U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40987782

Date: FEB. 09, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an entrepreneur and general and operations manager, 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 although the Petitioner qualified for classification as an advanced degree professional and her endeavor has substantial merit, she had not established that her proposed endeavor is of national importance, or that, on balance, 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:

[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 their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner indicated her proposed endeavor will be working as an entrepreneur and general and operations manager of [redacted] She explains that her proposed endeavor "involves entrepreneurial initiatives to design, manufacture, and distribute eco-friendly swimwear and beachwear using recycled materials and zero-waste process." She further states that the company's vision is to "redefine fashion with innovative, sustainable solutions and become a globally recognized brand for conscious consumers." She also states her proposed endeavor will "contribute to a range of nationally significant fields, including sustainable manufacturing, the circular economy, environmental technology, and equitable economic development."

SCOPS denied the petition, concluding that although the Petitioner is eligible for EB-2 classification as an advanced degree professional, she did not establish that a waiver of the job offer, and labor certification requirement, is in the national interest. Upon review, for the reasons discussed below, we agree that the Petitioner has not sufficiently demonstrated the national importance of the proposed endeavor in order to establish eligibility under the first prong of the *Dhanasar* analytical framework. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

On appeal, the Petitioner submits a brief that reiterates arguments concerning the purported national importance of the proposed endeavor and cites documentation previously included in the record. The Petitioner generally alleges on appeal that SCOPS "did not apply the proper standard of proof in this case, instead imposing a stricter standard, and erroneously applied the law, to the detriment of the Appellant." The standard of proof governing immigration benefit requests is "preponderance of evidence." *Matter of Chawathe*, 25 I&N Dec. at 375-76. To determine whether a petitioner has met their burden under the preponderance standard, we evaluate whether a petitioner's claims are "more likely than not" or "probably" true, but also consider the quality (including relevance, probative value, and credibility) of the evidence. *Id.* at 376; *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). Here, the Petitioner does not further explain or identify any specific instance in which SCOPS applied a standard of proof other than the preponderance of evidence in denying the petition. *Matter of Chawathe*, 25 I&N Dec. at 375-76.

On appeal, the Petitioner states SCOPS did not sufficiently review all evidence, including the business plan, recommendation letters, industry reports and articles, and résumé. However, in the decision, SCOPS discussed the business plan, the letters of recommendation, and the Petitioner's qualifications and experience. The Petitioner does not explain what specific content SCOPS failed to consider or how the record contains evidence that overcomes SCOPS' analysis and findings. Therefore, we do not find support for the Petitioner's assertion that SCOPS did not properly review all evidence.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We agree with SCOPS' conclusion that the proposed endeavor has substantial merit as it falls within the range of areas of substantial merit, namely business and entrepreneurialism. *Id.* However, while the Petitioner has established that the proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner states that her proposed endeavor addresses an "unmet and growing national demand for environmentally responsible apparel, domestically sourced textile production, and ethical supply practices." She also indicated that the proposed endeavor has the potential to significantly contribute to the U.S. economy through job creation and economic impact by "building U.S.-based production capacity, strengthening manufacturing autonomy, and reshoring skilled labor jobs." In addition, the Petitioner states that it will open offices in economically distressed areas.

In determining national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889. The Petitioner repeatedly emphasizes her experience, skills, and knowledge. As it relates to the Petitioner's experience and ability claims, those relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. Moreover, the Petitioner must establish the national importance of her business rather than the importance of the role of general and operations managers, immigration, and entrepreneurism.[2] Further, "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.* The broader implications of the proposed endeavor can inform us of the proposed endeavor's national importance. That is not to say that the implications are viewed solely through a geographical lens. Broader implications can reach beyond a particular proposed endeavor's geographical locus and focus. And 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. For entrepreneurial endeavors, in determining an endeavor's national importance, we also consider additional factors such as revenue growth, revenue generation, and job creation in our analysis. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(4), ("Specific Evidentiary Considerations for Entrepreneurs").

Moreover, to evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of her work. On appeal, the Petitioner states that her company "addresses an "unmet and growing national demand for environmentally responsible apparel, domestically sourced textile production, and ethical supply practices." The Petitioner does not meaningfully explain how this specific venture, focused on a niche segment of the apparel industry, would address a broader national or industry-wide issue or otherwise

[2] The Petitioner's contentions and submissions of industry articles and reports relates to the substantial merit of the proposed endeavor rather than the national importance.

have implications extending beyond the Petitioner's own commercial success. Assertions regarding sustainability benefits are vague, speculative and unsupported by evidence showing that this particular swimwear business would materially influence environmental outcomes, supply chain practices, or technological advancements in apparel production at a national scale. 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. Here, the record does not show through supporting documentation how her specific services stand to sufficiently extend beyond her prospective clients, to impact the industry or the U.S. economy more broadly at a level commensurate with national importance. The Petitioner provided very general notions of national impacts but did not provide specific information on how her business can actually have a national impact. It is the Petitioner's burden to submit evidence that sufficiently corroborates its claims. Statements made without supporting documentation are of limited probative value and are insufficient to satisfy the Petitioner's burden of proof. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998).

The Petitioner discusses U.S. government initiatives that may support the expansion of sustainable fashion. Although the Petitioner's work may be in an important field, she must still establish the specific proposed endeavor has national importance as it is presented in the *Dhanasar* framework. The proposed endeavor itself must still meet the level of prospective impact set forth in *Dhanasar*. We recognize the value and importance of sustainable fashion; however, working in an important field is insufficient to establish the national importance of the proposed endeavor. Here, the Petitioner improperly relies upon the importance of the industry to establish the national importance of the Petitioner's 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.

In *Dhanasar,* we 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." *Matter of Dhanasar*, 26 I&N Dec. at 890. On appeal, the Petitioner states that she plans to locate and operate its headquarters and future offices in underutilized business zones identified by the Small Business Administration's HUBZone program."[3] However, the Petitioner has not demonstrated that her business meets the requirements for HUBZone certification. Further, to the extent that the Petitioner is trying to equate her business being in a HUBZone with *Dhanasar's* emphasis on job creation and economic effects in an "economically depressed area," the evidence does not establish the company's ability to qualify for HUBZone certification, nor does it sufficiently explain how merely locating an office in a HUBZone qualifies as "substantial positive economic effects, particularly in an economically depressed area." And, even if the Petitioner's business were to yield new jobs in a HUBZone location (a fact she has

[3] The HUBZone program promotes business growth in underutilized business zones with the goal of awarding three percent of federal contract dollars to companies that are HUBZone certified. *See* https://www.sba.gov/federal-contracting/contracting-assistance-programs/hubzone-program. Operating a business in an HUBZone offers several advantages including eligibility for federal contracting preferences, access to set-aside contracts, and potential tax incentives. *Id.* Businesses seeking HUBZone certification must ensure that their business is owned and controlled by U.S. citizens, a community development corporation, an agricultural cooperative, or an Indian tribe. *Id.* Further, the business' principal office must be located in the designated HUBZone, and it must be the location where the greatest number of employees perform their work. *Id.*

not established), the economic impact from this potential hiring is too amorphous to be considered of national importance as contemplated in *Dhanasar*. *Id.* at 890.

Upon review of the business plan, the Petitioner projects that her business will have a total of 37 direct and 107 indirect employees by its fifth year. In her projected financial information, the Petitioner projects that her business will generate approximately $3.17 million and make annual tax contributions of $622,005.00 by the fifth year. We acknowledge that the Petitioner's business plan projects the creation of jobs, revenue, and taxes paid by its fifth year of operation, however the plan does not sufficiently detail the basis for the revenue and staffing projections, nor does it adequately explain how the revenue and staffing projections will be realized. *Matter of Chawathe*, 25 I&N Dec. at 376. As such, without more, she has not established that her endeavor will have substantial positive economic effects at a level commensurate with national importance. *Matter of Dhanasar* at 890.

The Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, she is not eligible for a national interest waiver. Further analysis of the Petitioner's eligibility under the second and third *Dhanasar* prongs, therefore, would serve no meaningful purpose. Accordingly, we reserve those issues. *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 *Dhanasar* analytical framework's requisite first prong, we conclude that she has not established that she is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

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.