U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40680878

Date: JAN. 20, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a veterinarian and entrepreneur in the field of veterinary medicine, seeks classification as a member of the professions holding an advanced degree. *See* section 203(b)(2) of the Immigration and Nationality Act (the Act), 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 employment based second preference (EB-2) classification. *See* section 203(b)(2)(B)(i) of the Act, 8 U.S.C. § 1153(b)(2)(B)(i).

Service Center Operations (SCOPS) denied the petition, concluding although the Petitioner qualified as an advanced degree professional, he 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(K)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

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
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner's proposed endeavor is to establish a veterinary services firm in [redacted], New York. He states that he will "provide accessible and affordable veterinary care services to food animal (cattle, swine, poultry) populations in underserved rural areas and address food safety and public health concerns in these communities and the country." He further explains he will provide high-quality veterinary services through:

> [E]xpanding the reach and frequency of veterinary care to remote areas by providing farm visits and utilizing telemedicine consultations, developing and implementing preventative medicine programs, introducing sustainable farming practices and animal husbandry techniques to local farmers, ranchers, and producers, develop long term mentorship, internship and externship programs to train veterinarians and veterinary students to help fill the increased needs for veterinary care in these areas to boost the investments in rural America.

A. EB-2 Classification

The Petitioner submitted his foreign veterinary medicine degree and academic transcripts, along with employment letters showing five years of experience in the specialty. SCOPS determined the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether he qualifies for and merits a waiver of the job offer requirement in the national interest.

B. 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. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* SCOPS determined that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, SCOPS concluded the Petitioner did not establish that his proposed endeavor has 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).

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "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.

On appeal, the Petitioner contends SCOPS incorrectly disregarded evidence, including a detailed business plan, that was submitted in response to SCOPS' request for evidence (RFE) and erroneously applied *Matter of Katigbak*,14 I&N Dec. 45 (Reg. Comm'r 1971). However, we disagree. In the decision, SCOPS addressed the Petitioner's business plan, even highlighting the employment and revenue projections mentioned in the business plan. The Petitioner also asserts SCOPS failed "to correctly and rightfully consider the viable, probative evidence speaking to the national importance" of the proposed endeavor. The Petitioner observes in prior cases, federal courts have noted that decisions failing to contemplate or discuss the entirety of the evidence in a filing amount to critical error in the adjudicative process. The Petitioner relies on *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994) to support his assertion that SCOPS erred in failing to consider all the evidence in its totality. But the court in *Buletini* did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor does the *Buletini* decision suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence.

We acknowledge that SCOPS does not individually discuss every piece of evidence the Petitioner submitted. However, SCOPS is not required to discuss every piece of evidence in the record to be sufficient. Following review, we conclude that the decision is sufficient and specific enough to provide the Petitioner with a fair opportunity to contest the decision and the AAO an opportunity for a meaningful appellate review. *See* 8 C.F.R. § 103.3(a)(i); *see also Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that a decision must fully explain the reasons for denying a motion to allow the respondent a meaningful opportunity to challenge the determination on appeal). We have conducted a de novo review and considered the evidence in the record in full. While we may not discuss each piece of evidence in the record in our decision, we have reviewed and considered each one. Here, we agree with SCOPS that the evidence in the record does not establish, by a preponderance of the evidence, the proposed endeavor rises to the level of national importance contemplated under the *Dhanasar* framework.[2]

The Petitioner also contends on appeal that SCOPS overlooked the broader implications and scalability of his proposed endeavor. He asserts that his endeavor has broader implications for the agricultural and veterinary industries and explains that "[b]y improving livestock health and productivity, [the Petitioner] contributes to a more resilient and secure food system, benefiting the national economy

[2] We acknowledge that SCOPS conflated the first and second *Dhanasar* prongs in the RFE; however, this is a harmless error, as in our de novo review, we conclude that SCOPS correctly analyzed the evidence in the record to deny the petition *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) *(citing Japarkulova v. Holder*, 615 F.3d 696, 701 (6th Cir. 2010), which states that an error is harmless where there is no reason to believe that a remand might lead to a different result).

and public health." However, the Petitioner does not provide support for these assertions, nor does the evidence on record establish that his endeavor will directly result in broader implications to the field or provide sufficient contributions to these efforts beyond benefits to his prospective clients. 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. *Matter of Dhanasar* at 893. Here, we conclude the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond his future clients to impact the veterinary industry, the economy, or U.S. societal welfare more broadly at a level commensurate with national importance.

Additionally, while the Petitioner submitted a business plan outlining the potential economic implications of his endeavor, he did not provide sufficient explanation or evidentiary support for the bases of his figures. However, even assuming the accuracy of the numbers, the Petitioner still did not demonstrate how his claimed employment and revenue projections show a significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for [redacted] New York, where he will begin operations, or the nation. For example, although he forecasts revenue of $448,960 in the first year of operation, increasing to $1,615,680 by the fifth year, he did not establish the significance of this data or explain how the benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. Moreover, while the business plan claims he will employ four employees in the first year of operation, increasing to 16 employees by the fifth year, he did not demonstrate the relevance of these numbers or show how such employment figures would utilize a significant population of workers in the area or would substantially impact job creation and economic growth, either regionally or nationally. The business plan also indicates that the business's "core operations will be conducted through mobile veterinary clinics designated to serve economically disadvantaged regions," labeled opportunity zones. The Petitioner asserts on appeal that the "economic revitalization of Opportunity Zones is a matter of national importance at it contributes to reducing income inequality, improving the standard of living for residents of economically distressed areas, and strengthening the overall economy." However, the Petitioner provided little detail and documentation to sufficiently demonstrate that his veterinary services would likely have a national impact on economically depressed areas in New York as claimed. While any increased business activity has the potential to positively impact the economy and thereby societal welfare to some degree, the Petitioner has not offered a sufficiently direct connection between his proposed endeavor and any demonstrable economic or societal effects to establish his proposed endeavor's national importance.

In addition, the Petitioner highlights that his business plan addressed indirect job creation utilizing the Regional Input-Output Modeling System (RIMS II) multipliers for the "Veterinary Services Industry" in New York. According to the RIMS II multipliers, the Petitioner asserted that his proposed endeavor would "generate direct effects on employment equivalent to 21 jobs in Year 5, as it will reach a total of 16 in-house employees in the same year" and "generate direct effects on earnings of household equivalent to $1,634,129 in Year 5, as its payroll will reach $1,173775 in the same year." However, the Petitioner does not elaborate on the 21 indirect jobs the RIMS II calculation anticipates his company will create, such as the type of jobs those would be, a breakdown of part-time versus full-time positions, and where they would be created. Without more detailed, credible evidence of the types of jobs that would be created and where the jobs would be located, the record does not establish that employing the positions listed in the business plan would show the type of substantial positive

economic effects, particularly in an economically depressed area, contemplated by the first *Dhanasar* prong. *See id.* at 889-90.

The Petitioner also points out that his proposed endeavor has national importance "because it addresses pressing issues that have been explicitly recognized and supported by the U.S. government through numerous programs and initiatives" such as the Rural Veterinary Workforce Act, the USDA Veterinary Medicine Loan Repayment Program, and the Veterinary Services Grant Program. However, merely working in an important field or profession is insufficient to establish the national importance of the proposed endeavor. *Id.* at 889. Instead, when determining whether the proposed endeavor has 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." *Id.* Alignment with general national goals, in and of itself, does not necessarily establish that the Petitioner's endeavor rises to the level of national importance. Thus, while we acknowledge that the veterinary industry is important, this fact is insufficient to establish the national importance of his proposed endeavor.

Moreover, while the Petitioner asserts SCOPS erred by requiring his endeavor to be specifically mentioned in a national initiative, SCOPS did not state that this was a requirement. Instead, SCOPS correctly noted that evidence showing the national importance of the industry or profession, in general, is insufficient to establish the national importance of the specific proposed endeavor. Again, as discussed in *Dhanasar*, the relevant question is not the importance of the industry or profession in which the individual will work, but whether the specific proposed endeavor has broad enough implications to be considered of national importance. *Id.* Here, because the submitted evidence did not specifically concern his endeavor, the information contained in the industry reports and articles are probative of the importance of the veterinary industry and professions within the veterinary industry, but the information is not sufficiently probative to establish that his specific proposed endeavor is of national importance. *See Matter of Chawathe*, 25 I&N Dec. at 375.

Furthermore, the Petitioner highlights the expert opinion letters from two professors. In addressing the first prong of the *Dhanasar* framework, the letter from F-J-Q- is very general, significantly focuses on the importance of the livestock farming industry, the impact of modernizing veterinary services plays in the U.S. economy, and national initiatives. However, the letter does not contain sufficient information and explanation of the Petitioner's proposed endeavor, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed work in the veterinary industry offers broader implications in his field or substantial positive economic effects for our nation that rise to the level of national importance.

We also reviewed the opinion letter from S-C-B-. While S-C-B- discusses the proposed endeavor and its claimed benefits, his opinion is largely conclusory and does not adequately explain how the Petitioner's work would produce such nationally important impacts. For example, S-C-B- opines that the Petitioner's company will enhance animal health, promote sustainable agriculture, create educational materials and workshops, establish mentorship, internship, and externship programs, and enhance veterinary public health. But beyond these generalizations, S-C-B- provides little explanation or corroborating evidence directly linking the Petitioner's company to these claimed benefits, the economy's growth, industry wide impact, or other substantial positive economic or societal effects. Because the opinion letters do not support their conclusory statements with supporting information

material to the issue of whether the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance, they do not support the conclusion that the proposed endeavor may have national importance, as contemplated by the first *Dhanasar* prong.

Finally, we reviewed the Petitioner's letters of recommendation. However, the letters of recommendation add little probative value in establishing the Petitioner's eligibility under *Dhanasar's* first prong. While the authors praise the Petitioner's skills, personal attributes, and past accomplishments, factors which relate more to the second prong, they do not discuss the Petitioner's specific proposed endeavor or the impact thereof.

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address his eligibility under the remaining prongs, and we hereby reserve them. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("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 alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to establish that he meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that he has not established eligibility for 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 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.