U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42213307

Date: APR. 17, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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 that the record did not establish that the Petitioner is eligible for a national interest waiver as a matter of discretion. 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. 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. *Id.*

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

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner's proposed endeavor is to start a project management consultancy to "help businesses deliver seamless customer experiences, optimize customer journeys using [artificial intelligence (AI)], enhance operational excellence and launch products successfully through structured execution and operational oversight." SCOPS determined that the Petitioner established her eligibility for the EB-2 classification as a member of the professions holding an advanced degree.[2] However, SCOPS further concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that SCOPS erred in this finding. We conclude that the record does not establish the Petitioner's proposed endeavor is of national importance and therefore she is not eligible for a national interest waiver as a matter of discretion.

A. The Record Establishes the Proposed Endeavor Has Substantial Merit

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* As stated above, the Petitioner proposes to open a project management consultancy. She asserts that her endeavor falls within recognized fields of importance, including business operations, digital transformation, AI-enabled systems, and project management. The record includes information on the project management field and the importance of small and medium sized businesses and their impact on the economy. We conclude the Petitioner's proposed endeavor has substantial merit.

B. The Record Does Not Establish the Proposed Endeavor is of National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* SCOPS determined that the Petitioner did not establish the broader implications of her proposed endeavor and therefore she did not establish its national importance. On appeal, the Petitioner asserts that this conclusion is "inconsistent with the evidence of record and reflects an overly restrictive application of *Matter of Dhanasar's* prospective-impact standard." Upon

[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).

[2] The Petitioner submitted two diplomas, transcripts, and an academic evaluation as evidence that she holds the equivalent of a U.S. bachelor of science degree in marketing and the equivalent of a U.S. master of business degree in marketing from the [redacted] SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

review, we conclude that the Petitioner's proposed endeavor does not meet the standard for national importance set forth in the *Dhanasar* framework.

As an initial matter, the Petitioner contends on appeal that SCOPS "incorrectly concluded that the Petitioner introduced a new proposed endeavor" in response to the request for evidence (RFE). SCOPS determined that the Petitioner's proposed endeavor was originally to continue her employment as a project manager. Then, in response to the RFE, SCOPS states that the Petitioner "changed the nature of her proposed endeavor . . . to owning and operating their own company." SCOPS concluded that this was a material change and cited *Matter of Izummi*, stating that a petitioner may not make material changes to a petition that has already been filed in an effort to make a deficient petition conform to USCIS requirements. *Matter of Izummi*, 22 I&N Dec. 169, 175 (Assoc. Comm'r 1998). On appeal, the Petitioner contends that the business plan, which provides details about her company, was included with the initial petition. After a review of the record, we confirm that the Petitioner's business plan was included with the initial petition and therefore, we withdraw SCOPS' conclusion of a material change to the Petitioner's proposed endeavor. However, we agree that the record does not establish the Petitioner's proposed endeavor is of national importance for the reasons stated below.

On appeal, the Petitioner contends that her proposed endeavor meets the standard of national importance as it "addresses systemic challenges faced by U.S. organizations, including fragmented digital infrastructure, limited AI adoption maturity, execution risk in large-scale transformation projects, and declining operational efficiency." Further, she states that she has served as the "architect and execution lead for enterprise-wide digital systems" and emphasizes that her work "resulted in digital platforms and operational models that were adopted across geographic markets and organizational units." The Petitioner asserts that this "satisfies *Dhanasar's* requirement that an endeavor has broader implications within a field rather than serving isolated or localized interests." In support, the Petitioner highlights her experience in addressing similar challenges throughout her professional history and references the recommendation letters in the record. Here, as stated, the recommendation letters in the record focus on the Petitioner's skill set and her prior work, but not the prospective impact of her proposed endeavor. For example, one letter written by N-M- speaks of the Petitioner's "exceptional skills in driving significant operational and technological improvement" and that the Petitioner played a pivotal role in the success of their brand. In fact, the recommendation letters do not reference the details of her proposed endeavor at all, but to make general statements about her future work. For instance, in the letter written by G-D-, the author states that he has "no doubt that [The Petitioner's] expertise and dedication will bring immense value to any organization."

As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. Here, however, the Petitioner's claims of national importance focus on her experience and not the prospective impact of her proposed endeavor. While we acknowledge the Petitioner's experience in the field; evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Id.* Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890.

In addition, the Petitioner contends that her proposed endeavor aligns with nationally significant priorities in AI adoption, digital workforce development, and modernization of business and educational infrastructure. However, she then states the evidence that supports this alignment is in the certificates in the record she received for innovation and operational excellence by her former employer. Here too, this is evidence is of the Petitioner's experience in the field and not the prospective impact of the proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 890.[3] Further, in her personal statement, the Petitioner emphasizes the project management industry and the rising demand for project managers. While we acknowledge the importance of the modernization of businesses and the growth of the project management industry; the relevance of the Petitioner's proposed endeavor to important issues does not establish national importance as it does not demonstrate its prospective impact. The relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on the "the specific endeavor that the [Petitioner] proposes to undertake." *Id.* Here, the Petitioner improperly relies upon the importance of the industry as sufficient to establish the national importance of his proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's broader impact on the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

The business plan in the record sets forth the services that the Petitioner intends to provide including "end-to-end strategic solutions that help businesses enhance customer experience, operational efficiency, and product launch success through AI-driven innovation and structured execution frameworks." The company will also assign professionals to lead and execute initiatives, offer comprehensive product launch consultations, assign dedicated project managers to lead product launches from start to finish, and "help businesses streamline internal processes, eliminate inefficiencies, and integrate automation tools to improve overall productivity." The Petitioner also intends to invest in developing an AI-powered "Customer Journey Quantification tool." In addition, the company will provide training and executive coaching through online courses and interactive workshops. *Dhanasar* states that an undertaking may have national importance because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Id.* at 889. The Petitioner intends for her proposed endeavor to "help small and mid-sized companies adopt advanced technology, improve customer experience, streamline operations, and bring new products to market effectively." A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the evidence in the record does not support the broader implications that *Dhanasar* requires. As discussed above, on appeal the Petitioner contends that the letters of recommendation and letters of interest in the record demonstrate the national importance of her proposed endeavor. However, as already addressed, this documentation does not demonstrate the broader implications of her proposed endeavor as it does not discuss her proposed endeavor, but her experience in the field, which is more appropriate to evaluate under prong two. In *Dhanasar*, we determined that the Petitioner's teaching activities did not rise to the level of having national importance because they

[3] The Petitioner also submitted letters from potential clients expressing their interest in the Petitioner's consulting services. On appeal, she states that these letters demonstrate the "feasibility, scalability, and market demand" for her proposed endeavor. Here too, we conclude this evidence is more appropriate to discuss under a prong two analysis as interest or support from potential customers, users, investors, or other relevant entities or persons. *Matter of Dhanasar*, 26 I&N Dec. at 890.

would not impact his field more broadly. *Matter of Dhanasar*, 26 I&N Dec. at 893. Here too, without additional evidence of national or even global implications within the field, the record establishes an impact limited to the Petitioner's clients and therefore does not rise to the level of national importance set forth in *Dhanasar*.

Dhanasar states that an 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 contends that her proposed endeavor is an "economic enabler." The business plan states that her company will directly contribute to "job creation and long-term productivity in the U.S. economy." She states that her company will have 79 employees by its fifth year of operation made up of 27 salaried employees and 52 independent contractors. Further, the business plan reflects the Petitioner's intention to contribute to the U.S. economy by "accelerating the digital maturity and competitiveness of growth-stage businesses," as, the Petitioner states, the adoption of AI models reduces costs and enhances productivity for businesses. However, the record does not provide evidentiary support to establish the Petitioner's specific proposed endeavor could have the stated economic impacts. As previously stated, a petitioner must support assertions with relevant, probative, and credible evidence. *Matter of Chawathe,* 25 I&N Dec. at 376. Here the record does not establish that the staffing levels of her proposed endeavor demonstrate "significant potential to employ U.S. workers" or "other substantial positive economic effects" and therefore do not rise to the level of national importance. In addition, the record does not establish that the proposed endeavor would have a substantial positive economic impact, other than stating the economic impact of AI adoption to businesses in general. Without supporting evidence of the basis for these projections, we cannot assess whether the stated impacts are credible, and therefore, we conclude that the Petitioner has not met his burden to establish that her proposed endeavor stands to have "substantial positive economic effects" that would be commensurate with national importance. *Matter of Dhanasar,* 26 I&N Dec. at 890.

We conclude that the Petitioner did not satisfy her burden to establish, by a preponderance of the evidence, her proposed endeavor's national importance because she has not submitted sufficient evidence to support her claims. While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *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

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence that she 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.