U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37721753

Date: APRIL 8, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a business manager, 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).

The Director of the Texas Service Center denied the petition, concluding that the record 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 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:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance their proposed endeavor; and

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

In her business plan, the Petitioner states she will serve as the Chief Executive Officer of a financial management company headquartered in [redacted] Florida that will provide services in financial advice, resource management, action planning, consulting for companies and individuals, business administration, and business leverage. The business plan states the company's focus will be on providing services to small and medium-sized companies and its mission is "to offer modern financial consulting services with an innovative business model, targeting growth generation for clients across diverse industries."

The Director determined the Petitioner qualified for EB-2 classification as an advanced degree professional because she submitted evidence of her bachelor's degree in administration and more than five years of progressive, post-baccalaureate experience in her specialty. We agree. The only issue on appeal is whether a waiver of the required job offer, and thus of the labor certification, would be in the national interest.

A. Substantial Merit and National Importance

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* The Director determined the record lacked details sufficient to establish that the Petitioner's proposed endeavor has substantial merit. We disagree. The Petitioner's business plan provides sufficient detail of her proposed endeavor and demonstrates it has substantial merit in business.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90.

The Director determined the Petitioner did not establish the national importance of her company because she did not show that her company would have broader implications to her field beyond its clients. On appeal, the Petitioner asserts the Director did not clearly explain the reasons for denial and did not adequately evaluate the evidence submitted, errors which require de novo review. Upon de novo review, the Petitioner has not established her eligibility.

The Petitioner asserts her company has national importance because it has "potential to address critical economic challenges and contribute to broader national economic goals." The Petitioner cites no evidence to support this claim. The Petitioner also asserts her company "has the potential to drive significant job creation and economic growth" and "the potential for substantial economic impact."

The Petitioner cites projections from her business plan to support these claims. The Petitioner's business plan projects her company will employ four individuals the first year, increasing to 21 individuals in the fifth year. The revised business plan submitted in response to the Director's request for evidence projects the company will earn a net profit of $7,881 the first year, increasing to $50,914 in the fifth year. This level of employment and profit does not indicate significant potential to employ U.S. workers or a substantial positive economic effect in the management consulting industry which the business plan states had a revenue of $329.9 billion in 2023. *See id.* at 890 (discussing significant potential to employ United States workers and other substantial positive economic effects as indicative of national importance).

The Petitioner claims that by offering educational programs and workshops, her company will "address broader issues of financial literacy and inclusion." The Petitioner does not demonstrate, however, how her company's educational programs and workshops would extend beyond the individual trainees. 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. *Id.* at 893. Similarly, here, the Petitioner has not established that her company's educational programs and workshops would impact her field more broadly.

The Petitioner asserts her company's services align with national economic priorities including promoting competitiveness in the American economy, supporting small business growth and innovation, enhancing economic resilience and adaptability, addressing wealth disparities and promoting economic inclusion. The Petitioner does not specify how her company's services would extend beyond the businesses with which it works to address these priorities on a level commensurate with national importance. Our assessment of national importance does not focus on the importance of national priorities in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

The Petitioner further asserts her company's focus on regulatory compliance and sound financial practices contributes to the overall stability and integrity of the financial system. The Petitioner claims that by "empowering SMEs [small and medium sized enterprises] to thrive," her company will contribute to enhanced local economic vitality, industry competitiveness, economic diversification, workforce development, and tax base expansion. The Petitioner does not cite any evidence to support these claims. The Petitioner has not demonstrated how her company's work with individual SMEs would impact these positive outcomes in a manner commensurate with national importance.

The Petitioner also claims that by providing "critical financial consulting services to SMBs [small and medium sized businesses]," her company "addresses pressing needs within the U.S. economy." The Petitioner's business plan states her company will offer services in corporate strategy consulting, organizational design, process and operations management, information technology strategy, marketing, sales, human resources, and management consulting. The Petitioner does not establish that her company's services would extend beyond the SMBs it serves to impact her field more broadly at a level indicative of national importance. *See id.* (explaining "we look for broader implications"). The record also does not show that any of her company's services are unique, innovative, or otherwise have national or even global implications in her field. *See id.* (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

The Petitioner submitted a letter from S-S-[2], Professor of Accounting at [redacted] expressing his opinion that the Petitioner qualifies for a national interest waiver. S-S- states the Petitioner's company will have positive economic effects by impacting the success and expansion of its clients' businesses, which will "lead to increased investments, job creation, and overall economic growth." S-S- further explains that the Petitioner's company will also serve public sector entities, government agencies, and nonprofit organizations and "contribute to the efficient use of taxpayer money, supporting public services and community development." According to S-S-, the Petitioner's company's "contributions will ripple through the economy, fostering stability, growth, and prosperity for individuals, businesses, and communities alike." S-S- does not specify, however, how the Petitioner's company's work would extend beyond the individual entities it serves to impact her field more broadly in a manner indicative of national importance.

S-S- further asserts the Petitioner's company will broadly enhance societal welfare because it will help its clients achieve better productivity and profitability, which will increase tax revenues and the funds available to spend on hospitals, schools, roads, and other essential services. S-S- does not demonstrate how the Petitioner's company's services to individual entities would impact state or federal tax revenues on a level commensurate with national importance.

The Petitioner submitted recommendation letters from past employers, colleagues, and clients who praise her accomplishments and skills and express confidence in her ability to succeed in the future. E-P-P-, G-Y-, M-F-N-S-, R-B-R-, V-S-G-, V-G-P-, and F-S-D- commend the Petitioner's past work and talents and express confidence in her ability to succeed in the United States. They do not, however, discuss the potential prospective impact of her company. *See id.* (explaining that in determining whether the proposed endeavor has national importance, we consider its potential prospective impact).

In support of her claim that her proposed endeavor has national importance, the Petitioner submitted articles on topics including management consulting, an economic impact analysis of Florida small businesses, small businesses creating jobs at the highest rate on record, and the impact of minority businesses on the U.S. economy. These articles attest to the importance of these issues, but do not establish the national importance of the Petitioner's proposed company. Our assessment of national importance does not focus on the importance of a field or issues affecting a field in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.*

In sum, the Petitioner has not established that her proposed endeavor has significant potential to employ U.S. workers, has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of her specific proposed endeavor and she does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of her eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976)

[2] We use initials to protect the privacy of the referenced individuals.

(stating 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

The Petitioner has not established the national importance of her proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, she has not demonstrated that she is eligible for or merits a waiver of the job offer requirement in the national interest as a matter of discretion.

ORDER: The appeal is dismissed.