U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39745146

Date: OCT. 29, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an 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).

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish the Petitioner qualifies for EB-2 classification. The matter is now before us on appeal.. 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 a national interest waiver, a petitioner must first show eligibility for the underlying EB-2 visa classification, as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act. If a petitioner demonstrates eligibility for the underlying EB-2 classification, they must then establish that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. While neither the statute nor the pertinent regulations define the term "national interest," *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 their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

II. ANALYSIS

A. Advanced Degree Professional

As stated above, the first step to establishing eligibility for a national interest waiver is demonstrating qualification for the underlying EB-2 visa classification, as either an advanced degree professional or an individual of exceptional ability.[2] For the reasons discussed below, we conclude that the Petitioner has demonstrated that he is an advanced degree professional.

The Petitioner filed the petition in April 2024. The Petitioner asserted that he qualifies for advanced degree professional classification by virtue of foreign education that he claimed is equivalent to a U.S. Bachelor of Business Administration and more than five years of progressive experience, in accordance with 8 C.F.R. § 204.5(k)(3)(i)(B). In February 2025, SCOPS issued a request for evidence. SCOPS determined that the Petitioner's foreign degree represented attainment of a level of education comparable to a bachelor's degree in the United States. However, SCOPS noted that the documentation in the record did not establish that he had at least five years of progressive post-baccalaureate experience in the specialty.[3] In response to SCOPS' request, the Petitioner submitted an updated employment verification letter from his employer, T-G-L-,[4] in support of his contention that he has over five years of progressive post-baccalaureate experience in the specialty.

SCOPS denied the petition, finding that although the Petitioner had established that he had the equivalent of a U.S. baccalaureate degree, he had not established five years of progressive post-baccalaureate experience in the specialty. On appeal, the Petitioner contends that SCOPS erred because they did not consider the submitted employment verification letter prior to denying the petition.

As noted above, a petition for an advanced degree professional must include evidence that a petitioner possesses a "United States academic or professional degree or a foreign equivalent degree above that of baccalaureate [or] a United States baccalaureate degree or a foreign equivalent degree followed by at least five years of progressive experience in the specialty." 8 C.F.R. § 204.5(k)(2). In addition, a petitioner must meet all of the eligibility requirements of the petition at the time of filing. 8 C.F.R. § 103.2(b)(l), (12).

The record includes a *Grau de Bacharel* awarded to the Petitioner in January 2005 by the [redacted] in Brazil. The record also includes a transcript from said institution demonstrating that the Petitioner completed four years of coursework, from January 2001 through December 2004. The Petitioner also submitted an evaluation of his academic credentials. The evaluation concluded that the Petitioner's foreign degree was equivalent to a Bachelor of Business Administration.

[2] As the Petitioner does not claim to be an individual of exceptional ability, we will not address it further.
[3] SCOPS also requested additional documentation in support of the Petitioner's claim that he qualifies for a national interest waiver.
[4] Initials are used to protect privacy.

According to the American Association of Collegiate Registrars and Admissions Officers (AACRAO) Electronic Database for Global Education (EDGE)[5], the *3-year Titulo de Bacharel/Grau de Bacharel* represents attainment of a level of education comparable to 3 years of university study in the United States. The *4-* or *5-year Titulo de Bacharel/Grau de Bacharel* represents attainment of a level of education comparable to a bachelor's degree in the United States. Based upon the information in EDGE and the length of the program as reflected in the transcript and the academic credential evaluation, we concur with SCOPS that the Petitioner has established that he holds the equivalent of a baccalaureate degree from an accredited college or university in the United States.

Regarding SCOPS' finding that the Petitioner did not establish that he had obtained five years of "progressive" experience in the specialty as "demonstrated by advancing levels of responsibility and knowledge," we find that the documentation in the record establishes that the Petitioner has five years of progressive experience in the specialty. The Petitioner has demonstrated eligibility for the advance degree professional immigrant classification based on the current record.

B. National Interest Waiver

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. *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 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." *Matter of 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.

In the initial filing, the Petitioner stated that his proposed endeavor is to "advance the field of supply chain and logistics, enhance economic growth, and create employment opportunities for U.S. workers—through the establishment and management" of a "logistics and supply chain consultancy based in the [redacted] part of Florida, focused on revolutionizing the cargo transportation sector—while also promoting community development and sustainable business practices in the country." The Petitioner further detailed that his work as chief executive officer of his logistics company will not only address "the critical supply chain and logistics challenges faced by a significant segment of the population but will also serve as a model of entrepreneurial success in the transportation and logistics industry." In support, the Petitioner submitted, in pertinent part, a business plan, a resume, work

[5] We consider EDGE to be a reliable source of information about foreign credential equivalencies. *See Confluence Intern., Inc. v. Holder,* Civil No. 08-2665 (DSD-JJG), 2009 WL 825793 (D. Minn. Mar. 27, 2009); *Tisco Group, Inc. v. Napolitano,* No. 09-cv-10072, 2010 WL 3464314 (E.D. Mich. Aug. 30, 2010); *Sunshine Rehab Services, Inc.* No. 09-13605, 2010 WL 3325442 (E.D. Mich. Aug. 20, 2010). *See also Viraj, LLC v. Holder,* No. 2:12-CV-00127-RWS, 2013 WL 1943431 (N.D. Ga. May 18, 2013). For more information, visit https://www.aacrao.org/edge.

experience letters, letters in support from professionals and experts in the field, and industry reports and articles about entrepreneurship and its benefits to the economy and society as a whole.

On appeal, the Petitioner has not demonstrated that his work as an entrepreneur in the context of his own consulting company would result in an impact of regional or national importance or that he would operate on such a scale as to rise to the level of national importance. The record does not offer evidence sufficient to translate *how* the Petitioner's specific work for his prospective clients as the chief executive officer of a logistics and supply chain consultancy stands to sufficiently impact U.S. interests or the relevant consulting business more broadly at a level commensurate with national importance. The Petitioner has not established that his intent to apply his knowledge to his prospective clients is an activity that will have a broad impact.

As for the Petitioner's assertion that his proposed endeavor will create jobs and contribute to the nation's economy, he has not demonstrated that the endeavor he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for the nation. *See Matter of Dhanasar* at 890. Absent probative evidence to show the realistic potential of the Petitioner's company to operate at all, it is not evident that the company will generate revenue to create jobs, to expand, or to otherwise notably impact the economy in a location in which it intends to operate.

In addition, the Petitioner contends that based on his "previous positions in strategic management at various logistics firms," he has a "robust understanding of global trade and the capacity to implement effective solutions." While the Petitioner stresses his credentials and work experience, which were also highlighted in his résumé, work experience letters, and letters in support, such evidence addresses the Petitioner's knowledge, skills, education, and experience; these are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar,* 26 I&N Dec. at 890. Evidence of the Petitioner's credentials and experience do not demonstrate the national importance of the proposed endeavor or establish that the impact of the endeavor would extend beyond the Petitioner's clientele.

Though we acknowledge the Petitioner's assertions and the evidence he submitted in support of his petition and on appeal, we conclude that the Petitioner has not shown his proposed endeavor stands to sufficiently extend its benefits beyond his customers to enhance societal welfare on a broader scale indicative of national importance. It is insufficient to claim an endeavor has national importance or will create a broad impact without providing evidence to corroborate such claims. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

The record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reason for dismissal is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *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 a noncitizen is otherwise ineligible). The petition will remain denied.

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.