U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39254250

Date: OCT. 2, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an environmental engineering analyst, 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 did not comment on whether the Petitioner qualifies for second preference immigrant classification. 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.

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:

- 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

As noted above, SCOPS did not comment on whether the Petitioner qualifies for second-preference immigrant classification as a member of the professions holding an advanced degree.[2] The record does not clarify why SCOPS addressed whether the Petitioner may qualify for a national interest waiver if he was ineligible for second-preference classification. Because we nevertheless find that the record does not establish that a waiver of the requirement of a job offer, and thus of a labor certification, would be in the national interest, we reserve our opinion regarding whether the Petitioner satisfies second preference eligibility criteria. *See* section 203(b)(2) of the Act; *see also 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); *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).

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 Matter of Dhanasar*, 26 I&N Dec. at 889. 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 also required by the first *Dhanasar* prong, and whether the record satisfies the second and third *Dhanasar* prongs. *See id.*; *see also Bagamasbad*, 429 U.S. at 25; *Matter of L-A-C-*, 26 I&N Dec. at 526 n.7.

The Petitioner described the endeavor as a plan "to develop . . . a mobile application and . . . a website." The Petitioner stated that his mobile application and website will provide "environmental and topographical solutions based on hyper-spectral satellite images, which are converted into data readings associated with climatic and environmental factors, descriptive and projected information about ecosystems, and soil and vegetation conditions, with the aim of measuring, analyzing, estimating, monitoring, and evaluating climatological, biological, and environmental variables." The Petitioner indicated that the target users of his mobile application and website generally include "agriculture and oil and gas companies," and he asserted that the endeavor will also benefit "the transportation sector" and "the construction sector." He noted in particular that his mobile application and website may benefit "agricultural and livestock companies in states such as Iowa, Illinois, and Indiana[, . . .] oil and gas companies in Texas[, and] conservation agencies in Washington." The

[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).

[2] Similarly, in a request for evidence (RFE), SCOPS requested evidence regarding the *Dhanasar* prongs; however, SCOPS did not comment on whether the Petitioner qualifies for second preference classification.

Petitioner stated that his mobile application and website "will reduce operational costs for those companies at shifting the manner to obtain data for environmental mitigation decisions," although the record does not establish that the mobile application and website will provide information not already otherwise accessible to those companies. The Petitioner also asserted that he "will oversee the training of personnel involved in using [his mobile application and website]."

The record also contains letters of recommendation; an opinion letter; a printout of a slideshow presentation regarding the mobile application and the website; and publications that provide generalized information regarding information technology, environmental engineering, climate, and environmental regulation. We note, however, that the Petitioner does not assert, nor does the record otherwise establish, that the Petitioner intends to employ anyone other than himself to develop, distribute, and support his mobile application and website.

SCOPS determined in the RFE that "the provided evidence fails to establish the [P]etitioner's proposed endeavor has substantial merit," as required in part by the first *Dhanasar* prong, although SCOPS did not clarify in the ultimate decision if the Petitioner's response to the RFE established whether the proposed endeavor has substantial merit. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. In the ultimate decision, SCOPS concluded that the record does not establish the proposed endeavor has national importance, also required in part by the first *Dhanasar* prong. *See id.* More specifically, SCOPS noted that the publications in the record that provide generalized information regarding information technology, environmental engineering, climate, and environmental regulation do not "demonstrate how the [P]etitioner's projects have national or global implications in the field of environmental engineering." SCOPS also acknowledged the opinion letter in the record; however, SCOPS found that it is not probative because it "focuses primarily on the importance of various topics in general," rather than addressing how the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance, as contemplated by the first *Dhanasar* prong. *See id.* SCOPS further determined that the record does not satisfy the second and third *Dhanasar* prongs. *See id.*

On appeal, the Petitioner reasserts, in relevant part, that his proposal to develop "a digital platform that integrates hyperspectral satellite imagery, artificial intelligence (AI), and machine learning (ML) to generate environmental and topographical data insights for real-time decision-making across sectors such as agriculture, energy, and environmental protection" has national importance. He references his personal statements, the slideshow presentation, letters of recommendation, the opinion letter, and generalized publications in the record noted above. He also asserts that the proposed endeavor "aligns with national initiatives" regarding climate and environmental regulation. Relatedly, he states on appeal that SCOPS "ignored four Executive Orders (14008, 13990, 14057, and 14110)."

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.

We recognize the importance of progress in science, technology, engineering, and mathematics (STEM) fields and the essential role of persons with advanced STEM degrees in fostering this progress, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual. However, as in all cases, a proposed endeavor implicating a STEM field must demonstrate not only substantial merit but also national importance, such as by having national or even global implications within a particular field, beyond merely being in a STEM field. *See generally id.*; *see also Matter of Dhanasar*, 26 I&N Dec. at 889-90.

We first note that Executive Order 14148, signed January 20, 2025, revoked Executive Order 14110, and that Executive Order 14154, also signed January 20, 2025, revoked Executive Orders 13990, 14008, and 14057. Exec. Order No. 14,148, 3 C.F.R. 8237 (2025); Exec. Order No. 14,154, 3 C.F.R. 8353 (2025). Therefore, contrary to the Petitioner's assertions on appeal, SCOPS did not err by "ignor[ing] four Executive Orders (14008, 13990, 14057, and 14110)" in its decision dated March 21, 2025. Relatedly, although the Petitioner asserts on appeal that his proposed endeavor "aligns with national initiatives" regarding climate and environmental regulation, we note that current policies, such as those articulated in Executive Orders 14148 and 14154, revoking prior national initiatives, do not support such a conclusion.

We next note that, as SCOPS explained, the publications in the record providing generalized information regarding information technology, environmental engineering, climate, and environmental regulation do not address the Petitioner and the specific endeavor he proposes to undertake. Because the generalized publications in the record do not address the Petitioner and the specific endeavor he proposes to undertake, they do not inform how the specific endeavor the Petitioner proposes to undertake may have national or even global implications within a particular field, significant potential to employ U.S. workers, or other indicia of national importance, and we need not address them further. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90.

In turn, as SCOPS addressed, the record contains an opinion letter from a professor of civil engineering at the [redacted]. As a matter of discretion, we may use opinion statements submitted by a petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we may give an opinion less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.* We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.*; *see also* Fed. R. Evid. 702 (providing that an expert opinion may "help the trier of fact to understand the evidence or to determine a fact in issue," not that it is evidence of fact itself).

The opinion letter provides broad statements regarding general topics including information technology, environmental engineering, climate, and environmental regulation, without helping us understand evidence or determine a fact in issue regarding whether the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance contemplated by *Dhanasar*. *See* Fed. R. Evid. 702. For example, the letter opines that the Petitioner's

"endeavor has a national and even global impact" because it "offers a promising solution by integrating advanced tools for environmental monitoring and analysis." However, the letter then addresses broad issues like "the connection between innovation and environmental impact mitigation" rather than helping us understand the extent to which the Petitioner's mobile application and website will likely be used and how such usage, more likely than not, will amount to national or even global implications within the field of information technology, environmental engineering, environmental regulation, or any other field, as the author asserted. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90; *see also Matter of Chawathe*, 25 I&N Dec. at 376 (describing the preponderance of evidence standard as requiring petitioners to establish that a claim is "more likely than not" true). We note again that, in determining national importance under the first *Dhanasar* prong, the importance of the industry, field, or profession in which an individual will work is not the relevant question; rather, 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 889-90. Thus, facts regarding the specific endeavor a petitioner proposes to undertake are more probative than generalized information regarding industries, fields, and professions.

As another example, the letter opines that the Petitioner's "endeavor has substantial positive economic effects." However, the letter then recites growth estimations for "the fast-expanding worldwide environmental technology market" and oil and gas "pipeline incidents," rather than addressing what economic effect any particular user of the Petitioner's mobile application and website may experience and the causal connection between such usage and effect. Relatedly, the opinion letter provides the unsubstantiated and conclusory assertion, "Beyond cost savings, [the Petitioner's mobile application and website] fosters economic growth by driving innovation and job creation." However, the opinion letter does not elaborate on how any particular user of the mobile application and website will innovate through its usage; what innovation will result from the usage; the number, nature, and location of jobs created as a result of some unspecified usage of the Petitioner's mobile application and website; and other information that may support the conclusion that the proposed endeavor "fosters economic growth by driving innovation and job creation."

As a further example, the opinion letter states that the proposed endeavor "impacts a matter that is the subject of national initiatives." However, similar to the Petitioner's discussion of Executive Orders revoked before the Petitioner responded to SCOPS' RFE, the opinion letter, dated February 2025, references policies that are not current in 2025.

In summation, the opinion letter bears minimal probative value because its unsubstantiated and conclusory statements provide little help in understanding evidence and determining relevant facts in issue regarding the specific endeavor the Petitioner proposes to undertake. *See Matter of Caron Int'l, Inc.*, 19 I&N at 795; *see also* Fed. R. Evid. 702.

Next, the record contains letters of recommendation. However, the signatures on the letters of recommendation bear characteristics that cast doubt on whether they were actually signed by the purported letter authors and, thus, whether those documents were created by, and express the opinions of, the respective individuals. *See, e.g.,* 8 C.F.R. § 103.2(a)(2) (describing "acceptable" signatures on documents submitted to USCIS as "handwritten," noting that signatures "in electronic format" are acceptable only when "permitted by the instructions to the form"); *and see generally* 1 *USCIS Policy Manual* B.2(B), https://www.uscis.gov/policy-manual. For example, many signatures have pixelated

edges that indicate they are digitally reproduced images of signatures that have been scanned from another document, copied, and pasted onto the respective documents using a word processor, rather than actually being created by the purported authors. One signature is surrounded by a box with a background color that does not match the color of the page on which the signature appears, also indicating that it is an image of a signature that has been scanned from another document, copied, and pasted onto the document using a word processor and then printed. Another letter of recommendation appears to consist of three unnumbered pages, with the second page ending with: "Sincerely," followed by a third unnumbered page consisting of only a signature and contact information, casting doubt on whether the standalone signature page corresponds to the preceding two unnumbered pages. Given the numerous related signature issues among the letters of recommendation, the doubt regarding whether they were actually signed by the purported letter authors undermines both their reliability and sufficiency, and that of the remainder of the record. *See 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).

Moreover, even if the letters of recommendation were reliable and sufficient, similar to the opinion letter addressed above, the letters of recommendation provide unsubstantiated and conclusory statements. For example, one letter opines, "At a national level, [the Petitioner's mobile application and website] holds the potential to transform environmental monitoring and sustainability management . . . with targeted applications in states like Iowa, Illinois, Indiana, Texas, and Washington." As another example, one letter states that the Petitioner's "leadership [regarding his mobile application and website] has had a significant national impact by positioning the company as a leader in hyperspectral image analysis for environmental and social optimization." Another letter similarly states that the Petitioner's "strategic direction has positioned [his mobile application and website] as a solution that will contribute significantly to addressing some of the most pressing environmental challenges." However, the letters do not substantiate their assertions regarding the proposed endeavor's transformative potential, the Petitioner's startup company's position as an industry leader, the significance of the proposed endeavor's contributions to generalized environmental challenges, and similar statements. Beyond these unsubstantiated and conclusory assertions, the letters do not inform how the specific endeavor the Petitioner proposes to undertake may have national or even global implications within the field of information technology, environmental regulation, or any other field such as those resulting from certain improved manufacturing processes, significant potential to employ U.S. workers, or other indicia of national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. Therefore, even if the letters of recommendation were reliable and sufficient, which they are not, they would not otherwise support the conclusion that the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance, as contemplated by the first *Dhanasar* prong.

Turning to the Petitioner's personal statements summarized above and the slideshow presentation in the record regarding the Petitioner's mobile application and website, as noted above, the record does not establish that the mobile application and website will provide information not already otherwise accessible to companies the Petitioner intends to be the primary users. Although the Petitioner's mobile application and website may provide a different manner in which its users may access information already available to them, the record does not establish the value of this different "manner to obtain data." For example, although the Petitioner states that his mobile application and website will "generate environmental and topographical data insights for real-time decision-making across

sectors such as agriculture, energy, and environmental protection," the record does not establish that relevant decision-makers are currently unable to make necessary decisions. Thus, the record does not establish the extent of the benefit the specific endeavor the Petitioner proposes to undertake may have for users of the mobile application and website. More to the point, even if the mobile application and website may benefit its users to some unspecified extent, the record does not establish how the ability for users to "generate environmental and topographical data insights for real-time decision-making across sectors such as agriculture, energy, and environmental protection" may have national or even global implications among those not using the mobile application and website, beyond speculative and abstract characterizations.

Again, the importance of the industry, field, or profession in which the Petitioner will work is not the relevant question in determining whether the proposed endeavor may have national importance; rather the focus is on how the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance, such as national or even global implications within a particular field resulting from certain improved manufacturing processes. *See id.* Here, the record does not establish what implications may result from the Petitioner's mobile application and website rather than merely providing information already available to its target users in a different manner. As also noted above, the record does not establish that the Petitioner would employ anyone other than himself, which does not support the conclusion that the proposed endeavor may have significant potential to employ U.S. workers. *See id.* Relatedly, although the Petitioner states that the proposed endeavor will have speculative and abstract economic effects, the record does not establish concrete, quantifiable effects in any particular location, in order to determine whether those effects may be substantial in context, nor does it establish a causal nexus between such effects and the proposed endeavor. *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.

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.