U.S. Citizenship and Immigration Services

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

In Re: 39357076

Date: OCT. 01, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, an entrepreneur in the financial 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).

Service Center Operations (SCOPS) denied the petition, concluding although the Petitioner qualified as an advanced degree professional, she 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 financial consulting services company in Central Florida, "focusing on tailored strategies, comprehensive training programs, and client-centric solutions." The Petitioner states that her services will include financial literacy workshops, one-on-one consulting sessions, business plan development assistance, small business compliance support, cash flow management training, and mentorship programs.

The Petitioner submitted her foreign public accounting degree, along with her academic transcripts demonstrating that she completed five years of coursework, from 2004 to 2009. Additionally, the Petitioner submitted letters showing over five years of progressive experience. 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 she qualifies for and merits a waiver of the job offer requirement in the national interest.

### A. 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 her proposed endeavor has national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* An endeavor that has national or global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances, may have national importance. *Id.* Additionally, an 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 889-890.

On appeal, the Petitioner contends that SCOPS' interpretation is too narrow in analyzing the national importance. The Petitioner claims that SCOPS overly emphasized immediate demand for the company's services and that the proposed endeavor does not offer benefits that extend beyond the

[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).

community to broadly impact the field and high level of job creation. The Petitioner also emphasizes that *Dhanasar* "clearly does not require national importance to be measured geographically" and contends that SCOPS seems to be applying the prior analytical framework for adjudicating national interest waiver petitions from *Matter of New York State Department of Transportation (NYSDOT)*, 22 I&N Dec. 215 (Act. Assoc. Comm'r 1998), which was vacated by our precedent decision in *Matter of Dhanasar*. The Petitioner asserts that the evidence clearly demonstrates that her proposed endeavor is of national importance.

As a preliminary matter, we are unpersuaded by the Petitioner's claim that SCOPS may have improperly relied upon our vacated decision in *Matter of NYSDOT*. The Petitioner is correct that the analytical framework introduced in *Matter of Dhanasar* sought to reduce the focus on the geographic impact of an endeavor. *Matter of Dhanasar* at 887. However, we disagree that SCOPS relied on the regional nature of the Petitioner's endeavor in concluding that it lacks national importance. Rather, SCOPS concluded that the Petitioner did not offer sufficient information and evidence to demonstrate that the proposed endeavor would have substantial positive economic effects such as revenue or job creation, and that the Petitioner did not show that her proposed endeavor would have broader implications for her field. Although an endeavor that is regionally focused may have national importance, it must still have a broad impact. *Id.* at 889. Upon de novo review, we agree with SCOPS that the record does not establish that the Petitioner's proposed endeavor is of national importance under the *Dhanasar* framework as discussed below.[2]

Here, the Petitioner places considerable emphasis on the importance of small and medium-sized enterprises (SMEs) and women entrepreneurs and submitted various articles and reports discussing these areas. The Petitioner speaks in generalities and relies on the potential benefits that the overall optimization of SMEs has on the economy and societal welfare and claims that by increasing financial literacy and offering customized financial solutions, her endeavor will contribute to job creation and economic growth. She also contends that her endeavor aligns with national initiatives "by ensuring improvements in SMEs and empower communities, thru financial literacy and specialize consulting, including, compliance support, business plan development, cash flow management training and mentorship programs." She asserts her comprehensive approach demonstrates the endeavor's strategic and beneficial nature to the United States as it will foster economic growth and empower entrepreneurs to create jobs.

The Petitioner, however, neglects to focus on the prospective impact of her specific endeavor. In particular, she does not demonstrate how her specific endeavor would achieve these goals and have a broader impact on the field, region, or nation. The articles and reports provide only general background information on the aforementioned areas and do not specifically relate to or discuss the Petitioner's proposed endeavor, including how her specific endeavor might impact these areas more broadly. And while we acknowledge the overall importance of SMEs and women entrepreneurs generally, as noted above, the pertinent 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.* at 889. Simply working in an important field is insufficient to establish the proposed endeavor's national importance. The Petitioner must still demonstrate the specific endeavor's potential prospective impact in that area of national importance.

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

Additionally, while the Petitioner submitted a business plan outlining the potential economic implications of her endeavor, she did not provide sufficient explanation or evidentiary support for the bases of her figures. However, even assuming the accuracy of the numbers, the Petitioner still did not demonstrate how her claimed employment and revenue projections show a significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for the Central Florida region, where she will begin operations, or the nation. For example, although she forecasts revenue of $200,000 to $300,000 in the first year of operation, increasing to $738,920 to $1,034,488 by the fifth year, she did not establish the significance of this data or explain how the benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. Moreover, while the business plan claims she will employ three employees in the first year of operation, increasing to 10 employees by the third year, she did not demonstrate the relevance of these numbers or show how 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. The business plan also indicates that Florida has a large rural population and that the proposed endeavor will focus on "the economic revitalization of depressed areas" in Central Florida. However, the Petitioner provided little detail and documentation to sufficiently demonstrate that her consulting services would likely have a national impact on economically depressed areas in Florida as claimed. While any increased business activity has the potential to positively impact the economy and thereby societal welfare to some degree, the Petitioner has not offered a sufficiently direct connection between her proposed endeavor and any demonstrable economic or societal effects to establish her proposed endeavor's national importance.

The record also does not support that the endeavor would have other nationally important implications as claimed. The Petitioner asserts her proposed endeavor "will reinforce the economic infrastructure of the United States by concentrating on the provision of specialized financial services for small and medium-sized enterprises, especially for women entrepreneurs" and "will drive economic empowerment and sustainable growth in underserved rural areas." However, the Petitioner does not provide support for these assertions, nor does the evidence on record establish that her endeavor will directly result in broader implications to the field or provide sufficient contributions to these efforts beyond benefits to her prospective clients. 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, we conclude the Petitioner has not shown that her proposed endeavor stands to sufficiently extend beyond her future clients to impact the field of finance, the economy, or U.S. societal welfare more broadly at a level commensurate with national importance.

We have also considered the expert opinion letter written by an assistant professor of professional practice at [redacted], as well as the letters of recommendation by current and former employers and work colleagues. However, these letters also do not establish the endeavor's national importance. While the assistant professor discusses the proposed endeavor and its claimed benefits, his opinion is largely conclusory and does not adequately explain how the Petitioner's work would produce such nationally important impacts. For example, the professor opines that the Petitioner's company's "impact extends beyond individual businesses" and that its "approach not only supports individual entrepreneurs but also contributes to the broader economic development of rural communities." But beyond these generalizations, the professor provides little explanation or corroborating evidence directly linking the Petitioner's company to these claimed benefits, the

economy's growth, industry wide impact, or other substantial positive economic or societal effects. Instead, the professor's observations rely more on generalizations about the results of typical business activity, rather than providing probative information about how the Petitioner's particular endeavor would specifically accomplish these results and how any impact would sufficiently extend beyond the direct clients that the Petitioner will serve to rise to the level of national importance.

Likewise, the Petitioner's 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.

Accordingly, we agree with SCOPS that the record does not demonstrate that, beyond the benefits provided to his prospective clients, the Petitioner's proposed endeavor will have broader impacts rising to the level of national importance.

B. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. To determine whether they are well positioned to advance the proposed endeavor, we consider factors including, but not limited to: their 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. *Id.* at 890.

SCOPS determined that the Petitioner is well-positioned to advance her proposed endeavor, but without analyzing the evidence under the second prong. Upon de novo review, we disagree with SCOPS and withdraw SCOPS' conclusion. While the Petitioner has credentials and experience as an accountant, we conclude that the record does not demonstrate that she is well-positioned to advance her endeavor as an entrepreneur owning and operating a financial consulting services firm specializing in SMEs and women entrepreneurs.

The *Dhanasar* decision spelled out several factors which can be considered in determining whether a petitioner is well-positioned to advance their proposed endeavor, including several which are pertinent to entrepreneurial endeavors. *Id.* These include a record of success in similar efforts, any progress towards achieving the proposed endeavor, and the interest of potential customers, users, investors, or other relevant entities or individuals. In this case, the record lacks evidence which supports any of these factors.

The Petitioner submitted her resume and recommendation letters from her former employers and colleagues. The letters provide general descriptions of the Petitioner's job duties and praise the Petitioner's knowledge and skills. However, the letters do not further elaborate on or sufficiently explain how the Petitioner's work has been utilized in the field or otherwise constitutes a record of success. Moreover, the lack of specificity in the letters does not show how her work has affected the field or industry demonstrating a history of accomplishment, well positioning herself to advance her proposed endeavor.

In addition, the record lacks documentation of any progress towards achieving the proposed endeavor, which might include the establishment of the business as a legal entity, registration of the business, securing any necessary funding, renting or purchasing physical space for the business, and the hiring of employees and contractors. Here, the record does not show that the Petitioner has made any preparations for starting her new business beyond writing a business plan. The Petitioner's business plan itself provides various financial forecasts and staffing projections but lacks independent and corroborating evidence to support these projections.

Further, there is no indication in the record that the Petitioner has successfully gathered interest from potential investors or customers. The Petitioner included letters from three different companies in Florida. Notably, the letters are not on company letterhead. Nevertheless, the letters similarly express interest in "being part of your plan/project." However, the company representatives do not discuss specifics of the business proposal, and the Petitioner has not shown other corroborating evidence that these interests will result in contracts or clients advancing her business endeavor.

While "we do not ... require petitioners to demonstrate that their endeavors are more likely than not to ultimately succeed," here the record includes more information about her achievements as an accountant than about the prospects of her proposed business. *Id.* Accordingly, we disagree with SCOPS and conclude that the Petitioner has not established that she meets the second prong of the *Dhanasar* framework.

## III. CONCLUSION

Because the Petitioner has not established eligibility under either the first or second prong of the *Dhanasar* test, we need not address her eligibility under the third prong, and we hereby reserve it. *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). The burden of proof is on the Petitioner to establish that she 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 she 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.