U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43485720

Date: AUG. 11, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) 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).

USCIS 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 he is 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, he must then demonstrate that he merits 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 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 the 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

USCIS concluded that the Petitioner qualified as a member of the professions holding an advanced degree, but that he had not satisfied any of the prongs set forth in the *Dhanasar* precedent decision. The sole issue to be determined therefore is whether the Petitioner has met the *Dhanasar* requirements to establish that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

At the time of filing, the Petitioner indicated that he intended "to work in the United States as a Chemist and Materials Scientist and Chemical Engineer." He stated: "I am well-versed in several areas of engineering, not just petroleum engineering – which makes me highly competitive and allows me to solve complex challenges efficiently and strategically." The Petitioner also asserted: "I plan to work as an independent contractor in the United States upon receiving all necessary business licenses . . . . I have been actively networking (due to the pandemic, mostly online), and I have great interest from U.S. companies who want to contract me as an engineering consultant."

In response to USCIS' request for evidence, the Petitioner wrote that his "proposed endeavor is to advance the chemical industry in the U.S. by creating a consulting company." He indicated that "[t]he proposed endeavor is to provide a wide range of services related to business cost control of projects and operations, technical and business troubleshooting and simplification, transformation, strategy, and management." Furthermore, in response to USCIS' notice of intent to deny, the Petitioner asserted that his proposed endeavor involves "the application of industrial chemical process engineering principles to optimize production systems."

As discussed below, we conclude the Petitioner has not established his eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

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.* We agree with the Petitioner that his proposed endeavor has substantial merit.

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. USCIS determined the Petitioner did not establish the potential prospective impact of his proposed work.[2]

On appeal, the Petitioner contends that he "possesses extensive professional experience involving the technologically complex industrial systems requiring expertise in chemical engineering, process regulation, process stabilization, production monitoring, industrial safety, technological equipment management, and manufacturing optimization." He discusses his prior employment at [redacted] involving large-scale petrochemical and manufacturing operations. The first prong of the *Dhanasar* framework, however, focuses on the proposed endeavor and not on the Petitioner's prior work in the field. The national importance of the Petitioner's proposed endeavor stands separate and apart from his education, skills, and job experience. *Id.* at 899-90.

The Petitioner asserts that "USCIS improperly fragmented and narrowed the proposed endeavor by focusing primarily on the organizational structure through which the endeavor would be carried out rather than evaluating the broader industrial and technological nature of the endeavor itself." The Petitioner's evidence includes his proposed company's business plan. The business plan provides industry and market analyses, information about the company and its services, financial forecasts and projections, 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 2 personnel in year one, 5 in year two, 9 in year three, 12 in year four, 20 in year five, and 36 in year six, 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 $772,500 in year two, $1,591,400 in year three, $2,458,600 in year four, $5,064,800 in year five, and $10,433,500 in year six, 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 chemical engineers, chemists and materials scientists, and the U.S. chemical sector. 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 one's occupation or industry 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 U.S. consulting company, or otherwise speak to the potential prospective impact of his specific proposed chemical engineering projects.

Furthermore, the Petitioner presented letters of support from K-A-Z-, A-A-B-, B-A-K-, V-R-O-, P-S-V-, S-O-G-, A-K-, and A-K- discussing his engineering capabilities and technological experience. He also provided messages and letters from E-P-, H-D-, N-B-, E-R-, and P-M- reflecting interest in engaging his services.[3] The Petitioner's skills, knowledge, and prior work in his field, as well as interest from potential customers, 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

[2] USCIS' decision concluded that the Petitioner had not shown his proposed endeavor stands to have national or global implications in his field, has significant potential to employ U.S. workers, or will have a significant impact on a matter that a government entity has described as having national importance.

[3] The February 2026 letter from E-R- at [redacted] Inc. [redacted] stated that the Petitioner "assisted [redacted] in organizing and structuring the technical aspects" of its new flooring installation service, but noted that the company "postponed the full-scale launch of the epoxy flooring service due to internal business priorities."

the specific endeavor that he proposes to undertake has national importance under *Dhanasar's* first prong.

The Petitioner states that the letters of support show that he "worked on large-scale petrochemical and manufacturing operations" in Russia, but they do not demonstrate that his proposed endeavor in the United States 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 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 region where his company will operate or in other parts of the United States. The letters from K-A-Z-, A-A-B-, B-A-K-, V-R-O-, P-S-V-, S-O-G-, A-K-, A-K-, E-R-, and P-M- do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed U.S. work offers broader implications in his field or substantial positive economic effects for our nation that rise to the level of national importance.

In addition, the Petitioner indicates that his proposed endeavor "constitute[s] important and growing sectors of the United States economy." Even with the projected job growth in the Petitioner's business plan, the record does not indicate that his company stands to employ a significant number of U.S. workers or to otherwise provide "substantial positive economic effects" as contemplated in *Dhanasar*. *Id*. at 890. As for the business activity and industrial productivity 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. *Id*. Here, the lack of supporting details and evidence detracts from the credibility and probative value of the Petitioner's claims regarding job creation and other substantial positive economic effects.

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 advance the U.S. chemical industry by creating a consulting 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. *Dhanasar*, 26 I&N Dec. at 893. Here, we conclude the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond his company and its industrial chemical process engineering consulting projects to impact the field of chemical engineering, the petrochemical industry, U.S. refinery operations and manufacturing processes, government initiatives, 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 New York 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's business plan states that his endeavor stands to create jobs for U.S. workers, he has not offered sufficient evidence that his endeavor offers New York 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 his 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.

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.