U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41592238

Date: MAR. 5, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an automotive service technician, seeks employment-based second preference (EB-2) immigrant classification as 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).

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish the Petitioner qualifies for EB-2 classification as an alien of exceptional ability or 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) the proposed endeavor has both substantial merit and 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.*

[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).

II. ANALYSIS

A. EB-2 Classification

SCOPS concluded that the Petitioner did not qualify for the EB-2 classification as an individual of exceptional ability. Specifically, they found that the Petitioner only satisfied the criteria related to academic record and at least 10 years of full-time experience and, therefore, did not establish he met at least three of the six categories of evidence listed at 8 C.F.R. § 204.5(k)(3)(ii). On appeal, the Petitioner contests SCOPS' determinations and asserts that he submitted sufficient evidence to meet the requirements related to licensure, salary, membership, and recognition. However, as the record does not establish by a preponderance of the evidence that the Petitioner is eligible for a national interest waiver as a matter of discretion, we will reserve the issue of the Petitioner's eligibility for the EB-2 classification. *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).

B. National Interest Waiver

SCOPS determined that the Petitioner did not establish his eligibility under the *Dhanasar* analytical framework. Specifically, although SCOPS found substantial merit in the proposed endeavor, they concluded the Petitioner did not establish that his proposed endeavor has national importance, that he is well-positioned to advance the proposed endeavor, and that, on balance, waiving the job offer requirement would be beneficial to the United States. For the reasons discussed 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 is an automotive service technician with over ten years of experience in the field diagnosing vehicle issues, coordinating with parts departments, performing repair, and completing maintenance work. The Petitioner's proposed endeavor is to establish his own automotive repair and maintenance company, [redacted]. He states the mission of his company is "to modernize the U.S. automotive service industry by delivering innovative, technology-driven maintenance solutions and implementing advanced training programs that prepare technicians to meet the demands of electric, hybrid, and increasingly complex vehicle systems." His services will include: preventative maintenance services; diagnostic and repair services; electric and hybrid vehicle services; advanced technician training programs; custom performance tuning; fleet maintenance packages; vehicle detailing and restoration; and custom vehicle conversion.

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 how his proposed endeavor would have broader implications beyond his clients and employees to rise to the level of national importance. They also found the record did not show the endeavor's potential prospective benefits to the technology field, economy, culture, or society, would be at level indicative of national importance.

On appeal, the Petitioner contends that the evidence was sufficient to demonstrate his proposed endeavor's national importance and reiterates his eligibility for a national interest waiver. He also asserts that his updated business plan submitted in response to SCOPS' Request for Evidence (RFE)

was a clarification of his proposed endeavor's business projections as opposed to a material change in the endeavor itself.

Upon de novo review, we agree with SCOPS' conclusion that the Petitioner has not demonstrated his proposed endeavor's national importance and, thus, has not established his eligibility for a national interest waiver.

As explained in SCOPS' decision, the first prong—substantial merit and national importance—focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* 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.

In this case, the Petitioner has not met 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 company, 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 the automotive repair industry. The Petitioner attempts to highlight the broader implications of his endeavor by linking it to the general economic, societal, or other benefits that may arise from working in his field. But, he has not established how his specific endeavor would achieve these goals and have a broader impact on the field, region, or nation at a level commensurate with national importance.

For instance, the Petitioner contends that his services will "significantly impact businesses reliant on transportation, including logistics, delivery, and fleet operations." He contends that "[b]y reducing vehicle downtime and improving efficiency through tailored maintenance packages, the company will contribute to the operational success of these industries," which will in turn support economic stability and productivity on a larger scale. The Petitioner also contends that his endeavor aligns with national objectives in transportation safety, environmental compliance, EV readiness, and workforce development. In support of his claims, the Petitioner submitted various articles on topics such as the increase of vehicle repair costs, the importance of regular maintenance for commercial vehicles, and tips to optimize maintenance schedules for utility and public service vehicles.

Although these articles and reports provide general background information on the aforementioned areas and speak to the substantial merit of the proposed endeavor, they do not establish how his future work would impact these areas more broadly. And while we recognize the overall importance of the automotive repair field, as well as the individuals working in it, the Petitioner's work in an important industry or sector, even one that is the subject of national priorities, is not sufficient, in and of itself, to establish the national importance of the proposed endeavor. *See Matter of Dhanasar*, 26 I&N Dec. at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes

to undertake"). The Petitioner must still demonstrate his specific proposed endeavor's prospective impact in that area of national importance.

Additionally, although the Petitioner claims that "[b]y elevating service standards, addressing workforce challenges, and embracing sustainable technology," his company will "create a ripple effect of positive change that extends across the fields of business and automotive technology," his claims tying his proposed endeavor to these impacts are too attenuated and lack sufficient corroborating evidence to show the proposed endeavor's prospective impact. General conclusory statements without a sufficiently direct evidentiary tie between the proposed endeavor and the claimed impacts are insufficient. Again, the Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner also claims that his endeavor is nationally important because his company will foster economic stability and local job growth and that his company's expansion strategy will amplify these benefits on a national scale. But he has not offered sufficient, specific evidence showing any substantial economic impact directly attributable to his future work. For example, according to his initial business plan, the Petitioner expects his company will employ five people with total sales of $640,000 in the first year. By the fifth year, he expects to employ 16 individuals with sales of $2,688,505.34. He also estimates that his company will generate between 16 and 22 indirect and induced jobs. In his updated business plan submitted in response to the RFE, the Petitioner now projected that he would create eight direct jobs with sales of $1,172,500 in the first year. By the fifth year, he estimated he would employ 24 individuals with sales of $4,242,116.81. He also forecasted that his company would create 51 indirect jobs by year five. But neither business plan explains how these forecasts were calculated, or adequately clarifies how these projections will be realized. The record also does not contain sufficient evidence to support the business plans' financial projections as claimed.

Even if we assumed these figures were accurate though, the Petitioner has not explained his job or sales data's significance or how that data shows that any potential benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. For example, the Petitioner has not presented evidence illustrating how the claimed creation of 24 jobs by year five demonstrates a significant potential to employ U.S. workers in [redacted] Florida, where he plans to begin operations, or otherwise shows how his endeavor's potential economic impact through taxes, jobs, or revenue would result in any demonstrable effect on the regional or national economy. And despite his claims that the automotive repair workforce is experiencing shortages, there is little evidence that his future work stands to impact or significantly reduce any claimed national shortage.

While any basic business activity has the potential to positively impact the economy, the Petitioner has not offered a sufficiently direct connection between his endeavor and any demonstrable economic effects in the region or nation. The Petitioner's references to abstract tax revenue, job creation, and other unspecified economic benefits rely more on generalizations about the results of typical business activity, rather than providing probative information about what the Petitioner plans to accomplish through the endeavor and how it may have national importance. The record does not demonstrate that, beyond the limited benefits provided to his prospective clients and employees, the Petitioner's endeavor would have broader implications rising to the level of national importance.

The Petitioner also states that he will offer "scalable" training programs to help reskill the workforce and "close the gap" in qualified automotive technicians. But, 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 these activities would sufficiently extend beyond the individuals he trains to affect the region or our nation more broadly at level commensurate with national importance. *Id.* at 893. Likewise, although the Petitioner claims his company is "deeply committed to innovation" and that he created a method "to diagnose gasoline and diesel engines more accurately and without disassembling engine components," he has not adequately explained, and the record does not show, how this method offers broader implications for the automotive repair industry or nation as a whole. For instance, he has not detailed how his method is different or an improvement from what is already being done in the market, or how it would offer original innovations that contribute to advancements or otherwise have broader implications for the industry. *Id.* at 889.

We have also considered the Petitioner's support letters, but they likewise do not demonstrate his endeavor's national importance. Many of the letters discuss the Petitioner's skills, personal attributes, and past accomplishments. But, insofar as these letters, the Petitioner, and other evidence in the record comment on these areas, they are considerations under *Dhanasar's* second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. Under the first prong, we look to the proposed endeavor itself. *Id.* at 889. Additionally, while some letters broadly state that the Petitioner's endeavor will make substantial contributions to the nation, they are largely conclusory and do not offer an evidentiary basis for their claims. For example, the letter written by [redacted] states that he "firmly believe[s] that this venture has the potential to make a significant impact on the automotive sector and contribute positively to the economy" and that "[the Petitioner's] business concept addresses a critical market need." But he provides no further detail about the proposed endeavor or its potential impact, and does not otherwise support his claims with corroborating evidence. Consequently, these letters are of limited probative value in determining the endeavor's national importance.

Because the record does not establish his proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated his eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether he has established eligibility for the underlying EB-2 classification, as well as eligibility under the remaining two *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for, or otherwise merits, 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.