U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43508914

Date: JUN. 25, 2026

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

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

The Petitioner, an entrepreneur in the field of agricultural technology, 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).

USCIS denied the petition, concluding that although the Petitioner qualified as an advanced degree professional, he had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest.[1] 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 USCIS may, as matter of discretion,[2] grant a national interest waiver if the petitioner demonstrates that:

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[1] An advanced degree is any United States academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. A United States bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. 8 C.F.R. § 204.5(k)(2).

[2] *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 establish a company in [redacted] New York specializing in "the development and provision of high-tech solutions for agriculture using artificial intelligence, drones, and smart sensors." According to his business plan, his "main strategy is to create an innovative platform that integrates precision farming, data analytics, and process automation to meet the growing needs of farmers and agribusiness." He further explains that the company's main product is the [redacted] application, which integrates artificial intelligence, drones, and smart sensor technologies.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "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.* at 890. 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.*

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 and that, on balance, it would benefit the United States to waive the job offer requirement. We agree.

On appeal, the Petitioner contends USCIS' analysis included instances where incorrect legal standards and requirements were applied. The Petitioner asserts that his proposed endeavor "is designed for broad availability and dissemination across the agricultural sector" and that it is "a scalable, platform-based model that enables deployment across multiple users, regions, and agricultural operations." He also states that USCIS' "reliance on the teaching example in *Dhanasar* is misplaced" as his endeavor "is not confined to a classroom or a fixed group of individuals" and proceeds to explain that his proposed endeavor "involves the creation of a technological system that can be replicated, distributed, and adopted across the agricultural sector."

In *Dhanasar*, we determined the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. Likewise, the Petitioner has not established how providing his "novel operational model in the field of agricultural technology" stands to sufficiently extend beyond his business and his future clients to impact the field more broadly at a level commensurate with national importance. We note that the *USCIS Policy*

Manual states that "a person developing a particular technology for use or sale by a given company may not be able to establish national importance based on evidence that this technology will have benefits for the company or its clients alone" and that to establish broader implications at a level consistent with national importance, the petitioner could demonstrate "widespread interest in adoption or licensing of the technology, a novel and important manufacturing or operational process, or how the technology stands to impact the development of similar technology by other companies." *See generally* 6 *USCIS Policy Manual* F.5(D)(3), www.uscis.gov/poliy-manual. The record includes a letter of interest from a potential client. However, the letter does not establish this type of widespread interest in the Petitioner's proposed endeavor, that it is novel and important, or that it stands to impact the field. Rather, the letter only highlights that the endeavor's impact is to the individual client or company that hires the Petitioner to provide his services. Here, we conclude that the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond his future clients to impact the field of agricultural technology, the economy, or U.S. societal welfare more broadly at a level commensurate with national importance.

Moreover, the Petitioner contends that USCIS' determination that he "failed to demonstrate sufficient economic impact or job creation reflects a misapplication of" *Matter of Dhanasar*. In support, the Petitioner references our finding in *Dhanasar* that "[e]vidence that the endeavor has the potential to create a significant economic impact may be favorable but is not required, as an endeavor's merit may be established without immediate or quantifiable economic impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. However, this relates to establishing the substantial merit of the proposed endeavor, rather than to its national importance.

We agree with USCIS' conclusion that the Petitioner has not demonstrated that the specific endeavor he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. *Id*. at 890. In his business plan, the Petitioner claims he will create 23 jobs and generate approximately $1.5 million in tax revenue over the first five years of operations. The business plan, however, does not explain how these forecasts were calculated or adequately clarify how these projections will be realized, nor has the Petitioner provided independent evidence or otherwise explained how his business would create jobs at a level that would have a significant impact in a region or have a prospective national impact on a specific field. As such, the record does not demonstrate that the prospective benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by the precedent decision. *Id*. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376.

In addition, the Petitioner contends USCIS erred in dismissing the expert opinion letter from an agronomist. Upon review, in addressing the first prong of the *Dhanasar* framework, the author discusses the proposed endeavor and its claimed benefits. However, the author's opinion is largely conclusory and does not adequately explain how the Petitioner's work would produce such nationally important impacts. For example, the author opines that the Petitioner's proposed endeavor will provide "a new, highly accurate, and scalable model for diagnostic efficiency, fundamentally advancing the technical practices of the entire domestic agritech software industry" and that his "technology boosts the direct economic output, thereby significantly enhancing the downstream labor and value-added contributions to the national [gross domestic project (GDP)]." But beyond these generalizations, the author provides little explanation or corroborating evidence directly linking the

Petitioner's company to these claimed benefits, industry wide impact, or other substantial positive economic or societal effects.

Finally, we also reviewed the Petitioner's letters of recommendation. The authors praise the Petitioner's abilities and the personal attributes that make him an asset in the field of technology. For instance, one letter states that the Petitioner's "deep understanding of complex systems and his ability to bread down challenges into manageable components greatly helped our team advance through subsequent rounds." Another letter states that the Petitioner's "persistence and dedication were particularly evident in initiating and developing multiple private and public cloud installations, essentially creating new business opportunities for the company." While the letters evidence the high regard the Petitioner's colleagues have for him and his work, they do not offer persuasive detail concerning the impact of his proposed endeavor or establish how such an impact would extend beyond his future clients. As such, the letters are not probative of the Petitioner's eligibility under the first prong of *Dhanasar*.

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address his eligibility under the remaining prongs, and we hereby reserve them.[3] *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 alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to establish that he meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that he has not established eligibility for a national interest waiver 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.

[3] USCIS determined without analysis that the Petitioner established he is well-positioned to advance his proposed endeavor.