U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41020624

Date: JUL. 13, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, an SAP consultant, 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).

USCIS denied the petition, concluding that the record did not establish that a waiver of the job offer requirement is 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.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

USCIS found that the Petitioner qualifies for the EB-2 classification. Based on the evidence in the record that the Petitioner obtained the foreign equivalent of a master's degree in business administration, we agree. The issue on appeal is whether the Petitioner has established that a waiver of the job offer requirement is in the national interest under the analytical framework set forth in *Matter of Dhanasar*. Regarding the first *Dhanasar* prong, USCIS determined that the Petitioner established the proposed endeavor's substantial merit but not its national importance. Upon de novo review, we agree that the Petitioner has not established the national importance of the proposed endeavor and we will dismiss the appeal on that basis.

The first 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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

The Petitioner states that his proposed endeavor is as follows:

> My proposed endeavor is to optimize and implement SAP-based enterprise solutions to enhance the operational efficiency and long-term sustainability of small and medium sized enterprises (SMEs) in the United States. I will do so by leveraging my extensive experience of over 19 years working with SAP – the leading Enterprise Resource Planning (ERP) software in the market and my background as a mentor within project teams, focusing on critical business areas such as Supply Chain, Procurement, Sales, and Travel and Expense Management. My proposed endeavor will provide comprehensive support in the planning, implementation, and support phases of SAP projects. This work will benefit the United States by enabling SMEs to streamline their processes, boost productivity, reduce operational costs, and improve their ability to compete with larger enterprises.

On appeal, the Petitioner claims that USCIS abused its discretion in the national importance analysis by failing to fully consider the evidence in the record, citing to *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994). The Petitioner also claims that USCIS misapplied the national importance standard under *Matter of Dhanasar*. The Petitioner discusses on appeal his plan and many of the specific articles, reports, and letters of support in the record in an attempt to explain how they demonstrate the endeavor's national importance. Upon de novo review, we conclude that the Petitioner's appellate claims are not supported by the record.

First, we do not find support for the Petitioner's claim that USCIS failed to sufficiently consider the evidence. We agree that an adjudicator should consider the relevant evidence in the record. *See* 8 C.F.R. § 103.2(b)(1). However, regarding the Petitioner's reference to *Buletini v. INS*, we note that

U.S. district court decisions are not binding precedential authority. The reasoning underlying a district judge's decision will be given due consideration when it is properly before us; however, the analysis does not have to be followed as a matter of law. *See Matter of K-S-*, 20 I&N Dec. 715, 719 (BIA 1993). Moreover, the court in *Buletini v. INS* did not find that the agency must discuss the totality of the evidence submitted in order for its decision to be legally sufficient, as the Petitioner claims. Rather, the judge in *Buletini* simply reiterated the standard that the agency must consider the relevant evidence. *See Buletini v. INS*, 860 F. Supp. at 1233.

The fact that USCIS did not name each piece of evidence individually and that it summarized the articles and reports in the record, rather than naming each one, is not indicative of a failure to consider the relevant evidence. *See Osuchukwu v. INS*, 744 F.2d 1136, 1142-43 (5th Cir. 1984) ("[The Board of Immigration Appeals] has no duty to write an exegesis on every contention."). *See also Ren v. USCIS*, 60 F.4th 89, 97 (4th Cir. 2023) ("[S]o long as [USCIS] has given reasoned consideration to the petition, and made adequate findings, we will not require that it address specifically each claim the petitioner made or each piece of evidence the petitioner presented." (cleaned up)); *Larita-Martinez v. INS*, 220 F.3d 1092, 1095-96 (9th Cir. 2000) (joining the Seventh and the Federal Circuit Courts of Appeals in presuming that the Board reviewed all of the evidence of record). Indeed, we conclude that the decision and the record reflect USCIS' consideration of the evidence in totality, even though USCIS did not discuss each piece of evidence individually. Moreover, we conclude that both the RFE and the decision were sufficient to put the Petitioner on notice as to the evidentiary deficiencies in the record and to provide the Petitioner with an opportunity for 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).

Second, we disagree that USCIS misapplied the national importance standard as set forth in *Matter of Dhanasar*. In support of this claim, the Petitioner objects to how USCIS analyzed the many articles and reports submitted by the Petitioner. The record contains, for example, website articles from Science Direct, Forbes, the U.S. Chamber of Commerce, and Goldman Sachs on topics such as ERP system adoption, the impact of technology on small businesses, and U.S. government initiatives and policies related to small businesses. The record also contains federal executive orders on promoting competition in the economy and on supply chain resilience, information and statistics from the U.S. Small Business Administration, and a scholarly article from the Rochester Business Journal on managing the rapid pace of digital transformation for small businesses.

The reports and articles do not provide credible, probative evidence of the endeavor's national importance, as the Petitioner claims. For example, the Petitioner asserts that the 2021 White House executive order on U.S. supply chains "shows how the Petitioner's endeavor in optimizing SME supply chain functions will directly advance national interests in domestic manufacturing revitalization and competitive resilience." But the Petitioner's endeavor is to offer consulting services to SMEs in adopting SAP solutions, not optimizing "supply chain functions." Moreover, the executive order does not establish that the Petitioner's endeavor will advance national interests. The order finds that the United States needs resilient, diverse, and secure supply chains and lists specific action items for the heads of executive agencies to complete, including completing reviews and issuing reports with recommendations on steps to strengthen U.S. supply chains. The order does not discuss SAP consulting services, SME adoption of SAP solutions or other technologies, and it does not describe consulting services in this field as having a potential prospective impact that would be nationally important.

The Petitioner claims that these articles and reports demonstrate that the proposed endeavor is "not a narrow commercial venture, but a nationally significant contribution to economic resiliency, digital inclusion, and infrastructure protection." But we agree with USCIS that this evidence provides background information that supports the importance of the industry in which the Petitioner will work; it does not establish the national importance of the Petitioner's intention to offer consulting services in this industry. An entrepreneur cannot demonstrate national importance solely by opening a consulting firm for those working or seeking to work in a nationally important occupation. *See generally* 6 *USCIS Policy Manual* F.5(D)(6), https://www.uscis.gov/policy-manual. Similarly, statements and evidence regarding the importance of the relevant industry overall will not demonstrate that a person seeking to start a business in that industry satisfies the national importance prong. *See id.*

We acknowledge that the Petitioner claims that he does not rely on the general importance of technology or business consulting in demonstrating the endeavor's importance. Instead, he claims that his plan provides "a precise, measurable endeavor to help U.S. SMEs adopt and benefit from enterprise systems critical to national resilience." Additionally, the Petitioner claims that his plan contains sufficient details to demonstrate "how the proposed consulting services target known bottlenecks in digital adoption that disproportionately impact U.S. SMEs."

These claims are not borne out by the record. The Petitioner submitted a "Plan for Advancing My Proposed Endeavor in the United States," in which he describes a three-step plan. First, the plan states that the Petitioner will establish his SAP consulting activities in [redacted], Massachusetts. Second, he will identify and approach SMEs in "industries where SAP adoption is low but highly needed," and then third, he will provide "end-to-end SAP consulting services." The plan describes the types of SAP services he will provide, such as SAP system design, data migration, and user training. The plan also states that the Petitioner's consulting services are unique and innovative because he is able to combine business strategy with technical expertise, because he speaks multiple languages, and because he has hands-on experience in implementing SAP solutions. Despite the Petitioner's assertion to the contrary, we conclude that this description does not provide specific, credible details that establish that his consulting services have the potential to benefit U.S. enterprises at a national level. While the Petitioner's SAP consulting services may be beneficial to his clients and their businesses, the record does not demonstrate that the endeavor has the potential to result in a broad impact that would rise to the level of national importance. Any professional or business service has the potential to positively impact its clients and community, and thus the economy and societal welfare in turn; however, the Petitioner has not provided evidence to demonstrate a sufficiently direct connection between the proposed endeavor and any demonstrable economic or societal welfare effects that would be commensurate with national importance.

Finally, we conclude that the letters of support are not sufficiently persuasive of the endeavor's national importance. The Petitioner submitted several letters of support which discuss the Petitioner's intention to offer SAP consulting services, describe his professional background, and state the opinion that he is well-qualified and that these services will be beneficial to his clients and the economy. But these letters primarily provide general, conclusory statements about the importance of the industry, small businesses, and SAP and digital technologies in an effort to demonstrate the endeavor's national

importance. The letters do not establish how the Petitioner's consulting services in this industry have the potential to have a broad impact.

The Petitioner's claims on appeal do not overcome the basis for USCIS' findings as they relate to the national importance of the proposed endeavor. Moreover, upon de novo review, we agree that the Petitioner has not established this requirement. Because the documentation in the record does not establish the national importance of the proposed endeavor as required by the first *Dhanasar* prong, the Petitioner has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve our opinion regarding whether the Petitioner has demonstrated eligibility for either the second or third *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curium) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established that he is eligible for or otherwise merits 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 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.