U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 40156354

Date: NOV. 19, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an environmental designer, 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 record did not establish that a waiver of the classification's job offer requirement, 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.

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:

- 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. ANALYSIS

SCOPS determined that the Petitioner is a member of the professions holding an advanced degree.[2] The remaining issue to be determined is whether the Petitioner qualifies for a national interest waiver under the *Dhanasar* framework.

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.*

SCOPS found, and we agree, that while the Petitioner demonstrated the proposed endeavor has substantial merit, she did not establish that the endeavor is of national importance, as required by the first *Dhanasar* prong. Namely, SCOPS stressed that when addressing the national importance element we focus on the specific proposed endeavor rather than the industry or profession. SCOPS determined that the record lacks evidence that the Petitioner's endeavor to operate a company offering eco-friendly interior design services would broadly benefit the United States on a national level. For instance, SCOPS noted that the Petitioner did not demonstrate her endeavor's significant potential to employ U.S. workers or offer other economic benefits on a broader scale. SCOPS also discussed the Petitioner's business plan, finding that the company's long-term business goals do not indicate that the endeavor would have an impact that is beyond the local area where the business would operate. In sum, SCOPS did not find that the Petitioner's endeavor would have economic, societal, or cultural benefits on a national scale or that the endeavor would have national or global implications within a particular field.

On appeal, the Petitioner contends that SCOPS "misapplie[d] the legal standards under *Matter of Dhanasar* . . . and faile[d] to properly consider the substantial record." However, the Petitioner does not specify which evidence we overlooked or how we misapplied the relevant case law. In fact, while she claims that her business plan "forecasts a 20% market share in the target area," the business plan makes no specific projections about the planned market share and only broadly refers to its "target market" which will include homeowners, real estate developers, and commercial business "primarily serving [redacted] and surrounding areas in [redacted]." The business plan also includes no

[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).

[2] The record demonstrates that the Petitioner holds the foreign equivalent of a U.S. bachelor's degree awarded in 2015, followed by more than five years of progressive experience. *See* 8 C.F.R. § 204.5(k)(3)(i)(B).

specific revenue or hiring projections, stating only that its organizational structure will consist of the Petitioner and an unspecified number of designers and administrative staff with additional hires to be made "as needed."

The Petitioner also refers to a previously submitted listing of her completed projects and claims that "[h]er establishment of the [redacted] further supports the national importance of her endeavor." We disagree and find that the Petitioner's reliance on her credentials and professional experience is misplaced, since these factors relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar*, 26 I&N Dec. at 890. The issue here is whether the specific endeavor that the Petitioner proposes to undertake has national importance under *Dhanasar's* first prong. As stated earlier, we gauge a proposed endeavor's national importance by considering the endeavor's potential prospective impact. *See id.* Here, the Petitioner does not explain how her past projects are relevant in determining the potential prospective impact of her proposed endeavor.

In sum, the Petitioner does not demonstrate that her proposed endeavor extends beyond her business and her future clients to impact the field of interior design or any other industries or the U.S. economy more broadly at a level that is commensurate with national importance. Beyond general assertions about "utilizing sustainable and eco-friendly interior design approaches," the Petitioner has not demonstrated that her work as the proprietor of and designer in an interior design business offers original innovations that contribute to advancements in her industry or otherwise has broader implications for her field.

Because the documentation in the record does not sufficiently establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve her appellate arguments regarding her eligibility under the second and third prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *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).

## III. CONCLUSION

As the record does not establish that the Petitioner has met the requisite first prong of the *Dhanasar* analytical framework, we find that she is not eligible for 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.