U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37189122

Date: FEB. 26, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a project manager, seeks employment-based second preference (EB-2) immigrant classification as an advanced degree professional, 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).

The Director of the Texas Service Center 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

The Director determined the Petitioner qualified for EB-2 classification as an advanced degree professional because he submitted evidence of his bachelor's degree in international management and five years of progressive post-baccalaureate experience in his field. We agree. The only issue on appeal is whether the Petitioner qualifies for a waiver of the job offer requirement in the national interest.

In response to the Director's request for evidence (RFE), the Petitioner submitted a business plan for his proposed company, [redacted] which would provide comprehensive solutions for manufacturing and industrial operations. The business plan states the company would offer "comprehensive project planning and logistical optimization" which "are vital in furthering industrial productivity and reducing operational costs by facilitating advanced management strategies, fostering scientific innovation, and advocating for cutting-edge logistical techniques." The business plan indicates the company would have a diverse clientele including small businesses, large corporations, and manufacturing plants.

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. *Matter of 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.* The Director determined the Petitioner's proposed endeavor has substantial merit. We agree.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* 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. The Director determined the Petitioner did not establish that his proposed endeavor would sufficiently extend beyond his company and its clientele to impact his field or the U.S. economy more broadly at a level commensurate with national importance.

On appeal, the Petitioner asserts the Director applied a standard of proof stricter than the preponderance of the evidence. The Petitioner also claims the Director did not give due regard to the Petitioner's business plan, his work in the field, his recommendation letters, letters of intent and the government reports and articles in the industry. De novo review shows the Director reviewed the evidence submitted, discussed relevant evidence in his decision, and properly applied the preponderance of the evidence standard of proof. When U.S. Citizenship and Immigration Services (USCIS) provides a reasoned consideration of the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address

every piece of evidence a petitioner presents. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *aff'd Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); and *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009).

The Petitioner claims his business plan clearly shows the national importance of his proposed endeavor. The business plan asserts the Petitioner's company would have national-level impact by supporting the project management sector in the United States, addressing a market gap, assisting in the adoption and implementation of new technologies, engaging in knowledge transfer, and supporting economically depressed areas in the United States. The business plan does not specify in what economically depressed areas it would operate. The business plan also does not articulate how the Petitioner's company's achievement of these objectives would extend beyond the company and its clients to impact his field more broadly on a level indicative of national importance. *See id.* at 889 (explaining "we look for broader implications").

The business plan states the company will offer services including supply chain optimization, production scheduling and management, inventory management, process improvement, logistical coordination, project management consulting and strategy development, data analysis and reporting, and customer support and training. The business plan does not indicate, however, that any of these services are unique, innovative or otherwise have national or even global implications in the Petitioner's field indicative of national importance. *See id.* (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

The Petitioner asserts his business plan discusses several community involvement initiatives that reflect national importance by enhancing societal welfare. The business plan describes educational programs, collaborations with educational institutions, community-based industrial projects, volunteer programs, and public seminars and workshops. 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. Similarly, here, the business plan does not demonstrate that the company's community involvement initiatives would extend beyond the program participants to impact the field or society more broadly in a manner indicative of national importance.

Contrary to the Petitioner's claim on appeal, his business plan also does not show the Petitioner's company has significant potential to employ U.S. workers (particularly in an economically depressed area) or would have other substantial positive economic effects. The business plan projects a net income for the company of $172,060 in the first year increasing to $2.3 million in the fifth year. The business plan does not establish that such income is significant in comparison to other project management companies or otherwise represents a substantial positive economic effect indicative of national importance. The business plan also projects employing 14 people by its fifth year, but does not show that this is a significantly high employment level for project management companies or otherwise demonstrates job creation on a level commensurate with national importance. As previously noted, the business plan also does not identify any specific economically depressed area in which it would operate.

The Petitioner asserts the Director did not give due regard to his recommendation letters. These letters do not establish the national importance of the Petitioner's proposed endeavor. The Petitioner submitted support letters from three former employers. A-H-[2], T-Y-, and K-T- praise the Petitioner's skills and past work for their company, but do not discuss the Petitioner's proposed endeavor.

In sum, the record does not establish that the Petitioner's company 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 his field, or has other broader implications indicating national importance. Consequently, the Petitioner does not meet the first *Dhanasar* prong.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of his specific proposed endeavor and he does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of his eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *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).

III. CONCLUSION

The Petitioner has not established the national importance of his proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, he has not demonstrated that he is eligible for or merits a waiver of the job offer requirement in the national interest as a matter of discretion.

ORDER: The appeal is dismissed.

[2] We use initials to protect the privacy of the referenced individuals.