U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41977291

Date: MAR. 19, 2026

Appeal of Service Center Operations Decision

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

The Petitioner seeks employment-based second preference (EB-2) immigrant classification on behalf of the Beneficiary as an advanced degree professional, as well as a national interest waiver of the job offer requirement attached to this classification. *See* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

Service Center Operations (SCOPS) denied the petition, concluding although the Beneficiary qualified as an advanced degree professional, the Petitioner 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(K)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

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
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Beneficiary's proposed endeavor is to continue to work as a senior associate at [redacted] a private equity firm, where he will lead "strategic business growth through acquisitions and development of companies in essential sectors such as agriculture, construction, and infrastructure."

A. EB-2 Classification

The Beneficiary submitted his U.S. Master of Business Administration degree, along with the academic transcripts. SCOPS determined that the Beneficiary qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether he qualifies for and merits a waiver of the job offer requirement in the national interest.

B. Substantial Merit and National Importance

The first *Dhanasar* 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.* SCOPS determined that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, SCOPS concluded the Petitioner did not establish that his proposed endeavor has national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *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.

On appeal, the Petitioner contends SCOPS misapplied the *Dhanasar* framework and asserts the Beneficiary's proposed endeavor, "although rooted in particular companies, carries nationwide significance for multiple critical sectors." The Petitioner emphasizes the Beneficiary's experience in

[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).

executing complex business deals, such as the one between two equipment dealership companies. Yet, the Beneficiary's education, skills, and experience are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the Petitioner has demonstrated, by a preponderance of the evidence, the national importance of the Beneficiary's proposed endeavor.

Here, the Petitioner claims on appeal that the proposed endeavor has national importance because it "aligns with and advances" national priorities, including Infrastructure Investment and Jobs Act and Executive Order 14017. The record also includes articles about the importance of the agriculture, construction, and infrastructure industries. However, merely working in an important field or profession is insufficient to establish the national importance of the proposed endeavor. Instead, when determining whether the proposed endeavor has national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Alignment with general national goals, in and of itself, does not necessarily establish that the Petitioner's endeavor rises to the level of national importance. Thus, while we acknowledge that the agricultural, construction, and infrastructure industries are important, this fact is insufficient to establish the national importance of his proposed endeavor.

The Petitioner also references an expert opinion letter from a professor of finance and economics at [redacted]. In addressing the first prong of the *Dhanasar* framework, the author is very general, significantly focuses on the importance of the agriculture and infrastructure industries and the impact these industries play in the U.S. economy. However, the letter does not contain sufficient information and explanation of the Petitioner's proposed endeavor, nor does the record include adequate corroborating evidence, to show that the Beneficiary's specific proposed work in the agriculture and infrastructure industries offers broader implications in his field or substantial positive economic effects for our nation that rise to the level of national importance. The letter therefore is insufficient to establish the national importance of the Petitioner's specific proposed U.S. work. *See Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988).

In *Dhanasar*, we determined the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Matter of Dhanasar*, 26 I&N Dec. at 893. Likewise, the Petitioner has not established how the Beneficiary's business services stand to sufficiently extend beyond his employer and clients to impact the field more broadly at a level commensurate with national importance. We acknowledge the Petitioner's claim that the Beneficiary's endeavor has already secured existing jobs and created new employment opportunities in Texas and Oklahoma due to a business deal he led between two equipment dealership companies. On appeal, the Petitioner references a letter of recommendation from the chief executive officer of one of the dealership companies. The Petitioner, however, has not provided sufficient evidence demonstrating that the Beneficiary's proposed business activities would operate on such a scale as to rise to a level of national importance. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. Furthermore, while any basic economic activity has the potential to positively affect the economy to some degree, the Petitioner has not demonstrated how the asserted potential prospective impact of the Beneficiary's proposed endeavor stands to offer broader implications in his industry or to generate substantial positive economic effects in the United States as a whole.

Finally, we reviewed the Beneficiary's letters of recommendation. However, the letters of recommendation add little probative value in establishing the Beneficiary's eligibility under *Dhanasar's* first prong. While the authors praise the Beneficiary's skills, personal attributes, and past accomplishments, factors which relate more to the second prong, they do not discuss the Beneficiary's proposed endeavor's specific impact that demonstrates national importance.

III. CONCLUSION

Because the Petitioner has not established the Beneficiary's eligibility under the first prong of the *Dhanasar* test, we need not address the Beneficiary's eligibility under the remaining prongs, and we hereby reserve them. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to establish that the Beneficiary meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that the Petitioner has not established the Beneficiary's eligibility for 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 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.