U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 35393674

Date: MAR. 9, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an electronics engineer in the field of telecommunications, seeks employment-based second preference (EB-2) immigrant classification as either a member of the professions holding an advanced degree or 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 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

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that he 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 under *Dhanasar's* first prong 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 professional experience in positions including roles as a fiber optic splicer, cable technician, network engineer, and executive engineer. He currently co-owns and works as a fiber optic splicer for his company, [redacted] He states his proposed endeavor is to further expand and develop his company, which provides splicing services for fiber optic communication lines to internet service providers. He also plans to expand his activities to include fiber optic line construction.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS found that the Petitioner did not show his proposed endeavor would have implications beyond his company, employees, clients, and any individuals with whom he would work to impact the field, industry, economy, or nation more broadly at a level commensurate with national importance. In particular, SCOPS also found the Petitioner did not provide sufficient evidence that the area where the company intends to operate is economically depressed or that the specific proposed endeavor has a significant potential to employ U.S. workers or otherwise offers substantial positive economic effects. SCOPS also noted that the record did not show how any of the Petitioner's techniques, methodologies, or methods are sufficiently innovative or distinct from those in other similar businesses to represent an improvement in the field.

On appeal, the Petitioner argues that SCOPS did not provide a thorough explanation of the specific reasons for denial and did not properly consider all the documentation in the record. He contends that he submitted sufficient evidence to show his eligibility for a national interest waiver.

Upon de novo review, and after carefully evaluating all the evidence submitted, 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.[2]

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

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

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 met his burden to demonstrate that his proposed endeavor's prospective impact rises to the level of national importance. In particular, the Petitioner has not shown, and the record does not delineate, how the impact resulting from his individual company's fiber optic services would sufficiently extend beyond his company and its clients to impact the industry, region, or nation more broadly at a level commensurate with national importance.

The Petitioner argues that his endeavor will have significant economic, technological, and societal impacts, particularly in underserved regions, and that it is poised to create jobs and support the national interest in broadband expansion. He asserts that his future work aligns with national priorities such as the Federal Fiber to Home program and, therefore, inherently demonstrates national importance, as improving telecommunications infrastructure is critical to enhancing economic growth, technological advancement, and societal welfare. In support of his claims, he submits evidence including an article discussing fiber optic internet availability in the United States, his personal statement, and business plans describing his future work. However, the Petitioner's arguments and evidence focus on the general importance of his industry without sufficiently establishing how his individual services would have broader implications extending beyond his company and the clients he would serve to have regional, economic, or national impacts rising to the level of national importance.

Despite the Petitioner's arguments that his endeavor has broader national significance because it will address systemic issues in the telecommunications infrastructure, particularly in depressed areas, and that it will have widespread benefits, including improving communication networks, supporting economic development in rural and economically depressed regions, and facilitating greater access to essential services such as education and healthcare through high-speed internet, these generalized claims rely more on the potential benefits that overall fiber optic networks may have on the industry, economy, and societal welfare, rather than demonstrating how the Petitioner's specific undertaking would produce such results. While we acknowledge the value of fields related to telecommunications and fiber optics, as well as the value of the individuals working in these areas, working in an important field, even one that is the subject of national initiatives, is insufficient in and of itself 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 his particular endeavor's potential prospective impact in that area of national importance, which he has not done. Here, the Petitioner's claims linking his proposed endeavor to these impacts are too attenuated and lack sufficient corroborating evidence to show the proposed endeavor's prospective impact.

The record also does not contain sufficient evidence to support the substantial economic benefits he claims. The Petitioner contends that his endeavor will lead to job creation, increased business activity, and significant contributions to Vermont's local economies. By improving internet access, he claims his project will facilitate business growth, attract new enterprises, and provide a foundation for sustained economic development, particularly in economically depressed areas, which contributes to his endeavor's national significance.

Although the Petitioner provided a business plan for his proposed work, he has offered little evidence to support his assertions and figures in his plan. For instance, although his business plan estimates sales proceeds of $14,592,000 in the first year and $37,118,000 in the second year, he did not establish the significance of this data to show that the benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. In addition, based on the evidence, it is unclear whether the Petitioner's company could reach these numbers initially, or higher numbers in successive years. It appears the Petitioner's company had been operational for at least three years at the time of filing. While the endeavor is prospective in nature, the record does not contain objective evidence of how the business has performed, which while not specifically required, would help to evidence whether the business plan figures are realistic.

Similarly, even though the business plan indicates his company currently employs five individuals on a fixed salary basis and 20 individuals on a "piece rate," the Petitioner did not demonstrate the relevance of these numbers and show that such staffing levels provide substantial economic benefits to the Vermont region or the U.S. economy more broadly at a level commensurate with national importance. The Petitioner, for instance, did not establish that such employment figures would utilize a significant population of workers in the area or would substantially impact job creation and economic growth, either regionally or nationally. The record does not demonstrate that, beyond the limited benefits provided to its prospective clients and employees, the Petitioner's proposed endeavor has broader implications rising to the level of having national importance or that it would offer the substantial positive economic effects claimed. While any increased business activity has the potential to positively impact the economy, the Petitioner has not established how the economic activity resulting from his individual company's work would produce such substantial regional or national economic impacts that it would be of national importance.

We have also considered the Petitioner's support letters, but they likewise do not demonstrate his endeavor's national importance. While the letters discuss the Petitioner's skills, personal attributes, and past accomplishments, these 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, although the letters express general support for the Petitioner, they do not discuss the Petitioner's specific endeavor or potential impact thereof. Consequently, these letters are of limited probative value in determining the endeavor's national importance.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the record does not establish his proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated 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 under the remaining two *Dhanasar* prongs. *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

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.