U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42217571

Date: APR. 29, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, who specializes in employee training and development, 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 EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

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. 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. EB-2 CLASSIFICATION

SCOPS determined that the Petitioner qualifies as a professional holding an advanced degree. Specifically, SCOPS stated that the Petitioner has a master's degree in corporate communications from Spain and a master's degree in strategic communications from Ecuador, and that the academic evaluation indicates that the degrees are comparable, "each in its own right," to a U.S. master's degree in the field of communication. SCOPS further stated that these documents, along with official transcripts, confirm that the Petitioner has advanced degrees.

However, SCOPS' conclusions are not supported by the record. An academic evaluation in the record, which references a bachelor's degree and the degree in strategic communications, does not address the corporate communication degree. Further, while the evaluation states that the strategic communication degree accounts for "[a]t least one year" of study and concludes that it equates to a U.S. master's degree, it does not explain why a one-year program of study is equivalent to a U.S. master's degree. We use an academic credential evaluation as an advisory opinion only. Where an evaluation is in any way questionable, it may be discounted or given less weight.[2] We also note that the corporate communication degree is not accompanied by a transcript or evidence of the duration of the program and what it entailed. Therefore, the evidence of record is insufficient to demonstrate that the Petitioner has the U.S.-equivalent of an advanced degree.

We also reviewed the Educational Database for Global Education (EDGE), created by the American Association of Collegiate Registrars and Admissions Officers (AACRAO).[3] The Petitioner's degree in strategic communications is called "magister en communication estrategica." EDGE indicates that "a [m]aster/[m]agister represents attainment of level of education comparable to 6 months/1 semester or up to 2 years of graduate study in the United States." In other words, EDGE does not indicate that "magister" degree equates to a U.S. master's degree. EDGE further states that these post graduate titles exist outside the official titles sanctioned by the Ministry of Education and Science and they are not officially recognized. Therefore, we conclude that the Petitioner's degree in strategic communications does not equate to a U.S. master's degree.

Because the Petitioner has not received prior notice to address issues regarding her qualifications as an advanced degree professional, we will reserve the issue of EB-2 classification for consideration in future proceedings. However, the Petitioner should address these issues in future filings. The

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[2] *See Matter of Sea, Inc.*, 19 I&N Dec. 817 (Comm'r 1988).

[3] We consider EDGE to be a reliable source of information about foreign credential equivalencies. *See Confluence Intern., Inc. v. Holder*, Civil No. 08-2665 (DSD-JJG), 2009 WL 825793 (D. Minn. Mar. 27, 2009); *Tisco Group, Inc.* v. *Napolitano*, No. 09-cv-10072, 2010 WL 3464314 (E.D. Mich. Aug. 30, 2010); *Sunshine Rehab Services, Inc.* No. 09-13605, 2010 WL 3325442 (E.D. Mich. Aug. 20, 2010). *See also Viraj, LLC v. Holder*, No. 2:12-CV-00127-RWS, 2013 WL 1943431 (N.D. Ga. May 18, 2013). *See* https://www.aacrao.org/edge/country/credentials/spainfor information regarding the education system in Spain.

remaining issue to be determined on appeal 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.

III. NATIONAL INTEREST WAIVER

The Petitioner's proposed endeavor is to operate a business providing human resource consultancy services. Through the provision of comprehensive training programs and strategic initiatives, the Petitioner's company will reduce employee turnover, foster professional ethics, promote diversity and inclusion, and cultivate a culture of continuous learning and innovation. She states that her initiative is designed to strengthen human capital in the United States through programs focused on developing soft skills, conscious leadership, resilience, and social inclusion. She describes her endeavor as "a nationwide capacity-building effort integrating community-based education, workforce development, and social inclusion" requiring "independent program design, cross-institutional collaboration, and flexible implementation across academic, community, and corporate settings."

Although SCOPS determined that the Petitioner established the substantial merit of her proposed endeavor, SCOPS concluded that she did not establish the endeavor's national importance, that she is well positioned to advance the endeavor, or that, on balance, it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner asserts that SCOPS' decision did not apply the appropriate evidentiary standard and maintains that she has established her eligibility for a national interest waiver.

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.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* 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 foreign national proposes to undertake." *Id.* In *Matter of 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.* 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.

To provide context for her proposed endeavor, the Petitioner submitted letters of recommendation from individuals familiar with her work which laud her character and professional skills, describing her as responsible, proactive, communicative, and collaborative. The Petitioner also submitted information about federal initiatives concerning employment challenges in the United States, workforce readiness programs, and youth apprenticeships. While this documentation contains information about the Petitioner's talents and the field in which she intends to work, it does not illustrate how the Petitioner's endeavor to offer consulting services would impact employee training and development practices or employment retention more broadly.

The Petitioner's business plan and response to a request for evidence include descriptions of the services she intends to offer, which will "encompass a wide spectrum of human resources and organizational development solutions, including talent acquisition, training and development programs, organizational culture enhancement, leadership coaching, and strategic HR consulting." She refers to training programs that her business will offer, such as leadership, communication, and emotional intelligence, and she emphasizes a focus on providing flexible strategies and tailored support to clients. She also refers repeatedly to a scalable model and a method—one which "integrates education, leadership, and inclusion within a unique framework." Her method, she states, "represents an innovative synthesis of science, purpose, and social action. Its aim is to form well-rounded individuals capable of inspiring, learning, applying, sharing, and positively impacting their environment."

But the Petitioner has not provided details concerning a method or a "nationally scalable model"—an approach, she states, "that simultaneously addresses issues of education, gender equity, inclusion, and workplace resilience." She submitted business branding information that depicts several steps for coaching: inspiration through connection and self-awareness; learning, applying knowledge, sharing to build community; and creating an impact by "generat[ing] a professional, social, and emotional transformation that leaves a legacy." The Petitioner asserts that the company "represents a transformative force in the realm of human resources and organizational development" and that, by providing innovative solutions, encouraging continuous learning and growth, and championing values-driven leadership, "the company is poised to make a lasting impact on the national stage, driving forward the collective aspirations of individuals, organizations, and society as a whole." These assertions, however, are not accompanied by objective evidence sufficient to corroborate or otherwise support her generalized claims concerning the impact of the business.

Further, the generic terminology the Petitioner utilizes to describe her company's approach does not sufficiently reflect services or methodologies that form the basis of a business endeavor. In fact, her business plan includes phases such as developing "a detailed business plan," conducting research to develop a marketing strategy, and researching "the particularities" of the U.S. labor market to customize the company's services, implement innovative technologies in talent assessment, establish strategic collaborations, and implement specific training and skills development strategies and programs that enable talent retention. Here, the information that the Petitioner has provided concerning her proposed endeavor conveys a plan to further develop the concept of her endeavor.

Although considerations concerning an individual's plan to pursue an endeavor are related to *Dhanasar's* second prong, they are relevant to evaluating an endeavor's national importance. Without a defined endeavor or plan for how to begin pursuing it, we are unable to assess the prospective potential impact of the Petitioner's proposal. On appeal, she reiterates that her "proposed model" will directly address "recurring issues in the U.S. labor market," such as inadequate training, soft-skill deficiencies, barriers to workforce entry for certain groups, and high employee turnover. She does not, however, provide any details beyond the generic phraseology describing the "design, methodology, and delivery model" she intends to deploy through her business, despite asserting that it is "[r]eplicable through standardized methodology; [s]calable using virtual platforms and remote facilitation; [and] [c]ompatible with partnerships across states, industries, and sectors."

The Petitioner has stated her intention to work closely with colleges and universities, where her aforementioned model or methodology will be used to design specialized programs tailored for students transitioning into the workforce. On appeal, she points again to an agreement with a university to partner to develop such programs. She also submitted "articulation agreements" with two restaurants agreeing to "forms of cooperation" involving elements of the company's consultancy services, such as training and development, performance and talent programs, and monitoring and evaluation. While these agreements signify openness to collaboration with the Petitioner, they do not specify what services the Petitioner will offer or otherwise clarify her proposed endeavor.

On appeal, the Petitioner also reasserts the significance of evidence she submitted to demonstrate that she has taken steps to form a business, such as tax and bank account documents and branding materials. It is not clear, however, how this evidence of business activity demonstrates the prospective potential impact of her proposed endeavor, which consists of a vague intention to improve training opportunities and outcomes in the U.S. labor market. An entrepreneur cannot demonstrate national importance under the first prong solely by opening a consulting firm for those working or seeking to work in a nationally important occupation.[4] While issues pertaining to the U.S. labor market may be a concern of national importance, the Petitioner's overall assertion that she endeavors to address those issues does not render her endeavor nationally important. The Petitioner has outlined an expansive endeavor, but she has not provided a cohesive proposal for how she will undertake the endeavor.

In addition, her business plan does not demonstrate that her proposed endeavor has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects. It shows that her company will create 8 positions, including her own, generating $420,069 in payroll expenses, $63,010 in payroll taxes, and $1,060,500 during its fifth year of operation. The business plan, however, does not explain how these figures were calculated or adequately clarify how the projections depicted will be realized. The Petitioner has not provided independent evidence or otherwise explained how her business would affect the economy or create jobs at a level that would have a significant impact in a region or have a prospective national impact on a specific field. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

While the business plan includes generalized claims about how her company's services would benefit the U.S. economy, the asserted impacts are not sufficiently supported by objective evidence related to her particular proposed endeavor. Not every entrepreneur qualifies for a national interest waiver, and while we decide each case on its merits, broad assertions regarding general benefits to the economy and the potential to create jobs will not establish the entrepreneur's qualification for a national interest waiver.[5] Here, the Petitioner has not provided sufficient evidence to show that she would employ a significant population of workers in a particular region, nor has she shown that her proposed endeavor would offer substantial economic benefits through employment levels, business activity, or tax revenue. It is not clear how a business of the size and scope described in the business plan would have national or global implications. As such, the record does not demonstrate that the prospective benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of

[4] *See generally* 6 *USCIS Policy Manual* at F.5(D)(6), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.
[5] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(6).

"substantial positive economic effects" contemplated by *Dhanasar*. *See Matter of Dhanasar,* 26 I&N Dec. at 890.

In *Matter of 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 Petitioner has not explained how her proposed endeavor to offer consultancy services would have a broader impact beyond the clients utilizing those services. To demonstrate the importance of her proposed endeavor, the Petitioner mainly relies on the public interest in effective workforce development and high employment levels, rather than any prospective positive impact resulting from the endeavor itself. Again, it is not the overall importance of the industry, field, or profession in which an individual intends to work, but the particular endeavor on which an individual intends to embark that we consider in evaluating whether it is of national importance. *Id.* at 889. Statements and evidence regarding the importance of the relevant industry overall will not demonstrate that a person seeking to start a business in that industry satisfied the national importance prong. *Id.*

The record does not establish the national importance of the proposed endeavor as required by the first prong of *Matter of Dhanasar*. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. at 25.

IV. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, she has not established that she is eligible for or otherwise merits a national interest waiver as a matter of discretion. The petition will remain denied.

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.