U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40270402

Date: NOV. 20, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an architectural designer, 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* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

SCOPS denied the petition, concluding that the Petitioner had not established 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, petitioners must establish they are advanced degree professionals or individuals of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act.

If petitioners establish 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.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner is a national of Iran and is currently in the United States in H-1B nonimmigrant status. He obtained a master's degree in architectural engineering in 2013 from [redacted] in Iran. He then obtained a second master's degree in architecture in 2023 from [redacted] New York. His proposed endeavor is to enhance the architectural sector in the United States by utilizing his vast experience in designing and managing a diverse array of projects, including healthcare facilities.

SCOPS determined the Petitioner established his eligibility for the EB-2 classification as an advanced degree professional and we agree. SCOPS further found the Petitioner's proposed endeavor has substantial merit, but did not have national importance to satisfy *Dhanasar's* first prong requirements. We also agree.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. "We look for broader implications" of the proposed endeavor and explained that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* at 890. 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.*

The Petitioner's submissions in support of his proposed endeavor's national importance include: a personal statement, letters of recommendation, articles, and a proposed plan. The Petitioner's statement does not provide additional details of his proposed endeavor, other than stating he remains committed to advancing sustainable design practices and contributing to the architectural community. According to the Petitioner's brief, he plans to work as an architectural designer for his employer and will contribute to "the [redacted]" He included his employer's proposed design plan for this project, which provides the Petitioner will work on façade and bridges. The brief also describes how the Petitioner's work in architecture is within a science, technology, engineering, or mathematics (STEM) field and improves, for example, the design and functionality of healthcare facilities, which addresses critical needs in healthcare. In response to SCOPS' request for evidence, the Petitioner submitted a brief asserting the importance of his employer, which he described as "the world's leading architectural design firm" and he included documents about his employer in support.

SCOPS properly concluded that the Petitioner did not establish the national importance of his proposed endeavor. SCOPS determined the Petitioner's endeavor of working as an architectural designer for a firm in the United States is not nationally important, as its impact would be limited to his employer

and its clients.[2] Further, SCOPS found the Petitioner did not establish that his proposed endeavor aims to advance STEM technologies or research so that it would impact the field more broadly. The decision also explained that the Petitioner's letters of recommendation, which discuss his background, qualifications, and publications, did not provide any insight into how his specific proposed endeavor would have broader implications for the field. SCOPS also discussed the articles submitted by the Petitioner, explaining they demonstrate the importance of his field, not his specific proposed endeavor.

On appeal, the Petitioner asserts that his proposed endeavor centers on the design of healthcare facilities, and his work through his employer on the project at [redacted] is not a routine architectural assignment but "a $1.68 billion medical facility . . . representing one of the most comprehensive expansions of cancer care capacity in the United States" and will impact job creation, benefit the community, fund cancer screenings, create affordable housing, and promote workforce development. The Petitioner submits documents on appeal relating to the project, such as the approval of the project, a vision project summary, and a press release. However, these documents do not corroborate the Petitioner's statements regarding the potential impact of the project. The Petitioner adds that the project "is designed to serve as a scalable blueprint for oncology infrastructure nationwide." Here again, he does not provide evidence in support of his assertion that the project will be scaled nationwide. Further, to the extent the Petitioner presents the impact of this project as an example of the impact of his proposed endeavor, he has not demonstrated the national importance of the project and how the aforementioned benefits of the project would be directly attributable to his particular role as an architectural designer. We acknowledge the Petitioner claimed designs for the façade and bridges, but note, the record does not establish whether his designs were adopted in the final design plan or what his role was or will be for the project. As described in the recommendation letters, the petitioner works as part of a team, for example, of other designers, senior designers, and partners. Nevertheless, the issue here is not the broader implications of the employer's innovation or the potential use of its designs by the industry, but rather the potential prospective impact of the Petitioner's specific proposed work as an architectural designer.

Moreover, the Petitioner's proposed endeavor's benefit to his specific employer alone, even an employer with a national footprint, is not sufficiently relevant to the question of whether a person's endeavor has national importance. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual. At issue is whether the petitioner can demonstrate that his individual endeavor stands to have broader implications, such as for a field, a region, or the public at large. *Id.* Here, neither his statement, letters, or the remaining record provide any analysis or details supporting how the specific functions and tasks he has or will carry out in his proposed endeavor have broader implications for the field or "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.

[2] On appeal, the Petitioner asserts SCOPS did not properly consider all of the evidence and provides as an example that SCOPS incorrectly described his employer as an accounting firm rather than an architectural firm. This claimed error was, at most, harmless. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless or scrivener's errors). Further, for the reasons discussed in this decision, we do not interpret the error to mean SCOPS did not review all of the evidence or was incorrect in determining the Petitioner did not establish the national importance of his proposed endeavor.

The Petitioner also argues the recommendation letters were overlooked by SCOPS. He explains the letters highlight his achievements and specialized knowledge; however, the Petitioner's abilities and skills relate to the second prong of the *Dhanasar* framework. *See Matter of Dhanasar*, 26 I&N Dec. at 890 (*Dhanasar's* second prong "shifts the focus from the proposed endeavor to the foreign national.") The issue here is whether the specific endeavor that the Beneficiary proposes to undertake has national importance under *Dhanasar's* first prong. While the Petitioner submits two additional letters on appeal, they similarly praise his skills and abilities, but do not speak to or corroborate the national importance of his specific proposed endeavor.

SCOPS also concluded the Petitioner was well-positioned to advance his proposed endeavor under *Dhanasar's* second prong, but he had not demonstrated that, on balance, waiving the job offer requirement would benefit the United States, as required under *Dhanasar's* third prong. As the identified reasons for dismissal are dispositive of the appeal, we decline to reach and hereby reserve the Petitioner's eligibility under *Dhanasar's* second and third 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).

III. CONCLUSION

As the Petitioner has not established the requisite first prong of *Dhanasar's* analytical framework, he consequently 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.

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.