U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40734257

Date: FEB. 23, 2026

Appeal of Service Center Operations (SCOPS) 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).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner qualified for classification as a member of the professions holding an advanced degree, but that she 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 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;

[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 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

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree. The sole issue to be determined 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. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of her proposed endeavor under the first prong of the *Dhanasar* analytical framework.

With respect to her proposed endeavor, the Petitioner indicated that she intends to work as "an independent business owner in the field of business consulting in the United States." She explained that her "primary objective is to support businesses and individuals in the United States as they navigate the complexities of modern challenges in their personal lives, careers, and society at large. I am committed to enabling growth and facilitating successful adaptation in these dynamic environments." The Petitioner further asserted that she "founded [redacted], a company incorporated in the United States in February 2023," to pursue her work as a business coach in the consulting industry. In addition, she stated:

> My proposed endeavor involves the establishment and national expansion of [redacted], an innovative coaching and consulting platform designed to strengthen and accelerate small and medium-sized businesses (SMBs) across the United States through structured education, AI-powered methodologies, and certified entrepreneurial coaching programs. [redacted] is not simply a traditional consulting firm; it is a scalable educational and technological infrastructure that enables hundreds of independent professionals to deliver consistent, high-impact business development services throughout the country.

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* We agree with SCOPS' determination that the Petitioner's proposed endeavor has substantial merit.

SCOPS concluded, however, that the Petitioner did not establish the national importance of her proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. SCOPS determined the Petitioner did not establish the potential prospective impact of her company and its services.

In addition to [redacted]'s 2023 California business registration, the Petitioner provided her business plan for the company. The business plan provides industry and market analyses, information about the company and its services, financial forecasts and projections, marketing strategies, a discussion of the Petitioner's education and work experience, and a description of company personnel. Regarding future staffing, the Petitioner's business plan anticipates that her company will employ three personnel in year one, five in year two, six in year three, eight in year four, and ten in year five, but she did not elaborate on these projections or provide evidence supporting the need for these additional employees. Furthermore, while her plan offers revenue projections of $282,500 in year one, $402,650 in year two, $504,910 in year three, $662,761 in year four, and $825,856 in year five, these projections are not supported by details showing their basis or an explanation of how they will be achieved.

The Petitioner also submitted articles on the importance of business coaching, professional development, and entrepreneurship. The Petitioner claims that these articles support the national importance of her proposed endeavor. The determination of national importance does not focus on the importance of business consulting, professional development, or entrepreneurship in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the Petitioner's company or otherwise speak to the potential prospective impact of her specific proposed endeavor.

In addition, the Petitioner offered letters of support from N-S-, I-B-, A-T-, A-D-, G-G-, K-S-, A-L-, N-L-, J-M-, A-B-, K-A-, and Y-V- discussing her business coaching capabilities and consulting experience. She also provided a letter from A-C- reflecting interest in her consulting services, and business agreements she executed with three companies. The Petitioner's skills, knowledge, and prior work in her field, as well as interest from potential customers, relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the specific endeavor that she proposes to undertake has national importance under *Dhanasar's* first prong.

The Petitioner also provided an "Expert Opinion Letter" from Dr. B-B-, an associate professor at [redacted], in support of her national interest waiver. Dr. B-B- contends that the Petitioner's proposed work "has a national and even global impact," "has substantial positive economic effects," "impacts a matter that is the subject of national initiatives," and "will broadly enhance individual and societal welfare," but he does not identify any specific companies or organizations that will be serviced by [redacted] in a manner indicative of broader implications to the field or substantial positive economic effects. Dr. B-B- further indicates that the Petitioner "will assume responsibility of overseeing all business activities to ensure they align with [redacted]'s objectives and yield desired results." The advisory opinion from Dr. B-B-, however, does not demonstrate how the Petitioner's day-to-day management of her company's operations and its consulting services as contemplated by her proposed endeavor rises to a level of national importance. The letter from Dr. B-B- does not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed work offers broader implications in her field or substantial positive economic effects for our nation that are indicative of its national importance.

In the decision denying the petition, SCOPS determined that the Petitioner had not established the national importance of her proposed endeavor. SCOPS stated the Petitioner had not demonstrated that

her undertaking stands to "have global or national implications to the field beyond the individuals or entities utilizing [her company's services]. The record does not identify the broader implications of the proposed endeavor or indicate how the proposed endeavor implicates matters rising to a level of national importance." In addition, SCOPS concluded that the Petitioner had not shown that her proposed work offers a "level of job creation" that provides "substantial positive economic effects."

In her appeal brief, the Petitioner argues that her proposed endeavor has national importance because her "business coaching initiative is directly aligned with federal economic priorities and possesses the potential for wide-reaching, sustainable impact on underserved sectors of the U.S. economy." She asserts that her "work is focused on immigrant entrepreneurs, women founders, and professionals in transition, groups that are both economically vital and historically underserved." The Petitioner further contends that key components of her coaching programs include curriculum design, platform development, mentorship frameworks, and thought leadership.

The Petitioner, however, has not provided evidence demonstrating that her proposed educational and consulting activities would operate on such a scale as to rise to a level of national importance. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. Furthermore, while any basic economic activity or training has the potential to positively affect the economy to some degree, the Petitioner has not demonstrated how the potential prospective impact of her proposed endeavor stands to offer broader implications in her field or to generate substantial positive economic effects in the regions where her company will operate or in other parts of the United States.

The Petitioner also claims that graduates of her programs "formalize their businesses, secure funding, and create jobs." As for the job creation and business activity that the Petitioner asserts her proposed endeavor will offer, the record does not contain sufficient supporting evidence. The preponderance of the evidence standard requires the evidence demonstrate that the petitioner's claim is probably true, where the determination of truth is made based on the factual circumstances of each individual case. *Matter of Chawathe*, 25 I&N Dec. at 376. In evaluating the evidence, truth is to be determined not by the quantity of evidence alone but by its quality. *See id*. Here, lack of supporting details and evidence detracts from the credibility and probative value of the Petitioner's claim regarding job creation and other substantial positive economic effects.

In addition, the Petitioner contends that her proposed endeavor "is fully aligned with numerous federal programs and strategies," including the "Small Business Administration's Community Navigator Pilot Program," the "Minority Business Development Agency," and "bipartisan executive initiatives to expand women's entrepreneurship." She further argues that her "tools are used by third-party consultants," her "coaching systems have been adopted in multiple U.S. states," and that she receives "active partnership inquiries." The Petitioner also asserts that she is "building a replicable architecture for entrepreneurial advancement, tailored to uplift high-potential but under-supported founders nationwide."

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. While the Petitioner's statements reflect her intention to provide business consulting services and a coaching platform through her company, she has not offered sufficient information and evidence to demonstrate that the prospective impact of her proposed endeavor rises to the level of national importance. In

Dhanasar, we determined that 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, we conclude the Petitioner has not shown that her proposed endeavor stands to sufficiently extend beyond her company and its clientele to impact her field, the business consulting industry, federal initiatives, societal welfare, or the U.S. economy more broadly at a level commensurate with national importance.

Furthermore, the Petitioner has not shown that the specific endeavor she proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Specifically, she has not demonstrated that her company's future staffing levels and business activity stand to provide substantial economic benefits in California or in other parts of the United States. While the Petitioner claims that her company has growth potential, she has not presented evidence indicating that the benefits to the regional or national economy resulting from her undertaking would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. In addition, although the Petitioner asserts that her endeavor stands to generate jobs for U.S. workers, she has not offered sufficient evidence that her endeavor offers California or the United States a substantial economic benefit through employment levels or business activity.

The Petitioner has not established that her proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

Because the documentation in the record does not establish the national importance of her proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. As this issue is dispositive of the Petitioner's appeal, we need not reach, and therefore reserve, determination of her eligibility under the second and third prongs of 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

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that she has not established 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, with each considered as an independent and alternate basis for the decision.

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.