U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37291477

Date: MAY 1, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks second preference 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 EB-2 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 established he was an advanced degree professional, but had not demonstrated 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. 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.

SCOPS concluded that the record established the substantial merit of the Petitioner's endeavor, but did not establish its national importance. SCOPS determined the Petitioner did not show that his work would result in broader implications beyond his prospective customers, nor did he demonstrate that his endeavor would result in a significant potential to employ U.S. workers or otherwise result in substantial economic benefits contemplated in *Dhanasar*.

On appeal, the Petitioner generally disagrees with the decision, asserting that he specializes in national security and his proposed endeavor will be of national importance because it has a "direct and substantial impact on the digital security" of the United States. In doing so, however, he primarily relies on the same arguments he previously put forth before SCOPS without explaining how SCOPS erred in their conclusions.

We adopt and affirm the Director's decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted"). SCOPS correctly concluded that the Petitioner did not establish that the proposed endeavor has

national importance. In making this finding, SCOPS mentioned several deficiencies with the evidence submitted by the Petitioner. Turning to our review of the record, we agree that the record does not establish, by a preponderance of the evidence, that the Petitioner's proposed endeavor has national importance.

On appeal, the Petitioner states that his numerous personal accomplishments should be considered as an indicator of national interest in the proposed endeavor. We recognize the Petitioner's educational background and experience in the field, but a petitioner's expertise and record of success are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the Petitioner has demonstrated the national importance of his proposed endeavor. The Petitioner does not explain how his past accomplishments establish the proposed endeavor's national importance.

The Petitioner's claims on appeal primarily rely on the importance of the information technology field and IT project management, as well as the importance of cybersecurity, rather than sufficiently detailing the prospective impact of his specific work. But in *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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.

Although the Petitioner's statements in the record reflect his intention to provide valuable services to his future employer(s) and customers, the record does not support his assertions that his work will result in broader implications to the field, beyond the potential benefits to his immediate employer(s) or customers. For example, he asserts that his proposed endeavor will "revolutionize IT management practices across various sectors in the United States, emphasizing operational efficiency, data security, and sustainable practices," and his work would result in broad implications in the field; however, he does not identify what, if any, cutting-edge technologies and IT management practices he will introduce. Moreover, he does not explain how any methodologies and practices he implements, even if adopted by his customers, would be disseminated to the field at a level commensurate with national importance or would otherwise lead to broader implications to the field. Generalized conclusory statements that do not identify a specific impact in the field have little probative value. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

And we acknowledge the articles in the record that reflect the advantages of implementing cybersecurity, but the Petitioner did not sufficiently explain and support with evidence how his proposed endeavor would have a national impact on these broad initiatives. In *Dhanasar,* we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Dhanasar* at 893. Here too, we conclude that the record does not show that the Petitioner's proposed endeavor stands to sufficiently

extend beyond his prospective customers to impact his field more broadly at a level commensurate with national importance.

We also agree that the Petitioner has not demonstrated that his intended work in the United States has a significant potential to employ U.S. workers or otherwise offer substantial positive economic effects contemplated in *Dhanasar*. *See Dhanasar* at 890. The decision by SCOPS discussed the business plan and noted it lacked details of the financial projections, specific positions, and numbers of employees, and the Petitioner does not address these evidentiary deficiencies on appeal. Although any basic economic activity has the potential to positively impact a local economy, without sufficient information or evidence regarding any projected U.S. economic impact or job creation directly attributable to his future work, the record does not show that benefits to the U.S. regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.*

Because the Petitioner did not establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver, as a matter of discretion.[1] Further analysis of his eligibility under the second and third prongs outlined in *Dhanasar*, therefore, would serve no meaningful purpose. *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).

ORDER: The appeal is dismissed.

[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).