U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38377350

Date: MAY 12, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, the chief executive officer of an automobile detailing service and product retail 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).

SCOPS denied the petition. SCOPS determined that the Petitioner qualifies as a member of the professions holding an advanced degree. However, SCOPS concluded that the record does not establish that a waiver of the job offer requirement, and thus of a 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] *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).

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance the proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree. However, for the reasons discussed below, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong. *See id.*

The Petitioner described the endeavor as a plan to continue working as the chief executive officer of his own automobile detailing company, operating in [redacted] Florida, as a "retail store, offering top-tier auto detailing products, professional services, and comprehensive training programs."

The Petitioner submitted a business plan for his automobile detailing services and product retail company, dated January 2024. The business plan indicates that the company would expand "from [redacted] to cover the entire state of Florida" during the first year of the plan, further expanding generally "to the state of New Jersey" and "to California" in the third and fifth years of the plan, respectively.[2] We note, however, that neither the business plan nor the remainder of the record indicates that the Petitioner would operate more than one location in a given state; therefore, it does not substantiate how the company would expand "from [redacted] to cover the entire state of Florida" while operating at a single location in [redacted]

The business plan indicates that the Petitioner's company would employ a total of 10 workers in the first year of the plan, increasing to a total staff of 27 workers among three locations in the fifth year of the plan. The business plan describes duties of positions with the following job titles: chief executive officer, store manager, marketing manager, commercial/marketing specialist, logistics coordinator, logistics operator, training technician, sales representative, external sales representative, billing clerk, operations manager, and financial manager. The business plan further anticipates creating the effect of "65 jobs in Year 5, as [the company] will reach a total of 27 in-house employees in the same year." The business plan bases this calculation on the U.S. Bureau of Economic Analysis's Regional Input-Output Modeling System's multiplier for "All Other Miscellaneous Professional, Scientific, and Technical Services Industry in Florida." However, the business plan does not clarify why that metric for Florida was applied to all of the company's employees, given that the plan indicates that approximately 10 of the company's 27 workers would operate outside of Florida, in New Jersey and California, in the fifth year of the plan following the company's expansions.

The business plan also notes that the Petitioner's company is "the exclusive distributor of [redacted] products in the United States." Although the business plan clarifies that [redacted] is a "Brazilian brand for car care products," it does not establish how [redacted] products may differentiate from other car care

[2] The record establishes that the Petitioner incorporated his company in 2018 and that he operated it for several years before he filed the Form I-140, Immigrant Petition for Alien Workers. Therefore, we refer to prospective years of the plan rather than years of operations, given that several years of operations have already occurred.

products, nor does it indicate the significance of [redacted] products originating in Brazil, as opposed to car care products made in the United States or any other location. For example, the business plan lists more than a dozen other car care product brands that the company also distributes, originating in the United States, China, Germany, Italy, South Korea, Spain, and the United Kingdom.

The business plan also indicates that the company would offer in-person "education of both store staff and customers on the offered brands," that would "provide[] valuable insights, share[] useful tips, and introduce[] effective strategies for enhancing the sale and monetization of the services offered." The plan states that the Petitioner's company would provide this training both at its own locations and "at product-carrying stores," indicating that the company's workers would travel to various unspecified locations to provide the training. We note that the business plan indicates that only one "training technician" would work at a given location, which appears to provide that a single training technician would conduct all of the training services mentioned in a given state, both at the company's own retail store and traveling to various other unspecified locations. We further note that the business plan does not clearly indicate how it acknowledges the cost of providing these traveling training services. The plan contemplates vague "car and truck" expenses increasing from $4,923 in the first year of the plan to $5,984 in the fifth year of the plan, and similarly vague "travel" expenses increasing from $992 in the first year of the plan to $1,206 in the fifth year of the plan. However, those relatively flat figures do not appear to reflect the roughly doubling and tripling effects of opening a second and third store in other states, providing additional on-location training services, in the third and fifth year of the plan, respectively.

The business plan further provides financial estimates, based on anticipated sales of $1,030,910 in the first year of the plan, essentially tripling to $3,116,310 in the fifth year of the plan, with net profits steadily increasing in each year of the plan from 4.2%. to 5.54%. For each year, the business plan estimates sales in the following categories: "Detailing Products ([redacted] Brand)," "PPF Installation (Front of Car)," "Ceramic Coating Application on a Car," "Wholesale Distribution of [redacted] Products," "Retail Sale of [redacted] Products." The business plan also expects unit sales in each category to increase by exactly 28.5% between the first and second years, approximately 49% between the second and third years, approximately 22% between the third and fourth years, and approximately 29.5% between the fourth and fifth years. However, the business plan does not clarify why it anticipates all sales categories to increase so uniformly in each year of the plan, nor does it clarify why it anticipates such specific increases from year to year in any—let alone each—particular sales category, in order to total the anticipated sales revenue in any given year. Relatedly, the business plan does not clarify why it calculates flat direct unit costs for each sales category across the five years of the plan, without acknowledging factors that may affect unit costs over a five-year period, such as inflation.

Similarly, despite calculating unit sales essentially tripling from 3,320 in the first year of the plan to 10,049 in the fifth year of the plan, the business plan's calculation of "supplies and materials" and "shipping, freight and delivery" costs remain flat, beginning at $9,031 and $3,978 in the first year of the plan, respectively, increasing to only $10,977 and $4,835 in the fifth year of the plan, respectively. The business plan does not reconcile how the company would triple its unit sales over the course of five years, opening a total of three locations in entirely different regions of the United States, with increased supplies and shipping costs inherent in expanding from one to three locations nationwide, selling approximately three times as many units than at the beginning of the time period, yet the

company's supplies and shipping costs would remain essentially the same as they were when the company operated solely in [redacted] Florida.

Given the extent of the various inconsistencies and unsubstantiated assertions discussed above—included here as examples of other, similar issues—in the business plan, its probative value is diminished and it undermines the reliability and sufficiency of the remainder of the record in general. *See, e.g., Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988) (providing that doubt cast on any aspect of a petitioner's proof may undermine the reliability and sufficiency of the remaining evidence offered in support of the visa petition).

SCOPS determined that the record does not satisfy the first *Dhanasar* prong. SCOPS noted that the Petitioner "has not demonstrated how the economic activity his specific proposed endeavor generates would rise to the level of national importance." SCOPS further observed that the record does not establish whether "the [P]etitioner's products or methods are sufficiently unique or offer improvements from those available in the United States and no supporting evidence was submitted to demonstrate that the endeavor would prospectively 'enhance vehicle longevity, reduce environmental waste, and support eco-friendly automotive care' on a level which rises to national importance." Similarly, SCOPS noted that the record does not establish how the proposed endeavor may have "broader effects on the automotive industry [and] the detailing industry." Based on those issues, SCOPS concluded that the record does not establish the proposed endeavor has national importance, as required by the first *Dhanasar* prong, without commenting on whether the proposed endeavor has substantial merit, also required by the first prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. SCOPS further determined that the record satisfies the second *Dhanasar* prong but that it does not satisfy the third *Dhanasar* prong. *See id.*

Because we determine that the record does not establish whether the proposed endeavor may have national importance, which is dispositive, we reserve our opinion regarding whether the proposed endeavor has substantial merit, as required in part by the first *Dhanasar* prong, and whether the record satisfies the second and third *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

On appeal, in relevant part, the Petitioner asserts that the business plan's discussion of the company's "prospective expansion and workforce training initiatives" demonstrate the proposed endeavor has national importance. The Petitioner states that his intention to open new locations in New Jersey and California will accomplish both "direct job creation" and "foster[] industry-wide transformation, a factor that has previously been recognized as qualifying for national importance under *Matter of Dhanasar*." In turn, the Petitioner asserts that his company's "workforce training programs address the absence of structured education within the auto detailing sector," thereby "contribut[ing] to national economic growth by fostering a skilled workforce and supporting the overall advancement of the industry." The Petitioner further states that his company's "distribution of [redacted] products directly supports key economic sectors by fostering trade activity, generating customs and tax revenues, and strengthening business operations that contribute to national growth."

In determining national importance under the first *Dhanasar* prong, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on "the specific endeavor that the [individual] proposes to undertake" and "we consider its potential prospective impact," looking for "broader implications." *Matter of Dhanasar*, 26 I&N Dec. at 889. *Dhanasar* provided examples of endeavors that may have national importance, as required by the first prong, having "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or those with "significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area." *Matter of Dhanasar*, 26 I&N Dec. at 889-90.

Contrary to the Petitioner's assertions on appeal, neither the business plan nor the remainder of the record establish how the company's generalized plan to expand "to the state of New Jersey" and "to California" demonstrates whether the proposed endeavor may have national importance. The record does not identify the location in either state where the Petitioner's company intends to operate new stores. Without establishing that, the record cannot—and it does not—establish the significance of employing approximately five individuals, with the positions referenced above, at each of those locations. Therefore, the record does not show how the generalized expansion plans demonstrate significant potential to employ U.S. workers. *See id.* In turn, without first identifying the locations in New Jersey and California to which the company would expand, the record does not establish what the economic effects of operating an automobile detailing service and product retail company in such unspecified areas may be, and whether those effects may be substantial. *See id.*

Next, the record does not support the Petitioner's assertions on appeal that the training services his company would provide would "foster[] a skilled workforce and support[] the overall advancement of the industry" on a level indicative of national importance. As noted above, the business plan appears to indicate that the Petitioner's company would employ one "training technician" in [redacted] Florida, and one additional training technician at an unspecified location in New Jersey and California, respectively. The business plan also indicates that each training technician would provide training services both at the company's own store in the respective states, and traveling to various other unspecified "product-carrying stores" to provide training services there. However, neither the business plan nor the remainder of the record establish the scope of the training services, in terms of the number of trainees during any particular period, or how the trainees would use the ambiguous "valuable insights, "useful tips," and "effective strategies" the trainers would provide. Without establishing the number of trainees in unspecified locations who would receive the training services, and without establishing how the training would tangibly affect the trainees beyond being generally valuable and useful, the record does not establish how such training services may have broader, national or even global implications within the field of automobile detailing, or any other field, at the level of national importance as contemplated by the first *Dhanasar* prong. *See id.*

We acknowledge that the Petitioner references on appeal unspecified "[p]revious USCIS approvals of National Interest Waivers [that] have recognized endeavors focused on industry standardization, workforce education, and structured training programs as nationally significant." However, we are not bound by SCOPS decisions. *See, e.g., La. Philharmonic Orchestra v. INS*, 248 F.3d 1139 (5th Cir. 2001) (per curiam). Likewise, we are not required to approve applications or petitions where eligibility has not been demonstrated merely because of prior approvals that may have been erroneous.

See Matter of Church Scientology Int'l, 19 I&N Dec. 593, 597 (Comm'r 1988). Because the Petitioner does not elaborate on the referenced USCIS approvals, which in any event would not bind our decision, the record does not establish how SCOPS' analysis of the particular facts in those decisions may be instructive in this matter. Therefore, we need not—and cannot—address the Petitioner's assertions regarding this issue further.

Next, we acknowledge that the Petitioner's company would distribute automobile care products from [redacted] in Brazil. However, the record does not support the conclusion that distributing [redacted] products is significant. As noted above, the business plan in the record also indicates that the company distributes products from more than a dozen other automobile care product companies, including those from companies in the United States, China, Germany, Italy, South Korea, Spain, and the United Kingdom. Given the geographic breadth of countries represented by the Petitioner's retail product range, distributing a combination of domestic and foreign automobile care products appears to be a relatively common practice among automobile detailing service and product retail companies globally. We acknowledge that the Petitioner references on appeal generalized "economic contributions that result from international trade, supply chain expansion, and tax revenue generation" in the context of distributing [redacted] products. However, the Petitioner does not assert—and the record does not support the conclusion—that his company's distribution of automobile care products from more than a dozen other automobile care product companies, including many other imported brands, would generate nationally important economic effects through "international trade, supply chain expansion, and tax revenue generation." Thus, although distributing [redacted] products will likely benefit [redacted] the record does not establish how distributing [redacted] products, in addition to distributing many other companies' products, may have national or even global implications within the field of automobile detailing or any other particular field, substantial positive economic effects, or other indicia of national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90.

The record indicates that the proposed endeavor may benefit the Petitioner as the chief executive officer of his own company, the particular workers his company would employ, and the company's clients, customers, and business partners. However, as SCOPS observed, the record does not establish that the proposed endeavor may have national or even global implications within the field of automobile detailing or any other particular field, such as those resulting from certain improved manufacturing processes or medical advances. *See id.* Rather, the record indicates that the Petitioner's company would provide products and services similar to other automobile detailing companies already operating in the United States, whether in [redacted], Florida, unspecified locations in New Jersey and California, or elsewhere. The record does not establish how there may be insufficient automobile detailing companies providing services and products in those areas. On the contrary, the business plan includes a passing—and unsubstantiated—reference to 63,490 "businesses" operating in the "industry" in 2023. The business plan does not specify the locations in which the generalized businesses operate; however, we note that the stated figure of 63,490 appears to reflect an abundance of automobile detailing service and product retail companies already providing similar goods and services. Although the record indicates the Petitioner's company would employ U.S. workers, it does not establish two of the three locations wherein many of those potential employees would work, undermining a meaningful determination of whether the endeavor may have significant potential to employ U.S. workers. *See id.* Relatedly, without establishing the locations to which the company would expand, the record provides limited information regarding how the proposed endeavor may have substantial positive economic effects rising to the level of national importance. *See id.*

In summation, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, he is not eligible for a national interest waiver.

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 eligibility for, or otherwise merits, a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.