U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40253189

Date: NOV. 14, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a human resources specialist, 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 the record did not establish the Petitioner's eligibility for the requested national interest waiver. The matter is now before us on appeal. 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:

[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 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. NATIONAL INTEREST WAIVER

SCOPS determined that the Petitioner qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. We agree with this determination. Therefore, the remaining issue is whether the Petitioner established eligibility for a national interest waiver under the *Dhanasar* framework.

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. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We agree with SCOPS' conclusion that the proposed endeavor has substantial merit as it falls within the range of areas of substantial merit, namely business and entrepreneurialism. *Id.* However, while the Petitioner has established that the proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner states her proposed endeavor in the United States is as follows:

> [The Petitioner] proposes to revolutionize the field of Human Resources by spearheading a comprehensive endeavor centered around the implementation of the Improved and Integrated People Management System (IIPMS), Lean Office, and Value Stream Mapping methodologies. This ambitious initiative aims to address critical challenges in HR processes and contribute to the enhancement of organizational efficiency, compliance, and overall productivity.

The Petitioner pointed to her "distinctive background and specialized skills, indicating that she would apply "innovative methodologies" that would have a "transformative impact on the business landscape." The Petitioner emphasized that her proposed endeavor would result in improved human resources processes, predictable and sustainable results, enhanced productivity, and elevated human resources service and support leading to economic growth, employment opportunities, and contribution to the overall well-being of U.S. society. She asserted this would have national importance as it would "showcase the U.S. as a leader in progressive and efficient HR management," "elevate the skill set of HR professionals, creating job opportunities, and contribute to the growth of specialized roles" and create a "more efficient and inclusive work environment, fostering societal well-being."

The Petitioner further stated her proposed endeavor would lead to a "substantial reduction in turnover rates and significant cost savings" and "sustainable results with reduced unpredictability in HR operations." She indicated that he proposed endeavor "encompasses a holistic and strategic approach,

leveraging cutting-edge methodologies to address critical challenges within HR operations in the consumer goods industry." The Petitioner further explained that her proposed endeavor would have the significant potential to employ U.S. workers and have substantial economic benefit through addressing critical issues such as skills gaps, employee retention, and internal mobility. In addition, she stated that her proposed endeavor would focus on training and development with an emphasis "on the intersection of wellness and learning" addressing critical trends in the corporate landscape including physical and mental health.

SCOPS later issued a request for evidence (RFE) concluding that the submitted evidence did not demonstrate a direct connection between the proposed endeavor and a broad national impact. SCOPS emphasized that the record did not show how the Petitioner's techniques and methodologies were innovative or distinct from those employed by others in the field. As such, SCOPS requested that the Petitioner submit additional evidence including a more detailed description of her proposed endeavor and how it had national importance, as well as an explanation as to how it would have national implications within her field, the significant potential to employ U.S. workers or substantial positive economic effects, the prospect to broadly enhance societal welfare, and/or impact on a matter that a government entity described as having national importance.

In response, the Petitioner stated that her proposed endeavor would be "centered on elevating Human Resources Management within small and medium-sized (SMEs) through innovative, data-informed, and accessible solutions" including the "creation and application of predictive talent retentions strategies tailored to the structural limitation of SMEs." She again pointed to her proposed delivery of "customized training and development programs" and the "optimization of HR operational processes through lean practices, automation tools, and digital integration." The Petitioner indicated that she would fill a need for specialized human resources tools not typically available to SMEs and that she would further deliver these services with "multilingual and multicultural orientation" in Spanish and Portuguese. The Petitioner again explained that her proposed endeavor would lead to job creation through business growth and indirect job creation through "client success." She pointed to the Workforce Innovation and Opportunity Act (WIOA) and U.S. Department of Labor initiatives, asserting that her proposed endeavor contributed to these government initiatives by "connecting workforce systems with real business needs…creating inclusive growth opportunities."

SCOPs concluded the Petitioner did not demonstrate the national importance of her proposed endeavor since she did not establish that she would introduce new training processes or methodologies and have a broad influence on the field. On appeal, the Petitioner asserts that SCOPS was mistaken in determining that she had already launched her operations. She states that her intention "is not centered on entrepreneurship or self-employment" but that "her contributions are designed to integrate into existing U.S.-based institutions, where her expertise will be leveraged to improve learning frameworks, increase operational efficiency, and support large-scale strategic development initiatives." The Petitioner largely reiterates her prior assertions of national importance but further contends that her proposed endeavor aligns with the executive-branch initiative "Preparing Americans for High-Paying Skilled Trade Jobs of the Future." She states she has provided extensive documentary evidence that her proposed endeavor would have national or global implications in her field and significant potential to employ U.S. workers, and broadly enhance societal welfare.

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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.

The Petitioner submitted an ambiguous array of proposed services and potential prospective impacts leaving question as to the likelihood that her proposed endeavor would have national importance. For instance, the Petitioner asserted that she would implement various human resource services but did not detail or document the specific nature of her claimed "IIPMS, Lean Office, and Value Stream Mapping" methodologies. Similarly, the Petitioner did not explain in sufficient detail how her vaguely asserted services would have a "transformative impact on the business landscape," create a "more efficient and inclusive work environment," and impact the "consumer goods industry." As discussed by SCOPS, the Petitioner regularly refers to innovative human resources methodologies she will implement but does not indicate how they are materially different from those already utilized in the United States. Therefore, it is not clear how the Petitioner's human resources services would have a national level impact on "the overall well-being of U.S. society" and "showcase the U.S. as a leader in progressive and efficient HR management." The Petitioner also regularly emphasized her proposed focus on training and development; however, the specific nature of these services is unclear, and she did not sufficiently describe how her proposed training and development would have a national level impact on corporate physical and mental health.

The Petitioner provided other generic asserted national impacts, indicating with little support that her proposed endeavor would address critical national issues such as skills gaps, employee retention, internal mobility, and training and development. For instance, the Petitioner states that she would provide innovative human resources techniques to SMEs but again she does not specifically indicate how these approaches differ from those already employed by SMEs across the country. Likewise, she emphasized that her proposed endeavor would be consistent with WIOA, U.S. Department of Labor initiatives, and the executive-branch initiative "Preparing Americans for High-Paying Skilled Trade Jobs of the Future." However, there is little explanation and documentary support that her proposed human resource services would have a potential prospective national impact on this legislation and the discussed executive-branch initiatives. The Petitioner also asserts that her human resources services would be innovative since they would be provided in Spanish and Portuguese, yet there is little evidence to support that her provision of services in another language would be unique as claimed. There is little indication as to how the Petitioner's proposed services would extend beyond her immediate clients or her employer. Generalized conclusory statements that do not identify a specific impact to the field have little probative value. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

On appeal, the Petitioner further contends that SCOPS mistakenly determined she had already launched her operations, stating that "her contributions are designed to integrate into existing U.S.-based institutions." However, contrary to the Petitioner's assertion, there is no indication in SCOPS'

denial that they analyzed the national importance of her proposed endeavor while concluding that her business was already operating. Further, it is not clear what the Petitioner means when she states that her contributions would be "integrated into existing U.S. based institutions." The Petitioner does not adequately indicate whether her services would be provided by her individually, through a company she establishes, or through another employer. The Petitioner also does not explain the U.S. institutions that would be impacted or how her human resources services would be integrated into them. The Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

The Petitioner regularly emphasizes her skills and experience referring to her 26 years of professional experience and her work in a technical human resources role at a detergent company in Brazil. While we recognize that the Petitioner gained substantial knowledge and experience as a human resource professional abroad, the Petitioner's expertise and record of success is a consideration under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* The issue here is whether the Petitioner has demonstrated the national importance of a specific proposed endeavor. As discussed, the Petitioner does not sufficiently detail and document how her proposed human resources services would be materially different from those provided by other similarly experienced human resources professionals working in this field.

Further, the record does not establish that the Petitioner's endeavor "has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area." *Id.* at 890. As discussed, the Petitioner vaguely contends that her human resources consulting services would lead to job creation through business growth and indirect job creation through "client success." Yet again, the Petitioner submits unsupported conclusory assertions. She does not explain the nature of this direct and indirect job creation, nor does she provide any actual job or revenue numbers that would result from her proposed endeavor. For instance, the Petitioner claimed that her proposed endeavor would help address job stress, noting that this costs "the U.S. industry over $300 billion." However, the Petitioner provided no indication as to how her vaguely stated human resources services would impact this massive national problem. The Petitioner also emphasized her focus on SMEs, indicating that they make up "99.9% of all U.S. firms," but it is again not clear how the provision of services by one human resource professional would have a national level impact on nearly all U.S. businesses. The Petitioner submitted an expert opinion indicating that the human resources and benefit industry would grow to $91.4 billion in annual revenue by 2028. Therefore, it is not evident how her provision of services to one employer or company would have potential prospective national level impact on this massive industry.

In addition, the Petitioner provided little detail and documentation to sufficiently demonstrate that her human resources services would likely have a claimed national impact on economically depressed areas in Florida. For instance, the Petitioner did not specify what specific economically depressed areas her proposed services would impact, or the jobs or revenues that would be generated in these areas. In fact, the Petitioner appears to indicate that she would not operate her own business, leaving uncertainty as to how she would impact economically depressed areas in Florida while presumably being employed by an unidentified employer. Although any basic economic activity resulting from the Petitioner's work has the potential to positively impact a local economy, she has not provided sufficient explanation of the prospective national impact directly attributable to her proposed work, or established how her endeavor would impact an economically depressed area. A petitioner must

support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under *Dhanasar*'s second and third 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).

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.