U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38871235

Date: JUNE 13, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, the prospective head of a U.S. management consultancy for small- and medium-sized businesses, requests her classification under the employment-based, second-preference (EB-2) immigrant visa category and a waiver of the category's job-offer requirement. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(B)(i), 8 U.S.C. § 1153(b)(2)(B)(i). U.S. Citizenship and Immigration Services (USCIS) has discretion to excuse job offers in this category – and thus related requirements for certifications from the U.S. Department of Labor (DOL) – if petitioners demonstrate that waivers of these U.S.-worker protections would be "in the national interest." *Id.; see also Brasil v. Sec'y, Dep't of Homeland Sec.*, 28 F.4th 1189, 1193 (11th Cir. 2022) (holding that a national interest waiver is a discretionary decision).

Service Center Operations (SCOPS) denied the petition. SCOPS found the Petitioner qualified for the EB-2 category as a member of the professions holding an "advanced degree." But SCOPS concluded that she did not demonstrate that her proposed endeavor has "national importance" or that, on balance, the grant of a national interest waiver to her would benefit the United States. On appeal, the Petitioner contends that SCOPS "overlooked or misinterpreted critical evidence."

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we agree with SCOPS that she did not establish the claimed national importance of her proposed venture. We will therefore dismiss the appeal.

I. LAW

To establish eligibility for national interest waivers, petitioners must first demonstrate their qualifications for the EB-2 category, either as advanced degree professionals or aliens of "exceptional ability" in the sciences, arts, or business. Section 203(b)(2)(A) of the Act. To protect the jobs of U.S. workers, this immigrant visa category usually requires prospective U.S. employers to offer aliens jobs and to obtain DOL certifications to permanently employ them in the country. *See* section 212(a)(5)(D) of the Act, 8 U.S.C. § 1182(a)(5)(D). Petitioners may avoid the job offer/labor certification

requirements by demonstrating that waivers of the U.S.-worker protections would be "in the national interest." Section 203(b)(2)(B)(i) of the Act.

Neither the Act nor regulations define the term "national interest." So, to adjudicate these waiver requests, we have established a framework. If otherwise qualified as advanced degree professionals or aliens of exceptional ability, petitioners may warrant waivers of the job-offer/labor certification requirements by demonstrating that:

- Their proposed U.S. work has "substantial merit" and "national importance;"
- They are "well positioned" to advance their intended endeavors; and
- All things considered, waivers of the job-offer/labor certification requirements would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. 884, 889-91 (AAO 2016); *see generally* 6 *USCIS Policy Manual* F.(5)(D)(1), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Proposed Endeavor

The record shows that a Brazilian university awarded the Petitioner a bachelor's degree in accounting. She has more than 13 years of experience in tax, accounting, and strategic management. The Petitioner has led corporate reorganization projects and implementations of enterprise-wide computer systems. She states that she has "a binational experience that allows me to work fluently between the regulatory systems and business cultures of the United States and Brazil."

The Petitioner states that her proposed U.S. management consultancy would provide financial and tax consulting services, "organizational diagnosis," technological integration of computer systems and business intelligence, executive mentoring, and digital platform training. She states: "[M]y goal is to help American and Brazilian [small- and medium-sized businesses] grow, become more productive, and expand their operations transnationally (USA-Brazil), creating jobs, increasing their profitability, and contributing to tax revenues in the USA."

The record supports the Petitioner's EB-2 qualifications as an advanced degree professional[1] and demonstrates her proposed endeavor's substantial merit. We must now review SCOPS' findings regarding her venture's national importance and a waiver's overall benefit to the United States.

B. National Importance

When determining whether a proposed endeavor has national importance, USCIS must focus on the particular venture, specifically on its "potential prospective impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. "An undertaking may have national importance, for example, because it has national or even global implications within a particular field, such as those resulting from certain improved

[1] The definition of the term "advanced degree" includes "[a] United States baccalaureate degree or a foreign equivalent degree followed by at least five years of progressive experience in the specialty." 8 C.F.R. § 204.5(k)(2).

manufacturing processes or medical advances." *Id.* Also, "[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.*

The record supports SCOPS' finding of insufficient evidence that the Petitioner's proposed U.S. management consultancy would have national implications in its field or substantial economic benefits beyond the firm's customers, employees, and suppliers.

On appeal, the Petitioner cites evidence that, over her business's first five operating years, it would generate ten "direct" jobs, 112 "indirect" jobs, and more than $815,000 in tax revenues. She details methodologies and calculations supporting the projections. The Petitioner states: "The growth of a consulting firm generates a positive chain of employment: hiring by suppliers (such as IT [information technology] companies, accounting firms, marketing, etc.) and new jobs in local consumer sectors due to the increase in workers' incomes." Also, she states that, as a result of her business's management consulting services, its U.S. customers would generate more income and sales tax revenues and hire more workers. "By offering cutting-edge consultancy to [small- and medium-sized businesses]," she states, "I will be improving the efficiency, management, and strategy of countless small American businesses, making them more resilient and able to grow."

We have no reason to doubt the accuracy of the Petitioner's business projections. But, still, they do not demonstrate how the ten-person firm, its suppliers, and customers would generate economic benefits substantial enough to attain national importance. When considering this *Dhanasar* prong, USCIS "focuses on the *specific* endeavor that the foreign national proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889 (emphasis added). While evidence shows that the Petitioner's business, its customers, and suppliers would add to the nation's economy, the record does not establish the specific contributions' national significance. To demonstrate a proposed endeavor's national importance based on economic benefits, the venture cannot merely contribute to the national economy. Rather, the specific undertaking – by itself – must have national economic implications.

The Petitioner notes that a nationally important endeavor may have "substantial positive economic effects, particularly in an economically depressed area." *See Matter of Dhanasar*, 26 I&N Dec. at 890. She states that her business would operate, in part, from "the most economically depressed ZIP code in all of Central Florida," where the median household income is reportedly half of the metropolitan area's average and the poverty rate is almost double the state average. She states that the firm would recruit entry-level employees from the area, contract with area suppliers, redevelop abandoned property as its headquarters, and institute other programs and policies to economically benefit the community. She states:

> My case fits exactly this description – although the company is based in Central Florida, the nature of the work (business expansion consulting) and the audience served ([small- and medium-sized businesses] with bilateral Brazil-U.S. operations) confer a diffuse and broad impact that resonates with national objectives.

Development of an economically depressed area may have national importance. But the Petitioner has not demonstrated that her specific proposed endeavor would economically boost its area in a nationally significant way. While her venture may economically benefit the local community and

even the region, the Petitioner has not established that her specific endeavor's economic stimulus would have national implications.

The Petitioner also points to evidence of an increase in bankruptcy filings by U.S. businesses in 2024. She contends that – based on her experience in judicial reorganizations, knowledge of Brazilian and U.S. accounting systems, and "proven track record" – her proposed endeavor would reduce the increasing amount of distressed businesses.

The Petitioner maintains that "this aspect of my work . . . represents a contribution of urgent national importance." But she has not demonstrated that she and her small, proposed firm would help a nationally significant number of distressed businesses.

In *Dhanasar*, we found that a proposal to support teaching activities in science, technology, engineering, and mathematics ("STEM") disciplines – while substantially meritorious – lacked national importance. *Matter of Dhanasar,* 26 I&N Dec. at 893. We concluded that the petitioner did not demonstrate that his teaching activities would affect U.S. STEM education "more broadly." *Id.* Similarly, the Petitioner's plan to establish a management consultancy in the United States has substantial merit because of its potential economic benefits. But, like the petitioner in *Dhanasar*, she has not demonstrated that her specific venture has national importance because she has not shown that the undertaking would boost the nation's economy "more broadly."

The Petitioner has not established that her proposed endeavor has national importance. We will therefore affirm SCOPS' finding on this issue.

C. Waiver Benefits to the United States

Under our *Dhanasar* framework, our conclusion that the Petitioner has not demonstrated the purported national importance of her proposed endeavor resolves this appeal. We therefore need not reach and hereby reserve consideration of her appellate arguments regarding a national interest waiver's benefits to the United States. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

III. CONCLUSION

The Petitioner has not demonstrated that her proposed endeavor has national importance. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.