U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38365943

Date: MAY 30, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a chief executive officer (CEO) and owner of a trucking and logistics 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 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

SCOPS concluded that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional.[2] SCOPS also concluded the Petitioner's proposed endeavor has substantial merit but not national importance under *Dhanasar's* first prong.[3] The issue before us is whether the Petitioner has established that a waiver of the requirements of a job offer, and thus a labor certification, would be in the national interest. For the reasons set forth below, we agree with SCOPS that the Petitioner did not demonstrate eligibility under the *Dhanasar* framework, specifically related to the endeavor's national importance, and will dismiss the appeal.

The Petitioner states he has over 15 years of corporate experience in financial markets, specializing in fiduciary services, securities issuance, and corporate governance. His professional experience includes leadership roles at [redacted] and [redacted], where he oversaw company operations, handled complex financial operations, and guided strategic market initiatives.

In his business plan, the Petitioner states his endeavor is to "elevate the standard of trucking services by integrating value-added services that guarantee the safe storage and transportation of freight, thereby maintaining the integrity of all goods." He states his strategy will involve optimizing logistics operations and expanding the capabilities of his company, [redacted] which will enhance the efficiency and reliability of the U.S. supply chain.[4] Through these efforts, the Petitioner claims he will contribute significantly to the U.S. economy by ensuring smooth and timely trade, reducing operational costs for businesses, and creating a robust framework for the consistent delivery of products. He asserts that his comprehensive approach will support economic growth, while addressing the increasing demands of a dynamic and evolving market.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS found, inter alia, that the record did not show the endeavor would have national or global implications, would broadly enhance societal welfare, lead to the employment of a significant population of workers in the area, or would offer the region or its population substantial positive economic benefits.

On appeal, the Petitioner argues that SCOPS did not fully consider his proposed endeavor's broad economic and societal contributions, including enhancing supply chain efficiency, supporting small and medium-sized enterprises (SMEs) in their export endeavors, and contributing to the growth of U.S. logistics capabilities. He also asserts that SCOPS "exercised excessive discretion" by, among

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[2] The Petitioner did not submit evidence establishing that his intended occupation in the United States qualifies as a profession. However, as the appeal will be dismissed on other dispositive grounds, we will not explore this issue further. *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).

[3] SCOPS also found the Petitioner met *Dhanasar's* second prong but did not satisfy the third prong.

[4] Florida state records show that the Petitioner is CEO of the existing registered business. *See* https://search.sunbiz.org/[redacted].

other things, failing to properly evaluate all the evidence, which he claims demonstrated his eligibility for a national interest waiver.[5]

Upon de novo review, we agree with SCOPS' conclusion that the Petitioner has not demonstrated his proposed endeavor's national importance and, thus, has not shown that he satisfies *Dhanasar's* first prong. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether the 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.

The Petitioner claims his endeavor will produce positive economic effects through job creation, tax contributions, and significant revenue generation, particularly in an economically depressed area. Additionally, he claims his company will help other businesses, particularly SMEs, optimize their logistical processes, which will enable them to reduce costs, increase productivity, and ultimately improve their competitiveness in the marketplace. In support of these claims, the Petitioner points to his business plan, in which he anticipates the company employing 12 individuals with a total revenue of $1,297,920 in the first year of operation and increasing to 52 employees with a revenue of $9,734,400 by the fifth year of operation. He also estimates his company will pay $642,420 in taxes and create 102.93 indirect jobs by the fifth year. However, based on the evidence, the Petitioner has not established that his endeavor's prospective impact rises to the level of national importance. While the business plan sets forth that the figures estimated are based on having six trucks and estimated industry standard driver hours, it is unclear that the Petitioner could reach these numbers initially, or higher numbers in successive years, which would require additional capital expenditures on trucks and hiring more drivers. It appears that the Petitioner has already been operational for at least one year. While the endeavor is prospective in nature, the record does not contain evidence of how the business has performed, or evidence of actual hires, which while not specifically required, would help to evidence whether the business plan figures are realistic.

Additionally, the Petitioner has not explained his revenue data's significance or how that data shows that any potential benefits to the regional or national economy, even in an economically depressed area such as [redacted] Florida, where his company will be headquartered, would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. Similarly, the Petitioner has not detailed how the claimed creation of 52 direct jobs and 102.93 indirect jobs by year five demonstrates a significant potential to employ U.S. workers or otherwise shows how his

[5] We acknowledge the Petitioner's argument on appeal that SCOPS' discussion of *Dhanasar's* first prong appeared to be internally inconsistent at times. However, as we agree with SCOPS's conclusion that the Petitioner did not meet this prong, and we have fully addressed the reasons in our decision, we will not remand the case for this reason. The Petitioner has had the opportunity to supplement the record, and we have already considered the Petitioner's full arguments on appeal.

endeavor's potential economic impact would result in any demonstrable effect on the regional or national economy. As such, even if the Petitioner's company attained these projections, and they are shown to be "consistent with industry norms" as claimed, we would still conclude that he has not adequately demonstrated that his endeavor would operate on a scale rising to the level of national importance. While any increased business activity has the potential to positively impact the economy, the Petitioner has not established how the economic activity resulting from his specific work would produce such substantial regional or national economic impacts that it would be of national importance.

The Petitioner also claims that his company will produce broader economic impacts by reducing trade barriers for American businesses and enhancing U.S. exports. He claims he will address ongoing supply chain challenges and improve the efficiency of goods transportation. He also submits industry reports and emphasizes the importance of the trucking industry, as well as his endeavor's alignment with U.S. government initiatives, which he states further demonstrates his endeavor's importance to the national economy and global trade objectives. While we acknowledge the overall value of the supply chain, trucking, and logistics industries, the Petitioner's work in an important industry or sector 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 proposed endeavor's potential prospective impact in that area of national importance, which he has not done.

The Petitioner also asserts that his endeavor will integrate cutting-edge technology into its operations to improve logistical efficiency. But he has not, for example, explained how this technology is different from what is already available in the market or how it would offer original innovations that contribute to advancements or otherwise have broader implications for the industry. *Id.* at 889. Similarly, while he claims that his expertise, personal financial investment into his company, and ability to develop and implement scalable strategies for SMEs will directly contribute to the U.S. economy by fostering innovation, increasing trade opportunities, and improving market resilience, these considerations are more relevant to *Dhanasar's* second prong and how well positioned he is to advance his proposed endeavor. *Id.* at 890 (providing that the second prong "shifts the focus from the proposed endeavor to the foreign national"). The issue here under the first prong is whether the Petitioner has demonstrated the national importance of his proposed work. *Id.* at 889.

We have considered the advisory letters authored by [redacted] a professor at [redacted] and [redacted] a CEO at [redacted], but conclude they also do not establish the endeavor will have a nationally important impact or that any "ripple effects" of his proposed endeavor would extend beyond his individual clients and employees. Although the authors opine on the proposed endeavor and its national importance, these statements are largely conclusory. For instance, [redacted] claims the endeavor will "resolve operational challenges in the trucking industry and significantly contribute to the U.S. economy through job creation and investments." Likewise, [redacted] claims the impact of the endeavor on the logistics and transportation industry "will be profound, particularly in terms of efficiency, technological advancement, market expansion, and competitive positioning." But beyond these generalizations, the authors provide little explanation or corroborating evidence directly linking the Petitioner's work at his company to the overall economy's growth, industry wide impact, or other substantial positive economic effects.

The Petitioner's other support letters from former coworkers are similarly lacking. The majority of the letters comment on the Petitioner's personal attributes, skills, and accomplishments which, as stated above, are considerations under *Dhanasar's* second prong. *Id.* at 890. While a few of the letters do comment on the endeavor and its claimed importance, like the advisory opinions, they neglect to specifically detail how the endeavor's impact would extend beyond the Petitioner's clients and employees.

For these reasons, the evidence does not establish the proposed endeavor's national importance as required by *Dhanasar's* first prong. As this issue is dispositive, further analysis of the Petitioner's eligibility for the underlying EB-2 classification or his eligibility under the second and third *Dhanasar* prongs, therefore, would serve no meaningful purpose. *See INS v. Bagamasbad*, 429 U.S. at 25.

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.