U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38680262

Date: JUN. 26, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Beneficiary, a regional logistics manager employed by the Petitioner, 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. 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 Petitioner did not establish that the Beneficiary merits a discretionary waiver of the job offer requirement 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:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance their proposed endeavor; and

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS determined that while the Petitioner, [redacted] established that the Beneficiary's proposed endeavor has substantial merit, he did not establish that the proposed endeavor is of national importance. The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. 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.* The record reflects that the Beneficiary's proposed endeavor has substantial merit as it falls within the above-mentioned range of areas of substantial merit. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

The Beneficiary asserts that his proposed endeavor is to "spearhead transformative projects in supply chain and profit/loss management, applying critical STEM knowledge that enhances operational efficiency and the financial health of the organization and its many large-scale clients, benefitting the logistics and transportation sectors in the U.S., through his continuing role with [redacted]." He further asserts that the Petitioner's customers are some of the largest players in the U.S. supply chain, and his endeavor has the direct impact of improving supply chain performance and efficiency through technology and providing products to meet demand of U.S. citizens across the country and globally." He maintains that "he is leading efforts to develop standardized operating procedures and risk management protocols ensuring robust and efficient operations . . . [and] his long-term aspiration is to set new benchmarks in logistics management that not only streamline operations but also elevate safety standards and environmental sustainability within the industry." In addition, he avers that "optimization of the supply chain through technology is a critical area aligning with U.S. national interests in economic stability." He contends that his endeavor not only supports economic growth but also contributes to national security by ensuring the uninterrupted flow of goods and services across the country and has the "potential to employ U.S. workers through the employer and through its many nationally significant clients.

On appeal, the Petitioner asserts that SCOPS erred by failing to apply the required preponderance of the evidence standard, improperly analyzed the evidence in the record, particularly testimonial letters from employers and clients, experts in the industry, who "provide critical insight to understand the nature and significance of the Beneficiary's greater impact through his endeavor." The Petitioner's corroborating evidence consists of the Beneficiary's statement regarding his future activities, testimonial letters, industry articles, and the company growth plan."

The Beneficiary relies primarily on the importance of logistics and supply chains in the U.S. economy; however, in determining national importance, the relevant question is not the importance of the 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. We first note here that the Beneficiary's experience and abilities in his field relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890.

In determining national importance, the relevant question is not the importance of the 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. A beneficiary may present a proposed endeavor that focuses on an area with significant merit but still fall short of demonstrating that their specific endeavor has a potential prospective impact in that area that is commensurate with national importance.

We recognize the value of the logistics infrastructure in the United States; however, being a regional logistics manager at [redacted], a provider of outsourced yard management[2] and trailer spotting services, whose endeavor is to continue "in his current role, enhancing supply chain processes, and sharing his expertise through leadership in key industry conferences and associations" is insufficient to establish the national importance of the Beneficiary's proposed endeavor. The Petitioner asserts that the Beneficiary will assist [redacted] in fulfilling its mission of "pursuing cutting-edge technology for yard management and differentiating itself from other yard management companies through its growth/acquisition strategy, optimization of fleet and improved technology, and industry-leading electric vehicle (EV) actions." However, despite the size and national reach of [redacted] the Beneficiary must show how the functions and tasks *carried out by him* coalesce into a nationally important endeavor. Here, the Petitioner has not established that the Beneficiary's endeavor alone, implemented for [redacted] and its clients, have national implications within the field of logistics management. The Petitioner also has not demonstrated any specific economic impact attributable to the Beneficiary's particular role at [redacted] and the evidence does not show that his proposed work stands to offer economic benefits beyond his employer and their clientele.

We acknowledge the Petitioner's claim that because it is a leader in servicing some of the largest supply companies in the United States, the Beneficiary's endeavor "impacts the dozens of clients for which they are directly responsible, as well as [redacted] hundreds of clients through his training of others on novel processes." However, the record does not indicate by a preponderance of the evidence – that it is more likely than not – that the Beneficiary's *particular* "strategic innovations and advanced analytics to ensure efficient, cost-effective, and reliable delivery of services [are] key to maintaining economic stability and competitive advantage" *for the United States*. Broad statements and projections relating to the Beneficiary's "strategic leadership" across the industry and his "long-term aspiration [to] set new benchmarks in logistics management that not only streamline operations but also elevate safety standards and environmental sustainability within the industry" do not demonstrate the prospective impact directly attributable to the Beneficiary's proposed endeavor.

Here, the Petitioner makes clear that its goal is to differentiate itself from other yard management companies and increase its profitability which may stimulate economic activity at some level. However, it is the Petitioner's burden to show that the economic effects of the Beneficiary's specific endeavor – carried out through his employment and for the benefit of the Petitioner – will be "substantial" and at a level commensurate with national importance. Additionally, while [redacted] employs U.S. workers, the Petitioner has not shown that the Beneficiary's endeavor has significant potential to employ additional U.S. workers or would benefit an economically depressed area. In the end, the economic benefits that the Petitioner claims will result from the Beneficiary's endeavor depend on

[2] Yard management refers to the processes and systems used to oversee and optimize the movement and storage of trailers, containers, and other assets within a facility's yard or outdoor storage area.

numerous factors and the Petitioner does not offer a sufficiently direct evidentiary tie between the proposed endeavor and the claimed economic results. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to the Beneficiary's specific work, the Petitioner has not shown that the benefits to the U.S. regional or national economy resulting from the Beneficiary's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

As the Beneficiary has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments under *Dhanasar*'s second and third prongs. *See INS v Bagamasbad*, 429 U.S. 24, 25 ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reached"); *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).

ORDER: The appeal is dismissed.