U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43199936

Date: JUN. 22, 2026

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

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

The Petitioner, a chief operating officer (COO), seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree and an individual of exceptional ability, 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).

USCIS denied the petition, concluding that although the Petitioner qualified for the classification as a member of the professions holding an advanced degree, the Petitioner had not established 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] *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 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.

II. ANALYSIS

The Petitioner proposes to "provide high-performance global internet connectivity services, colocation, interconnection, cloud services, managed services, and field assistance to diverse U.S. based companies and organizations." USCIS found that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The sole issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. For the reasons discussed below, we conclude the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

USCIS concluded that the Petitioner's proposed endeavor has substantial merit. USCIS determined, however, that the Petitioner did not establish the proposed endeavor is of national importance, that he is well positioned to advance it, and that, on balance, it would benefit the United States to waive the job offer requirement. On appeal, the Petitioner contends that USCIS' decision was based on "an incomplete evaluation of the evidentiary record" and a misapplication of *Dhanasar*.

The Petitioner clarifies that his work is not "centered on developing a localized telecommunications business, but rather on facilitating the expansion and operational success of U.S. technology companies throughout Latin America." In particular, he states that his role will focus on "reducing operational barriers, accelerating infrastructure execution, and strengthening the competitive position of U.S. technology ecosystems in a region of increasing economic and strategic importance." The Petitioner proposes to advance his endeavor through his company, [redacted] where he will serve as the commercial director and country manager. He currently serves as the COO and chief communications officer of [redacted] parent company, [redacted] The record contains various documents, including academic credentials, a resume, a business plan for [redacted] company documents, Economic Impact Report, recommendation letters, and industry report and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner asserts that his endeavor has significant national implications because "it will provide high quality expanded connectivity services for various sectors of the American economy and fuel workplace efficiency" which he states will increase "efficiency and productivity while also reducing costs." In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we further 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.*

[2] The Petitioner earned a master's degree in strategic management from the [redacted] in 2012 and has at least five years of full-time experience in the occupation.

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 maintains that his company "aims to empower businesses to reach their goals effectively, and the company's ability to integrate different methodologies and practices has the potential to drive industry-wide advancements, making his contributions to the field nationally significant." The Petitioner, nonetheless, has not sufficiently demonstrated that his proposed endeavor offers broader implications in his field or substantial positive economic effects for the country that rise to the level of national importance.

For example, the Petitioner claims that his company will generate substantial positive economic effects in the Florida region by creating jobs and contributing tax revenue. Specifically, the company projects that, by the end of its fifth year, it will employ 15 full-time workers, create an additional 63 indirect jobs, pay a total of $729,355 in taxes, and generate a net profit of $1,315,115. However, the Petitioner does not provide sufficient detail of the basis of these projections or adequately explain how these staffing targets and revenue forecasts will be realized. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without sufficient evidence regarding the projected U.S. economic impact or job creation directly attributable to his future work, the record does not show that the benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See Dhanasar*, 26 I&N Dec. at 890.

Similarly, the Petitioner asserts that his endeavor aligns with programs and policies intended to support services and professionals in the science, technology, engineering, or mathematics fields and that he plans to invest in critical and emerging technologies. While we recognize the importance of the Petitioner's field, the relevant question when determining whether a proposed endeavor would have national importance is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the specific endeavor that the Petitioner proposed to undertake. *Id.* at 889. Furthermore, alignment with general national goals, in and of itself, does not necessarily establish that the Petitioner's endeavor rises to the level of national importance. Here, the record does not include adequate corroborating evidence, to show that the Petitioner's specific proposed endeavor offers broader implications in his field, enhancements to U.S. societal welfare, or substantial positive economic effects for the country that rise to the level of national importance.

The record contains support letters that emphasize the Petitioner's dedication, efficiency, and entrepreneurial expertise, and further highlight his commitment to continuous learning and professional development. The letters also underscore the Petitioner's extensive experience in business strategy, market development, contract negotiations, and telecommunications. However, while these letters are supportive in tone and positive factors, they do not offer sufficient explanation of how the Petitioner's endeavor has the potential for broad and measurable implications for the country beyond impacting his company and its clients. Although an individual's experience, qualifications, contributions, and achievements are material, they are misplaced in the context of the first *Dhanasar* prong. The Petitioner's professional experience is generally material to *Dhanasar*'s second prong—whether an individual is well positioned to advance a proposed endeavor—but they are generally immaterial to the first *Dhanasar* prong—whether a specific, prospective, proposed endeavor has both substantial merit and national importance. *See Dhanasar*, 26 I&N Dec. at 888-91.

Because the documentation in the record does not establish the proposed endeavor's national importance as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding his eligibility under the second and third prongs outlined in *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established the national importance of his proposed endeavor, and he does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that he is eligible for or merits a waiver of the job offer and labor certification requirements in the national interest 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.