U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41953355

Date: MAR. 25, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a management analyst, 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* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

SCOPS denied the Form I-140, Immigrant Petition for Alien Workers (national interest waiver), concluding that the Petitioner 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, petitioners 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 petitioners establish eligibility for the underlying EB-2 visa 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.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

A. Relevant Procedural History and Background

SCOPS determined the Petitioner met the underlying requirements for EB-2 classification as an advanced degree professional. The remaining issue is whether he has established he merits a discretionary waiver of the job offer requirement "in the national interest."

SCOPS found that the Petitioner established the substantial merit of his proposed endeavor but not its national importance to demonstrate *Dhanasar's* first prong. We agree. SCOPS also found the Petitioner was not well-positioned to advance his proposed endeavor to meet the requirements of *Dhanasar's* second prong, and had not demonstrated that, on balance, waiving the job offer requirement would benefit the United States under *Dhanasar's* third prong. Because the Petitioner did not establish *Dhanasar's* first prong, we reserve our analysis of *Dhanasar's* second and third prongs. *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); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

B. Substantial Merit and National Importance

The Petitioner's proposed endeavor is to reduce the small business closure rate in underserved areas across the United States, by leveraging his experience in marketing, strategic planning, business development, complex commercial initiatives, scaling digital solutions, applying business intelligence and sales expertise in many global businesses. His initiative involves delivering a two-pronged consultancy model, providing tailored strategic guidance to small business owners while incorporating data-driven marketing and sales frameworks. He also intends to partner with local high schools in some underserved areas, where he would teach some basic concepts of entrepreneurship and business development, and select one student to mentor. In support of *Dhanasar's* first prong, the Petitioner submitted briefs and articles related to small businesses, such as common reasons why they fail and how they contribute to their communities.

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

[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); *see generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual.

may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* Here, the Petitioner has demonstrated through his brief and background material that his endeavor falls within one or more of the areas contemplated by *Dhanasar.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We look for "broader implications" of the proposed endeavor and explained that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* at 890. 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.*

SCOPS determined the Petitioner did not demonstrate the potential prospective impact of his proposed endeavor. We agree. SCOPS concluded that the Petitioner's teaching activities would not rise to the level of having national importance because they would not impact his field more broadly, citing *Matter of Dhanasar*, 26 I&N Dec. at 893. On appeal, the Petitioner does not contest this finding but asserts that teaching is only one part of his proposed endeavor and SCOPS did not consider his evidence demonstrating that his proposed endeavor impacts a matter that government entities have described as having national importance. However, in determining national importance, we do not focus on the importance of the field, industry, or profession in which the individual will work but on "the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889.

Further, SCOPS addressed the Petitioner's briefs and articles and determined they do not discuss the Petitioner's proposed endeavor and, without more, do not support his endeavor's national importance. The Petitioner asserts that SCOPS' expectation of "direct mention in federal program descriptions" is unreasonable and legally unsupported. However, in *Dhanasar*, we concluded the record supported the national importance of *Dhanasar's* proposed endeavor because it contained probative expert letters from individuals holding senior positions in academia, government, and industry that described the importance of the petitioner's proposed endeavor as it related to U.S. strategic interests, and that his media articles and other evidence documented U.S. government interest in the research, development and advancement of the proposed endeavor. *Id.* at 893. Further, we do not interpret SCOPS statements as creating unreasonable or legally unsupported expectations, but rather properly determining that the Petitioner's evidence did not sufficiently demonstrate the national importance of his specific, proposed endeavor, which is to reduce the closure rate of small businesses through the use of his expertise and consultancy model in underserved areas across the United States.

SCOPS also properly found the Petitioner did not show how his consultancy services would largely influence the field and rise to the level of national importance. The Petitioner's briefs and supporting evidence did not demonstrate the extent to which his proposed endeavor's methods or strategies would have global or national implications to the field beyond the individuals or entities using them. Further, "[a]n 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 manufacturing processes or medical advances." *Id.* at 889. However, the Petitioner did not explain in the record below, or now on appeal, how his methods in, for example, scaling digital solutions and applying business intelligence models would improve upon those already available and in use in the United

States such that his proposed endeavor would have national or global implications within his field or for the United States.

The Petitioner argues that SCOPS overemphasized having field-wide impact to demonstrate national importance and disregarded the impact of his proposed endeavor to economically depressed areas. However, SCOPS explained that the Petitioner did not substantiate how his proposed endeavor would impact the economy. The Petitioner contends that his response to SCOPS' Request for Evidence (RFE) provided extensive evidence demonstrating that his endeavor directly targets underserved areas across the United States. The Petitioner's RFE response included a brief, certificates of courses the Petitioner had taken, and articles on small businesses and students from underserved populations. His brief provided additional details regarding his proposed endeavor, describing that he will focus his "high impact methodology" in five states that have "more underserved areas," and on major market industries. He stated his endeavor, by combating high failure rates, creates jobs and increases local taxes. On appeal he also asserts that supporting businesses and preventing job losses is a clear indicator of national importance. However, the Petitioner did not specifically explain or show how his proposed endeavor would have significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for our nation. Without such evidence, the record does not show any benefits to the U.S. regional or national economy resulting from his consulting services would reach the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Id.* at 890. Further, where a petitioner is asserting his proposed endeavor will have substantial economic impact, it is his burden to establish his assertions by a preponderance of the evidence. The submitted assertions, without supporting evidence providing any basis for them or their economic significance, are not probative and do not meet the preponderance of the evidence standard. *See Matter of Chawathe*, 25 I&N Dec. at 375-76 (providing we consider not only the quantity, but also the quality, including relevance, probative value, and credibility, of the evidence in determining whether a petitioner has met the burden under the preponderance standard).

The Petitioner's appeal also summarily claims that SCOPS' decision was procedurally deficient, factually erroneous, and an arbitrary and unreasonable exercise of discretion. The Petitioner did not provide further explanation for these general assertions of error. Our de novo review indicates SCOPS properly considered the petition and relevant evidence under the applicable preponderance of the evidence standard and provided sufficient reasoning in concluding that the Petitioner had not met his burden in establishing the broader implications of his proposed endeavor, that it would have global implications within his field or would have substantial positive economic effects, particularly in an economically depressed area, to be understood to have national importance.

III. CONCLUSION

The Petitioner has not demonstrated he is eligible for a national interest waiver.

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.