U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39559627

Date: OCT. 01, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a general manager, 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 that the record did not establish that she is eligible for a waiver of the job offer requirement 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.

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

[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 balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. SCOPS found that the proposed endeavor has substantial merit but determined that the Petitioner did not establish the proposed endeavor has national importance, that she is well-positioned to advance the proposed endeavor, and that waiving the job offer requirement would benefit the United States. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of her proposed endeavor under the first prong of the *Dhanasar* analytical framework.

The Petitioner states that she will be a general manager for [redacted] INC, a consulting company located in Florida that she owns a majority share in. The business plan details her proposed endeavor. It provides that she will oversee the company's overall operations, ensuring there is a smooth workflow, effective resource allocation, and alignment with strategic goals; she will provide leadership to the team, fostering a collaborative and innovative work culture while also serving as the primary point of contact with clients and stakeholders; she will be responsible for driving growth and developing business strategies; and she will identify opportunities for expansion. Furthermore, the business plan provides that she has designed a three-stage model to transform client business processes which includes diagnosis, implementation, and maintenance and evaluation. Finally, it mentions that she aims to drive client business growth and development by focusing on business intelligence, training in essential office tools, and soft skills development; seeks to empower small and medium sized client businesses with enhanced decision-making capabilities, technological proficiency, and strong interpersonal and leadership skills; and endeavors to bridge the digital divide by providing comprehensive training programs across various demographics.

In denying the petition, SCOPS determined that the Petitioner did not establish the national importance of her proposed endeavor. SCOPS acknowledged the Petitioner's business plan but could not conclude that the proposed endeavor would have any implications beyond the business, its employees and clients, and any individuals and entities she would work which would impact the field, industry, or economy more broadly at a level commensurate with national importance. SCOPS noted that individually tailored services help serve the needs of specific clients, but by nature they do not represent broadly applicable measures that a wide range of companies can readily adopt. SCOPS found that the business plan makes staffing and revenue projections but does not offer details showing their basis or how they will be realized. SCOPS mentioned that the submitted articles do not discuss any details of the specific endeavor and its impact, and that the record does not reflect that the benefits to the U.S. regional or national economy resulting from her work would reach the level of substantial positive economic effects. Finally, SCOPS found that the Petitioner did not provide sufficient evidence of the proposed endeavor's potential prospective impact, including broader implications, or national or global implications within the field; significant potential to employ U.S. workers; substantial economic effects, particularly in an economically depressed field; broad enhancement of

societal welfare; or broad enhancement of cultural or artistic enrichment. Therefore, SCOPS concluded that the Petitioner did not establish the proposed endeavor is of national importance.

On appeal, the Petitioner submits a brief. The record also includes, but is not limited to, the Petitioner's business plan, letters of support, company invoices and contracts, educational records, employer letters, industry articles, letters of intent to use the Petitioner's company, company financial and legal records, and immigration records.

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of her work. While the Petitioner's statements reflect her intention to manage business consulting services for her company's clients, she has not offered sufficient information and evidence to demonstrate that the prospective impact of her proposed endeavor rises to the level 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. We also provided that an endeavor that has substantial positive economic impacts, particularly in an economically depressed area, may have national importance. *Id.* at 890. Here, we conclude the Petitioner has not shown that her proposed endeavor stands to impact her field, the business consulting industry, more broadly, or that it would have substantial positive economic impacts at a level commensurate with national importance.

The Petitioner asserts that her proposed endeavor aims to make a significant contribution in entrepreneurship, business, and education, which directly strengthens small and medium sized U.S. businesses. She states that without her leadership, her company could not continue which would deprive the U.S. business ecosystem of a key player in promoting the sustainability and competitiveness of small and medium sized U.S. businesses. The Petitioner points out that small and medium sized enterprises are essential to the U.S. economy, as they constitute over 99 percent of U.S. businesses and generate about 44 percent of the U.S. gross domestic product. She then mentions that U.S. bankruptcy filings reached a 14 year high in 2024, and this highlights the need for her services to help these businesses. We note that any basic economic activity has the potential to positively affect the economy to some degree. However, the Petitioner has not demonstrated that her proposed endeavor would help businesses on a scale that would result in substantial positive economic effects.

The Petitioner's business plan includes, but is not limited to, an overview of its services, a list of management and personnel, and financial forecasts. Regarding future staffing, the Petitioner's business plan anticipates that her company will employ 2 employees in year one, 4 in year two, 8 in year three, 10 in year four, and 12 in year five, but she did not provide sufficient evidence supporting the need for these additional employees. Furthermore, while her plan offers revenue projections of $247,520 in year one, $418,600 in year two, $746,200 in year three, $986,400 in year four, and $1,186,640 in year five, these projections are not supported by details showing their basis or an explanation of how they will be achieved. Additionally, the Petitioner has not demonstrated that her company's future staffing levels and business activity stand to provide substantial positive economic benefits in Florida or the United States.

Next, the Petitioner asserts that she has designed a comprehensive approach to transforming business processes through a three-stage model of diagnosis, implementation, and maintenance and evaluation. She describes her process of in-depth analysis of critical areas, identifying problems such as operational

inefficiencies or inventory imbalances, implementing lean methodologies to reduce waste and excess inventory, implementing or migration of leading business software, developing customized solutions using methodologies such as Six Sigma and Scrum, and ensuring changes are sustainable through staff training in new tools and skills. The Petitioner has not demonstrated how this approach is novel and that it would have broader implications within her field, the business consulting industry.

When considering the record as a whole, the Petitioner has not demonstrated how the potential prospective impact of her proposed endeavor stands to generate substantial positive economic effects in the region where her company will operate or in other parts of the United States or has broader implications in her field. It is insufficient to claim an endeavor has national importance without providing evidence to substantiate such claims. As such, we determine that she has not established that her proposed endeavor has national importance.

The Petitioner has not established that she meets the requisite first prong of the *Dhanasar* analytical framework. Therefore, she has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding her eligibility under the second and third prongs outlined in *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that 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.