U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37827301

Date: AUG. 20, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a business management consultant, 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 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 establish eligibility for a national interest waiver, petitioners must demonstrate qualification for the underlying EB-2 visa classification, as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act. In addition, petitioners must show the merit of 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 that U.S. Citizenship and Immigration Services (USCIS) may, as a matter of discretion,[1] grant a national interest waiver if:

- The proposed endeavor has both substantial merit and national importance,
- The individual is well-positioned to advance the proposed endeavor, and
- On balance, waiving the job offer requirement would benefit the United States.

[1] *See also Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS' decision to grant or deny a national interest waiver to be discretionary in nature).

II. ANALYSIS

Regarding the national interest waiver, the first prong relates to substantial merit and national importance of the specific proposed endeavor. *Dhanasar*, 26 I&N Dec. at 889. The Petitioner intends to own and operate a consulting firm, [redacted] LLC, "providing comprehensive business management solutions to Latino-owned and other minority-owned small and medium-sized enterprises (SMEs) in Florida's service sector." He plans to address systemic barriers that minority owners of SMEs face by "offering services including business strategy development, operational optimization, market analysis, financial planning, and legal compliance . . . ."

As it relates to substantial merit, the endeavor's merit may be shown in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. SCOPS determined the Petitioner established the substantial merit, but not the national importance, of the proposed endeavor.

In determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889. The Petitioner states that small and medium-sized businesses owned by Latinos and minorities are an important part of the U.S. economy and that his endeavor will help them overcome systemic barriers to success, "thereby contributing to the broader economic and social stability of the nation." He claims his proposed endeavor will help improve the economy in disadvantaged areas, support community development, and create jobs and that he has provided detailed plans that will "support the growth and sustainability" of the businesses he serves. He submits articles about the role of small businesses in the U.S. economy, the rate of increase of businesses owned by Hispanic Americans, U.S. government programs to support Hispanic entrepreneurs, and the importance of trade in U.S. commerce. However, the matter here is not whether these topics are nationally important. Rather, the Petitioner must demonstrate the national importance of his specific, proposed endeavor of providing his services as a business management consultant to Latino and minority-owned small and medium-sized companies in Florida.

In *Dhanasar*, we 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. The Petitioner argues that the broader implications of his proposed endeavor are clear in that he will impact the economy as a whole. And he alleges that SCOPS failed to consider the potential ripple effects of his proposed endeavor, as his planned assistance to minority-owned businesses, creation of jobs, and attraction of new foreign investment will spur further job creation and economic activity by those businesses and beyond. However, as stated, he has not provided sufficient evidence of the potential national impact of his specific proposed endeavor rather than the importance of minority-owned businesses and the field of business consulting management in general.

Further, the Petitioner presented an expert opinion letter from V-L-[2] who found his proposed endeavor to have national importance "in the management consulting industry." V-L- explains that the Petitioner, through [redacted] LLC, will create jobs, serve small and medium-sized businesses in Florida to increase their success, assist companies abroad in investing in business in the United States, and enhance societal welfare. However, the letter discusses the importance of business management in general rather than focusing on the national importance of the Petitioner's specific, proposed endeavor. The Petitioner also submits letters from prior employers and colleagues who discuss his work experience, but the letters do not discuss his proposed endeavor or show the broader impact of his work. On appeal, the Petitioner argues that SCOPS failed to consider the letters in light of the evidence as a whole but instead required the letters to independently establish all eligibility criteria. We have considered all evidence in the record in the aggregate. As the Petitioner states on appeal, the letters cover the Petitioner's prior work and accomplishments and relate more to the second prong rather than the first prong of the *Dhanasar* framework. *Id.* at 890.

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of the work. *Id.* at 889. Here, the Petitioner did not demonstrate how his business would largely influence the field and rise to the level of national importance. In *Dhanasar*, we determined 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. The record does not show through supporting documentation how his endeavor sufficiently extends beyond his prospective clients or employees to impact the field or the U.S. economy more broadly at a level commensurate with national importance.

The Petitioner provided a business plan in response to a request for evidence (RFE) from SCOPS.[3] But the Petitioner did not demonstrate how his business plan's claimed revenue and employment projections, even if credible or plausible, have significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for our nation. Although the business plan forecasts revenue of $500,000 in the first year and $950,000 in the third year, the Petitioner did not establish the significance of this data to show that the benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. Similarly, even though the business plan claims the creation of 20 direct jobs within the first 18 months plus additional indirect jobs over time, the Petitioner did not demonstrate the relevance of these numbers and show that such future staffing levels would provide substantial economic benefits in Florida or to the U.S. economy more broadly at a level commensurate with national importance. The Petitioner, for instance, did not establish that such employment figures would utilize a significant population of workers in the area or would substantially impact job creation and economic growth, either regionally or nationally. For all these reasons, the record does not demonstrate that, beyond the limited benefits provided to its prospective clients and employees, the Petitioner's proposed endeavor has broader implications rising to the level of having national importance or that it would offer substantial positive economic effects.

[2] We use initials to protect confidentiality.

[3] On appeal, the Petitioner disputes SCOPS' statement that he did not submit a business plan. The Petitioner did provide such evidence in response to the RFE but not in support of his initial filing.

Because the documentation in the record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of the Petitioner's eligibility under the second and third prongs outlined in *Dhanasar*, therefore, would serve no meaningful purpose.[4]

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not demonstrated 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.

[4] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternate issues on appeal where applicants do not otherwise meet their burden of proof).