U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43490299

Date: JULY 27, 2026

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

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

The Petitioner, a gourmet dog food chef and co-owner of a luxury dog boutique, 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 although the Petitioner qualifies for EB-2 classification as a member of the professions holding an advanced degree, 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 USCIS may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that:

[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 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

USCIS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional. The record shows that the Petitioner has a foreign equivalent of a master's degree in finance and credit from [redacted] The remaining issue to be determined is whether the Petitioner is eligible for the national interest waiver. On appeal, the Petitioner contends that USCIS imposed a heightened evidentiary standard but does not specifically point out such instances; instead, the Petitioner reiterates the assertions previously raised in the record, that she has met all three prongs of *Dhanasar*.

The Petitioner described herself as "Co-Founder and Master [Chef][2] of [redacted] a [redacted]-based premium dog food company." The Petitioner stated that her proposed endeavor is to "continue my work at [redacted] and to develop the company as far as possible" and that she will provide healthy dog food to "pet owners and their pets across the nation" and increase awareness for "dog and animal welfare." She further claimed that her endeavor will create "significant community and economic benefits in the United States, as well as raising the nation's overall quality of life."

A. Substantial Merit and National Importance

We conclude that the Petitioner did not meet the first prong of the *Dhanasar*'s analytical framework. The first 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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

The record supports the proposed endeavor's substantial merit. The Petitioner provided sufficient documentation, including her business plan, receipt of awards for being a startup and pet friendly business, the company website and description of its products, and recommendation letters attesting to the existence of the business and support by patrons, to show that the endeavor falls within one or more of the areas contemplated by *Dhanasar*, especially in the business and entrepreneurialism.

However, the Petitioner has not sufficiently demonstrated national importance of her endeavor. In determining national importance, we look for "broader implications" of the proposed endeavor. *Dhanasar* states that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* It also indicates that "[a]n endeavor

[2] The Petitioner refers to herself as "Master Chief" throughout her business plan but based on other documents in the record, it is apparent that she works as a dog food chef in addition to being a co-owner or co-founder of the business.

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.

The Petitioner claimed that her endeavor is nationally important because "[k]eeping dogs (and pets in general) happy and healthy is surprisingly important to human health and welfare" and "[b]y ensuring that pets are kept healthy and happy, U.S. pet owner can receive health and mental benefits by feeding dogs and pets high quality pet food." The Petitioner provided web-based links to various research reports and articles demonstrating that dogs contribute to the highest pet ownership in the United States and how pet ownership can have positive effects on mental health. However, the Petitioner's claims of national importance rely on generalized discussion of the dog food industry's importance and the value of pet ownership and lacks corroborating documentation and explanation to support how her business of selling premium dog food stands to sufficiently extend beyond its customers to broadly impact the American population's mental health, welfare of dogs in the United States, or even the dog food industry.[3]

In addition, the Petitioner asserted that her business will substantially impact the economy of the region or the United States and provided a business plan which includes a five-year plan for staff hiring, payroll expenses, and tax payments. For example, the plan projects that the business will grow from nine employees to 131 employees in the fifth year and the total payroll expenses will increase from $401,440 to $5,973,706 by the fifth year. However, the business plan does not sufficiently detail the basis for its financial and staffing projections, nor does it adequately explain how the Petitioner will accomplish these goals according to the timeline given. The Petitioner must support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The business plan further indicates that the Petitioner will open new locations in [redacted], in addition to opening a dog daycare and spa in [redacted] But it is unclear how such expansion will be realized and whether the five-year projection properly reflects her broad expansion plans. The Petitioner also discussed the distressed communities index (DCI) in her business plan, claiming that the business has "created eight workplaces" for residents of distressed communities in California based on the DCI scores. However, the record itself does not specify that the business locations are in an economically depressed area of California, or that the Petitioner would employ a significant population of workers in that area. Although the Petitioner stated that the business "closely monitors the state of distressed communities," she has not provided any concrete details about the current or future business' operations in economically depressed areas.

We reviewed the expert opinion letter authored by S-S-M-, a professor at [redacted] The letter provides a broad overview and summary of the Petitioner's statements, business plan, recommendation letters, and other claims that the Petitioner has made in the record, including the importance of the dog food industry, pet health and wellness, mental and physical health of pet owners in the United States. However, the professor does not explain in detail how the Petitioner's future work, specifically, would accomplish these immense benefits rising to national importance. The professor's observations rely more on generalizations about the results of typical business activity,

[3] The Petitioner has not claimed that she has a certain technique or technology specific to making premium dog food such that it will impact the industry of dog food.

rather than providing insight into how the Petitioner's particular endeavor would impact the economy, industry, or societal welfare more broadly at a level commensurate with national importance.

Likewise, the support letters written by the Petitioner's work colleagues and testimonial letters from the business' customers are insufficient to establish the national importance of the proposed endeavor. While the authors praise the Petitioner's personal attributes, professional skills in business management, and her dedication to creating tasty recipes that dogs love, they do not discuss the Petitioner's endeavor or specific impact thereof, including any potential broader implications of her work. As such, the expert opinion and other recommendation letters are of little probative value in weighing the endeavor's national importance.

We conclude that the record does not demonstrate that her endeavor of operating the dog boutique and marketing and selling premium dog food extends beyond the business and its future clients, to impact the field or any other industries or the U.S. economy more broadly at a level commensurate with national importance. The societal and economic benefits that the Petitioner claims depend on numerous factors and she has not offered sufficient evidence that would corroborate the claimed results.

B. Well Positioned to Advance the Proposed Endeavor

We withdraw the USCIS' conclusion[4] that the Petitioner is well-positioned to advance her proposed endeavor under the second prong of the *Dhanasar* framework. The second prong shifts the focus from the proposed endeavor to the individual. *Matter of Dhanasar*, 26 I&N Dec. at 890. To determine whether they are well positioned to advance the proposed endeavor, we consider factors including, but not limited to: their education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Id.*

It is not clear how an individualized consideration of the multifactorial analysis under *Dhanasar*'s second prong would demonstrate how well positioned the Petitioner is to advance her proposed endeavor. We first note that the record lacks corroborating documentation such as company registration, tax filings, or other relevant business documents to show the Petitioner's status as the business' co-founder or co-owner. Although the business plan presents a model for future activities, the record does not reflect specific and feasible plans and resources for future expansion, growth, and progress as claimed by the Petitioner. While the recommendation letters speak favorably of the Petitioner, they are from her current business partner, her former work colleagues, or current customers of the business and do not constitute material or relevant evidence of interests from potential customers or investors who may contribute and support the Petitioner's future endeavor. Also, even though the proposed endeavor includes working as the master chef for creating premium dog food, the Petitioner presented insufficient evidence to show that she has any record of success or experience working as the dog food chef or in the dog food industry, or other past successes in related efforts.[5]

[4] USCIS did not provide any analysis other than listing the supporting documentation in the record.

[5] The Petitioner's experience and skills in the record consist of working in [redacted] Russia, for [redacted] (a network of beauty salons) as an administrator and [redacted] (a natural stone supplier) as a head economist.

For these reasons, we conclude that the evidence in the record does not sufficiently establish how well positioned the Petitioner would be to advance her proposed endeavor.

III. CONCLUSION

The Petitioner has not established national importance of the proposed endeavor and therefore does not meet the first prong of *Dhanasar*. The Petitioner also has not shown that she is well positioned to advance her proposed endeavor. As the Petitioner has not met the first or second prong of *Dhanasar*'s analytical framework which is dispositive of the appeal, we need not address the remaining third prong. *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). Based on the foregoing, we conclude the Petitioner has not shown eligibility for the national interest waiver and dismiss the appeal 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.