U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38766621

Date: JUNE 30, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an attorney, 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) initially granted the Petitioner's request for a national interest waiver but later revoked their approval of the petition because they found the Petitioner did not demonstrate the national importance of his proposed endeavor under the first prong of the analytical framework outlined in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016). As such, SCOPS concluded the petition had been approved in error. 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification, as either 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

[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).

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.*

"[A]t any time" before a beneficiary obtains permanent residence, USCIS may revoke a petition's approval for "good and sufficient cause." Section 205 of the Act, 8 U.S.C. § 1155. If supported by the record, a petition's erroneous approval may justify its revocation. *See Matter of Ho*, 19 I&N Dec. at 590. USCIS properly issues a notice of intent to revoke (NOIR) a petition if the unexplained and unrebutted record at the time of the NOIR's issuance would have warranted the petition's denial. *Matter of Estime*, 19 I&N Dec. 450, 451 (BIA 1987). If a petitioner does not respond to a NOIR or does not overcome the alleged revocation grounds, USCIS properly revokes a petition's approval. *Id.* at 451-52.

II. ANALYSIS

Following the NOIR issuance and after considering the Petitioner's response, 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 that while the Petitioner demonstrated his proposed endeavor's substantial merit, he did not show its 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 over ten years of experience advising clients on regulatory compliance in both the public and private sectors, although less than one year appears directly related to fire compliance issues. He is also licensed to practice law in both New York and Uganda. His professional experience includes roles as a legal and risk manager, research assistant, company secretary, legal associate, and legal assistant.

The Petitioner seeks to work as a fire safety compliance attorney, in which he will "promote adoption and compliance with modern fire safety codes and regulations nationwide by providing expert compliance advisory services to government agencies and private entities, leading targeted advocacy efforts at both national and state levels delivering public education campaigns to advance fire safety and environmental sustainability." His proposed endeavor aims to "bridge critical gaps in fire safety compliance by promoting the widespread adoption and implementation of modem fire safety codes and regulations." His approach will integrate regulatory analysis, compliance advisory services, policy advocacy, and targeted public education.

In concluding the Petitioner did not show his endeavor's national importance under *Dhanasar's* first prong, SCOPS found that the Petitioner did not show that his proposed endeavor would have national or global implications, have a significant potential to employ U.S. workers, would broadly enhance societal welfare, or would impact a matter that the government has deemed as having national importance. They noted that the benefits he would provide as a single fire safety compliance attorney are too attenuated to have national importance.

[2] SCOPS also concluded that the Petitioner met *Dhanasar's* second prong but did not satisfy the third prong.

On appeal, the Petitioner argues that SCOPS misapplied the national importance standard in *Dhanasar* by evaluating his proposed endeavor based on his occupational title rather than his activities and by focusing on the geographic breadth of his endeavor rather than its national importance. He also generally argues that SCOPS misconstrued his proposed endeavor and failed to give reasoned consideration to the evidence. However, upon de novo review, we agree with SCOPS's conclusion that the Petitioner has not demonstrated his proposed endeavor's national importance and, thus, has not demonstrated his eligibility for a national interest waiver.[3]

The first prong, 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. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *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 meet his burden to demonstrate that his proposed endeavor's prospective impact rises to the level of national importance. In particular, the record does not illustrate how his specific endeavor would sufficiently extend beyond his clients and the individuals he trains to impact the industry, region, or nation more broadly at a level commensurate with national importance.

Much of the evidence in the record and the Petitioner's arguments focus on the general importance of his field. He discusses the value of fire safety policies and compliance, and submits various industry articles on topics including fire prevention and control, wildfires, climate change, and fire education. He also asserts that his endeavor's alignment with national priorities including fire safety compliance and environmental sustainability underscores his endeavor's national importance. The Petitioner's articles and reports, however, do not mention or discuss his particular endeavor, including how it might impact the field more broadly and rise to the level of national importance. While we acknowledge the value of fields related to fire safety and compliance, as well as the value of individuals working in these areas, working in an important field alone is insufficient to establish the national importance of the proposed endeavor. *See id.* at 889 (stating that under the first prong, we focus on "the specific endeavor that the foreign national proposes to undertake"). The Petitioner must still demonstrate the endeavor's potential prospective impact in that area of national importance.

Although the Petitioner also argues on appeal that SCOPS narrowly interpreted his endeavor solely through the lens of his occupational title and did not give proper consideration to the activities outlined in his work plan, the activities as described—compliance advisory services, public education initiatives, policy reform advancement of fire-safety regulations, strategic litigation to establish binding precedents, and stakeholder training—appear to be activities which are generally encompassed within the role of a fire safety compliance attorney. The Petitioner has not shown, and the record does not delineate, how these activities have broader implications for the field to reach the

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

level of national importance and to show SCOPS erred in their analysis. Moreover, despite his arguments that SCOPS' "simplistic reduction" of his work disregards its "tangible national implications" such as saving lives, protecting properties, and creating uniform compliance standards, these generalized claims rely more on the potential benefits that overall fire safety and compliance have on the industry, economy, and societal welfare, rather than demonstrating how the Petitioner's specific undertaking would produce such results.

The evidence does not show how his compliance advisory services to governments, fire departments, and private sector companies have broader implications for the field and represent any sort of process improvement or advance similar to that referenced in *Matter of Dhanasar*, 26 I&N Dec. at 889. The evidence also does not demonstrate that his work would extend beyond his immediate sphere of influence to produce the regional or nationally important impacts claimed. For example, the Petitioner states, as part of his work plan, that he will collaborate with the Oregon State Fire Marshal and other governmental agencies to align state and national priorities, address regional needs, and ultimately develop a framework for scalable fire safety compliance efforts. But the evidence submitted does not reflect, for instance, the current status of fire safety operations in Oregon to illustrate the extent of any noncompliance or other problems in the state, how his services would be different or an improvement from what is already available or being performed, or otherwise show how his specific services would produce the benefits claimed.

Although the Petitioner also emphasizes his plans to foster partnerships with federal agencies to share best practices, policy reforms, and promote uniform fire safety standards across jurisdictions, which he claims will ultimately reduce fire risks nationwide, he does not offer an evidentiary basis to demonstrate that any ripple effects of his work would have such far-reaching results. As such, even considering the Petitioner's claim that his compliance frameworks would be scalable across regions and eventually the nation, the evidence does not sufficiently reveal how his particular services would result in any specific process improvements, and benefit the industry, region, or nation more broadly at a level commensurate with national importance.

The evidence also does not illustrate that the Petitioner's advocacy activities would have the broader impacts claimed. For example, while the Petitioner submitted letters and emails to government officials urging them to take various fire safety and environmentally related actions in Congress, the record does not reflect that these activities resulted in, or would result in, any action or demonstrable impact. The Petitioner also claims that he will engage in public education programs to enhance awareness and community preparedness. However, 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 how any future educational or training activities would sufficiently extend beyond the direct clients and individuals he trains to affect the region, nation, or field more broadly at level commensurate with national importance.

The record also does not contain sufficient evidence to support the positive economic effects the Petitioner contends will be realized by his proposed endeavor. The Petitioner claims that, by promoting adherence to up-to-date fire safety codes and environmental sustainability practices, his endeavor will reduce economic losses from fires, mitigate risks, minimize business disruptions, and generally protect communities across the nation. He also claims his work will support job creation in the fire safety and construction sectors by creating demand for skilled labor in areas like construction,

retrofitting, compliance and fire safety inspections. But beyond these generalized claims, he has not specifically detailed, much less quantified, the positive economic benefits he contends would be realized through his endeavor and how they would be significant enough to reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. The record does not show a sufficiently direct connection between his proposed endeavor and any demonstrable economic or societal welfare effects to establish his proposed endeavor's national importance.

We have also considered the support letters written by professors, former colleagues, professional acquaintances, and other individuals aware of the Petitioner and his work. However, these letters also do not establish the endeavor's national importance. Insofar as these letters, the Petitioner, and other evidence in the record highlight the Petitioner's expertise, personal attributes, and record of success, these are considerations under *Dhanasar's* second prong. *Id.* at 890. When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Id.* at 889. And while several of the letters do comment on the Petitioner's proposed endeavor and its claimed benefits, they are largely conclusory and do not specifically explain how the Petitioner's work, in particular, would produce such nationally important impacts. For example, [redacted] Director of Business Strategy at [redacted] asserts that the national importance of the Petitioner's work "cannot be overstated." He asserts that by improving compliance with modern fire safety codes and promoting sustainable practices, the Petitioner's work will contribute to reducing loss of life and property damage from fires, enhancing the resilience of critical infrastructure, promoting sustainable building practices that benefit both safety and the environment, and improving emergency preparedness and response capabilities across the nation. But beyond these generalizations, he provides little explanation or corroborating evidence directly linking the Petitioner's future work to these claimed benefits, industry wide impact, or other substantial positive economic or societal effects.

Consequently, the record as it is currently composed does not indicate that these prospective benefits of the Petitioner's proposed endeavor would rise to a level of national importance as required under *Dhanasar's* first prong. 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.[4] *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

The Petitioner's appeal does not overcome SCOPS' determination that he did not demonstrate his eligibility for a national interest waiver. Accordingly, we affirm SCOPS' decision to revoke the approval of the petition.

ORDER: The appeal is dismissed.

[4] We acknowledge the Petitioner's assertion that SCOPS incorrectly referenced the Petitioner's occupation in their analysis of the third prong. However, it is clear that this was a typographical error as the decision properly cited to and analyzed the Petitioner's actual proposed endeavor in the other portions of the decision, including with regard to the first prong's analysis, which is dispositive in this case. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless scrivener's errors).