U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43196330

Date: AUG. 24, 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 graduate student and teaching assistant, 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 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 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 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

[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 determined that the Petitioner qualifies as a professional holding an advanced degree. The record supports that determination; he has the U.S. equivalent of a master's degree in international law from [redacted] The 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.

The Petitioner filed his petition while enrolled in a master's program in law and diplomacy at [redacted] His proposed endeavor is based on his graduate capstone project, which describes the development and operation of a social impact enterprise to expand U.S. educational access for high-potential, underrepresented students from Africa. In an executive summary, the Petitioner explains that his online platform provides clarity and support to individuals navigating U.S. visa application and university admissions processes, preventing applicants from becoming victims of scams purporting to assist with those processes. He states that his "transparent, ethical, and affordable model—supported by a digitally integrated Student Information System (SIS)"—is an initiative that "strengthens U.S. soft power and supports broader diplomatic goals in educational equity, global leadership, and institutional diversity."

An endeavor's merit may be shown in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Matter of Dhanasar*, 26 I&N Dec. at 889. USCIS determined that the Petitioner established the substantial merit of his proposed endeavor. We agree. USCIS concluded, however, that he did not establish the endeavor's national importance, that he 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 USCIS mischaracterized the proposed endeavor and inappropriately narrowed its analysis to "require proof of industry-wide transformation or population-level impact." The Petitioner maintains that the record establishes his eligibility for a national interest waiver.

In determining whether the proposed endeavor has 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 "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.

Moreover, 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 online platform would facilitate visa processing

or international student enrollment in U.S. institutions to rise to the level of national importance. His proposed endeavor is to develop a "scalable, transparent educational infrastructure that strengthens U.S. higher-education competitiveness by building institutional pipelines between African educational institutions and U.S. universities, supported by a standardized SIS platform, cross-institutional partnerships, and ethics-driven mobility protocols." To provide context for his endeavor, he submitted documentation from the U.S. Department of State, the U.S. Department of Commerce, and the Institute of International Education to demonstrate that his endeavor to expand pathways for African students to pursue higher education in the United States "directly promotes significant U.S. national interests—from strengthening educational diplomacy and American soft power, to advancing global goodwill . . . ." On appeal, the Petitioner reiterates his assertion that his endeavor is directly aligned with U.S. foreign policy and national security interests, as well as the intrinsic national importance of maintaining U.S. competitiveness in the global market. However, he has not provided evidence of how his online platform or advisory services will impact U.S. interests at a level commensurate with national importance. A claim of alignment with national interests does not constitute evidence of a proposed endeavor's potential prospective impact. Again, it is not the importance of the field in which the individual intends to work, but the specific endeavor on which he will embark that we consider when evaluating an endeavor's national importance. *Id.* at 889.

On appeal, the Petitioner takes issue with USCIS' characterization of his endeavor as an enterprise limited to directly benefiting his potential students, stating that the "decision narrows the national-importance inquiry to localized beneficiaries rather than evaluating the endeavor's broader structural implications." He states that the online platform "is not a student recruitment agency, consulting firm, or client-focused tutoring practice. Rather, it is a mission-driven, nationally strategic social enterprise that develops system-level educational infrastructure to strengthen U.S. higher education, advance U.S. soft-power objectives, and build long-term pipelines of high-potential African talent." The Petitioner's business plan, however, depicts an online platform providing direct advisory services to prospective students. It includes screenshots and descriptions of a scheduling system for individuals to book consultation appointments, stating that a dedicated team will "offer personalized support" in selecting educational programs and navigating visa requirements. The record does not demonstrate through supporting documentation how his particular endeavor sufficiently extends beyond his prospective customers to have broader implications.

The Petitioner also asserts on appeal that USCIS' use of examples from *Matter of Dhanasar* to discuss the potential economic impacts of his proposed endeavor "places disproportionate emphasis on employment generation and economic effects . . . ." Concerning whether he demonstrated his endeavor's significant potential to employ U.S. workers or benefits to an economically depressed area, he stated that the decision "treats the absence of large-scale employment or economic projects as dispositive . . . ." He states, "These examples in [*Dhanasar*] are illustrative, not mandatory criteria." USCIS, however, did not state that demonstrating the endeavor's economic impact is mandatory. The decision includes discussion of whether the Petitioner demonstrated that his endeavor would generate positive economic impacts as one of the elements for consideration offered in the precedent decision. An endeavor's employment potential or substantial positive effects "may well be understood to have national importance." *Id.* at 890.

Here, the Petitioner has explicitly claimed that his endeavor would result in positive economic impacts. He states in his business plan that his enterprise "generates significant macroeconomic benefits for the

United States, especially in the higher education and service sectors." He also provides expansive projections concerning the outcomes of his endeavor, but his claims and projections are not supported by the evidence of record. He estimates that approximately 2,200 students will enter U.S. educational institutions using his services, generating $443.8 million for the United States through tuition and living expenditures and $10 million in federal, state, and local tax revenue through their support of roughly 733 jobs across various sectors. But he has not provided evidence to substantiate these forecasts. It is not clear from what sources he has drawn his estimation for the number of students successfully utilizing his services, and his projections are not accompanied by an explanation of the origins of the figures used in his calculations. Further, he projects hiring a total of seven individuals and accumulating $433,075 in revenue over three years, but he has not provided evidence to demonstrate how his anticipated staffing level and revenue would provide substantial economic benefits to the economy, such as by utilizing a significant number of workers in a given area or by substantially impacting job creation and economic growth.

A petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to his work, the record does not show that benefits to the U.S. regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated in our precedent decision. *See Matter of Dhanasar*, 26 I&N Dec. at 890.

We have also reviewed letters of endorsement from individuals who are familiar with the Petitioner's work. In reference to his proposed endeavor, these letters contain general allusions to what the Petitioner intends to accomplish without discussion of how his specific intention to provide advisory services will have broader implications. For instance, a [redacted] professor states that the endeavor "strengthens educational diplomacy, enhances America's reputation as a destination of fairness and opportunity for talent and innovation, and supports the diversification of global talent . . . ." A senior advisor at the [redacted] states that the "platform strengthens U.S. soft power and promotes ethical student mobility, benefiting institutions and the broader society." An officer at an office at the United Nations states that the endeavor will support "alumni networks that reinforce people-to-people ties, research collaboration, and professional linkages beneficial to U.S. diplomacy." And a professor at [redacted] states that the Petitioner's endeavor "supports key U.S. interests: widening access for talented yet underrepresented students, strengthening institutional integrity in international admissions, and deepening the people-to-people ties that sustain American academic diplomacy."

Beyond these overarching statements, the letters do not identify details concerning the endeavor or otherwise explain why the authors have reached these conclusions concerning the national importance of the Petitioner's endeavor. The authors do not discuss what specific elements of the proposed endeavor informed their opinions regarding its broader impacts. They make broad statements and offer general assertions about the endeavor's impact, but they do not explain how the Petitioner's online platform is creating or will create the widespread outcomes they describe. They do not provide insight into, or otherwise demonstrate, the potential prospective impact of the Petitioner's endeavor. *Id*. at 889.

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. 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 demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established that he 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.