U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38599783

Date: JUNE 27, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an international legal advisor in the field of business consulting, 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).

SCOPS denied the petition, concluding that while the Petitioner established his qualification for the underlying classification, he did not demonstrate 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 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.

Id.

II. ANALYSIS

The Petitioner, an international legal advisor in the field of business consulting, will establish [redacted] the proposed endeavor, in [redacted] CA. According to the business plan in the record, he intends to "provide comprehensive business and legal advisory services that help international investors and [U.S.] companies navigate the complexities of global business operations, ensuring compliance, operational efficiency, and strategic growth while promoting sustainable development and ethical business practices."

SCOPS determined that the Petitioner established his eligibility for the underlying EB-2 classification as a member of the professions holding an advanced degree. However, while SCOPS concluded that the Petitioner had established the substantial merit of the proposed endeavor, it determined that he had not shown that it was of national importance, as required under the first prong of the *Dhanasar* analytical framework.[2] SCOPS therefore denied the petition, finding that the Petitioner had not established that he was eligible for or otherwise merited a national interest waiver as a matter of discretion.

On appeal, the Petitioner alleges that SCOPS' decision was "arbitrary and capricious" and that it "seemingly imposed additional, unwarranted evidentiary burdens not grounded in regulation or precedent." In particular, he argues that SCOPS ignored or failed to properly evaluate the evidence in the record within the *Dhanasar* framework.[3] Upon de novo review, we agree with SCOPS' conclusion that the Petitioner has not demonstrated his proposed endeavor's national importance and, thus, has not shown that he satisfies *Dhanasar's* first prong. While we do not discuss each piece of evidence individually, we have reviewed and considered each one.

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 argues that SCOPS applied an "artificially heightened evidentiary threshold" not supported by *Matter of Dhanasar* as it too narrowly constructed the first prong of the *Dhanasar* analytical framework and did not properly consider the "interconnected nature" of the proposed

[2] SCOPS further concluded that while the Petitioner had demonstrated that he was well positioned to advance the proposed endeavor, he had not shown that, on balance, waiving the job offer requirement would benefit the United States.

[3] We disagree. The record reflects SCOPS' consideration of all the evidence in the totality in making their determination. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the Petitioner presents. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *see also Kazemzadeh v. U.S. Att'y. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993).

endeavor. He contends that the services he will provide "create ripple effects" that "enable industries to adapt to global market trends, meet evolving regulatory standards, and implement cybersecurity measures that bolster national security interests." However, the Petitioner does not offer sufficient evidence establishing that these economic ripple effects would be attributable to the proposed endeavor. Rather, the industry reports and articles in the record discuss the impacts of such services, but do not attribute them directly to the proposed endeavor. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

In addition, the Petitioner argues that the proposed endeavor will generate international investment leading to the creation of new jobs in sectors such as finance, construction, and IT and will prioritize the hiring of local talent. He contends that the proposed endeavor anticipates creating positions such as legal advisors, financial analysts, project managers, and IT specialists, thus directly benefitting the U.S. workforce. The Petitioner asserts that this demonstrates the proposed endeavor's national importance. According to the business plan in the record, the proposed endeavor anticipates hiring 20 staff members and will generate $500,000 in revenue in its first year of operation, increasing to $1,500,000 in revenue in its fifth year of operation. In *Dhanasar* we found that "an 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." *Matter of Dhanasar*, 26 I&N Dec. at 889-90. Here, the Petitioner has not shown that his company's future staffing levels and revenue stand to provide substantial economic benefits in the region, California, or the United States. While the revenues forecast for [redacted] indicates that the company has growth potential, it does not demonstrate that benefits to the regional or national economy resulting from the Petitioner's undertaking would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id*. at 890. In addition, although the Petitioner asserts that his company will hire U.S. employees, he has not offered sufficient evidence that the area where [redacted] operates is economically depressed, that he would employ a significant population of workers in that area, or that his endeavor would offer the region or its population a substantial economic benefit through employment levels or business activity.

The Petitioner next contends on appeal that SCOPS placed "undue emphasis on the job creation." He argues that the proposed endeavor not only provides tailored consulting services to its clients but also is "about fostering an ecosystem that strengthens U.S. market competitiveness, enhances technological integration, and streamlines cross-border business operations, which are all factors that have demonstrable national economic significance." In *Dhanasar,* we determined that the petitioner's teaching activities did not rise to the level of national importance because they would not impact his field more broadly. *Id.* at 893. Here, the record does not offer sufficient documentation to establish how the proposed endeavor will foster this claimed ecosystem and, accordingly, does not demonstrate that the prospective impact of the proposed endeavor will extend beyond his clients to more broadly impact the field of business consulting.

The Petitioner further argues that recommendation letters and letters of intent in the record show prospective investments in the proposed endeavor such that it will generate substantial positive economic impacts. The letters of recommendation generally discuss the Petitioner's expertise and skills. This evidence may be relevant to establishing that the Petitioner satisfies the second prong of

the *Dhanasar* analytical framework, which focuses on the individual.[4] However, the first prong focuses on the specific endeavor that the individual proposes to undertake. *Id.* at 889. The letters of intent do not include sufficient discussion of the prospective economic impacts attributable to the proposed endeavor. For example, the letter of interest from [redacted] discusses this company's intent to engage the proposed endeavor's legal advisory services but does not specify how this will result in the proposed endeavor generating the claimed significant economic impacts. Similarly, the letter of intent from [redacted] indicates its intent to invest $23 million to establish a United States-based hub focused on cybersecurity and [redacted] technology development but does not sufficiently address how this expansion into the United States market is directly attributable to the proposed endeavor such that it will generate the claimed positive prospective economic impacts.

The Petitioner further asserts on appeal that his work will more broadly impact the field as his role as an international legal advisor and business consultant "directly affects a critical aspect of economic development." He relies on articles in the record, including those discussing the growing U.S. markets for legal services, IT consulting, and digital technology integration, and an overview of foreign direct investment to demonstrate the national importance of the proposed endeavor. These articles are helpful for background information. However, they are not evidence of the national importance of the Petitioner's proposed endeavor itself. It is the importance and prospective impact of the specific endeavor we must analyze and not the industry itself.

Finally the Petitioner argues on appeal that SCOPS' decision incorrectly conflates an evaluation of the first prong of the *Dhanasar* analytical framework with that of *Dhanasar*'s second prong because it concluded that the proposed endeavor was not viable but also found that the Petitioner was well positioned to advance the proposed endeavor. However, in *Dhanasar* we found that a person may be well positioned to advance an endeavor even if the person cannot demonstrate that the proposed endeavor is more likely than not to ultimately succeed. *See id.* at 890.

As documentation in the record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. Accordingly, we need not reach, and therefore reserve, the matter of the Petitioner's eligibility under the third prong outlined in *Dhanasar*. *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).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not demonstrated eligibility for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above-stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.

[4] *See* 6 *USCIS Policy Manual* 5.D(1), https://www.uscis.gov/policy-manual.