U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40128040

Date: NOV. 7, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a web and digital interface designer and entrepreneur, 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, concluding that the record did not establish the Petitioner's eligibility for the requested national interest waiver. The matter is now before us on appeal. 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. 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:

[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 their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Director determined that the Petitioner qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. We agree with this determination. Therefore, the remaining issue is whether the Petitioner established eligibility for a national interest waiver under the *Dhanasar* framework.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

We disagree with the Director's conclusion that the proposed endeavor did not have substantial merit as it falls within the range of areas of substantial merit, namely business, entrepreneurialism, science, technology, and health. *Id.* However, while the Petitioner has established that the proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner states that her proposed endeavor is for her newly established U.S. company to "empower U.S. businesses in developing user-centered products and services, harnessing AI-driven solutions to foster effective communication between companies and their customers." The Petitioner asserts the company would be "a pioneering agency at the forefront of User Experience (UX) design dedicated to delivering comprehensive solutions for both digital and physical products." The Petitioner indicates that her company would operate in the footwear design industry but also emphasized her work in other fields such as her development of a '[redacted]' a dynamic application promoting walking and appreciation of nature to enhance mental and physical well-being. Similarly, the Petitioner discusses the potential development of '[redacted]' an application connecting art enthusiasts, and '[redacted]' an application "exploring the intricate interaction between individuals and the structure of text."

The Petitioner states that her proposed endeavor held national importance as it aligns with executive-branch initiatives emphasizing a national commitment to attracting science, technology, engineering, and mathematics (STEM) talent to enhance the U.S. economy and maintain its global competitiveness. The Petitioner also points to the healthcare technology sector, asserting it will be revolutionized by artificial intelligence (AI) and that her proposed endeavor would "bring user-centered designs…optimizing patient engagement and improving accessibility to healthcare technologies, ultimately leading to better patient outcomes." The Petitioner also states that exports are critical to U.S. competitiveness and that her proposed endeavor "is poised to enhance the global competitiveness of U.S products through its user-centered design approach, driving innovation and business dynamism."

In addition, the Petitioner indicates that her proposed endeavor would lead to substantial positive economic effects. She emphasized that AI-powered solutions with a user-centric focus could transform industries by optimizing business processes driving "significant productivity gains in sectors like manufacturing, healthcare, finance, and agriculture" and well as creating "entirely new markets." The Petitioner emphasized the projected growth of e-commerce and digital products boosted by user interface (UI) and UX designed software and the AI market "where the use of machine learning (ML) in healthcare…is being used to accurately detect cancerous cells." The Petitioner stated that her focus on these technologies, including AI, is consistent with national initiatives promulgated by the National Science and Technology Council (NSTC) and other executive branch agencies identifying critical and emerging technologies essential to national security and investment in "advanced communication technologies."

SCOPS later issued a request for evidence (RFE) stating that the submitted evidence was insufficient to demonstrate the potential prospective national importance of the Petitioner's proposed endeavor. SCOPS indicated that the Petitioner did not sufficiently detail her proposed endeavor but only communicated an intention to continue her employment in her field. As such, SCOPS asked for additional evidence, including a detailed description of the proposed endeavor and its asserted national importance as well as evidence reflecting its national or global implications within a particular field, significant potential to employ U.S. workers or have other substantial positive economic effects, potential to broadly enhance societal welfare, and/or impact on matter a government entity has described as having national importance.

In response, the Petitioner stated that her proposed endeavor "represents a critical national priority, positioning her at the forefront of technological innovation, healthcare advancement, and sustainable manufacturing" through her "pioneering breakthroughs in AI-powered user experience (UX) design." The Petitioner emphasized her development of "IoT [internet of things] enabled footwear," "smart medical wearables," and "next-generation manufacturing techniques." The Petitioner further discussed her IoT-enabled smart footwear she asserted introduced "revolutionary applications," including her '[redacted]" She claimed this innovative technology would disrupt "the traditional footwear industry by integrating 3D scanning, AI-powered foot analysis, and 3D printing to manufacture customized, ergonomically optimized shoes." The Petitioner further stated that this innovative footwear technology would significantly improve sizing accuracy; reduce material waste, dependence on foreign imports, and medical intervention for foot problems; and assist those with orthopedic conditions, children in need of adjustable footwear, and people with disabilities.

She asserted that her innovation aligned with U.S. healthcare priorities promulgated by the National Institutes of Health (NIH), the Department of Veterans Affairs (VA), and government strategies to reduce disability healthcare costs. The Petitioner asserted that her proposed endeavor would also have significant implications for economic growth and job creation "positioning the U.S. as a leader in intelligent footwear innovation, driving job growth and industrial competitiveness while reducing reliance on foreign suppliers." Lastly, the Petitioner submitted documentation reflecting her involvement with [redacted] and [redacted] in providing footwear designs she claimed had a "strong economic impact" and "created value for these large companies."

In denying the petition and concluding the Petitioner did not demonstrate the national importance of his proposed endeavor, SCOPS concluded that she did not sufficiently detail her specific proposed endeavor. SCOPS also determined that the Petitioner did not submit sufficient supporting evidence to demonstrate the potential prospective national impact of her proposed endeavors and their claimed substantial positive economic impact.

On appeal, the Petitioner largely reiterates her prior assertions. The Petitioner again points to her proposed IoT-enabled smart footwear technology claiming it would innovate and address critical challenges in healthcare delivery, orthopedic treatment, and sustainable treatment. She again emphasizes that this proposed endeavor supports federal preventative care and AI-driven customization initiatives prioritized by executive orders and the CHIPS and Science Act of 2022. The Petitioner contends that her proposed endeavor is backed with plans, design prototypes, detailed research, and technical documentation "with a clear trajectory toward national benefit."

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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 submitted a wide array of proposed endeavors leaving substantial uncertainty as to their potential prospective national impact. For instance, in support of the petition, the Petitioner provided a generic proposed endeavor communicating her company's asserted development of user-centered products and services and AI-driven solutions; however, there was only passing discussion of a focus on innovations in the footwear industry. Yet, in response to the RFE and now on appeal, the core of the Petitioner's proposed endeavor involves her company development of technology centered around claimed '[redacted]' as well as a '[redacted]' A petitioner may not make material changes to a petition that has already been filed in an effort to make a deficient petition conform to USCIS requirements. *Matter of Izummi*, 22 I&N Dec. 169, 175 (Assoc. Comm'r 1998).

Similarly, the Petitioner claims a wide array of national impacts on a varying range of industries and issues, including potential prospective impacts on the healthcare industry, exports, AI designs, ecommerce in digital products, among others. Likewise, the Petitioner further asserts potential prospective national impacts on manufacturing, U.S. reliance on foreign goods, finance, agriculture, disability care, the accurate detection of cancerous cells, mental and physical well-being, connections between art enthusiasts, among other major issues facing the country, each which appear to be major industries in differing fields. Likewise, the Petitioner asserted national level impacts on a varying list of national initiatives impacting differing issues, such as NSTC's promotion of critical and emerging technologies, the NIH's focus on improving preventative care, the VA's promotion of military rehabilitation, and government strategies to reduce disability healthcare costs. Further, on appeal, the Petitioner advances these claimed national impacts even further, asserting that her footwear technology would have potential prospective national impacts on AI-driven customization initiatives

prioritized by executive orders and the CHIPS and Science Act of 2022. This large range of national level impacts appears unlikely, particularly given the Petitioner's asserted focus on the development of footwear designs and foot health monitoring technology in response to the RFE and now on appeal. In fact, the Petitioner discusses her proposed footwear technology indicating that it "is" revolutionizing the footwear industry, but there is little supporting evidence to substantiate that this technology has been fully developed. It is also notable that the Petitioner provides supporting documentation indicating she submitted designs to major footwear companies, including several sandal and foam clog designs, and that these have been sold on the footwear marketplace. However, it is not clear how these designs relate to her asserted footwear design technology. In sum, the Petitioner has provided a confusing array of proposed endeavors and potential national impacts on different large industries and major national and international issues, leaving little support for any sufficiently established national impact.

On appeal, the Petitioner contends that her proposed footwear design technology is backed by plans, design prototypes, detailed research, and technical documentation "with a clear trajectory toward national benefit." However, to establish national importance according to *Dhanasar*, the Petitioner must establish the broad national implications of the proposed endeavor, not just some potential contribution to many different national industries and issues. The Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Generalized conclusory statements that do not identify a specific impact to the field have little probative value. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications). The Petitioner's claims of national level impact are also based in generic statements regarding the importance of AI-powered user experience (UX) design and its potential prospective impacts on many different fields and issues. However, we note that our focus is not on the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake" and its broader implications within a particular field. *Dhanasar* at 889.

A review of a totality of the evidence reflects that the Petitioner's claims of national importance touch on every aspect of her experience, ranging from her studies when attaining a master's degree to each of her later professional positions. Again, this includes a wide range of work in differing fields, including work in footwear designs, mobile phone application and game design, AI robotics products development, and now a footwear design and fitting technology that will "revolutionize footwear." Therefore, the Petitioner's assertions regarding national importance and her various proposed endeavors reflect a restatement of her experience, rather than a clearly defined proposed endeavor and potential prospective national impact. The Petitioner largely emphasizes her experience, expertise, and connections in various industries, but she submitted insufficient detail on how her proposed endeavors would generate numerous potential prospective national impacts on various large national industries and issues. While we recognize that the Petitioner gained valuable experience in various technologies touching differing industries and national issues, a petitioner's expertise and record of success are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890.

In addition, the record does not establish that the Petitioner's endeavor "has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area." *Id.* at 890. The Petitioner points to a submitted business plan and emphasizes the economic impact of her proposed endeavor. The provided business plan projects that the Petitioner's company would generate 88 jobs and nearly $24 million in revenue during the first five years of its operation. However, the Petitioner submitted little support for these projections, and this lack of evidence is particularly noteworthy since she indicated that the investment in her company would only be $60,000. Beyond this, as we discussed, the Petitioner provided a confusing array of potential business ventures in various industries, including her work in footwear designs, mobile phone applications and game design, AI robotics products development for an automobile and robotics company, and a footwear design and fitting technology. It does not appear likely that a company with such modest investment would generate these levels of employment and revenue within five years while focusing on such wide range of potential business ventures in different major industries.

For instance, the Petitioner refers to several large industries including UI and UX software design ($1.43 billion in revenue annually by 2023), AI ($266.92 billion by 2027), footwear ($31.2 billion), healthcare (approximately $1.3 trillion by 2030), among others, and it is not clear in what industry we are to assess significant employment or a substantial economic effect.[2] The Petitioner's unsupported employment and revenue projections do not sufficiently establish that her proposed endeavor would have a significant potential to employ U.S. workers or have other substantial positive economic effects on a national level. Again, the Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. at 582, 591-92. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under *Dhanasar*'s second and third prongs. *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).

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

[2] We note that these numbers on the annual revenue of these industries were provided by the Petitioner.

may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.