U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41695594

Date: MAR. 05, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a chief financial officer, 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* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

SCOPS denied the Form I-140, Immigrant Petition for Alien Workers (national interest waiver), concluding that 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, petitioners 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 petitioners establish eligibility for the underlying EB-2 visa 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
- On balance, waiving the job offer requirement would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

A. Relevant Procedural History and Background

SCOPS determined the Petitioner met the underlying requirements for EB-2 classification as an advanced degree professional. The remaining issue is whether he has established he merits a discretionary waiver of the job offer requirement "in the national interest."

SCOPS determined the Petitioner established the substantial merit of his proposed endeavor but had not demonstrated its national importance to demonstrate *Dhanasar's* first prong. We agree. SCOPS also found the Petitioner was not well-positioned to advance his proposed endeavor to meet the requirements of *Dhanasar's* second prong, and had not demonstrated that, on balance, waiving the job offer requirement would benefit the United States under *Dhanasar's* third prong. Because the Petitioner did not establish *Dhanasar's* first prong, we reserve our analysis of *Dhanasar's* second and third prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *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).

B. Substantial Merit and National Importance

The Petitioner's proposed endeavor is to, through his business, offer credit recovery services that leverage machine learning technology, developed by the Petitioner and his associates, which enhances debtor identification, predictive tagging, and recovery prioritization to support U.S. businesses, particularly small and medium-sized enterprises, in managing and recovering delinquent accounts in the [redacted] Florida area.

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. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id*. Here, the Petitioner has demonstrated through his business plans and background material that his endeavor falls within one or more of the areas contemplated by *Dhanasar.*

[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); *see generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We look for broader implications" of the proposed endeavor and explained 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.*

In support of the national importance of his proposed endeavor, the Petitioner's evidence included a business plan, an amended business plan, and an action plan. SCOPS determined that the Petitioner did not demonstrate how the plans' projections regarding staffing levels and revenue, for example, would impact the U.S. regional or national economy at a level of national importance. On appeal, the Petitioner asserts that SCOPS held the Petitioner to a higher evidentiary standard by requiring him to have a fully operational company and that his "credible business plan and projected impacts" establish the proposed endeavor's national importance. However, SCOPS was not asking the Petitioner to demonstrate he has a fully operational company, but rather, it properly concluded he had not demonstrated the economic significance of the projected data contained in his business plan. The Petitioner, for instance, did not establish that the employment figures contained in his plans, claiming for example that his company would employ 31 employees by year five, would utilize a significant population of workers in the [redacted] Florida area or would substantially impact job creation and economic growth, either regionally or nationally to reach the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Id.*

Further, where a petitioner is asserting his proposed endeavor will have substantial economic impact, it is his burden to establish his assertions by a preponderance of the evidence. The submitted projections, without supporting evidence providing any basis for them or their economic significance, are not probative and do not meet the preponderance of the evidence standard. *See Matter of Chawathe*, 25 I&N Dec. at 375-76 (providing we consider not only the quantity, but also the quality, including relevance, probative value, and credibility, of the evidence in determining whether a petitioner has met the burden under the preponderance standard). As a result, we agree with SCOPS' determination that the Petitioner did not establish his proposed endeavor would have substantial positive economic effects, either to the [redacted] Florida region or the U.S. economy more broadly at a level commensurate with national importance. *Matter of Dhanasar*, 26 I&N Dec. at 890.

SCOPS also determined that the Petitioner's business plans did not demonstrate the extent to which his proposed endeavor's methods or strategies would have global or national implications to the field beyond the individuals or entities using them. SCOPS explained that according to *Matter of Dhanasar*, 26 I&N Dec. at 893, "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" and determined that the Petitioner's business plans did not demonstrate that his techniques or methods would sufficiently improve upon those already in existence such that they would have the potential to broadly impact the field. We agree that the Petitioner did not explain in the record below or now on appeal how, for example, his machine learning technology, which he claims will enhance debtor identification, predictive tagging, and recovery prioritization, would improve upon those already available and in use in the United States

such that his proposed endeavor would have national or global implications within his field or for the United States.

SCOPS also addressed the articles submitted by the Petitioner and determined, while they highlighted the importance of the Petitioner's field of endeavor, merely working in an important field or in an area a government entity has described as a priority is not sufficient to establish the national importance of the proposed endeavor. We agree. In determining national importance, we do not focus on the importance of the field, industry, or profession in which the individual will work but on "the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In other words, the Petitioner must demonstrate the national importance of his specific, proposed endeavor of providing, through his company, credit recovery services to U.S. businesses in managing and recovering delinquent accounts in the state of Florida, which he has not done.

On appeal, the Petitioner does not address the issues raised in the decision. Rather, he asserts SCOPS did not provide an individualized analysis or discussion of the evidence submitted and lists the exhibits contained in the underlying record. Of the documents listed, SCOPS did not address the Petitioner's resume, recommendation letters, and expert letter specifically in its analysis of *Dhanasar's* first prong but explained that evidence in support of the Petitioner's background and qualifications is considered under *Dhanasar's* second prong, which shifts the focus from the proposed endeavor to the foreign national. *Id.* SCOPS then proceeded to review this evidence in its analysis of *Dhanasar's* second prong. Further, the Petitioner does not identify how these documents support the national importance of his proposed endeavor or how SCOPS erred by not considering them.

The Petitioner further asserts that SCOPS did not clearly state how the evidence fell short under the *Dhanasar* framework. However, when SCOPS provides a reasoned consideration of the petition, and makes adequate findings as it did in its decision, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); aff'd *Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); and *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009).

The Petitioner also argues that SCOPS did not properly consider the Petitioner's proposed endeavor because it refers to an endeavor that is not the Petitioner's in the decision. In discussing the background of the case, SCOPS stated that the Petitioner intended to work as a legal environmental consultant and operate his own company. However, in analyzing the substantial merit and national importance of the Petitioner's endeavor, SCOPS correctly identified the Petitioner's proposed endeavor as "revolutionizing the credit recovery industry by leveraging machine learning and advanced data analysis techniques with a primary focus on American markets" before moving on to its analysis of *Dhanasar's* first prong. We note the harmless error and do not conclude it affected the merits of SCOPS' analysis. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless or scrivener's errors).

The remainder of the Petitioner's brief reargues his eligibility claiming, for example, the projections in his business plans support the national importance of his proposed endeavor and that his proposed endeavor aligns with government priorities, which have been addressed herein. Based on our de novo

review, the Petitioner has not established, by a preponderance of the evidence, the broader implications of his proposed endeavor, that it would have global implications within his field or would have substantial positive economic effects, particularly in an economically depressed area, to be understood to have national importance.

III. CONCLUSION

The Petitioner has not demonstrated he is eligible for a national interest waiver.

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.