U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37067166

Date: MAY 22, 2025

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 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 that the Petitioner qualified for EB-2 classification, but that he 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) 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.[1] 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or a foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

Once a petitioner demonstrates eligibility for the underlying classification, the petitioner must then establish eligibility for 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 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that U.S. Citizenship

[1] Profession shall include, but not be limited to, architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

and Immigration Services (USCIS) may, as a matter of discretion,[2] 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. at 889.

II. ANALYSIS

A. EB-2 Classification

SCOPS determined the Petitioner established his eligibility for EB-2 classification as an advanced degree professional under 8 C.F.R. § 204.5(k)(2). We agree. Thus, the only issue on appeal is whether the Petitioner has established he merits a national interest waiver of the job offer requirement, as a matter of discretion.

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. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. The term "endeavor" is more specific than the general occupation; thus, a petitioner should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation. *See generally* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policy-manual. As such, we will first identify the Petitioner's endeavor as shown in the record and then evaluate the Petitioner's evidence in support of the endeavor's substantial merit and national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889.

The Petitioner's proposed endeavor is to work as a project manager in the consumer goods industry. In this role, the Petitioner will provide "strategic innovation and portfolio optimization initiative," which he defines as enhancing innovation processes, optimizing portfolios, reducing costs, increasing efficiency, building improvements and integrating the sustainability of those improvements, protecting net revenues, and mitigating risks. In support of his proposed endeavor, the Petitioner provided a business plan in which he details the above tasks and the manner in which he will advance these objectives. For example, the business plan outlines that the Petitioner will mitigate risk by "coordinating cross-functional teams to ensure compliance with quality standards and [] implement cost-saving and product update projects, safeguarding net revenue and mitigating risks for the U.S. organizations he works with." The plan then describes how the Petitioner will employ product portfolios and project management tools to ensure optimal resource allocation and comprehensive risk

[2] *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).

monitoring."[3] As an endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education, we agree with SCOPS' conclusion that the proposed endeavor has substantial merit.

We turn now to the issue of whether the proposed endeavor is of national importance, as contemplated by *Dhanasar*. In determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we explained that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance . . ., 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.* 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. Here, the Petitioner must demonstrate the national importance of his specific proposed endeavor - to work as a project manager in the consumer goods industry - rather than the national importance of the field of project management or of the consumer goods industry.

On appeal, the Petitioner asserts that SCOPS erred in concluding the endeavor is of substantial merit, but not nationally important. The Petitioner asserts that because the endeavor is of substantial merit, the endeavor has the potential to address significant societal needs and contribute to advancements in areas of "undeniably" national importance. However, in *Dhanasar*, we explained that an endeavor is not necessarily of national importance because it is of substantial merit. These are two separate inquiries. In *Dhanasar*, we highlighted this distinction when we explained that even if STEM teaching may have substantial merit in relation to U.S. educational interests, the duties of a STEM teacher in a classroom would not necessarily be of national importance because the impact that would flow from the teacher's activities would not sufficiently impact the field of STEM education more broadly (beyond the students sitting in the classroom). *Id.* at 893. Likewise, here, and for the reasons explained below, the record does not establish that the Petitioner's professional services in the area of project management would impact the U.S. business ecosystem more broadly. *Matter of Chawathe*, 25 I&N Dec. at 375-76 (standing for the proposition that to establish a petitioner's burden, we consider not only the quantity, but also the relevance, probative value, and credibility of the evidence.)

The Petitioner characterizes the evidence provided as sufficient to establish his endeavor is of national importance, however we agree with SCOPS that the evidence does not "illustrate[] the anticipated impact of the proposed endeavor on a national scale within the United States" and that "[a]lthough evidence can . . . establish[] the potential necessity for, and interest in [his] proposed endeavor, the evidence predominantly pertains to the substantial merit of the [] endeavor . . .." *Id.* For example, in the expert opinion letter provided by a professor in the [redacted] the writer states that the endeavor is of national importance because it aligns with nationally important government initiatives, will lead to substantial positive economic effects, and will impact the consumer goods industry, which is vital to our economy. The professor further explains that the consumer goods industry accounted for approximately 635 billion dollars in market share in

[3] While we will not discuss all aspects of the Petitioner's business plan or every document submitted in his petition and on appeal, we have reviewed each one for relevance, probative value and credibility, consistent with the precedent decision in *Matter of Chawathe*, 25 I&N Dec. 369.

2021, and that the field of project management is expected to grow six percent from 2022 to 2023. This letter, while helpful in establishing the endeavor's substantial merit, does not establish its national importance because it relies on the importance of the consumer goods industry and the general importance of project managers, but does not sufficiently explain how the Petitioner's proposed endeavor will impact the field more broadly. *See Matter of Chawathe*, 25 I&N Dec. 375-76.

On appeal, the Petitioner asserts that this opinion letter, as well as the endorsements he has obtained from "reputable companies" and from "respected professionals" from inside and outside his current employer, provide a sufficient basis to establish that his endeavor is of national importance. The Petitioner also points to a process innovation he created called '[redacted](among others), which he developed and implemented at his employer, and which is used to map and identify resource constraints in a project portfolio. Many of the letters provided highlight the innovative methods used by the Petitioner in project management, which the writers assert have the potential to "catalyze national economic development." We agree with SCOPS that while the letters underscore the substantial merit of the proposed endeavor, they do not establish its national importance. *See Matter of Chawathe*, 25 I&N Dec. at 375-76. For example, the letters provided show that the Petitioner's [redacted] innovation, as well as other process improvements, were used by his employers but the letters do not indicate that they were used by other companies. *Id.* Furthermore, while we acknowledge that some of the companies, he worked for have global operations, the impact of his work appears limited to only their operations and did not affect the project management industry as a whole. *Id.* For example, the letter provided by the Petitioner's manager for "one of the world's largest producers of cleaning, personal hygiene, and healthcare products" concludes that the Petitioner's "efforts to promote [] high production capacity, at a critical time with a sharp increase in demand, helped improve the company's service levels . . .." Thus, while we acknowledge the Petitioner's professional work has been beneficial to his employers, the letters do not indicate the broader impact his work has had on the industry as a whole, as contemplated by *Dhanasar*.

Consistent with *Dhanasar*, we note that it is not the field or industry but the proposed endeavor itself that must be shown to be of national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 893. Moreover, to the extent these letters describe the Petitioner's past accomplishments, this information would be relevant to our analysis of *Dhanasar's* second prong, where we consider whether a petitioner is well-positioned to advance the proposed endeavor. *See id*. at 890 (stating that the second prong shifts the focus to the alien and considers factors such as "the individual's education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals.") Therefore, because of these deficiencies, the opinions provided do not help to establish the national importance of the Petitioner's proposed endeavor. *See Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988) (stating that USCIS "is responsible for making the final determination regarding a beneficiary's eligibility for the benefit sought").

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of his work. *See Matter of Dhanasar,* 26 I&N Dec. at 889. The Petitioner's statements reflect his intention to impact "existing U.S.-based companies and institutions," and he asserts that the prospective impact of his endeavor rises to the level of national importance because it is scalable, can be replicated, will lead to best practices in the industry, and his risk mitigation methodologies will prepare companies for supply

chain disruptions due to natural disasters, market fluctuations and grow the overall supply chain of consumer goods. While we have considered the Petitioner's assertions, they are insufficient to establish the endeavor's national importance by a preponderance of the evidence. *See Matter of Chawathe*, 25 I&N Dec. at 375-76. As SCOPS pointed out, in *Dhanasar*, we determined that the petitioner's university teaching activities did not rise to the level of national importance because even if the field of STEM teaching has substantial merit in relation to U.S. educational interests, the teaching activities he would engage in would not impact the field of STEM education more broadly. *See Matter of Dhanasar*, 26 I&N Dec. at 893. Similarly, here, the record does not establish the Petitioner's proposed endeavor stands to sufficiently extend beyond potential businesses he works with to impact the U.S. economy, or the consumer goods industry more broadly, at a level commensurate with national importance.

The Petitioner has not demonstrated, by a preponderance of the evidence, that the specific proposed endeavor has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. We acknowledge that he asserts that his innovative approach to project management will result in stronger economic activity and economic growth, which he asserts will lead to an increased demand and creation for skilled labor, increased investment in local manufacturing and supply chain infrastructure, promote environmental stewardship through sustainable practices, thereby reducing the industry's ecological footprint, which will particularly benefit distressed areas by addressing inefficiencies and promoting socioeconomic advancement. However, his assertions are insufficient, on their own, to establish, by a preponderance of the evidence, his burden. *Matter of Chaw*athe, 25 I&N Dec. at 375-76. In *Dhanasar*, we also explained that "an individual cannot qualify for a waiver just by demonstrating a degree of expertise significantly above that ordinarily encountered in his field of expertise." *See Matter of Dhanasar*, 26 I&N Dec. at 886 n.3.

Likewise, the Petitioner's assertions that his proposed endeavor would lead to ethical practices that would enhance corporate reputations and social impact, are not supported by sufficient evidence. *Matter of Chaw*athe, 25 I&N Dec. at 375-76. Similarly, the Petitioner's assertions that his innovative approach to project management are aligned with and support important government initiatives related to environmental conservation and reducing the ecological footprint of corporations by minimizing waste, are not sufficiently supported by a preponderance of objective evidence. *Id.* Lastly, the Petitioner highlights figures from the U.S. Bureau of Labor Statistics, which show demand for project management roles is expected to grow. However, we are not persuaded by the Petitioner's claim that his proposed endeavor has national importance due to the increased demand for project managers within companies and organizations. As stated above, our assessment of national importance does not focus on the importance of the field or profession, but instead, is focused on the proposed endeavor the Petitioner intends to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889.

For the reasons stated above, the Petitioner's proposed endeavor does not meet the first prong of the *Dhanasar* framework because he has not established the national importance of his endeavor.

C. *Dhanasar's* Second and Third Prongs

As the Petitioner has not established the national importance of his proposed endeavor, we decline to reach and hereby reserve the Petitioner's arguments regarding his eligibility under the second and third

prongs of the *Dhanasar* framework. *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 that he is eligible for or otherwise merits a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.