U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43140853

Date: MAY 20, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner describes himself as a chief executive and he seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree and, as well as a national interest waiver (NIW) 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 Form I-140, Immigrant Petition for Alien Workers (petition), concluding that the record established that the Petitioner qualified for the underlying visa classification, but he did not merit a discretionary waiver of the job offer requirement 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.

The Petitioner's endeavor he proposes is to launch and expand a U.S.-based manufacturing company that will focus on producing eco-friendly custom wallpaper, posters, and point-of-purchase displays. On appeal, the Petitioner disagrees with SCOPS' primary focus under *Matter of Dhanasar's* first prong requirement. Within the appellate brief he contests the determination "that the Petitioner's proposed endeavor would primarily benefit his own company and its immediate customers and therefore lacks broader implications beyond" the company he will create and expand. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016).

We adopt and affirm SCOPS' ultimate determination. *See Matter of J-A-*, 29 I&N Dec. 253, 254 (BIA 2025) (citing *Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Garland v. Ming Dai*, 593 U.S. 357, 370–71 (2021) (concluding an administrative appellate body's act of adopting and affirming the below decision is legitimate, incorporating the lower decision's analysis and reasoning on the issues into the appellate determination); *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").

The Petitioner incorrectly asserts that SCOPS' reasoning is inconsistent with the *Dhanasar* decision. He claims his proposed endeavor is "a manufacturing operation integrated into broader economic systems" in an attempt to demonstrate his endeavor will have broader implications in the field instead of "serv[ing] to benefit himself and his potential customers" as SCOPS concluded. While the fact that an operation is part of a broader system might be one negligible factor in the bigger picture, it fails to demonstrate the "potential prospective impact" of his actual proposed work. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner must demonstrate his proposed endeavor will "impact the field . . . more broadly" (*Id.* at 893) and that it has "broader implications" (*Id.* at 889). Such endeavors may have "national or even global implications within a particular field" (*Id.* at 889), "significant potential to employ U.S. workers or [have] other substantial positive economic effects" (*Id.* at 890), or has the potential to widely advance and broadly affect U.S. strategic interests (*Id.* at 892). The Petitioner's endeavor has not made such a showing.

On the issue of what the *Dhanasar* decision requires to demonstrate national importance, a review reveals that Dr. Dhanasar presented *his* proposed endeavor as having a significant impact in his field, as did many of the expert letters supporting his petition. And when we considered Dr. Dhanasar's appeal, we performed two evaluations to determine what did, and what did not, qualify as a proposed endeavor under prong one's national importance requirements. We decided his future research efforts qualified, while his future teaching endeavor did not.

Ultimately, the question petitioners should answer for prong one's national importance requirement is not whether an endeavor could touch its broader field in some limited way—or that it is integrated into a broader economic system, as is claimed here—but whether it could impact the field in ways that carry national importance. Routine or incremental contributions that merely add knowledge or other improvements to the field without broader implications are generally insufficient to satisfy *Dhanasar's* prong one requirements. *See id.* at 889–90, 893 (concluding through its descriptive language that an endeavor's impact in a field should be wide or extensive and should not be limited, e.g., "broader implications," "significant potential," "substantial positive economic effects," and "more broadly").

The *Dhanasar* decision provides examples illustrating that—when it comes to national importance—a qualifying endeavor cannot rest on minimal effects. The decision does not provide that we only consider whether an endeavor has the potential to have *any* prospective impact in the field. Interpreting the requirements in that manner would effectively nullify the stature requirement under prong one that the endeavor must be of national importance. Instead, it should include qualitative aspects and have "national or even global implications within a particular field" or have "significant potential to employ U.S. workers or has other substantial positive economic effects." *Id.* at 889–90. (Emphasis added).

We implemented that concept in the *Dhanasar* decision itself when we drew the distinction between his two claimed endeavors: one to continue research into propulsion systems for nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles, and another endeavor to continue teaching aerospace engineering at the university level. The potential level of impact of Dr. Dhanasar's future research was a key factor in demonstrating that his work met the criteria of being nationally important under the first prong. What makes this apparent was his future efforts in teaching did not have a sufficient level of impact in the broader field and therefore, did not meet the national

importance requirements under prong one. Dr. Dhanasar did not show that he "would be engaged in activities that would impact the field of STEM education more broadly."

A proposed endeavor should demonstrate qualitative contributions—such as adequately advancing knowledge, improving practices, or creating conditions with national or even global implications—rather than relying on vague or incremental effects. To satisfy this portion of prong one, a petitioner must demonstrate that the proposed endeavor will have broader field-level or national effects. For example, the endeavor will shape how the field operates, how technologies are deployed, how policies are formed, or how outcomes are produced. Without influence along those lines, the claimed impact is likely nominal and falls short of meeting the NIW requirements. USCIS policy guidance further reinforces this qualitative approach as being proper, stating that national importance may be established "if the evidence of record demonstrates that the person's proposed endeavor has the *significant* potential to" have a noteworthy positive impact on society or a particular technology or area of study. *See generally* 6 *USCIS Policy Manual*, *supra*, F.5(D)(3), (citing *Matter of Dhanasar*, 26 I&N Dec. at 889–90, 892). (Emphasis added).

The Petitioner has the burden to submit claims and evidence that preponderantly meet the requirements as specified in the statute, regulation, precedent decisions, and agency policies. But he has not satisfied that burden here. *See Matter of Y-B-*, 21 I&N Dec. at 1142 n.3 (finding that the filing party's burden of proof comprises both the initial burden of production, as well as the ultimate burden of persuasion).

The crux of the purpose of the national importance element in the NIW category is not that an alien is doing important work. While that may be a consideration under *Dhanasar's* first prong, it falls under prong one's substantial importance requirements. Instead, national importance means that the individual's proposed endeavor is likely to have a noteworthy, distinct, and qualitative impact in the field in which the alien performs the endeavor. So, doing important work is one requirement, but those seeking an NIW must show their efforts are more than that, and that their work will have repercussions in the field.

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.