U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37833104

Date: APRIL 10, 2025

Appeal of Nebraska Service Center Decision

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

The Petitioner, a business consultant, 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 Nebraska 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 submitted in response to the Director's request for evidence (RFE), the Petitioner stated she would serve as the Chief Executive Officer of a consulting firm that would "facilitate cross-continental investments between United States and Europe by guiding companies and investors through the complexities of international regulations and taxation." The business plan states the company "will provide predominately legal, compliance, and strategic advisory services."

The Director determined the Petitioner qualified for EB-2 classification as an advanced degree professional because she submitted evidence of her degree equivalent to a U.S. Master of Arts in Legal Studies. 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 Petitioner's proposed endeavor has substantial merit. We agree.

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 proposed company under these factors. On appeal, the Petitioner asserts the Director imposed a heightened standard of proof and did not sufficiently address the evidence submitted. Upon de novo review, we determine the Director did not impose a heightened standard of proof and adequately assessed the relevant evidence. When U.S. Citizenship and Immigration Services (USCIS) provides a reasoned consideration of the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *aff'd Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); and *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009).

The Petitioner claims her proposed endeavor has national importance because it "aligns with U.S. government priorities in fostering international economic collaboration, supporting American businesses in expanding globally, and advancing green technology initiatives." The Petitioner does

not cite any evidence to support this claim. The Petitioner submitted articles on new business surge, why cross-border acquisitions reached an all-time high, America's best management consulting firms, cross-border mergers and acquisitions, distressed communities, the World's largest trade and investment relationship hangs in the balance, how trade can power economic revitalization, Greenfield foreign direct investment and structural reforms in Europe, investments in the sustainability transition, advancing support for underserved communities, and inclusive infrastructure investment. While these articles address significant issues in the Petitioner's field, they do not discuss her proposed endeavor. 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.* at 889.

The Petitioner submitted a letter from S-M-[2], Professor of Management, Marketing, and Information Systems at [redacted] expressing his opinion that the Petitioner qualifies for a national interest waiver. S-M- states the Petitioner's company has national importance because it has significant potential to employ U.S. workers and has other substantial positive economic effects. S-M- explains the Petitioner's company "will provide direct employment and stimulate ancillary businesses, contributing to the overall economic vibrancy of the regions where it operates." The Petitioner's business plan projects the company will employ six individuals the first year, increasing to 14 individuals in the fourth and fifth years. The business plan also projects the company will have net earnings of $57,295 the first year, increasing to $379,900 the fifth year. The business plan provides no numeric predictions of how it would stimulate ancillary businesses. The record does not establish that the Petitioner's company has significant potential to employ U.S. workers or has substantial positive economic effects in an industry that the business plan states was valued at $43.6 billion in 2014.

S-M- also claims the Petitioner's company has national importance because it will broadly enhance societal welfare. S-M- states the company's "focus on sustainable operations will benefit the environment and promote long-term business viability and resilience." S-M- further states the company will support underserved communities by offering free consulting services to minority-owned businesses and entrepreneurs from disadvantaged backgrounds. S-M- claims the company will enhance the quality of life for communities by fostering a sense of empowerment and agency among local entrepreneurs. S-M- does not articulate, however, how the Petitioner's company's services would extend beyond the individual businesses and entrepreneurs it works with to impact her field more broadly at a level commensurate with national importance. *See id.* (explaining "we look for broader implications").

S-M- further asserts the Petitioner's company has national importance because it has national or even global implications within international business consulting. S-M- explains the Petitioner's company's provision of tailored legal, financial, and strategic guidance to companies navigating the intricacies of international markets will enhance the competitiveness of U.S. businesses. By advising companies on sustainable strategies, S-M- states the Petitioner's company will contribute to global efforts to combat climate change and promote environmental stewardship. By supporting tech companies through compliance and strategic guidance, S-M- asserts the Petitioner's company has the potential to "influence technological progress on a global scale." S-M- also claims the Petitioner's

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

company's provision of free consulting services to minority-owned businesses will enhance global social equity. The record does not establish, however, that any of the Petitioner's company's services are unique, innovative, or otherwise have national or 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).

S-M- also claims the Petitioner's company has national importance because it impacts matters that a government entity has described as having national importance or are the subject of national initiatives. S-M- states the Petitioner's company supports the goals of the United States – European Union Technology Council by facilitating cross-continental investments, helping businesses navigate regulatory complexities, and promoting seamless international trade. S-M- further states the Petitioner's company's advice to businesses on sustainable practices aligns with the national objective to prioritize sustainability. S-M- also claims the Petitioner's company will support federal government initiatives on innovation and technological advancement, social equity and inclusion, job creation, rebuilding infrastructure, and economic recovery. Although the Petitioner's company may work in these areas, the record does not establish that its services would extend beyond the businesses and individuals it serves to impact these areas on a level commensurate with national importance.

S-M- further claims the Petitioner's company will positively impact communities through workshops, seminars, and training programs. 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. Here, the record does not demonstrate that the Petitioner's company's workshops, seminars, and training programs would extend beyond the attendees and trainees to impact her field more broadly in a manner indicative of national importance.

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 her 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) (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.