U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39363718

Date: SEP. 24, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a telecommunications business manager, seeks employment-based second preference (EB-2) immigrant classification as an individual or exceptional ability, 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 the Petitioner did not establish 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. 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification 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. An advanced degree is any United States academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. A United States 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. 8 C.F.R. § 204.5(k)(2).

Once 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 a 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.

II. ANALYSIS

SCOPS determined that the Petitioner qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. On appeal, the Petitioner states that SCOPS improperly evaluated him under the advanced degree criteria and not as an individual of exceptional ability. However, since the Petitioner has demonstrated eligibility for the underlying EB-2 classification as a member of the professions holding an advanced degree, analyzing whether he is an individual of exceptional ability is moot, and we decline to discuss this issue. 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 agree with SCOPS' conclusion that the proposed endeavor has substantial merit as it falls within the range of areas of substantial merit, namely business, entrepreneurialism, and technology. *Id.* However, while the Petitioner established that the proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner stated his proposed endeavor in the United States was to "promote economic development in rural communities of the United States by addressing the digital divide that limits access to reliable telecommunications services." The Petitioner indicated that millions of Americans in rural areas face restricted opportunities due to the lack of broadband infrastructure stifling growth amongst small and medium sized businesses (SMEs). The Petitioner proposed to provide "cost-effective, refurbished telecom solutions tailored to the needs of these SMEs…aiming to empower local businesses to innovate, adopt modern technologies, and compete in the digital economy."

The Petitioner explained that his company would be established in a historically underutilized business zone (HUBZone) in [redacted] and that it would employ five individuals during the first year while paying up to $305,000 in salaries and expand to 50 employees and revenues of up to $7.35 million by its third year of operation. He stated the company would generate revenue through refurbished equipment sales, repair services, and asset recovery. The Petitioner asserted that "bridging the digital divide in rural areas" could add $130 billion annually to U.S. gross domestic product. The Petitioner also stated

[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 to be discretionary in nature).

that this company would "integrate artificial intelligence (AI) and internet of things (IoT) to enhance its service offerings" including AI-based equipment diagnostics to improve efficiency, predictive analytics to minimize telecom downtime, and IoT-enabled remote monitoring to provide real-time insights on network performance.

SCOPS later issued a request for evidence (RFE) stating that the Petitioner's proposed endeavor appeared limited to the proposed new company and its immediate clients rather than reflecting national implications. SCOPS concluded the Petitioner did not demonstrate that his proposed endeavor had significant potential to employ U.S. workers or offer substantial positive economic effects for the nation. As such, the Director requested that the Petitioner submit evidence to demonstrate the potential prospective impact of his proposed endeavor, including a more detailed explanation of his proposed endeavor and why it was nationally important and documentary evidence to support that it would have a national impact within his field, significant potential to employ U.S. works or offer other substantial positive economic effects, broadly enhance societal welfare or cultural enrichment, and/or impact a matter that the government has described as having national importance.

In response, the Petitioner pointed to the USCIS policy manual and asserted that it supports the national importance of his proposed endeavor through promoting economic growth in a HUBZone. The Petitioner emphasized that nearly a quarter of American households lack access to affordable, reliable high-speed internet, particularly in rural areas. The Petitioner stated that "studies have shown that fiber-fed broadband in rural communities significantly boosts income, entrepreneurship, and business investment." The Petitioner further explained the following in response to the RFE:

> My business's national significance is its potential to employ US workers, and this constitutes a substantial positive economic effect, particularly the initiative of hiring its workforce from an economically depressed area. The provision of jobs in itself can broadly enhance societal welfare. Meanwhile, a business that creates jobs impacts a matter of urgent priority to the USA, an affair that ranks high on the government's ranking as having national importance.

The Petitioner further submitted a support letter from I-A-, a managing director and chief executive officer at a telecommunications company based in Nigeria, stating that the Petitioner's work "transcends technical execution" and represents "a blueprint for advancing global telecommunications equity." He indicated that this "blueprint" could be replicated in the United States, thereby expanding 5G access and fortifying infrastructure resilience. I-A- also asserted that the Petitioner would amplify partnerships he developed in Nigeria "leveraging America's innovation ecosystem to accelerate R&D in smart city technologies, IoT integration, and sustainable network design– areas critical to maintaining U.S. competitiveness in global tech race." The Petitioner's former colleague further stated that the Petitioner's "proven track record" in cost-effective infrastructure expansion "aligns with the Biden Administration's Broadband Equity Initiative, while his experience in public-private partnerships offers a roadmap for accelerating federal connectivity goals."

SCOPS concluded the Petitioner did not demonstrate the national importance of his proposed endeavor stating he did not sufficiently establish that it would influence his field or otherwise be of importance to the nation. SCOPS indicated that the Petitioner emphasized the importance of the field in which he

would work and his background but did not demonstrate how his specific endeavor would have national-level impact beyond his company and its clients.

On appeal, the Petitioner asserts that SCOPS failed to recognize that his proposed endeavor would bridge the rural divide through refurbished telecom infrastructure for SMEs and impact rural development, small business enablement, e-waste reduction, and workforce expansion in HUBZones. The Petitioner submits an affidavit and memorandum largely reiterating what he previously on the record regarding national importance.

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 provides little objective support to substantiate his assertion that his start-up business based in Seattle would have a potential prospective national impact on large national issues. The Petitioner emphasizes that his proposed endeavor would bring high-speed internet to rural communities in the United States, indicating that there are approximately 14.5 million U.S. citizens and numerous SMEs in these communities lacking necessary telecommunications. The Petitioner further emphasized that SMEs represent over 99% of the businesses in the United States and that the provision of high-speed internet to these rural SMEs could bring upwards of $130 billion to the U.S. gross domestic product. However, the Petitioner provides little to corroborate these statistics or his claim that high speed telecommunications are unavailable to Americans in rural areas on this scale. Further, even if we accept the Petitioner's stated statistics, he has not sufficiently substantiated how his start-up business operating in refurbished telecommunications equipment would have a national-level impact on 99% of U.S. businesses and 14.5 million citizens.

Likewise, the Petitioner emphasizes "environmental impact" of his services on appeal asserting it would be "nationally significant" through its proposed "e-waste reduction and equipment reuse," noting that this is in alignment with U.S. Environmental Protection Agency (EPA) goals. The Petitioner provides little evidence to support this conclusion, and it is not clear how his proposed business would have a national level impact on electronic waste reduction. In fact, the Petitioner acknowledges in his business plan that large "key players" dominate the market of secondary telecommunications equipment in the United States. The Petitioner did not adequately support his assertion that his one company would have a potential prospective national impact on the secondary telecommunications market.

The Petitioner also points to AI and IoT-based diagnostics his business would implement for predictive maintenance, indicating this supports "national goals outlined in the Infrastructure Investment and Jobs Act." However, the Petitioner submitted little explanation of this technology and how it would have an impact beyond his business and clients, including the referenced jobs act whose relevancy is also left unexplained. The Petitioner further refers to "R&D in smart city technologies, IoT

integration, and sustainable network design city technologies," but again, did not explain any of these proposed technologies in detail. The Petitioner provides vague assertions as to how this proposed company would utilize innovative technologies; however, there is little indication as to the nature of these technologies and how they would be different from those utilized by any other company in the industry. In addition, even if the Petitioner properly demonstrated that his proposed endeavor was related to certain executive branch initiatives, this general correlation alone is not sufficient to demonstrate that it would likely have a potential prospective national impact. Again, 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. Here, the Petitioner provides insufficient evidence to substantiate the nature of his proposed endeavor and how it would have a potential prospective national impact. Generalized conclusory statements that do not identify a specific impact on 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).

As discussed, the Petitioner also submitted a support letter from a managing director and chief executive officer at a telecommunications company based in Nigeria, stating that the Petitioner's work represents "a blueprint for advancing global telecommunications equity" that can be replicated in the United States. Yet, there is little discussion of how the Petitioner's work in Nigeria and his partnerships there would have a material impact on effectuating a national-level impact in the United States. Without further evidence, it appears reasonable to conclude that telecommunications development in Nigeria would be substantially different than that in the United States, and it is not clear how the Petitioner's prior work there would operate as a "blueprint" in this country or "fortify infrastructure resilience." The Petitioner's former colleague further stated that the Petitioner's "proven track record" in cost-effective infrastructure expansion "aligns with the Biden Administration's Broadband Equity Initiative." However, the Petitioner did not explain in detail the former administration's "broadband equity initiative," nor how his proposed endeavor would have a potential prospective national level impact on this program.

While we recognize that the Petitioner gained a wide range of experience while employed as an operations manager at a telecommunications company in Nigeria, 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. The issue here is whether the Petitioner has demonstrated the national importance of his specific proposed endeavor. However, the Petitioner provided an insufficiently explained variety of potential proposed national impacts, leaving uncertainty as to his assertions. 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).

Further, 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 emphasizes several times on the record that his proposed endeavor has national importance since he plans to operate his new company in a HUBZone area in Seattle. However, the Petitioner provides insufficient business plans to support this assertion. For instance, the Petitioner stated that his business would employ five individuals in the first year, and 50 by the third year, but he submits little objective support for this dramatic growth. Similarly, the

Petitioner states that his new company would earn $7.35 million in revenue by its third year of operation, again with little objective support. The Petitioner also did not properly substantiate how these projections would have a national level impact on the telecommunications industry and a rural market of unserved customers, who according to the Petitioner, amount to over 14.5 million individuals. Although any basic economic activity resulting from the Petitioner's work has the potential to positively impact a local economy, he has not sufficiently explained the prospective national impact directly attributable to his proposed work or established how his endeavor would have significant potential to substantially impact an economically depressed area.

For example, the USCIS Policy Manual discussed by the Petitioner on the record provides a clear example of potential prospective national importance which can be aptly applied here. The policy manual discusses a company developing a particular technology for use or sale, noting that this petitioner could demonstrate a national level impact by showing that the technology would have benefits beyond the company or its clients. The policy manual further explains that a petitioner might establish broader public or commercial implications at a level consistent with national importance for the field or industry, widespread interest in adoption or licensing of the technology, a novel and important manufacturing or operational process, or how the technology stands to impact the development of similar technology by other companies. *See generally* 6 *USCIS Policy Manual* D.3, https://www.uscis.gov/policy-manual. Here, the Petitioner has provided little objective support for how his new start-up company would impact its industry in the ways discussed in the policy manual. For instance, as we discussed, the Petitioner vaguely discussed the implementation of certain AI and IoT technologies, but there was little indication as to the broader impact their implementation would have within the field or industry. 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 he 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 ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reached"); *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).

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.