal welfare to some degree, the Petitioner has not offered a sufficiently direct connection between his proposed endeavor and any demonstrable economic or societal effects to establish his proposed endeavor's national importance.

The record also does not support that the endeavor would have other nationally important implications as claimed. The Petitioner states he will offer training programs to upskill the existing workforce and create opportunities for individuals to enter the workforce. But, in the same way that *Dhanasar* finds that a classroom teacher's proposed endeavor is not nationally important because it will not impact the field more broadly, we also conclude that the Petitioner has not shown these activities would sufficiently extend beyond the individuals he trains to affect the region or our nation more broadly at level commensurate with national importance. Likewise, although the Petitioner claims that his endeavor "will drive technological innovation by developing cutting-edge solutions for loss prevention and supply chain security," beyond this vague statement, he has not further explained what these cutting-edge solutions will involve, how these solutions will be different or better than what is already being done in the market, or how they would offer original innovations that contribute to advancements or otherwise have broader implications for the industry. *Id.* at 889.

We have also considered the expert opinion letter written by [redacted], a professor at [redacted] University, as well as other support letters by current and former work colleagues. However, these letters also do not establish the endeavor's national importance. While the professor discusses the proposed endeavor and its claimed benefits, his opinion is largely conclusory and does not adequately explain how the Petitioner's work, in particular, would produce such nationally important impacts. For example, the professor opines that the Petitioner's company's benefits "will extend to the U.S. economy by creating job opportunities, stimulating local markets, and fostering a resilient retail ecosystem that promotes sustainable growth and consumer trust." But beyond these generalizations, the professor provides little explanation or corroborating evidence directly linking the Petitioner's company to these claimed benefits, the economy's growth, industry wide impact, or other substantial positive economic or societal effects. Instead, the professor's observations rely more on generalizations about the results of typical business activity, rather than providing probative information about how the Petitioner's particular endeavor would specifically accomplish these results

and how any impact would sufficiently extend beyond the direct clients that the Petitioner will serve to rise to the level of national importance.

Likewise, the Petitioner's other support letters add little probative value in establishing the Petitioner's eligibility under *Dhanasar's* first prong. While the authors laud the Petitioner's skills, personal attributes, and past accomplishments, factors which relate more to the second prong, they do not discuss the Petitioner's specific proposed endeavor or the impact thereof.

Accordingly, we agree with SCOPS that the record does not demonstrate that, beyond the benefits provided to his prospective clients and employees, the Petitioner's proposed endeavor will have broader impacts rising to the level of national importance. For all of the reasons discussed above, we conclude that the Petitioner does not meet the national importance requirement of the first prong of the *Dhanasar* analytical framework. Because the identified reasons for dismissal are dispositive of this appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether he has established eligibility under the remaining two *Dhanasar* prongs. *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 met the national importance element requisite to the first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for, or otherwise merits, a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.