U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43591613

Date: AUG. 20, 2026

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

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

The Petitioner, a training and development specialist, seeks classification as a member of the professions holding an advanced degree. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. *See* section 203(b)(2)(B)(i) of the Act, 8 U.S.C. § 1153(b)(2)(B)(i). USCIS may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so. *Id.*

USCIS denied the petition. USCIS determined that the Petitioner qualifies as a member of the professions holding an advanced degree. However, USCIS concluded that the record does not establish that a waiver of the job offer requirement, and thus of a 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 USCIS may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates 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).

- 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.

Id.

II. ANALYSIS

USCIS found that the Petitioner qualifies as a member of the professions holding an advanced degree. However, for the reasons discussed below, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong. *See id.*

The Petitioner described the endeavor as a general plan to train industrial, automotive, and metal-mechanic workers, which he claimed would "elevate productivity and competitiveness in [those] sectors across the United States." More specifically, he stated he would establish a consulting services company generally "in the state of California," although he did not identify any particular location in California where his consulting services company would be located. His stated business plan is to rent an office in some unspecified location, using "a fund of approximately $100,000 USD, which is the product of liquidation due to the termination of a work contract at the [redacted] where I rendered my services, and from the sale of some family vehicles." His business plan does not elaborate on further details about his proposed consulting services company beyond a generalized goal to work in the field.

As examples of operational details commonly included in business plans that the Petitioner's plan omits, he does not address: the number of clients to whom he anticipates providing his generalized consultation services—whether at a given time or in total over the course of some unspecified duration; the fees he would charge for providing his services; the revenue he anticipates generating in a given period based on the number of clients he would serve, descriptions of the particular services he would provide, and the fees he would charge; the number and duties of any other employees of his unnamed consulting services company in an unstated location; the consulting services company's anticipated operating expenses during any particular period, including the wages he would pay himself and any other workers, the actual rental costs of an office in which those employees would work, and transportation costs given that he anticipates travelling to clients' worksites to assess their training needs. Details such as these are material to assessing national importance because they directly pertain to the potential scope of the proposed endeavor, and its potential to employ U.S. workers or have other substantial positive economic effects. *See id.*

The Petitioner also asserted, "I plan to share my findings through publications and presentations at relevant conferences," although he did not elaborate on what he intended to find and the process and methodology through which he would find it. He also submitted copies of publications that provide generalized information about workforce training, and letters of recommendation.

USCIS determined that the Petitioner's general proposal to train workers has substantial merit, as required in part by the first *Dhanasar* prong. *See id.* However, USCIS also concluded that the record does not establish that the specific endeavor the Petitioner proposes to undertake would have the type of broader implications indicative of national importance, as also required by the first *Dhanasar* prong.

See id. More specifically, USCIS observed that the record does not address how the proposed endeavor would affect the field of workforce training. USCIS also explained that the copies of publications that provide generalized information about workforce training do not discuss the Petitioner and the specific endeavor he proposes to undertake and, thus, they do not show how the proposed endeavor may have national importance. USCIS further noted that, although the letters of recommendation discuss the Petitioner's qualifications and experience, they do not inform how the specific endeavor he proposes to undertake may have broader implications. Therefore, USCIS determined that the record does not satisfy the first *Dhanasar* prong. USCIS also concluded that the record does not satisfy the second and third *Dhanasar* prongs. *See id.*

Because we determine that the record does not establish the proposed endeavor may have national importance, which is dispositive, we reserve our opinion regarding whether the record satisfies the second and third *Dhanasar* prongs. *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 alternative issues on appeal where an applicant is otherwise ineligible).

On appeal, the Petitioner reasserts that the proposed endeavor has national importance. He references his personal statements, his business plan, copies of publications in the record that provide generalized information regarding workforce training, and letters of recommendation in the record.

In determining national importance under the first *Dhanasar* prong, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on "the specific endeavor that the [individual] proposes to undertake" and "we consider its potential prospective impact," looking for "broader implications." *Matter of Dhanasar*, 26 I&N Dec. at 889. *Dhanasar* provided examples of endeavors that may have national importance, as required by the first prong, having "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or those with "significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area." *Matter of Dhanasar*, 26 I&N Dec. at 889-90.

We recognize the importance of progress in science, technology, engineering, and mathematics (STEM) fields and the essential role of persons with advanced STEM degrees in fostering this progress, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual. However, as in all cases, a proposed endeavor implicating a STEM field must demonstrate not only substantial merit but also national importance, such as by having national or even global implications within a particular field, beyond merely being in a STEM field. *See generally id.*; *see also Matter of Dhanasar*, 26 I&N Dec. at 889-90.

First, we acknowledge that the copies of publications in the record that provide generalized information about workforce training are material to the issue of whether providing workforce training in general has substantial merit, as required in part by the first *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. However, the publications do not address the Petitioner, the specific endeavor he proposes to undertake, and how the proposed endeavor may have broader

implications indicative of national importance. Therefore, they are immaterial to determining whether the proposed endeavor has national importance, a distinct requirement of the first *Dhanasar* prong. *See id.* For example, because the copies of publications do not address the Petitioner and the specific endeavor he proposes to undertake, they do not inform how the proposed endeavor may have national or even global implications within the field of workforce training, manufacturing, or any other particular field, rather than merely contributing to the field like similar endeavors. *See id.* As another example, because the copies of publications do not address the Petitioner and the workers the specific endeavor he proposes to undertake would employ, they do not convey how the proposed endeavor may have significant potential to employ U.S. workers. *See id.* Because the copies of publications do not inform how the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance contemplated by the first *Dhanasar* prong, we need not address them further.

We also acknowledge that the Petitioner submitted letters of recommendation. As USCIS noted, the letters of recommendation address the Petitioner's qualifications and experience; therefore, they are material to the second *Dhanasar* prong, whether an individual is well-positioned to advance a proposed endeavor. *See id.* However, similar to the copies of publications that provide generalized information regarding workforce training, the letters of recommendation do not inform how the prospective, proposed endeavor may have the type of broader implications indicative of national importance contemplated by the first *Dhanasar* prong. *See id.* For example, the letters of recommendation do not relate how the specific endeavor the Petitioner proposes to undertake may have national or even global implications within the field of workforce training, manufacturing, or any other particular field. *See id.* As another example, the letters of recommendation do not show how the proposed endeavor may have significant potential to employ U.S. workers, especially given that the Petitioner's business plan does not mention the potential to employ anyone other than himself. *See id.* Because the letters of recommendation do not inform how the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance contemplated by the first *Dhanasar* prong, we need not address them further.

Turning to the Petitioner's statements and his business plan, contrary to his claims on appeal, he did not provide sufficient details about the endeavor he proposes to undertake, nor did he support his generalized assertions with probative documentary evidence. For example, he alleged that his startup consulting services company based at some unspecified location in California would "elevate productivity and competitiveness" in industrial, automotive, and metal-mechanic sectors "across the United States." However, the record does not establish what industrial, automotive, and metal-mechanic sectors' current productivity and competitiveness are, what their future productivity and competitiveness would be as a result of the proposed endeavor, and the causal nexus between the consulting services his startup company would provide and this unknown change in productivity and competitiveness, in order to support the conclusion that the proposed endeavor would have such an effect, whether "across the United States" or even localized. Relatedly, the record does not show what other workforce training consulting services currently provide—whether in general or among industrial, automotive, and metal-mechanic sectors more specifically—and it does not clarify how the specific endeavor the Petitioner proposes to undertake may be differentiated from those existing consulting services, rather than merely adding to the cumulative effect of similar consulting services companies on those sectors. Stated another way, the record does not establish how the specific endeavor the Petitioner proposes to undertake may have national or even global implications within

the field of workforce training, manufacturing, or any other particular field. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90.

Neither the business plan nor the remainder of the record elaborates on how the Petitioner's startup company, based in some unstated location in California, and apparently operated by himself without any additional employees, would serve clients "across the United States" as he claimed, rather than serving merely local clients near that location yet to be determined. Relatedly, because the business plan—and the remainder of the record—does not establish operational details such as the number and nature of any potential employees other than himself, his startup company's revenue and expenses, or even the location at which the company would be based, the record precludes a meaningful assessment of whether the proposed endeavor would have significant potential to employ U.S. workers or other substantial positive economic effects in any particular location. *See id.*

We also acknowledge that the Petitioner generally claimed he would publish "findings" and present them at conferences. However, as noted above, the record does not establish what the Petitioner seeks to find and the process and methodology he would use to find such unstated things. Even if the Petitioner would find some unspecified information through his proposed endeavor, the record does not clarify any particular media that he anticipates would publish these findings or any particular conference at which he would present them, nor does the record show the value of sharing ambiguous information in such unknown media and conferences in general. More to the point, the record does not show how the Petitioner's unstated findings would be significant enough to have national or even global implications—such as those resulting from certain improved manufacturing processes—within the field of workforce training, manufacturing, or any other particular field, even if they were published in some unspecified media or presented at some unidentified conference, rather than merely adding to the cumulative knowledge of workforce training consultants, manufacturers, and similar individuals and entities. *See id.*

In summation, considering the record in its entirety, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, he is not eligible for a national interest waiver.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner has not established eligibility 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.