U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40794877

Date: JAN. 22, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner is an event planner and coordinator who seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree or an individual of exceptional ability in the sciences, arts, or business, 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 despite qualifying for the underlying EB-2 visa classification as an individual holding an advanced degree,[1] the Petitioner did not establish that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. Applying the three-prong analytical framework set forth in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), SCOPS concluded that the Petitioner did not establish that his endeavor has national importance[2] or that on balance, waiving the job offer requirement would benefit the United States, as required under prongs one and three, respectively. 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 because the Petitioner did not establish that his specific proposed endeavor has national importance and thus, he did not meet the national importance requirement of the first prong of the *Dhanasar* framework. Because the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding the third *Dhanasar* prong. *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

[1] The record contains a degree certificate and corresponding transcript showing that the Petitioner completed required coursework and was awarded a bachelor's degree in tourism from [redacted] in December 2008. The record also contains evidence showing that the Petitioner subsequently attained at least five years of progressive experience in his specialty as required by 8 C.F.R. § 204.5(k)(2).

[2] The Director determined that the Petitioner's endeavor was shown to have substantial merit.

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).

Further, we adopt and affirm SCOPS' analysis and decision regarding the national importance of the Petitioner's endeavor. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted"); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case).

In addressing the issue of national importance within the context of the Petitioner's proposed endeavor to own and operate "a consultancy and advisory firm focused on event planning, coordination, and professional training," SCOPS acknowledged the Petitioner's submission of supporting evidence, including a business plan, personal statement, letters of recommendation, and industry reports. SCOPS determined, however, that the evidence was insufficient to show the importance of the Petitioner's proposed endeavor on a national scale, noting that the record does not show that the impact of the endeavor would extend beyond the Petitioner's company and clients or influence the event planning industry.[3] SCOPS also determined that the record lacks evidence showing that the Petitioner's specific endeavor would offer substantive positive economic effects for the United States or result in job creation attributable directly to the proposed endeavor. SCOPS highlighted the importance of focusing on the proposed endeavor rather than the Petitioner's field when determining whether the specific endeavor would have national or even global implications. In sum, SCOPS determined that the impact of the Petitioner's endeavor would not extend beyond the Petitioner's business and clientele to more broadly impact the event planning field or create a broad impact at a level that is commensurate with having national importance.

On appeal, the Petitioner argues that SCOPS did not adequately consider his endeavor's "projected influence, scalability, and alignment with national priorities." To the extent the Petitioner claims that his "operational model is scalable" and "designed for replication in diverse U.S. markets," the Petitioner bears the burden of proof to establish eligibility for the benefit he seeks, including the proposed endeavor's potential prospective impact pursuant to the *Dhanasar* analytical framework. *See Matter of Chawathe*, 25 I&N Dec. at 375-76. The evidence in the record, however, does not establish that the Petitioner has a particular events planning service model or methodology that is replicable, different from what is currently available in the industry, and one that he intends to disseminate throughout the events planning industry on a scale that would be commensurate with national importance.

Further, while the record contains letters from various business owners expressing their respective interest in the Petitioner's even planning services based on his expertise in the industry, such letters merely explain how the prospective clients would benefit from the Petitioner's services; they do not, however, serve as evidence that the proposed endeavor would extend to broadly impact events

[3] For example, in his response to SCOPS' request for evidence, the Petitioner pointed to his endeavor's support of the U.S. tourism and hospitality sectors and stated that his endeavor "contributes to this economic revival by planning and executing a wide range of social events." However, the Petitioner did not establish that his specific endeavor would operate on such a scale as to suggest the ability to generate substantial positive economic effects through job creation or generation of revenue at the level contemplated in *Matter of Dhanasar*. *Id.* at 890.

planning or other industries, such as hospitality and tourism, that may be engaged or impacted based on the specific needs of an event or client.

We have also reviewed the Petitioner's business plan, where the Petitioner discussed his company's staffing and revenue projections. We find, however, that despite showing that his business is not "confined to a single locality or industry" and operates "across multiple economic sectors," the Petitioner has not established that his company's staffing levels[4] or its business activity would provide substantial economic benefits to any particular locality or to the United States overall. Nor does the record show that the proposed endeavor would meaningfully impact "workforce development," as claimed, or that the company's projected five-year revenues of approximately $7 million would significantly impact the event planning industry, which the business plan shows as having a U.S. market of nearly $400 billion. As such, the Petitioner has not demonstrated that the prospective benefits to the regional or national economy resulting from his endeavor would reach the level of "substantial positive economic effects" as contemplated by *Dhanasar. Id.* at 890.

In sum, the Petitioner has not provided evidence that his endeavor meets the national importance element of the first prong of the analytical framework in *Matter of Dhanasar.* As such, the Petitioner has not overcome SCOPS' conclusion regarding this issue.

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.

[4] The business plan indicates that the Petitioner would initially have six employees with a projected increase to nine employees by the company's fifth year of operation.