U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40304141

Date: NOV. 24, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a chief financial officer (CFO) and entrepreneur in the real estate development industry, 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).

The Service Center Operations (SCOPS) denied the petition, concluding although the Petitioner qualified as an advanced degree professional, 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 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

The Petitioner's proposed endeavor is to establish a real estate development company in Georgia that will provide "new, high-quality, building units for individuals and businesses." The Petitioner states he will be the company's CFO responsible for "managing and overseeing its finances, optimizing costs, and maximizing profit." He further asserts his endeavor will "improve Americans' access to affordable housing" and "create significant financial and employment benefits in the United States, both directly and indirectly."

A. EB-2 Classification

The Petitioner submitted his U.S. Master of Science degree in information systems management and his U.S. Bachelor of Science in business administration, along with the academic transcripts. SCOPS determined that the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether he qualifies for and merits a waiver of the job offer requirement in the national interest.

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. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* SCOPS determined that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, SCOPS concluded the Petitioner did not establish that his proposed endeavor has national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "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.

[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).

On appeal, the Petitioner contends SCOPS erred in denying his national interest waiver and asserts his proposed endeavor "amply satisfies" the national importance requirement of the *Dhanasar* framework. Notably, however, the Petitioner does not point to specific examples of how SCOPS erred in their analysis of the evidence. By presenting only general disagreement with SCOPS' decision, without identifying the specific aspects of the denial he considers to be incorrect, the Petitioner does not sufficiently identify the basis for his appeal.[2] Nevertheless, we have reviewed the record in its entirety and we will explain why the Petitioner has not established the national importance of his endeavor under the first prong of the *Dhanasar* framework.

Here, the Petitioner asserts that his endeavor is of national importance because it addresses the nationwide shortage of affordable housing, supports important public welfare goals, and aligns with government initiatives. The Petitioner provides statistical information about the nationwide affordable housing crisis, as well as the State of Georgia's housing crisis, and he discusses three government initiatives that deal with foreign investment, low-income housing, and homelessness. He states that his "proposed developments directly address these intertwined issues by delivering high-quality, affordable, and mixed-use communities in the very regions where shortages are most severe" and "[h]is focus on [redacted] aligns with state and regional needs while also providing a replicable model for other southern cities facing similar challenges."

While we recognize that the Petitioner's general intention to contribute to the economy and address housing needs is an endeavor of substantial merit, he has not detailed how his single real estate development company would specifically impact purported nationwide shortages in housing and the homelessness crises. Merely working in an important field or profession is insufficient to establish the national importance of the proposed endeavor. *Id.* at 889. Instead, when determining whether the proposed endeavor has national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* Although an endeavor that is shown to have significant potential to broadly enhance societal welfare may be considered to have national importance,[3] here, the Petitioner has described worthy but broad ambitions without identifying or defining his specific endeavor beyond that of an intention to create residential and commercial properties through the work of his firm - a single real estate development business that would operate as one of tens of thousands in the United States. The Petitioner has not provided evidence of how, for example, his firm's development of a building that would serve as a residence for its tenants would constitute an endeavor of national importance. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. Here, the Petitioner has not established that his proposed endeavor would sufficiently extend beyond his clientele to impact his field more broadly at a level commensurate with national importance.

The Petitioner emphasizes his U.S. education and professional experience in Nigeria. Yet, the Petitioner's education, skills, and experience are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue

[2] *Matter of Valencia*, 19 I&N Dec. 354, 354–55 (BIA 1986).
[3] *See 6 USCIS Policy Manual* F.5(D)(l), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.

here is whether the Petitioner has demonstrated, by a preponderance of the evidence, the national importance of his proposed endeavor.

In addition, the Petitioner references his business plan and states that he "will yield significant benefits in job creation." However, the job creation and revenue projections included in the Petitioner's business plan are not supported by details showing their basis or an explanation of how those projections will be realized and therefore do not sufficiently corroborate the national importance of his endeavor. Even if the Petitioner had established a sufficient basis for these projections, they still do not establish the national importance of the proposed endeavor. While the projected income statement indicates that the Petitioner's real estate development business has growth potential, it does not demonstrate that the benefits to the regional or national economy resulting from his undertaking would reach the level of "substantial positive economic effects" contemplated by *Dhanasar* to establish its national importance. *Id.* at 890.

Moreover, we reviewed the expert opinion letter from a professor in management and global business at [redacted] In addressing the first prong of the *Dhanasar* framework, the author describes the Petitioner's business in terms that largely resemble his professional plan. The expert opinion letter is very general, significantly focuses on the importance of the real estate and construction industries, the impact small business owners play in the U.S. economy, and national initiatives. However, the letter does not contain sufficient information and explanation of the Petitioner's proposed endeavor, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed work in the real estate development industry offers broader implications in his field or substantial positive economic effects for our nation that rise to the level of national importance. The letter therefore is insufficient to establish the national importance of the Petitioner's specific proposed U.S. work. *See Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988).

Finally, we also reviewed the Petitioner's letters of recommendation. However, the letters of recommendation add little probative value in establishing the Petitioner's eligibility under *Dhanasar's* first prong. While the authors praise the Petitioner's skills, personal attributes, and past accomplishments, factors which relate more to the second prong, they do not discuss the Petitioner's specific proposed endeavor or the impact thereof.

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address his eligibility under the remaining prongs, and we hereby reserve them. *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 alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to establish that he meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that he has not established eligibility 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 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.