U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43193453

Date: MAY 7, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a chief urban planner, 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 the record did not establish that a waiver of the classification's job offer requirement, 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 withdraw the decision and remand the matter for entry of a new decision.

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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

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

SCOPS determined that the Petitioner was a member of the professions holding an advanced degree. Based on the evidence in the record that the Petitioner holds a master's degree in public administration from [redacted] awarded in 2023, we agree. The issue to be determined on appeal is whether the Petitioner qualifies for a national interest waiver under the analytical framework set forth in *Matter of Dhanasar*.

The Petitioner states that she is a professional urban planner with 14 years of experience across government, nonprofit, and private sectors in North America, leading major urban development projects, as well as contributing to policy and managing stakeholder relations. She is the founder and manager of [redacted] a non-profit online platform for sharing ideas on equitable development and affordable housing strategies in U.S. cities. She has served in urban planning roles for the cities of [redacted] and [redacted], and for the Commonwealth of Massachusetts. In Massachusetts, she served as [redacted] ([redacted]) coordinator for the Commonwealth. In this role, she led the development of policy and legislation to expand housing options and modernize local zoning practices to limit restrictions on [redacted]– small residential living space located on the same lot as another home. She has been chief urban planner with [redacted] since 2025. In this role she supports the firm's commercial real estate and strategic advisory work in the United States, as well as contributing to international philanthropy projects.

With the initial filing, the Petitioner stated that her proposed endeavor is "to revitalize U.S. cities through mixed-used real estate development and expand housing access through a national housing policy network." She states that her work "addresses critical national challenges, including commercial corridor decline, housing shortages, and urban economic stagnation." She states that, in her role as chief of staff and chief urban planner with [redacted] she will "manage major mixed-use development projects that expand housing and commercial infrastructure in core city areas across major U.S. downtowns … providing housing, creating jobs, attracting investment, and improving essential services in urban areas across the country." She further states that she will manage and grow [redacted] as a housing advocacy group to "strengthen collaboration between cities and support the development of more effective, equitable housing solutions nationwide."

After reviewing the Petitioner's initial filing, as well as evidence submitted in response to a request for evidence (RFE), SCOPS determined the Petitioner had submitted sufficient evidence to

[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).

demonstrate that her proposed endeavor has substantial merit and that she is well positioned to advance her proposed endeavor. However, SCOPS concluded the Petitioner did not establish that her proposed endeavor has national importance, or that, on balance, waiving the job offer requirement would benefit the United States. SCOPS stated that the record did not demonstrate that the impact of the Petitioner's proposed endeavor would extend beyond the businesses that might employ her, or impact the industry or the U.S. economy more broadly.

On appeal, the Petitioner asserts that SCOPS made multiple analytical errors and imposed requirements not found in law or in *Matter of Dhanasar*, such as "requiring formal federal sponsorship to establish national importance." The Petitioner also states that SCOPS did not fully consider or provide a reasoned analysis of evidence in the record.

Upon review, we agree with the Petitioner and withdraw SCOPS' decision as it is insufficient for review. While the Petitioner may not have established that a waiver of the required job offer would be in the national interest, an officer must fully explain the reasons for denying a petition in order to allow a petitioner a fair opportunity to contest the decision and to allow us an opportunity for meaningful appellate review. *See* 8 C.F.R. § 103.3(a)(l)(i); *see also Matter of M-P-,* 20 I&N Dec. 786 (BIA 1994) (finding that a decision must fully explain the reasons for denial to allow the respondent a meaningful opportunity to challenge the determination on appeal).

Here, SCOPS did not properly discuss the evidence in the record or sufficiently explain the reasons for its conclusions. For example, in support of the first *Dhanasar* prong, the Petitioner submitted a detailed personal statement, letters of recommendation and support, and articles and industry reports discussing housing availability and affordability, and urban planning. In response to the RFE, the Petitioner submitted evidence of the impact that her online platform has had on urban centers in the United States. However, without discussing this evidence specifically, SCOPS stated in the decision, "the self-petitioner did not provide specific insight into whether the endeavor she proposes to undertake will be of national importance."

The record includes evidence of redevelopment projects the Petitioner currently oversees in the District of Columbia, Virginia, and Michigan, including deed and title documents, development plans, and articles discussing these specific projects. However, SCOPS did not discuss this evidence specifically and stated that the Petitioner did not "offer specific information and evidence to corroborate her assertions" of the prospective impact of her work. SCOPS also incorrectly referenced the Petitioner's field of endeavor as "petroleum engineering."

In discussing the articles and industry reports in the record, SCOPS stated, "none of the articles mention the self-petitioner, or otherwise address the potential prospective impact of [her] proposed endeavor ... there is no evidence in the record that governmental initiatives [are] interested in or funded the self-petitioner's proposed endeavor or that her proposed endeavor is named in a particular initiative's announcement and plans." However, SCOPS did not discuss the evidence in the record, including a roadmap and "Infrastructure Assessment" for the [redacted] from the District of Columbia Office of Planning, deed and title documentation for property located within that corridor, and other evidence in the record outlining the Petitioner's role in this project. SCOPS also did not discuss the Petitioner's assertion that her online platform, [redacted] "amplifies the

impact of local redevelopment efforts and contributes to coordinated, evidence-informed urban policy at a national level."

While the record may demonstrate the substantial merit portion of the first *Dhanasar* prong, SCOPS should discuss the evidence and determine whether the record establishes the national importance of her proposed endeavor as required and provide a sufficient explanation for the conclusion.[2]

As to the third prong, SCOPS stated the law and the relevant considerations in performing the third prong's balancing analysis and concluded that "the evidence submitted does not support the self-petitioner's statements that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification." Beyond a brief quote from the Petitioner's personal statement, SCOPS did not discuss the evidence weighed in balancing those considerations nor address the Petitioner's specific claims, if any, as to the third prong. SCOPS' decision did not identify any evidence considered in this analysis. SCOPS stated that the Petitioner discusses "occupational shortages" in the context of the third *Dhanasar* prong, although this is not mentioned in the Petitioner's personal statement, nor the cover letter or RFE response letter. Without a proper evaluation of the factors identified in *Dhanasar*'s third prong, we cannot meaningfully analyze whether SCOPS' determination for this prong was in error.

Accordingly, the matter will be remanded to SCOPS to determine if the Petitioner has established eligibility for a national interest waiver and to enter a new decision. On remand, SCOPS should review the entire record, including the Petitioner's appeal, and determine whether she has established eligibility for each of the three prongs of the *Dhanasar* framework.

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.

[2] In determining whether a proposed endeavor has national importance, USCIS must focus on the particular venture, specifically on its "potential prospective impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. "An undertaking may have national importance, for example, 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.* A nationally important venture may even focus on only one geographic area of the United States. *Id.* at 889-90. "An 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.*