U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39470030

Date: SEP. 25, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a senior business 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, concluding the Petitioner did not establish that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. 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.

Once a petitioner demonstrates eligibility for the underlying classification, the petitioner must then establish eligibility for a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so. *Matter of Dhanasar,* 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states 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;

[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 to be discretionary in nature).

- 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

For the underlying EB-2 immigrant classification, SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The issue on appeal is whether the Petitioner established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. SCOPS determined that while the Petitioner established meeting the second prong of the *Dhanasar* analytical framework, he did not demonstrate meeting the first and third *Dhanasar* prongs. Upon de novo review, we agree with SCOPS' determination that the Petitioner did not establish the national importance of his proposed endeavor under *Dhanasar's* first prong.[3]

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor a petitioner 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. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

The Petitioner proposes establishing an electronic waste (e-waste) solutions business for which he would work as its technical business analyst and product owner. As explained in his business plan, he intends to develop and operate an artificial intelligence (AI) application and e-commerce system focused on reusing, collecting, and recycling e-waste. The business aims to simplify the classification, valuation, and management of unsold and refurbished electrical and electronic items and to facilitate their recycling and resale. For the AI application, machine learning algorithms would analyze an item's image and identify its brand, model, technical specification, recycling cost, and market value with features to streamline logistics for recycling and proper disposal. The e-commerce system would provide on-line resale services for surplus and refurbished electronic and electrical items.

We agree with SCOPS that the Petitioner's endeavor has substantial merit.

With respect to national importance, SCOPS concluded that the Petitioner did not meet his burden in establishing the national importance element of the first prong of the *Dhanasar* framework. SCOPS determined that the Petitioner did not establish his proposed endeavor would have implications beyond his business and clients to impact his field more broadly. In addition, SCOPS stated that the record did not support his claims that his endeavor would have significant potential to employ U.S. workers, significant positive economic effects for our nation or the area intended to serve, or otherwise rises to the level commensurate with national importance.

---

[2] To qualify for the underlying EB-2 classification as an advanced degree professional, the Petitioner submitted his diploma and academic transcript indicating he earned a master of business administration from [redacted] in Colombia. He also provided an academic evaluation indicating his master of business administration is the foreign equivalent of a master's degree in the United States. Based on the evidence, the Petitioner has established he is an advanced degree professional, thus qualifying for the EB-2 classification.

[3] While we may not discuss every document submitted, we have reviewed and considered each one.

On appeal, the Petitioner contends that SCOPS' decision has erroneous conclusions of law and fact. The Petitioner claims that SCOPS narrowly interpreted and did not fully consider the impact of the Petitioner's proposed endeavor, maintaining that SCOPS improperly merged the importance of his industry with his proposed endeavor. Instead of merely participating in a nationally important industry, he claims that his e-waste AI and e-commerce business is a "mission-critical innovation that leverages proprietary artificial intelligence to revolutionize the classification, monetization, and responsible recycling of electronic waste." He maintains that his endeavor is "an operational, tested platform supported by expert evaluations and policy-aligned strategic planning." He claims he submitted substantial evidence clearly demonstrating the far-reaching, broader implications of his proposed endeavor in the fields of AI, sustainable waste management, environmental health, and national manufacturing security.

The standard of proof in this proceeding is a preponderance of evidence, meaning that a petitioner must show that what is claimed is "more likely than not" or "probably" true. *Matter of Chawathe*, 25 I&N Dec. at 375-76. To determine whether a petitioner has met the burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.*; *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). Here, based on the record, SCOPS' decision is a reasoned interpretation and consideration of the evidence. The evidence in the record does not support assertions of his endeavor having the potential broader impact to his field or implications rising to a level of national importance.

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of his work. *See Dhanasar*, 26 I&N Dec. at 889. The business plan claims his proposed business' AI and e-commerce software will "introduce advanced functionalities and intelligent tools that elevate e-waste management to a new level within its development scale." The business plan explains that the business intends to target electrical and electronic manufacturing businesses in Georgia because the area has a high amount of manufacturing and e-waste recycling plants. In addition, having its main office in Georgia, his business would be in an economically distressed area where manufacturing businesses are more prone to generate e-waste, thereby increasing the need for the Petitioner's business' services. The business plan describes the Petitioner's professional experience; the business' intended suppliers to support the system's development and implementation; a market analysis of the e-waste industry and the need for the business' services; and the business' marketing strategy, projected personnel, and financial forecasts. In addition, the plan discusses the business' potential broader impacts on the nation and his field.

The Petitioner, however, has not offered sufficient information and evidence supporting his claims. Besides general assertions, the record does not show that his proposed e-waste AI and e-commerce services business would provide the claimed innovations in the field, or the claimed economic, environmental, or societal welfare impact. He makes assertions in his business plan and statements relating to the design, use, and successes of the business' product but does not provide evidence to corroborate these assertions. Moreover, he makes claims about the business' potential prospective impact but has not provided sufficient independent and objective evidence to support the claims. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 l&N Dec. at 376.

In contrast, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id*. Here, the record does not include the same level of detail and corroborating evidence to demonstrate the Petitioner's proposed endeavor has the potential to substantially impact the fields of e-waste or artificial intelligence or otherwise rises to the level of national importance as contemplated by *Dhanasar*.

To support his claims of national importance, the Petitioner emphasizes the opinion from a senior professor of information systems management in the [redacted] in Alabama. The opinion, however, mainly reiterates language from the Petitioner's business plan to describe the business' proposed e-waste AI and e-commerce platforms, as well as its potential impacts. While the Petitioner argues that his business' product is "an operational, tested platform, supported by expert evaluations," the opinion does not indicate the author evaluated the operation or testing of the product. Instead, the opinion describes the product as a "proposed" technology using the same wording as the business plan. Moreover, other evidence in the record does not corroborate claims that the product is operational and tested.

In addition, opinion's general and broad statements about the prospective impact of the Petitioner's business are not sufficient to demonstrate the national importance of the Petitioner's proposed endeavor. Stating that the Petitioner's work would support nationally important issues is not sufficient to meet the "national importance" requirement under the *Dhanasar* framework. The submission of letters from experts supporting the petition is not presumptive evidence of eligibility. *See Matter of Caron Int'l*, 19 I&N Dec. 791, 795 (Comm'r. 1988)*; Matter of D-R,* 25 I&N Dec. 445, 460 n.13 (BIA 2011) (discussing the varying weight that may be given expert testimony based on relevance, reliability, and the overall probative value).

The Petitioner contends his business plan describes in detail how his endeavor would have significant potential to employ U.S. workers and substantial positive economic effects, particularly in an economically depressed communities in Georgia. The business plan projects that in its fifth year, the business will have created 19 direct jobs; paid approximately 1.7 million dollars in wages, and generated $455,702 in payroll and income taxes. The record, however, does not sufficiently detail the basis for its financial and staffing projections, or adequately explain how these projections will be realized. Even if we were to assume everything the Petitioner claims will happen, the record lacks evidence showing that creating 19 direct jobs, paying approximately 1.7 million dollars in wages, and generating $455,702 in taxes of by its fifth year in business rises to the level of national importance. Also, without sufficient documentary evidence that his proposed job duties as a technical business analyst and product owner for his business would impact his field or any other industries more broadly, rather than benefiting his business and his proposed clients, the Petitioner has not demonstrated by a preponderance of the evidence that his proposed endeavor is of national importance.

Next, the Petitioner maintains that his business aligns with directives found in U.S. government initiatives important to national security, such as policies designating critical mineral recovery and supply chain independence as urgent national needs; strategic application of AI across sectors; the need for sustainable manufacturing product lifecycle solutions; and mitigating e-waste's health and environmental hazards, particularly for disadvantaged communities. In addition, he asserts that his business would utilize and advance AI technologies, which is recognized by the U.S. National Science and Technology Council as being critical and emerging. To support his claims, he submitted national policies and industry reports and articles relating to these topics. This evidence, however, does not mention the Petitioner's specific proposed endeavor and its potential impact on his field or on such national initiatives.

While USCIS recognizes specific evidentiary considerations relating to STEM degrees and fields, "the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policymanual. We acknowledge the overall value of strengthening our nation's technology, particularly those recognized as critical and emerging, but their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. *See id.* Moreover, the growth and importance of an industry are not sufficient to meet the national importance requirement under the *Dhanasar* framework. Instead of focusing on the importance of an industry or field, or a need for workers in a field, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar,* 26 I&N Dec. at 889. The Petitioner makes general statements about his business' potential impact on national initiatives but does not quantify the proposed endeavor's expected impact in the identified areas of concern, or provide objective, probative evidence to support his contentions. Although the Petitioner provides evidence that strengthening technology, including artificial intelligence; mitigating hazardous waste; and promoting sustainable manufacturing are a nationally important issues, he has not demonstrated the potential prospective impact of his specific endeavor to such nationally important matters.

Beyond general assertions, he has not demonstrated with sufficient corroborating independent and objective evidence that his work as a technical business analyst and product owner for his proposed e-waste solutions business offers the claimed innovations that contribute to advancements in his industry or otherwise would have broader implications for his field or the nation commensurate with national importance. The claimed potential impacts of his endeavor depend on numerous factors, and the Petitioner did not offer a sufficiently direct evidentiary tie between his proposed work and the claimed potential impacts. While the Petitioner expresses his desire to contribute to the United States and its underserved communities, he has not established with specific, probative evidence that his endeavor has the claimed potential to extend beyond his work to impact the field; employ U.S. workers; have substantial positive economic effects, particularly in an economically depressed area; broadly enhance societal welfare; or impact a matter which is the subject of national initiatives at a level commensurate with national importance. As such, the Petitioner has not demonstrated by a preponderance of the evidence that his proposed endeavor is of national importance.

SCOPS further determined that while the Petitioner established that he is well-positioned to advance the proposed endeavor under *Dhanasar's* second prong, he did not establish that, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus of a labor

certification under *Dhanasar's* third prong. Because the documentation in the record does not sufficiently establish the Petitioner qualifies for the first prong of the *Dhanasar* precedent decision, he has not demonstrated eligibility for a national interest waiver. This identified basis for dismissal is dispositive of the Petitioner's appeal, and therefore we decline to reach and hereby reserve the Petitioner's appellate arguments and eligibility under the second and third prongs of *Dhanasar. See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *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 eligibility under the requisite first prong of the *Dhanasar* analytical framework, he is not eligible for a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

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.