U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42210957

Date: APR. 15, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a 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).

Service Center Operations (SCOPS) denied the petition, concluding 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: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that he did not establish his eligibility under the *Dhanasar* analytical framework. Specifically, although SCOPS found substantial merit in the proposed endeavor, they concluded the Petitioner did not establish that his proposed endeavor has national importance, that he is well-positioned to advance the proposed endeavor, and that, on balance, waiving the job offer requirement would be beneficial to the United States. For the reasons discussed below, we agree with SCOPS that the Petitioner has not shown his endeavor's national importance under *Dhanasar's* first prong and, therefore, is not eligible for a national interest waiver. Accordingly, we will dismiss the appeal.

The Petitioner states he has over nine years of progressive experience in the financial, consulting, and internal audit fields. His past positions include roles as an auditor and human resources consultant. The Petitioner stated that his proposed endeavor is to establish his own company, [redacted] The company intends to provide "specialized business consultancy and auditing services for north American Small and Medium Enterprises (SMEs or SMBs)." The company's initial focus is primarily on businesses operating in the food, construction, and financial services industries, small and medium food distributors, producers, construction companies, credit institutions, accounting offices, and others. He states that his company will offer a comprehensive range of services across three categories: business advisory services; implementation services; and training and learning services.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS found that the Petitioner did not show that the potential prospective impact of his proposed endeavor would have implications beyond the business, its employees and clients, and any individuals or entities with whom he would work, to impact the field, industry, or economy more broadly at a level commensurate with national importance. They also found that the Petitioner did not provide evidence that the area where the company intends to operate is economically depressed or that the endeavor has a significant potential to employ U.S. workers or otherwise offers substantial positive economic effects.

On appeal, the Petitioner argues that SCOPS misapplied the law and improperly applied the standard of review. Among other things, he contends that SCOPS incorrectly focused on the number and type of his company's clients and the geographic locus of operations rather than on whether the endeavor addressed pervasive national problems such as SME financial literacy, weak internal controls, and compliance gaps. He also asserts that SCOPS mischaracterized his model and ignored the training and learning services branch of his company. With his appeal, the Petitioner presented additional evidence including support letters, which were already contained in the record, as well as new industry articles on topics such as immigrants and the U.S. economy, as well as small businesses.

Upon de novo review, and after carefully evaluating all the evidence submitted, we agree with SCOPS' conclusion that the Petitioner has not demonstrated his proposed endeavor's national importance and, thus, has not established his eligibility for a national interest waiver.[2]

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that "we look for broader implications" of the proposed endeavor and 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 this case, the Petitioner has not met his burden to demonstrate that his proposed endeavor's prospective impact rises to the level of national importance. In particular , the record does not illustrate how his specific endeavor would sufficiently extend beyond his company, clients, and the individuals he trains to impact the industry, economy, region, or nation more broadly.

The evidence and the Petitioner's arguments focus on the general importance of the financial, auditing, and business consulting fields. The Petitioner attempts to highlight the broader implications of his endeavor by linking it to the general economic, societal, or other benefits that may arise from working in these fields. But, he has not established how his specific endeavor would achieve these goals and produce a broader impact on the field, region, or nation at a level commensurate with national importance.

For instance, the Petitioner argues that SCOPS focused solely on the initial client segments (SMBs in food, construction, and financial services) and failed to analyze how the proposed services—audits, implementation projects, and training—are designed to remedy structural, economy-wide problems such as fraud vulnerability, low financial sophistication, and high early-stage business failure rates. He argues that SCOPS applied an "unduly narrow standard by asking whether the endeavor has 'global or national implications to the field beyond his clients,' instead of assessing whether strengthening SME controls, fraud prevention, and governance in critical industries has broader economic and regulatory effects." But these claims tying his proposed endeavor to these impacts are too attenuated and lack sufficient corroborating evidence to show the proposed endeavor's prospective impact. General conclusory statements without a sufficiently direct evidentiary tie between the proposed endeavor and the claimed impacts are insufficient. Again, the Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Additionally, the Petitioner contends that his company can benefit the nation by "providing specialized consulting and auditing services tailored to Small and Medium-sized Businesses (SMBs), assisting them in effectively managing risks, improving processes, enhancing governance, ensuring regulatory and fiscal compliance, preventing money laundering, and optimizing costs and pricing." He asserts that, "[b]y addressing the unique challenges faced by SMBs, the company contributes to their growth, competitiveness, and adherence to ethical and legal standards, thereby fostering economic development and prosperity in the US." In support of his claims, the Petitioner submitted various articles on topics such as small businesses in general, financial issues facing small businesses, the impact of consulting services on SMEs, as well as various national initiatives related to entrepreneurship and businesses.

Although these articles and reports provide general background information on the aforementioned areas and speak to the substantial merit of the proposed endeavor, they do not establish how his future work specifically would impact these areas more broadly. While we recognize the overall importance of the financial, auditing, and business consulting fields, as well as the individuals working in it, the Petitioner's work in an important industry or sector, even one that is the subject of national priorities, is not sufficient, in and of itself, to establish the national importance of the proposed endeavor. *See Matter of Dhanasar*, 26 I&N Dec. at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes to undertake"). The Petitioner must still demonstrate his specific proposed endeavor's prospective impact in that area of national importance.

The Petitioner contends that his company will provide "training and learning services," which will disseminate standardized curricula in financial literacy, risk management, and internal controls that are designed for replication across a wide range of U.S. companies." He argues that his endeavor has a "demonstrated capacity to generate national-level implications through knowledge transfer and upskilling in a sector that underpins nearly all U.S. businesses." But, aside from his generalized descriptions such as providing customized workshops and learning initiatives, skill enhancement and training, and best practices and industry insights, the Petitioner does not provide sufficient details about these services or curricula to support his claims that his training would have such broader far-reaching impacts. In the same way that *Dhanasar* finds that a classroom teacher's proposed endeavor is not nationally important because it will not impact the field more broadly, the Petitioner also has not shown how his training activities would sufficiently extend beyond the individuals he trains to affect the region or our nation more broadly at level commensurate with national importance. *Id.* at 893. Furthermore, we note that, although the Petitioner is not required to show that his techniques are "superior" to those already available in the United States or that he will spread a unique methodology throughout the industry, the evidence does not show how his specific services will result in broader implications for the field or otherwise represent any sort of process improvements or advances similar to those referenced in *Dhanasar*. *See id.* at 889.

The record also does not sufficiently support the substantial economic benefits he claims. The Petitioner contends that his endeavor will create new job positions, generate taxes, impact, and help the U.S. economy and, therefore, has broader implications beyond the business, clientele, and employees.

The Petitioner's business plan includes five-year projections, indicating that by year five the company would have 24 employees, about $190,000 in payroll taxes, $753,460 in federal and state taxes, and generate $1,653,413 in gross revenue. The plan does not, however, provide sufficient details regarding the basis for these projections or adequately explain how these staffing and sales targets will be realized. The Petitioner's business plan also incorporates a brief Regional Input-Output Modeling System (RIMS-II) summary for the state of California for the industry of "Management and Consulting Services." According to the RIMS-II multipliers, the Petitioner asserted that his proposed endeavor would generate over 68 indirect jobs by year five. However, the business plan does not further elaborate on these claims of indirect job creation and is not supported by any independent evidence from the Bureau of Economic Analysis, which publishes the RIMS II multipliers.

Regardless, even if the sales and employment projections and calculations in the business plan were adequately substantiated, the record does not establish that the Petitioner's proposed endeavor has the significant potential to employ U.S. workers, that it will operate in an economically depressed area, or that it would otherwise reach the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *See id.* at 889. While the revenue and employment opportunities generated by any business endeavor have the potential to positively impact the economy on some level, it is the Petitioner's burden to demonstrate that the potential positive economic effects of his specific endeavor will be "substantial."

The Petitioner also submitted an expert opinion letter written by [redacted], a professor at [redacted], as well as other support letters. However, these letters also do not establish the endeavor's national importance. While the professor discussed the proposed endeavor and its claimed benefits, his opinion is largely conclusory and does not adequately explain how the Petitioner's work, in particular, would produce such nationally important impacts. For instance, the professor opines that the Petitioner's endeavor directly addresses the root causes of SME failures such as poor financial controls, vulnerability to fraud, and a lack of strategic planning. He claims that, by equipping businesses with risk management and compliance tools, the endeavor's impact will become multiplicative, which will lead to more stable employment, stronger local economies, and a more robust national supply chain. But beyond these generalizations, the professor provides little explanation or corroborating evidence directly linking the Petitioner's company to these claimed benefits, the economy's growth, industry impact, or other substantial positive economic or societal effects. Instead, the professor's observations rely more on generalizations about the results of typical business activity, rather than providing probative information about how the Petitioner's particular endeavor would specifically accomplish these results and how any impact would sufficiently extend beyond the direct clients and trainees that the Petitioner will serve to rise to the level of national importance.

Likewise, the Petitioner's other support letters add little probative value in establishing the Petitioner's eligibility under *Dhanasar's* first prong. While the authors laud the Petitioner's skills, expertise, personal attributes, and past accomplishments, factors which relate more to the second prong, they do not discuss the Petitioner's specific proposed endeavor or the impact thereof. *See id.* at 890. Although the letter written by [redacted], president of [redacted], does opine that the Petitioner's contributions would "extend beyond the interests of our company and align with the broader national interest of the United States" and lists various potential benefits such as supporting greater financial transparency and compliance among SMEs, enhancing their business competitiveness, facilitating the adoption of advanced financial technologies, and contributing to the stability of the U.S. economy, aside from these generalized assertions, Mr. [redacted] does not specifically or adequately discuss how these claimed impacts would extend beyond the companies, clients, and trainees the Petitioner will serve. He also provides no evidentiary basis to support his broad claims.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the record does not establish his proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether he has established eligibility under the remaining two *Dhanasar*

prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for, or otherwise merits, a national interest waiver as a matter of discretion.

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.