U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42652924

Date: MAY 7, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a chief operating officer (COO) of a fire suppression technology company, 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 that although the Petitioner qualified for the EB-2 classification as an advanced degree professional and his endeavor has substantial merit, the record did not establish that the Petitioner's endeavor is of national importance, that he is well positioned to advance the proposed endeavor, or that, on balance, 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:

- 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.

Id.

II. ANALYSIS

The instant petition was filed on August 18, 2025. The record describes the Petitioner as "a seasoned business executive with extensive experience in operations, strategy, and teambuilding" who holds a bachelor of technology degree in electrical engineering from the [redacted] and a master of business administration degree from the [redacted] The Petitioner worked for [redacted] as an engagement manager in the operations consulting practice from 2014 to 2016, and as COO/vice president for various start-up companies, including [redacted] from 2016 to 2021 [redacted] from 2021 to 2022, and [redacted] from 2022 to 2024. Since February 2024, the Petitioner has been working as the COO of [redacted], "a National Science Foundation-funded technology company developing breakthrough fire suppression systems that address the escalating wildfire crisis threatening American lives, property, and national infrastructure." On Form I-140, Immigrant Petition for Alien Workers, the Petitioner listed his occupation as "Chief Operating Officer and Executive Board Member." The Petitioner claimed that his proposed endeavor is to "continue revolutionizing fire suppression technology and scaling innovative businesses that address critical national challenges."

In denying the petition, SCOPS concluded that although the proposed endeavor has substantial merit, the record did not demonstrate that it has national importance under the first prong of the *Dhanasar*'s analytical framework.

On appeal, the Petitioner makes various claims of error by SCOPS. First, the Petitioner contends that SCOPS mischaracterized the endeavor as "product designing." Second, the Petitioner claims that SCOPS misapplied the *Dhanasar*'s framework by imposing "extra-regulatory" requirement and finding inconsistencies in the Petitioner's job duties and his endeavor. Third, the Petitioner contends that that SCOPS erred by ignoring key evidence, such as federal mandates from U.S. Department of Agriculture (USDA) and U.S. Department of Interior (USDI) designating wildfire response as urgent national priority; adoption of the [redacted] technology by various government agencies, including National Science Foundation (NSF), CALFIRE, U.S. Marine Corps, and U.S. Army; press releases on the launch of the [redacted][2]; economic analysis regarding the cost of wildfires and the benefits

[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).

[2] We observe that the company's launching of [redacted] "a nonprofit initiative dedicated to empowering fire departments across the United States," post-dates the filing date of the petition and is not relevant to demonstrating the Petitioner's eligibility, as this must be established at the time of filing. 8 C.F.R. § 103.2(b)(1).

of [redacted] to the national fire service; and testimonials from U.S. fire service officials who have utilized [redacted].

Upon review of the record, we do not find the Petitioner's appellate claims persuasive and conclude that the Petitioner has not demonstrated that he meets the national importance element of the *Dhanasar*'s first prong, as discussed below.

First, we will address the Petitioner's contention that SCOPS mischaracterized the endeavor. We find that SCOPS overall correctly identified the Petitioner's endeavor as "revolutionizing fire suppression technology" and a single mention of "product designing" in the decision was, at most, harmless as it had no bearing on the decision. *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).

Second, we will evaluate whether SCOPS properly applied the *Dhanasar*'s framework. *Dhanasar* indicates that in evaluating an endeavor's national importance, we focus on the specific endeavor that an individual proposes to undertake and look to evidence documenting its "potential prospective impact." *Dhanasar*, 26 I&N Dec. at 889. An endeavor may have national importance because "it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *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 examining the specific proposed endeavor in the record, SCOPS identified inconsistencies between the claimed activity of the proposed endeavor, "revolutionizing fire suppression technology," and the proposed duties to be performed as the COO, such as sales, marketing, operational management, and business development. In responding to the request for evidence, the Petitioner asserted that being the COO is his position title and not his proposed endeavor. But the Petitioner offered the same description of his responsibilities as previously submitted with the initial filing and listed his future activities showing only the operational and managing aspects of his job. The Petitioner's claims and evidence supporting the endeavor's national importance relied on the employing company's activities of designing and implementing firefighting technology. Therefore, SCOPS properly concluded that the evidence in the record did not show how the Petitioner's specific work is contributing to the field of fire suppression technology and the firefighting industry.

Here, the Petitioner has not adequately supported his claim that his specific endeavor of working as the COO would broadly impact the field of firefighting technology or industry at a level commensurate with national importance. The following language from the USCIS policy manual addresses this issue:

> The term "endeavor" is more specific than the general occupation; a petitioner should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation.
>
> For example, while engineer is an occupation, the explanation of the proposed endeavor should describe the specific projects and goals, and the area of engineering in which the person will work, rather than simply listing the duties and responsibilities of an

> engineer. When explaining the endeavor, the petitioner should do so in a straightforward manner and clearly lay out the potential direct impacts of the endeavor and whether the endeavor will be furthered through the course of the person's duties at a particular employer or some other way.

See 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual.

The record lists the Petitioner's responsibilities as the COO as follows: developing and implementing go-to-market strategies; spearheading sales strategies to expand market share in fire suppression and firefighting sectors; overseeing day-to-day operations of the company and establishing streamlined processes to maximize efficiency; collaborating with fundraising efforts and engaging with investors and stakeholders; and contributing to financial planning and forecasting to ensure resources align with growth strategy and operational needs. These activities do not specifically pertain to development of fire suppression technology but focus on general operation and management of a company. The Petitioner maintains that he "plans to revolutionize fire suppression technology" but does not provide concrete examples beyond his duties and responsibilities as the COO.

We acknowledge the Petitioner's intention to provide valuable services for his employer and contribute to [redacted] overall activities using his specialized knowledge and skills in business administration and management. However, the record does not reflect that the Petitioner is developing techniques, technologies, or procedures that have the potential prospective impact of advancing the field of fire suppression technology or the firefighting industry. Instead, the Petitioner claims that the company's reputation, innovative technology, and economic impact are critical to the United States but has not sufficiently demonstrated that his own individual activities stand to have broader implications. Much of the evidence in the record relates to aspects of the fire suppression technology and the importance of combatting wildfires in the firefighting sector but it is unclear how his specific operational work would have national importance beyond immediate benefits to the company.

The issue here is not the broader implications of the company's innovation or production of [redacted] nozzles or other fire suppression technology, but rather the potential prospective impact of the Petitioner's specific proposed work that affects the field or industry. The following language in the USCIS policy manual directly speaks to this issue:

> Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance. At issue is whether the petitioner can demonstrate that *the person's own individual endeavor* stands to have broader implications, such as for a field, a region, or the public at large.
>
> For example, a person developing a drug for a pharmaceutical company may establish national importance by demonstrating the prospective public health benefits of the drug, instead of solely projecting the profits that will accrue to the employer.

See 6 *USCIS Policy Manual*, *supra,* at F.5(D)(3) (emphasis added).

Although the Petitioner's work as the COO may be integral to [redacted] operational activities, the record does not sufficiently provide corroborating evidence that his own individual endeavor, such as certain business methods or knowledge in operational management will widely impact the fire suppression industry as a whole, beyond his employer or the employer's clients. The Petitioner submitted various industry articles and reports on the importance of firefighting technology, the wildfire crisis and climate change, and the government's priorities on combatting wildfires. We acknowledge the importance of fire suppression technology and risks of wildfires, but these documents establish the overall significance and substantial merit of the field, not the national importance of the Petitioner's specific endeavor. *See Dhanasar*, 26 I&N Dec. at 889. Moreover, the testimonial evidence from the Petitioner's current or former employers make broad claims that the his work is of national importance but they generally attest to his operational accomplishments, employment history, and duties associated with his various roles as a business manager or vice president of start-up companies and do not show that his work relates to developing [redacted] fire suppression technology itself.

Therefore, we do not find any error in SCOPS's statement noting that the industry articles or reports on the government's priorities do not mention the Petitioner's work as contributing to "the concerns outlined in the documents [i.e. the crisis of wildfires in the United States]." This statement was proper given that the record does not persuasively establish how the Petitioner's individual endeavor as [redacted] COO would extend beyond the company and directly contribute to developing fire suppression technology and the firefighting industry at a level indicative of national importance. *See id.* (explaining "we look for broader implications").

Third, we will examine other supporting documentation that SCOPS purportedly disregarded. Under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 376; *see also Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). Also, we are not required to mention every piece of evidence submitted in our analysis but consider the evidence in its entirety. *Yan Rong Zhao v. Holder*, 728 F.3d 1144, 1149 (9th Cir. 2013). We acknowledge that the Petitioner submitted various testimonials from firefighters who attest to adoption of [redacted] nozzles and technology, as well as a link to NSF's website to show that [redacted] received funding from NSF.[3] The Petitioner also claimed that [redacted] technology was adopted by federal entities, such as U.S. Marine Corps and U.S. Army, and there are interests from reputable firms like O'Neil Strategic Capital showing strong confidence in the investment community regarding [redacted] technology. But again, such evidence is not probative as it does not mention the Petitioner's individual endeavor or its impact rising to the level of national importance.

As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Dhanasar*, 26 I&N Dec. at 891-92. In addition, we gave significant weight to "probative expert letters from individuals holding senior positions in academia, government, and industry that describe the importance of hypersonic propulsion research as it relates to U.S. strategic interests" and "detailed expert letters describing U.S. Government interest" in Dr. Dhanasar's specific

[3] Aside from a link to NSF's website, the Petitioner did not provide printouts of the funding description, source, or other form of documentary evidence to corroborate this claim.

research. *Id.* at 892. Here, the Petitioner has not provided similar evidence, such as the type of expert opinion evidence or letters from government entities detailing how his specific endeavor as the COO who manages operation of a company impacts a matter that the Petitioner claims as a subject of national initiatives and national importance.

Furthermore, the record lacks corroborating documents to support the Petitioner's claim that economic benefits such revenues, new jobs, and tax payments from the company are directly linked to the Petitioner's proposed endeavor. While any increased business activity has the potential to positively impact the economy, the Petitioner has not demonstrated how the economic activity resulting from his role as the COO for the company would substantially impact job creation and economic growth in the region or the nation, such that it rises to the level of national importance. The claims of economic benefits from the Petitioner's endeavor are too attenuated to demonstrate "substantial positive economic effects." *Dhanasar*, 26 I&N Dec. at 890. The Petitioner must support their assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

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*, 26 I&N Dec. at 893. Here, the evidence does not sufficiently demonstrate how the Petitioner's proposed endeavor stands to extend beyond his employer, its business partners, and its clientele to impact the fire suppression technology and firefighting industry and other related fields more broadly at a level commensurate with national importance.

Accordingly, the Petitioner's proposed work as the COO does not meet the national importance element of the first prong of the *Dhanasar* framework. Therefore, the Petitioner has not demonstrated his eligibility for a national interest waiver and further analysis of his eligibility under the second and third prongs outlined in *Dhanasar* 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).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner 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.