U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 33360839

Date: JUN. 18, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner qualified for EB-2 classification, but that she 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) 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.[1] 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or a foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

Once a petitioner demonstrates eligibility for the underlying classification, the petitioner must then establish eligibility for 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 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that U.S. Citizenship

[1] Profession shall include, but not be limited to, architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

and Immigration Services (USCIS) may, as a matter of discretion,[2] 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. at 889.

II. ANALYSIS

The Petitioner proposes to be the owner and chief operating officer of a limited liability company (LLC) that provides corporate financial management services to other businesses. The focus of the LLC (to be located in [redacted], Florida) is to help entrepreneurs and other business owners increase profitability so they can grow their businesses and scale up into other regions. The LLC's customers will include consulting companies, real estate companies, banks, financial institutions, and accounting firms.[3]

A. EB-2 Classification and *Dhanasar*'s First Prong

SCOPS determined the Petitioner established her eligibility for EB-2 classification as an advanced degree professional as defined by the Act. We agree. As such, the only issue on appeal is whether the Petitioner has established she merits a discretionary waiver of the job offer, and labor certification requirement, in the national interest. Thus, we will apply *Matter of Dhanasar's* three-pronged framework and USCIS policy to evaluate her proposed endeavor.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *See generally* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policy-manual. Here, the Petitioner proposes to provide corporate financial management services to other businesses through her LLC, and the services offered include balance sheet analysis, bank reconciliation, cost and expense mapping analysis, preparation of fiscal year statements of income, enterprise resource planning service implementation, financial planning and financial control. As an endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education, we agree with SCOPS that the proposed endeavor has substantial merit.

Next, we must consider whether the proposed endeavor is of national importance, as contemplated by *Dhanasar*. In determining national importance, *Dhanasar* explains that the relevant question is not the importance of the industry or profession in which the individual will work; instead, we must focus on "the specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we further explained that "we look for broader implications" of the

[2] *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).

[3] While we will not discuss all aspects of the Petitioner's business plan or every document submitted with this petition, we have reviewed each one for relevance, probative value and credibility, consistent with the precedent decision in *Matter of Chawathe*, 25 I&N Dec. 369.

proposed endeavor and that "[a]n undertaking may have national importance . . ., because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *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. For entrepreneurial endeavors, USCIS also considers factors such as the endeavor's potential for revenue growth, revenue generation, and job creation. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual ("Specific Evidentiary Considerations for Entrepreneurs"). To establish an entrepreneurial endeavor is of national importance, relevant evidence may include that the proposed endeavor has exhibited growth in terms of revenue generation and/or created jobs in the United States, as well as a petitioner's contributions to such growth. *Id.* This evidence coupled with other evidence, such as the location of the entity in an economically depressed area that has benefited or will benefit from jobs created by the entity could also be probative of national importance. *Id.* Thus, here, the Petitioner must demonstrate the national importance of her proposed endeavor rather than the national importance of the field of business consulting or financial management services.

To support her assertion that her proposed endeavor is of national importance, the Petitioner submitted a business plan, a personal statement, and letters of reference from individuals in the field of management consulting and financial management. The Petitioner characterizes the evidence provided as sufficient to establish her endeavor is of national importance, however, upon de novo review, we agree with SCOPS that the evidence does not meet the standard set forth in applicable law and policy for the following reasons.

First, the Petitioner has not established that her proposed endeavor's impact will extend beyond her LLC's clients and customers to be considered of national importance as contemplated by *Dhanasar*. Instead, the Petitioner relies on the importance of the fields of management consulting, financial management, and entrepreneurialism to assert her proposed endeavor is of national importance. However, the Petitioner's emphasis on these fields is misplaced because as we explained in *Dhanasar*, even if a petitioner is engaged in important activities (such as university level teaching) within a field that is of national importance (STEM), the endeavor would not necessarily rise to the level of national importance unless it is shown the endeavor has a broader impact on the field. *See Matter of Dhanasar*, 26 I&N Dec. at 893. In her business plan, the Petitioner emphasizes that the fields of management consulting and financial management are necessary to grow our economy so that businesses thrive. Moreover, her plan includes statistics related to the need for more financial managers and that the general outlook for her profession is positive, especially in Florida. However, this information emphasizes the importance of her field, but is not sufficient to establish that her endeavor is of national importance. *See Matter of Chawathe*, 25 I&N Dec. at 375-76 (standing for the proposition that to determine whether a petitioner has met their burden under the preponderance standard, we consider the quality, relevance, probative value, and credibility of the evidence). Thus, while we acknowledge the fields of financial management and management consulting are important, this information, alone, is insufficient to establish the proposed endeavor is of national importance. *Id.* Moreover, we acknowledge that a portion of the endeavor includes the creation of a "knowledge factory," where her LLC will transfer knowledge through online courses aimed at improving the ability of organizations to carry out their business activities, increase their value, productivity, and competence. However, because the Petitioner has not explained how the "knowledge factory" will sufficiently extend beyond

her potential clients and customers to impact the U.S. economy, or the fields of financial management or management consulting more broadly, she has not demonstrated how her endeavor is commensurate with national importance. *Matter of Chawathe*, 25 I&N Dec. at 375-76. As such, overall the evidence is not sufficient to establish the proposed endeavor's broader impact on her field. *Id.*

Second, the Petitioner's evidence is insufficient to support her assertion that her approach to financial management is of such innovation that her endeavor is of national importance. In her personal statement, the Petitioner states that her innovative approach includes staying "updated on the latest trends, technologies, and best practices in the financial consulting industry" and underscores that her LLC will be distinct from others in the field because she will use business strategies that are "not found in any facility and whose differentials will influence other professionals." Her statement then goes on to describe the tools and methodologies she will use to carry out her professional services.[4] However, none of the tools or methodologies the Petitioner intends to use appear to be of such innovation that her endeavor would impact the field of financial management or management consulting, more broadly, and at a level commensurate with national importance. *See Matter of Chawathe*, 25 I&N Dec. 375-76; *see also Matter of Dhanasar*, 26 I&N Dec. at 889 (explaining that an endeavor may be of national importance if it leads to national or global implications within a particular field, such as those resulting from certain improved processes such as medical advances or improved manufacturing processes.)

Third, the Petitioner has not sufficiently established that her proposed endeavor has the significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation in terms of revenue growth, revenue generation or job creation. The Petitioner asserts her endeavor will have the following economic and social impacts:

- Creation of eight direct jobs and 31 indirect jobs within the next five years.
- Investment of $1,422,800 in employee payroll within the next five years.
- Payment of $371,419 in payroll taxes to the U.S. government within the next five years.
- Creation of revenue of $2,923,008 within the next five years.
- The profitability and growth of other businesses who use the LLC's services.
- Promotion of environmentally conscious practices such as reducing waste and emissions, use of renewable energy sources, fair labor practices, enhancing diversity and inclusion, supporting social causes, and complying with regulations.
- Investment of five percent of her LLC's budget into local cultural, artistic, and social actions in the community.
- Increased economic development and U.S. competitiveness, which are matters of U.S. government interest and concern.

To support her projected employment numbers, the Petitioner used the Economic Policy Institute's (EPI) employment multipliers formula. The EPI multiplier formula, however, uses broader categories of industries (i.e. construction, mining, management of companies, etc.) to project job creation. Thus, the EPI multiplier formula's data is not sufficiently tailored to the Petitioner's proposed endeavor to persuasively support the economic impacts noted above. *Matter of Chaw*athe, 25 I&N Dec. at 375-76. Furthermore, the Petitioner's business plan cites to information from the U.S. Chamber Small

[4] For example, she explains she will use Freshbooks software to carry out her accounting duties, Excel for project cost templates, Agile for fiscal year statements of income, and financial monitoring tools to ensure compliance and control.

Business Nation, which states that small businesses "account for three-quarters of all new jobs" in the U.S. and asserts that small businesses are the "lifeblood of the U.S. economy" because they drive innovation and competitiveness. However, absent a specific plan that demonstrates how she intends to generate revenue, it is not evident that the Petitioner's LLC will generate revenue and create jobs. *Id.* Without sufficient evidence regarding any projected U.S. economic impact or job creation attributable to her future work, the Petitioner has not satisfied her burden to establish that the benefits to the U.S. regional or national economy resulting from her entrepreneurial pursuits would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*.

Similarly, the Petitioner's assertions that her endeavor will promote environmentally conscious practices, while commendable, are not sufficient to establish her proposed endeavor's national importance. *Id.* In her business plan, the Petitioner cites to a sustainable development concept called "Triple Bottom Line" which looks at how organizations should take a wider view of their performance, beyond economic impact, to include social and environmental concerns. Her plan also discusses actional measures to achieve these results. For example, while the economic view would focus on improved productivity, the environmental view would consider implementing drinking water by installing timers, diffusers, flow reducers, and counterweights or thermostatic taps. Likewise, the social view would focus on the training of young people and adults in disadvantaged socio-economic situations. While these initiatives may impact her employees and clients, the record does not demonstrate that they have the significant potential to broadly enhance societal welfare or cultural enrichment at a nationally important level.

Fourth, the Petitioner submits evidence that is relevant to our analysis of the second *Dhanasar* prong, which relates to whether she is well-positioned to advance her proposed endeavor. *See Matter of Dhanasar*, 26 I&N Dec. at 890 (stating that the second prong shifts the focus to the alien and considers factors such as "the [alien]'s 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.") On appeal, the Petitioner states "[i]t is crucial to emphasize that bringing to the United States the skills developed in a country like Brazil, where resources are often limited, has provided me with a unique perspective and exceptional adaptability and innovative capacities." However, her professional experiences do not focus on the merit and importance of the proposed endeavor, which are factors relevant in analyzing *Dhanasar*'s first prong.

Lastly, on appeal, the Petitioner submits a statement and a copy of her response to SCOPS' request for additional evidence and asserts that SCOPS did not properly consider her petition and that she qualifies for a national interest waiver. However, the Petitioner does not identify specific examples where SCOPS erred and, for the reasons stated above, we agree with SCOPS that the Petitioner's proposed endeavor is not of national importance.

B. *Dhanasar*'s Second and Third Prongs

The second and third prongs of *Dhanasar* relate to whether the Petitioner is well-positioned to advance her proposed endeavor; and whether, on balance, waiving the job offer requirement would benefit the United States. However, because she has not met the first prong, we decline to reach and hereby reserve the Petitioner's arguments regarding her eligibility under the second and third prongs of the

Dhanasar framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that she has not demonstrated eligibility for or otherwise merits a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.