U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37807685

Date: APR. 21, 2025

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 Petitioner qualified for classification as a member of the professions holding an advanced degree, but that he had not established 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;

[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).

- The individual is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework.

With respect to his proposed endeavor, the Petitioner indicated that "[h]e intends to come to the U.S. to work as a trainer and educator of financial literacy for schools, aiming to support high schools in the United States, particularly Florida's high schools, amidst the recent Florida Bill 1054, titled the 'Dorothy L. Hukill Financial Literacy Act' which will require Florida High School students to take a financial literacy course." The Petitioner further asserted that his "endeavor is to provide comprehensive financial education and literacy programs for K-12 schools in the state of Florida."

In response to SCOPS' request for evidence, the Petitioner provided a business plan for [redacted], which stated:

> At the forefront of [redacted], under my leadership, we will aim to reshape the financial education landscape by delivering solutions that are both impactful and sustainable. Based in Florida and extending throughout the U.S., we will be poised for expansion, fueled by a mission to equip communities with comprehensive financial education strategies, pioneering solutions, and unmatched support. Our focus will be on providing services that enhance financial literacy, improve service efficiency, and drive sustainable growth within financial education management.
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> . . . .
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> As the Chief Executive, I will direct our organization to become a key player in transforming financial education services and improving the resilience and effectiveness of our operations. Alongside a dedicated team of professionals and leveraging my extensive experience, [redacted] will be committed to delivering exceptional services, tailored to the evolving needs of the community, and fostering a group of strategically adept professionals.

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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. We agree.

SCOPS concluded, however, that the Petitioner did not establish the national importance of his proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. 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 potential prospective impact of his company and its services.

The Petitioner's evidence includes his business plan for [redacted]. This business plan provides industry and market analyses, information about the company and its services, financial forecasts and projections, marketing strategies, a discussion of the Petitioner's education and work experience, and a description of company personnel. Regarding future staffing, the Petitioner's business plan anticipates that his company will employ "8 employees initially and ultimately around 10 employees by the end of Year 3," but he did not elaborate on these projections or provide evidence supporting the need for these additional employees. Furthermore, while his plan offers revenue projections of $150,000 in year one, $210,000 in year two, $294,000 in year three, $384,160 in year four, and $460,992 in year five, these projections are not supported by details showing their basis or an explanation of how they will be achieved.

The Petitioner also submitted articles on the importance of financial literacy, Latino entrepreneurship, and small businesses. The Petitioner claims that these articles support the national importance of his proposed endeavor. The determination of national importance does not focus on the importance of financial education and literacy programs, immigrant entrepreneurship, or small businesses in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the Petitioner or his company, or otherwise speak to the potential prospective impact of his specific proposed endeavor.

In addition, the Petitioner presented letters of support from K-V-G-, C-A-B-H-, W-V-R-, J-J-I-C-, F-R-S-S-, S-B-O-, L-E-C-A-, K-A-G-, J-L-F-L-, S-C-, and J-D-P- discussing his managerial capabilities and business experience. The Petitioner's skills, knowledge, and prior work in his field relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the specific endeavor that he proposes to undertake has national importance under *Dhanasar's* first prong.

The Petitioner also provided an "Expert Opinion Letter" from Dr. S-S-, Professor of Accounting at [redacted], in support of his national interest waiver. Dr. S-S- contends that the Petitioner's proposed work "has both national and global implications within the field of financial literacy education," "has significant potential to employ U.S. workers and has other substantial positive economic effects," "will broadly enhance societal welfare and cultural enrichment," and "impacts a matter that a government entity has described as having national importance or is the subject of national initiatives," but he does not identify any specific schools or entities that have been or will be serviced by [redacted] in a manner indicative of broader implications to the field or

substantial positive economic effects. Dr. S-S- further contends that the Petitioner's company plans to "increase to over 10 employees by the third year." Even with this projected job growth, the record does not indicate that [redacted] would employ a substantial number of U.S. workers or otherwise have a significant economic impact as contemplated in *Dhanasar*. *See id.* at 890. The advisory opinion from Dr. S-S- does not demonstrate how the Petitioner's day-to-day management of his company's operations as contemplated by his proposed endeavor rises to a level of national importance. The letter from Dr. S-S- does not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed work offers broader implications in his field or substantial positive economic effects for our nation that are indicative of its national importance.

In the decision denying the petition, SCOPS determined that the Petitioner had not established the national importance of his proposed endeavor. SCOPS stated the Petitioner had not demonstrated that his undertaking "has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation." In addition, SCOPS indicated the Petitioner had not shown that his proposed work stands "to have a broader impact on his field."

In his appeal brief, the Petitioner argues that his proposed endeavor has national importance because it is aimed at "improving financial literacy and economic stability," "supporting small businesses and entrepreneurs," "addressing systematic economic disparities," and "enhancing public welfare and social mobility." He reiterates that he "intends to come to the U.S. to work as a trainer and educator of financial literacy for schools, aiming to support high schools in the United States, particularly Florida's high schools" and that his undertaking "has far-reaching consequences that extend beyond local impacts." The Petitioner further contends that his proposed work addresses financial illiteracy, supports legislative mandates such as Florida Bill 1054, and prepares future generations to be financially responsible.

The Petitioner, however, has not provided evidence demonstrating that his proposed educational activities would operate on such a scale as to rise to a level of national importance. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. Furthermore, while any basic economic activity or training has the potential to positively affect the economy to some degree, the Petitioner has not demonstrated how the potential prospective impact of his proposed endeavor stands to offer broader implications in his field or to generate substantial positive economic effects in the regions where his company will operate or in other parts of the United States.

The Petitioner also claims that his proposed endeavor stands to "create direct employment opportunities, particularly in the education and training sectors." He contends that his undertaking "will necessitate the hiring of additional teachers or the retraining of current educators, directly contributing to job creation in the region." In addition, the Petitioner argues that his endeavor will foster "entrepreneurship and responsible consumer behavior, both of which can stimulate local business activity." He further states that "there will be a ripple effect that benefits local businesses, particularly those that cater to schools and educational institutions."

As for the job creation and business activity that the Petitioner asserts his proposed endeavor will offer, the record does not contain sufficient supporting evidence. The preponderance of the evidence standard

requires the evidence demonstrate that the petitioner's claim is probably true, where the determination of truth is made based on the factual circumstances of each individual case. *Matter of Chawathe*, 25 I&N Dec. at 376. In evaluating the evidence, truth is to be determined not by the quantity of evidence alone but by its quality. *See id*. Here, lack of supporting details and evidence detracts from the credibility and probative value of the Petitioner's claim regarding job creation and other substantial positive economic effects.

Additionally, the Petitioner asserts that his "proposed teacher training programs" stand to "contribute to job satisfaction and retention, further stabilizing employment levels in the education sector." He claims that his undertaking may encourage schools to "invest in new educational technologies, resources, and facilities" and that "such investments not only improve the quality of education but also stimulate local economies by contracting with regional vendors and service providers." The Petitioner further contends that his endeavor "may also attract public-private partnerships" which "can lead to the infusion of private capital into public education." Moreover, he argues that his proposed work offers economic stimulus that contributes to "higher income tax revenues and sales tax collections for the state" as well as a "reduction on public assistance dependency."

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of his work. While the Petitioner's statements reflect his intention to provide financial education and literacy programs through his company, he has not offered sufficient information and evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. 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, we conclude the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond his company and its clientele to impact the field of financial literacy education, U.S. education initiatives, societal welfare, or the U.S. economy more broadly at a level commensurate with national importance.

Furthermore, the Petitioner has not shown that the specific endeavor he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Specifically, he has not demonstrated that his company's future staffing levels and business activity stand to provide substantial economic benefits in Florida or in other parts of the United States. While the Petitioner claims that his company has growth potential, he has not presented evidence indicating that the benefits to the regional or national economy resulting from his undertaking would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id*. at 890. In addition, although the Petitioner asserts that his endeavor stands to generate direct and indirect jobs for U.S. workers, he has not offered sufficient evidence that his endeavor offers Florida or the United States a substantial economic benefit through employment levels or business activity.

The Petitioner has not established that his 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.

B. The Remaining *Dhanasar* Prongs

Because the documentation in the record does not establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. As this issue is dispositive of the Petitioner's appeal, we need not reach, and therefore 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) (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, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.