U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41848509

Date: MAR. 27, 2026

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 the record 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. 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: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that she did not establish her eligibility under the *Dhanasar* analytical framework. Specifically, although SCOPS found substantial merit in the proposed endeavor, they concluded the Petitioner did not establish that her proposed endeavor has national importance, that she is well-positioned to advance the proposed endeavor, and that, on balance, waiving the job offer requirement would be beneficial to the United States. For the reasons discussed below, we agree with SCOPS that the Petitioner has not shown her endeavor's national importance under *Dhanasar's* first prong and, therefore, is not eligible for a national interest waiver. Accordingly, we will dismiss the appeal.

The Petitioner states she is an architect and business administrator with over 10 years of experience in the fields of construction and housing. Her past positions include roles as an investment project engineer and execution analyst in hydrocarbons, administrative infrastructure analyst in telecommunications, and architect.

The Petitioner stated:

> My proposed endeavor is to mitigate the affordable housing crisis in the United States and increase the availability of decent housing for Americans who have limited resources by implementing strategies in design, planning, and through financial advisory for architectural projects that specifically target the social housing shortage. I will support builders, organizations, universities, and individuals engaged in constructing new homes, and ensure that these projects guarantee equitable access to essential services and amenities for vulnerable Americans. Through this initiative, I will create a positive and enduring impact on society by promoting social equity and enhancing the overall quality of life for all American citizens.

In her "Model/Plan for future endeavor" statement and business plan, the Petitioner expressed her intention to establish her own consulting firm, [redacted] through which she will advance her proposed endeavor. Her company's core offerings will include multidisciplinary design consulting, project management, financial planning for housing developments, and community engagement strategies tailored to meet the needs of low-income populations. She also states her company will develop and share a curated library of pro bono architectural designs that public agencies and nonprofit organizations can use to expedite the construction of affordable housing.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS found that the evidence did not show that the proposed endeavor's potential prospective impact would rise to the level of national importance. In particular, they found the endeavor was too vague and that the evidence did not show how the impact of the Petitioner's work would sufficiently extend beyond her company and its clients to impact the field or industry more broadly. SCOPS also determined that the Petitioner did not provide sufficient evidence to establish that her endeavor would have a significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for the nation.

On appeal, the Petitioner asserts, among other things, that SCOPS applied an incorrect standard and imposed requirements outside of controlling precedent and regulations by, for instance, conflating her proposed endeavor with her proposed employment, as well as conflating the legal standards for the first and second *Dhanasar* prongs. She also argues, citing *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994), that SCOPS did not properly consider or discuss the totality of the evidence and thereby arbitrarily exercised their discretion.

As an initial matter, we are not persuaded by the Petitioner's argument that SCOPS abused their discretion. The court in *Buletini*, did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor does it suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *aff'd Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); *Kazemzadeh v. U.S. Att'y. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *see also United States v. Teixeira*, 62 F.4th 10, 25 (1st Cir. 2023) (concluding a trier of fact "need not articulate its conclusions as to every jot and tittle of evidence in making a determination"). Here, SCOPS' decision reflects consideration of the evidence in the totality even though SCOPS did not address each piece of evidence individually. Based on the evidence of record, SCOPS concluded, and we agree, that the evidence does not sufficiently demonstrate the endeavor's potential prospective impact to establish its national importance.

As noted in SCOPS' decision, the first prong, substantial merit and national importance, focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we 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.

In this case, the Petitioner has not met her burden to demonstrate that her proposed endeavor's prospective impact rises to the level of national importance. In particular, the record does not illustrate how her specific endeavor would sufficiently extend beyond her company and clients to impact the industry, region, or nation more broadly.

The Petitioner argues again on appeal that SCOPS improperly conflated her proposed endeavor with her proposed employment as a "Design and Affordable Housing Strategist/CEO" for her company. While the Petitioner asserts that her proposed endeavor should be viewed as distinct from her proposed employment, SCOPS properly analyzed the potential prospective impact of her proposed endeavor through her company where, as here, the Petitioner expressed that her company will be "the vehicle" through which she will carry out her endeavor. In other words, because the Petitioner plans to implement her endeavor through her company, her company's impact, as well as her activities there,

is relevant to the issue of whether her proposed endeavor has the necessary potential prospective impact rising to the level of national importance.

The Petitioner claims her endeavor is nationally important because it "addresses the pressing shortage of affordable housing, improves social equity, and contributes to federal priorities to expand housing supply, reduce costs, and foster economic resilience." In particular, she contends that her company will help reduce housing insecurity and support community resilience, which will foster economic development, create job opportunities, and promote sustainable urban growth in underserved areas. The Petitioner claims her endeavor "will generate substantial societal benefits, improving health outcomes for underserved communities while reducing healthcare costs and advancing equity in the United States." She also asserts that her work contributes to federal priorities, including the Housing Supply Action Plan and HUD's Pathways to Removing Obstacles to Housing program, and addresses the gap between supply and demand for affordable housing, advancing scalable solutions that can be adopted across the affordable housing sector.

In claiming her endeavor's national importance, however, the Petitioner relies heavily on the value of affordable housing and her field generally. She discusses the importance of affordable housing, and submits various industry articles on topics including the shortage of affordable homes, the hidden costs of housing, and various governmental housing initiatives. On appeal, the Petitioner contests SCOPS' finding that this evidence does not adequately demonstrate the endeavor's national importance and asserts that there is no requirement that the industry articles and reports specifically mention the endeavor by name. Although we recognize her contention, we agree with SCOPS' conclusion. A petitioner's work in an important industry, even one that is the subject of federal priorities, is not sufficient, in and of itself, to establish the national importance of the proposed endeavor. *See id*. at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes to undertake"). The Petitioner must still demonstrate her proposed endeavor's potential prospective impact in that area of national importance. Here, while this evidence provides helpful background information and supports the substantial merit of the proposed endeavor, it does not sufficiently demonstrate with specificity how the Petitioner's work would impact these areas to show its national importance.

Likewise, the other evidence in the record also does not demonstrate how the Petitioner's proposed endeavor would have broader implications that sufficiently extend beyond her company and clients to produce the economic, regional, or nationally important impacts claimed. Rather, the Petitioner's generalized claims rely more on the potential benefits that overall affordable housing has on the industry, economy, and societal welfare, than demonstrating how the Petitioner's specific endeavor would directly produce such results.

The Petitioner states her company's core offerings will include multidisciplinary design consulting, project management, financial planning for housing developments, and community engagement strategies tailored to meet the unique needs of low-income populations. But the Petitioner has not shown, and the record does not illustrate, how these activities for her individual company would have broader implications extending beyond her company and clients.

The Petitioner also claims that her endeavor has a "unique and innovative approach including the integration of advanced technologies like Building Information Modeling (BIM), multidisciplinary

collaboration, and the creation of pro bono architectural resources, demonstrating its potential to produce tangible and far-reaching benefits." She also contends that she will create "scalable and replicable models for affordable housing development that can be adopted by public agencies, nonprofit organizations, and socially responsible developers nationwide." But the evidence does not provide sufficient details about her approach or model to support her claims that her endeavor would have such broader, far-reaching impacts. Beyond her generalized descriptions, she has not further explained, for example, what her approach or model actually entails, what it specifically involves, or how it otherwise represents any sort of process improvement or advance similar to that referenced in *Matter of Dhanasar*. *Id.* at 889. It is incumbent on the Petitioner to support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). As it stands, the evidence does not sufficiently reveal how her particular approach, method, or services would result in broader, nationally important impacts and benefit the industry, region, or nation more broadly at a level commensurate with national importance.

The record also does not contain sufficient evidence to support the substantial economic benefits she claims. The Petitioner claims that her endeavor will contribute to improvements in tax contributions, employment opportunities, and associated economic development, particularly within [redacted] Florida, where she will begin operations. In addition, she asserts that her services will generate broader economic benefits by delivering housing solutions to improve living conditions, thereby fostering economic development, creating job opportunities, and promoting sustainable urban growth in underserved areas, which will in turn contribute to the overall resilience and long-term stability of communities across the U.S.

Although the Petitioner provided a business plan for her proposed company, she presented little supporting evidence corroborating the assertions and figures in her plan. Moreover, although her business plan estimates sales from $440,000 in year one to $1,120,000 in year five, she did not establish the significance of this data to show that the benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890. Similarly, even though the business plan claims the creation of five positions in year one and 11 positions in year five, as well as 22 indirect jobs, the Petitioner did not demonstrate the relevance of these numbers and show that such future staffing levels would provide substantial economic benefits to the [redacted] Florida region or the U.S. economy more broadly at a level commensurate with national importance. The Petitioner, for instance, did not establish that such employment figures would utilize a significant population of workers in the area or would substantially impact job creation and economic growth, either regionally or nationally.

Moreover, although the Petitioner argues that her sales and employment figures are "substantially" higher than the average revenue or number of employees for an architectural design consulting company in the United States, thereby demonstrating its "significant contribution to economic growth and overall market impact," as well as its "significantly above-average contribution to job creation," the relevant question is not how her revenue and job creation numbers compare to other architectural design consulting companies. Rather, the issue is whether the evidence demonstrates that these figures establish a significant potential to employ U.S. workers in the region or nation or has other substantial positive economic effects as contemplated by *Dhanasar*. *Id.* at 890. Here, the record does not demonstrate that, beyond the limited benefits provided to her prospective clients and employees, the Petitioner's proposed endeavor has broader implications rising to the level of national importance. We

note that while any increased business activity has the potential to positively impact the economy, the Petitioner has not established how the economic activity resulting from her endeavor would produce such substantial regional or national economic impacts that it would rise to the level of national importance.

The Petitioner also submitted numerous support letters but they likewise do not establish the endeavor's national importance. First, insofar as these letters, the Petitioner, and other evidence in the record highlight the Petitioner's skills, personal attributes, and past accomplishments, these are considerations under *Dhanasar's* second prong. *See id.* at 890. When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Id.* at 889. And although many of the letters do reference the Petitioner's proposed endeavor, they are largely conclusory in nature and do not provide a sufficient evidentiary basis for their claims.

For example, the Petitioner submitted an expert opinion letter written by [redacted], an associate professor of economics at [redacted]. Although the professor speculates that the Petitioner's proposed endeavor would be nationally important, his opinion is general in nature and does not meaningfully address the details of the Petitioner's specific work and how it, in particular, would produce the nationally important impacts claimed. Rather, he makes broad generalizations, such as "[the Petitioner's] contributions will enhance U.S. infrastructure and promote economic resilience by creating jobs and strengthening community development" and that her endeavor's contribution to the American workforce "goes beyond filling labor needs, it raises industry standards, increases productivity per worker, and improves long-term career prospects for professionals in construction, engineering, and real estate development." But he provides little explanation as to how the Petitioner's endeavor, in particular, would specifically accomplish these results. He also provides little corroborating evidence directly linking the Petitioner's services to any broader impacts in the industry, region, or nation as claimed.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the record does not establish her proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether she has established eligibility under the remaining two *Dhanasar* prongs. *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, she has not established that she is eligible for, or otherwise merits, 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 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.