U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 35666311

Date: APR. 18, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a business management and marketing specialist, 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 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

According to the Petitioner's resume, he is currently pursuing a doctorate degree in business administration, with a focus on business intelligence and data analytics, at [redacted] in California. SCOPS determined the Petitioner qualified for EB-2 classification as an advanced degree professional. As the Petitioner submitted evidence of his master's degree in business administration from [redacted] in California, 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. Proposed Endeavor

At the time of filing, the Petitioner indicated that he intends to establish "a Marketing Artificial Intelligence [AI] and Transformation consulting practice." The Petitioner further explained:

> [The proposed endeavor] would use AI to help small businesses transform their processes with insights generated from data such that they can maximize profits and expand. This platform will harness the power of [AI], Data Analytics, and machine learning to provide marketing professionals and businesses with unparalleled insights and tools for optimization.
>
> Moreover, it will create employment opportunities for local professionals in [AI], machine learning, business intelligence, data analytics, Digital marketing, business development and sales thereby contributing to job creation in [sic] [redacted] area and the U.S. at large while at the same time preparing the locals for the future of work in a technologically developed environment.

The Petitioner asserted that his proposed endeavor "can add value to my local community and several other local businesses with their data transformation efforts."

Within his response to SCOPS' request for evidence, the Petitioner provided additional information regarding his proposed endeavor, stating it will "[r]evolutionize the opioid crisis using advanced analytics and an integrated non-linear marketing strategy, which is of national relevance and has substantial merit." He submitted a job offer letter from D-O- of [redacted] a mental health clinic in the State of Washington treating opioid use disorder, for the position of "volunteer collaborator" on a substance abuse marketing advocacy project. The Petitioner explains that his integrated nonlinear marketing strategies combine "precision marketing analytics with latent variable analysis and structural equation modeling." He claims those marketing strategies constitute "a promising avenue for developing more effective interventions and public health campaigns" to combat the opioid crisis.

B. 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.* SCOPS determined the Petitioner's proposed endeavor has substantial merit in business. 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.

SCOPS determined the Petitioner did not establish the national importance of his proposed endeavor under these factors. On appeal, the Petitioner asserts SCOPS did not sufficiently address the evidence submitted. Upon de novo review, we determine SCOPS 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 provides that his proposed consulting practice will provide marketing strategies for combating the opioid crisis to key stakeholders, including healthcare providers, government agencies, community organizations, educational institutions, technology and data analytics firms, pharmaceutical companies, and insurance companies. He does not establish that his company's services would extend beyond the individual entities it serves to impact his 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 his company's services are unique, innovative, or otherwise have national or even global implications in his field. *See id.* (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

In addition, the Petitioner asserts his proposed company has national importance because it has the potential to reduce overdose deaths by 40%, or 28,000 lives; lower lost productivity, healthcare, and criminal justice costs by 25%, or $19.6 billion annually; and increase workforce participation by 15%, or 300,000 additional workers. The Petitioner cites no evidence to support these claims. He maintains his company's services will align with national public health, law enforcement, and economic priorities in combating the opioid crisis. The Petitioner does not specify, however, how his company's services would extend beyond the businesses with which it will work 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.

Further, the Petitioner claims that by offering "[i]mproved awareness and prevention programs" to schools and universities his company will "potentially reduc[e] new addiction cases by 15%." However, the Petitioner does not cite any evidence to support this claim. In addition, the Petitioner does not demonstrate how his company's educational programs 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 his company's educational programs would impact his field more broadly.

The Petitioner submitted a letter from A-I-A-, Medical Director at [redacted] a biotechnical company in California, expressing his opinion that the Petitioner qualifies for a national interest waiver. A-I-A- states the Petitioner's "efforts will benefit substance abuse patients, community health care advocates, and organizations focused on substance abuse eradication, thereby saving lives and ultimately enhancing the American healthcare system and economy." A-I-A- does not specify, however, how the Petitioner's company's work would extend beyond the individual entities it serves to impact his field more broadly in a manner indicative of national importance.

The Petitioner submitted recommendation letters from past employers, colleagues, and clients who praise his accomplishments and skills and express confidence in his ability to succeed in the future.[2] T-L-, N-M-, S-E-, O-A-, E-I-, and M-E- commend the Petitioner's past work and talents and express confidence in his ability to succeed in the United States. They do not, however, discuss the potential prospective impact of his company. *See id.* (explaining that in determining whether the proposed endeavor has national importance, we consider its potential prospective impact).

In support of his claim that his proposed endeavor has national importance, the Petitioner provided industry and government articles and reports addressing national concerns regarding the opioid crisis. These articles attest to the importance of this issue, 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 *Dhanasar*, we further 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.*

Finally, the Petitioner did not establish that his proposed endeavor has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects in the marketing or data analytics consulting industry. Without relevant evidence regarding any projected U.S. economic impact or job creation attributable to his specific services, the record does not show any benefits to the U.S. regional or national economy resulting from the Petitioner's services would reach the level of "substantial positive economic effects" contemplated by *Dhanasar. See id.* at 890 (discussing significant potential to employ United States workers and other substantial positive economic effects as indicative of national importance).

[2] While we will not discuss every letter submitted, we have reviewed and considered each one.

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

C. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of his specific proposed endeavor and he 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 his 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 his proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, he has not demonstrated that he 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.