U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42388758

Date: MAY 6, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a general and operations manager of a franchise, 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) 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

The Petitioner states he has over 20 years of experience in brand, sales, and operations management. His past positions include roles as a deputy director, director of operations, brand manager, trainee district manager, and marketing assistant. The Petitioner currently owns and operates his own company [redacted] a franchisee of [redacted] a solar panel installation company providing services for residential and commercial customers.

In his Form I-140, Immigrant Petition for Alien Workers, the Petitioner described his proposed employment as a "Franchise owner/General Manager" and indicated that his proposed endeavor focuses on the electric vehicle (EV) charging solutions industry. He stated that he "aim[s] to address critical challenges in supporting the nationwide shift to electric vehicles" and that "[b]y providing turnkey EV charging station solutions for businesses, homeowners, and organizations, the company will help bridge this gap in infrastructure."

In his updated personal statement submitted after SCOPS' Request for Evidence (RFE), the Petitioner added that his endeavor "is to scale up [redacted] into a comprehensive clean energy solutions provider that integrates rooftop solar, battery storage, and electric vehicle charging infrastructure." He plans to develop and install EV charging stations, including solar powered chargers, for businesses, communities, and individuals, initially in Georgia then expand across neighboring states.

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.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS determined that the Petitioner did not demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. They found that the Petitioner had not established that his endeavor stands to sufficiently extend beyond his business, franchisor, or clients to impact the field, economy, or nation more broadly at a level consistent with national importance. They also found that the Petitioner had not shown that any increased performance or efficiency realized by the Petitioner would result in significant job growth or substantial positive economic effects for the nation.

On appeal, the Petitioner argues that SCOPS mischaracterized the proposed endeavor, misapplied the *Dhanasar* standard, failed to meaningfully consider the evidence, and improperly relied on generalized assertions that did not engage the evidence of record.

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 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, franchisor, and clients to impact the industry, economy, region, or nation more broadly.

As an initial matter, the Petitioner argues that SCOPS mischaracterized the endeavor as a "Franchise Owner/General Manager" instead of his solar, storage, and EV charging related endeavor. By doing so, the Petitioner argues that SCOPS "collapse[d] the proposed endeavor into an occupational label . . . rather than analyzing the specific endeavor presented in the record." However, a review of SCOPS' decision shows that, while they stated the Petitioner intended to work as a franchise owner/general manager, SCOPS also considered his proposed endeavor in the context of his EV charging related activities. Furthermore, the Petitioner stated in his Form I-140 that his proposed employment is to work as a franchise owner/general manager and indicated that his franchised company would be the vehicle through which he carries out his endeavor. As such, SCOPS did not err in considering the Petitioner's role as a franchise owner in analyzing the national importance of the endeavor.

The Petitioner claims his endeavor is nationally important because he claims it supports numerous objectives identified by the U.S. government as critical to the public interest, including harnessing clean energy, modernizing infrastructure, protecting community health through emissions reduction, lowering household energy costs, and creating well-paying jobs. He also argues that his work aligns closely with national priorities outlined in the Inflation Reduction Act of 2022 and the Bipartisan Infrastructure Law of 2021, which prioritize solar energy deployment, EV infrastructure deployment, and economic revitalization. In support of his claims, the Petitioner submitted various articles on topics such as the lack of charging infrastructure for EVs, individual benefits of rural vehicle electrification, solar market reports, and greenhouse gas emissions, as well as various national initiatives related to EV charging, refueling infrastructure, and transportation decarbonization.

In claiming his endeavor's national importance, however, the Petitioner relies heavily on the value of the solar and EV related fields generally rather than demonstrating how his specific work installing

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

solar EV charging stations would have broader impacts for the field or nation. Although the submitted articles and government 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 work would impact these areas more broadly to demonstrate its national importance. While we recognize the overall importance of the solar and EV related fields, the Petitioner's work 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 id.* 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. And, here, the Petitioner has not shown, for example, that his endeavor has "national importance because it has national or even global implications within a particular field, such as certain improved manufacturing processes." 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual.

Although the Petitioner argues that his endeavor will have a multi-state footprint spanning Georgia, South Carolina, Tennessee, Alabama, and Florida, which he claims "ensures benefits well beyond the Petitioner's enterprise or any single locality," the record does not illustrate how the benefits from his specific activities installing EV chargers in those areas would extend beyond the individuals installing or using his chargers to have a broader impact. Rather, the primary benefits appear to be localized to those small subsets of individuals, and the record does not reveal how his installation of these EV chargers will produce the claimed impacts rising to the level of national importance.

The record also does not sufficiently support the substantial economic benefits he claims. The Petitioner provided a business plan outlining various financial projections and claims that his endeavor will generate clean energy jobs, stimulate local economies, and contribute meaningfully to U.S. EV infrastructure targets. We note that the Petitioner's business plan and projections encompass both his current solar panel installation work for residential and commercial customers, which appears to be distinct from his proposed endeavor, as well as his future work related to EV charging stations.[3] The Petitioner projects an increase in staff from seven to 34 employees in five years,[4] as well as an increase in revenue from $400,000 to $8 million during that period for his EV charging business. The evidence, however, does not provide sufficient details regarding the basis for these projections or adequately explain how these staffing and 20-fold increase in sales revenue targets will be realized.

Regardless, even if these projections were accurate, we would still conclude that the Petitioner has not adequately demonstrated how the proposed endeavor would generate such significant economic activity that it rises to the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890. For example, although his EV charging business is projected to have a revenue of $400,000 during the first year of operation, increasing to $8 million by the fifth year, the record does not reflect the impact these figures would have to the regional or

[3] As stated in his initial petition, the Petitioner expressed that his proposed endeavor focuses on the EV charging solutions industry. The Petitioner has not clearly explained, and the record does not show, how these seemingly distinct services are interrelated, if at all. Accordingly, because the Petitioner's business plan delineates projected income statements from his solar business and his EV charging solutions business, and the Petitioner claimed his endeavor focuses on EV charging solutions, we will assess the Petitioner's data points associated with his EV charging business.

[4] The business plan states that his employees working for his solar business "can be used interchangeably" with his EV charger solutions business.

national economy and does not show that any potential benefits would reach the level of "substantial positive economic effects." He also has not explained how employing 34 employees by year five shows that his future staffing levels would provide substantial economic benefits to Georgia, where the company operates, or the U.S. economy more broadly at a level commensurate with national importance. While the revenue and employment opportunities generated by any business endeavor have the potential to positively impact the economy on some level, it is the Petitioner's burden to demonstrate that the potential positive economic effects of his specific endeavor will be "substantial."

The Petitioner also claims that his "integrated, open-protocol platform has the potential to influence the broader clean-energy and EV-infrastructure field by addressing one of its most persistent structural problems: the lack of interoperability among systems for solar generation, battery storage, and vehicle charging."[5] The Petitioner, however, has not explained, for instance, the context, nature, extent, or scale of this claimed problem. Nor has he provided sufficient details about the specific platform itself and how it will resolve the problem to establish its national importance. For instance, the Petitioner claims that his "open-protocol management software enables chargers from multiple manufacturers to operate under a single, unified control system" demonstrating a "field-level innovation." However, beyond this vague assertion, the record provides little detail on how he plans to develop and implement the platform or what it will specifically entail. The record also does not illustrate what the current state of this technology is to show how it would be considered innovative or an improvement in manufacturing processes beyond any benefits or efficiencies provided to his own company, as contemplated by *Dhanasar*. *See id.* at 889; *see generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual.

The Petitioner also presented a number of support letters, but they also do not establish the endeavor's national importance. Many of these letters discuss the Petitioner's skills, expertise, and past accomplishments, which relate more to the second prong. *See id.* at 890. Although some of the letters also reference the proposed endeavor, they are largely conclusory and do not provide an evidentiary basis for their claims.

For instance, [redacted], founder and CEO of [redacted], states that "[b]y integrating rooftop solar panels and battery storage with EV charging stations, [the Petitioner's] model makes clean charging more accessible and reliable." While the users of the Petitioner's EV chargers may receive these benefits, [redacted] does not explain how this impact would extend beyond these users to impact the field more broadly. Although he asserts that such innovations will reduce strain on the grid during peak times, cut carbon emissions, and offer drivers a cost-effective clean way to recharge their vehicles, again, he has not discussed how these localized benefits would sufficiently extend beyond these users to impact the field at a nationally important level. Moreover, these claims rely more on the importance of the EV charging field generally rather than explaining

[5] The Petitioner submitted a copy of his franchise agreement with [redacted]. The terms of this agreement, however, appear to raise additional concerns under the first and second *Dhanasar* prongs. Notably, there are questions regarding how the Petitioner's development of his "innovative" platform would be affected by the intellectual property provisions of his franchise contract. Additionally, regarding prong two, there are questions regarding how well positioned the Petitioner would be to execute the endeavor through his company in light of the operations related and non-competition clauses in his contract. These are significant hurdles to approval. However, because the Petitioner is not otherwise approvable, we will not address these issues further. That said, the Petitioner should be prepared to address these issues, including the observations we have made here, in any future NIW filings.

how the Petitioner's specific work would directly produce such benefits. Similarly, [redacted] contends that "as [the Petitioner's] charging network expands, it will create more jobs for electricians, technicians, salespeople, and others in multiple states." But his claim again relies more on generalizations, rather than providing probative information about how the Petitioner's specific endeavor would have a significant potential to employ U.S. workers or generate other substantial positive economic effects as contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890.

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.