U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43885492

Date: AUG. 18, 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 did not establish 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.

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 owns and operates a company, [redacted] and proposes to work with Native American communities to manufacture and refurbish homes in the United States. USCIS determined that the Petitioner established his eligibility for the EB-2 classification as a member of the professions holding an advanced degree.[2] However, USCIS further concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that USCIS erred in this determination. While we agree that USCIS' decision includes errors, upon review, we conclude that the record does not establish the Petitioner's proposed endeavor is of national importance and therefore he 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's proposed endeavor is to manufacture and refurbish homes in the United States for Native American communities. He asserts that his goal is to eliminate the critical housing shortage, overcrowding, and inadequate infrastructures for these communities. The Petitioner contends that this will lead to improved community health and educational and economic advancements to benefit the U.S. economy and society. The record includes articles about the housing challenges facing Native American communities. 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.* As an initial matter, the Petitioner states that the main error in USCIS' decision is in stating that:

[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 a diploma, transcripts, and an academic evaluation as evidence of the equivalent of a U.S. master's degree in business administration in community economic development. USCIS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

> [T]he record does not reflect that the [P]etitioner's work in the field served as an impetus for progress in the field of geoenvironmental or that it has generated substantial positive discourse in evaluating the development of predictive models for PFAS. Nor does the evidence show that the [P]etitioner's research findings have a wider impact and been frequently cited by independent researchers or that they otherwise constitute a record of success or progress in advancing research relating to environmental data sets.

While we agree that USCIS erred in this part of the decision and that the Petitioner's proposed endeavor is not in this field, nor does it involve any of the above models or research, this statement relates to USCIS' prong two analysis. Here, our decision will focus on prong one and whether the Petitioner establishes his proposed endeavor's national importance. Upon review, we conclude that the Petitioner's proposed endeavor does not meet the standard for national importance set forth in the *Dhanasar* framework.

As it relates to *Matter of Dhanasar*'s first prong and the national importance of the proposed endeavor, USCIS determined that the Petitioner did not provide a support letter to explain the proposed endeavor and its potential prospective impact. However, the record contains a project plan in which the Petitioner details his proposed endeavor and its intended impact. As stated above, the Petitioner's proposed endeavor is to work with Native American communities to manufacture and refurbish homes in the United States through [redacted] The Petitioner presents four phases to implement his proposed endeavor in the United States which include: establishing joint tribal and federal task forces to conduct a comprehensive needs assessment, launching construction and repair projects with the intent to prioritize training and employ tribal members, scaling construction across all targeted communities and establishing long-term funding models for maintenance and capacity building, and conducting a comprehensive evaluation of the economic, social, and health benefits to demonstrate the return on investment. He intends to use these results to establish permanent, flexible, and substantial annual federal funding for tribal housing. *Dhanasar* states that an undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner states that by manufacturing and refurbishing modular homes in the United States for Native Americans, he will assist in "eliminating critical housing shortages, overcrowding, and inadequate infrastructure for Native American communities, leading to improved health, educational, and economic outcomes, and ultimately providing a possible net benefit to the U.S. economy and society." 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 a determination of national or global implications within the Petitioner's field.

On appeal the Petitioner asserts that the evidence in the record satisfies the requirement of national importance. The Petitioner highlights the articles in the record, which he states substantiate his claim that there is an urgent national interest in housing for Native American communities. The first is a report titled, "Addressing the Native American Housing Crisis," which the Petitioner asserts is probative evidence from government entities that there is an urgent national challenge that his endeavor will solve. The Petitioner presents two additional articles in the record titled, "Exploring Indigenous Peoples Issues Around Fair Housing" and "Meeting the Housing Needs of Native

Communities." Both discuss the housing challenges facing Native American communities and the U.S. government's efforts in this field. The Petitioner contends that these articles demonstrate the national importance of his proposed endeavor as they show a government interest in the field. While the articles support his statements that Native American communities face housing challenges and that there are government initiatives to help, they do not further the Petitioner's claim of his proposed endeavor's national importance. 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. The articles demonstrate a problem but do not establish the proposed endeavor's impact on the problem. While we acknowledge the importance of addressing issues related to housing challenges; 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 foreign national 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 Petitioner contends that the employment letter in the record "specif[ies] [his] significant contributions to [] Indian Housing in Canada that would be replicated in the U.S." The letter in the record is written by [redacted] of the Montana First Nation. The author confirms that the Petitioner oversaw housing needs for their Nation and praises his "valuable knowledge and . . . significant contributions to the fields of housing, infrastructure, and public works. . . ." 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.

Additionally, *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.* The Petitioner contends that he has established national importance as [redacted] will have a significant economic impact and has the capacity to create jobs across several industries. The Petitioner's project plan states that his company will create "thousands of direct and indirect jobs in construction, engineering, manufacturing, and supply chains." On appeal, the Petitioner states that his "housing project implies that U.S. workers will be hired" and that he will "contract U.S. firms, all of which will [have] national and global implications, substantial positive economic effects, particularly in a depressed area. . . ." However, the Petitioner does not provide sufficient detail or corroborating evidence to support these statements. For example, the Petitioner states that his work will create jobs in various industries, but he does not provide sufficient detail on what specific jobs his proposed endeavor will create, where they will be created, and how many jobs he will create; nor does he provide independent evidence to support his claim of job creation. Therefore, we cannot determine that the jobs created by the Petitioner's proposed endeavor could result in substantial positive economic effects.

The Petitioner also asserts that his proposed endeavor will stimulate the local economy by using locally sourced materials and services, reduce government spending by "significantly reduc[ing] the long-term burden on the federal healthcare system" by lowering illnesses caused by poor housing conditions, and increase "educational attainment and workforce participation." However, the Petitioner did not provide sufficient supporting evidence for us to determine that his proposed endeavor could have this intended economic impact. As stated above, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the Petitioner highlights articles that discuss potential economic benefits from an increase in the standard of living for Native American communities. However, as already discussed, the Petitioner cannot rely upon the importance of the industry as sufficient to establish the national importance of his proposed endeavor. The articles in the record do not further establish the economic impact of the Petitioner's specific proposed endeavor as they relate to the industry as a whole. Without sufficient evidence of the potential prospective impact of his proposed endeavor, we cannot conclude that his proposed endeavor will have, "significant potential to employ U.S. workers" or "other substantial positive economic effects." Accordingly, the record does not establish the Petitioner's proposed endeavor is of national importance as set forth in the *Dhanasar* framework.

In reviewing the totality of the evidence, we conclude that the Petitioner did not satisfy his burden to establish, by a preponderance of the evidence, his proposed endeavor's national importance because he has not submitted sufficient evidence to support his claims of national importance. 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 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.