U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39352689

Date: OCT. 23, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a manager, software development, 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 although the Beneficiary qualified for classification as an advanced degree professional and his endeavor has substantial merit, the Petitioner had not established that the Beneficiary's endeavor is of national importance, or that, on balance, 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] *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 Petitioner indicated that the Beneficiary would work as a manager of software development and will focus on "developing cutting-edge wireless, cloud-based digital key management solutions that are used by the self-storage industry around the U.S. and have been installed for U.S. government agencies." The Petitioner indicated that the Beneficiary's proposed endeavor is to "lead and manage software development teams that work on our [redacted] a wireless, cloud-based digital key management solution that allows access through only a smart phone."

Although SCOPS determined that the proposed endeavor had substantial merit, SCOPS concluded the record did not establish that the endeavor is of national importance. On appeal, the Petitioner reiterates arguments concerning the purported national importance of the proposed endeavor and cites documentation previously included in the record. The Petitioner asserts that the denial decision was in error, and that SCOPS erred by misapplying the preponderance of the evidence standard[2] and overlooking certain evidence in the record. Upon review, for the reasons discussed below, we agree that the Petitioner has not sufficiently demonstrated the national importance of the proposed endeavor in order to establish eligibility under the first prong of the *Dhanasar* analytical framework.

To evaluate whether the proposed endeavor satisfies the national importance requirement we focus on the specific endeavor that the individual proposes to undertake and look to evidence documenting its "potential prospective impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. 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.

Regarding, national importance, the Petitioner contends that providing safe storage to the U.S. citizens and government is of national importance. The Petitioner explains that it has "taken a leading position in the development and implementation of cloud-based digital key management solutions," for self-storage spaces, and that the "digital key management is used widely by Americans as well as the U.S. military, military service members and veterans, U.S. government agencies at all levels, U.S. government employees, and election officials, among others." The Petitioner indicated that by "advancing secure storage solution, the Beneficiary ensures that the government continues to have appropriately equipped infrastructure, protected from both physical and cyber threats," and "notably, the Election Infrastructure Subsector covers storage facilities where voting machines, ballots, and other election-related documentation may be stored by state and local governments."

[2] *See INS v. Cardoza-Foncesca*, 480 U.S. 421, 431 (1987) (discussing "more likely than not" as a greater than 50% chance of an occurrence taking place).

Although we acknowledge that the Beneficiary's role as a manager, software development is important to the Petitioner's company, the issue here is not the broader implications of the Petitioner's company, but rather the potential prospective impact of the Beneficiary's specific proposed endeavor within their company. The record focuses on the impact the Petitioner has in digital key management for storage units but does not establish an impact directly attributable to the Beneficiary or his specific proposed endeavor. The record lacks details about the scale and reach of the Beneficiary's work, such as the size of the development team, the scope of his authority, and how his management decisions directly influence advancements in the field or the adoption of these technologies at a national level. Absent such information, it is not possible to determine that the Beneficiary's individual contributions, as distinguished from the company's general operations, have or will have a substantial prospective impact beyond the interests of the company or its clients in the self-storage industry. The evidence does not sufficiently demonstrate how the Beneficiary as a single employee would affect the industry more broadly.

In addition, the Petitioner does not explain how any methodologies and practices the Beneficiary implements, even if adopted by his customers, would be disseminated to the field at a level commensurate with national importance or would otherwise lead to broader implications to the field. Generalized conclusory statements that do not identify a specific impact in 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).

While safeguarding infrastructure and election-related materials is a matter of national concern, the record does not demonstrate how the Beneficiary's specific proposed endeavor rises to the level of broader national importance contemplated under *Dhanasar*. The Petitioner references two projects where the Petitioner's digital key system has already been implemented but does not clearly explain what new or expanded work the Beneficiary proposed to undertake beyond what has already been developed and commercialized. The submission does not identify whether the Beneficiary is personally responsible for further technological innovation or whether he primarily manages the efforts of others performing the technical development. Accordingly, without sufficient documentary evidence of their broader impact, the Beneficiary's proposed work does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

The Petitioner has also not shown how the Beneficiary's position as a manager, software development has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for our nation. The Petitioner did not sufficiently explain or demonstrate how the Beneficiary's employment alone would have any projected economic impact or job creation. Without such evidence, the record does not show any benefits to the U.S. regional or national economy resulting from the Beneficiary's services or position would reach the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890.

Although the Petitioner asserts that the SCOPS did not evaluate the totality of the evidence on record, SCOPS has clearly acknowledged and analyzed various documents on record but concluded overall that the quality of the evidence lacked probative value in supporting national importance of the endeavor. Under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 376; *see also Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). Moreover, SCOPS is

not required to name every single evidence on record. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993). We conclude the record reflects SCOPS's consideration of all evidence in the totality even though it did not address each piece of evidence individually.

In *Dhanasar,* we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Matter of Dhanasar*, 26 I&N Dec. at 893. Here, we agree with SCOPS that the Petitioner did not sufficiently demonstrate how the Beneficiary's proposed endeavor stands to extend beyond his employer, its business partners, and its clientele to impact the storage industry more broadly at a level commensurate with national importance. Nor has the Petitioner shown that the Beneficiary's particular work on future projects offer original innovations that contribute to advancements in the cloud-based digital key management solutions for storage space or otherwise has broader implications for the field. Accordingly, without sufficient documentary evidence of their broader impact, the Beneficiary's proposed work as a software engineer in the SDN team within Microsoft do not meet the "national importance" element of the first prong of the *Dhanasar* framework.

While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Beneficiary's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *Dhanasar* 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).

III. CONCLUSION

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence that the Beneficiary 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.