U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41850877

Date: MAR. 24, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a business administrator, 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 the Petitioner qualified for classification as an advanced degree professional, but that he had not established 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;

[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 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 issue on appeal is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.[2] Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his endeavor under the first prong of the *Dhanasar* analytical framework.

The Petitioner's proposed endeavor is to start a consultancy services company "to improve the financial consolidation, planning, compliance and fiscal survivability of United States small to medium-size Latino-owned businesses and entrepreneurs." Although SCOPS determined that the proposed endeavor has substantial merit, SCOPS concluded the record did not establish the national importance of the endeavor, that the Petitioner is well positioned to advance the endeavor, or that, on balance, it would be beneficial to the United States to waive the job offer requirement and, thus, the labor certification. On appeal, the Petitioner asserts that SCOPS did not consider all of the evidence of record, and he reiterates arguments concerning his eligibility for a national interest waiver.

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 relevant question is not the importance of the 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.* In *Matter of Dhanasar*, we further noted that "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.

To provide context for his proposed endeavor, the Petitioner submitted documentation containing information about small businesses in the United States, the economy, immigration, Latino entrepreneurship, and related government initiatives. The documentation highlights issues connected to these topics, and the Petitioner emphasizes that the alignment of his endeavor with the initiatives described demonstrates its national importance. However, it is not the overall importance of the industry, field, or profession in which an individual intends to work, but the particular endeavor on which an individual intends to embark that we consider in evaluating whether it is of national

[2] SCOPS concluded that the Petitioner qualifies as an advanced degree professional. We will reserve the issue of whether the Petitioner qualifies for the underlying EB-2 classification.

importance. *Id.* at 889. The Petitioner has not provided sufficient evidence to demonstrate that his individual company's consultancy services would have an impact at a level of national importance.

More specifically, the Petitioner has not explained how he would undertake an endeavor of a scale that would reach the level of "substantial positive economic effects" contemplated by *Matter of Dhanasar*. *Id.* at 890. While the business plan offers an overview of the services the Petitioner intends to provide, the asserted national importance of his proposed endeavor relies on the general importance of the relationship between successful small businesses, entrepreneurship opportunities, and a robust economy. He has not explained how his company would have a national-level impact beyond assertions that it will serve U.S. interests in helping small businesses and entrepreneurs succeed. The business plan shows that his company will target its services towards Latino communities, generating $1,278,000 in revenue and wages totaling $137,280 over three years. The business plan, however, does not explain how these forecasts were calculated or adequately clarify how these projections will be realized, nor has the Petitioner provided independent evidence or otherwise explained how his business would affect the economy or create jobs at a level that would have a significant impact in a region or have a prospective national impact on a specific field. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner's business plan states that his company will be a "strategic ally for Latino entrepreneurs to grow and consolidate in the U.S. market" and will "offer specialized consulting and technological tools adapted to the needs and opportunities of each business." The Petitioner stated in response to a request for evidence that his "action plan centers on implementing a scalable, culturally adapted framework that combines personalized financial education, business formalization assistance, and technological training." He further stated that his company would impact not only Latino entrepreneurs, "but also other underserved groups," and that his initiative would "also enhance commercial dynamism in regions where small businesses serve as critical economic engines, supporting local economies and national competitiveness." We note that the Petitioner has referred to the operation of his business only in general terms, such as in describing the company's "growth strategy"; he stated that expansion of the company "will involve replicating its proven business model in new locations, forming strategic local partnerships, and gradually increasing its digital footprint through enhanced online services and community-building initiatives." He described the company's services in similarly general terms. Examples include his intention to provide such services as budget planning, investment advice, and customer service training by conducting market studies, setting "measurable and time-bound strategic objectives," and "[i]mplementing and managing action plans."

A letter from an economist and university professor in Colombia also uses generalized terms to explain the prospective impacts of the Petitioner's proposed business. For example, the letter includes the phrase, "he will promote economic and social development through new services [which] stimulates the competitiveness of the markets and innovation in all its forms, giving way to the growth of the economy . . . ." A letter from a certified public accountant uses similarly vague language, such as stating that his "project . . . proposes to open a new strategic opportunity for any environment where this initiative is intended . . . as it will increase productivity and job creation, which leads to the investment of economic resources, development of human capital, social welfare and technological development."

We acknowledge the Petitioner's assertion that the training resources and development tools for small businesses and entrepreneurs are valuable. Although the Petitioner's intent to provide support to help grow small businesses has merit, the assertions presented are not sufficiently corroborated by evidence in the record. Again, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. The record does not adequately support a determination that the Petitioner's business venture would have broader implications for small businesses or the economies in which they operate. Neither the business plan nor other evidence in the record specifies what methodologies or technological tools his company would offer, and the Petitioner has not explained how the company would aid these specific groups to impact their businesses or the economy more broadly. While the Petitioner stated that his company would offer consultancy services, in *Matter of Dhanasar* we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *See Matter of Dhanasar*, 26 I&N Dec. at 893.

The Petitioner has not demonstrated that his proposed endeavor has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects. While the business plan generally explains that his company's services would benefit the U.S. economy because they would facilitate business growth, the asserted impacts are not sufficiently supported by objective evidence related to his particular proposed endeavor. It is not clear how a business of the size and scope described in the business plan would have national or global implications, including by creating the claimed positive effects in the economy. The Petitioner has not provided sufficient evidence to show that he would employ a significant population of workers in a particular region, nor has he shown that his proposed endeavor would offer substantial economic benefits through employment levels, business activity, or tax revenue. As such, the record does not demonstrate that the prospective benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

The record does not establish the national importance of the proposed endeavor as required by the first prong of *Matter of Dhanasar*. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The petition will remain denied.

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.