U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39580476

Date: OCT. 3, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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 EB-2 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 that the Petitioner qualified for a 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification, as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act.

If a petitioner demonstrates eligibility for the underlying EB-2 classification, he or she must then establish that he or she merits a discretionary waiver of the job offer requirement "in the national interest." *Id. 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 his or her 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 to be discretionary in nature).

- On balance, waiving the job offer requirement would benefit the United States.[2]

II. ANALYSIS

SCOPS concluded that the Petitioner qualified as an individual holding an advanced degree. The remaining issue to be determined on appeal 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.

Documentation in the record describes the Petitioner as a consultant in financial planning, risk management, and business process optimization. In response to a request for evidence, the Petitioner described his proposed endeavor as follows:

> [The Petitioner's] proposed endeavor is tailored to enhance the financial efficiency, operational stability, and compliance of small and medium-sized enterprises (SMEs) across various industries, particularly those in need of financial restructuring and strategic planning. By addressing common financial and operational challenges, [the Petitioner's] work is projected to foster growth and stability within these sectors, promoting job creation, economic resilience, and long-term prosperity.
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> [The Petitioner's] tailored approach to addressing financial challenges through innovative and practical solutions has the potential to set new benchmarks in operational efficiency and compliance practices for SMEs. His emphasis on improving financial literacy and adopting cutting-edge financial technologies reflects global best practices in financial consulting, aligning with national and international economic trends.
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> The ripple effect of his work extends far beyond the individual businesses he supports, strengthening the communities they serve. As these enterprises thrive, local economies gain stability, leading to greater access to essential services, higher employment rates, and an improved quality of life for residents. By empowering small businesses to succeed, [the petitioner's] initiative directly contributes to the economic and social well-being of communities across the United States, aligning seamlessly with national priorities for economic growth and societal advancement.

Although SCOPS determined that the Petitioner's proposed endeavor has substantial merit and that he is well-positioned to advance the endeavor, SCOPS concluded the record did not establish that the endeavor is of national importance or that, on balance, waiving the job offer requirement would benefit the United States. On appeal, the Petitioner asserts that SCOPS did not analyze the totality of the evidence and that SCOPS' decision "misinterpreted the scope of 'national importance.'" Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the

[2] *See Dhanasar*, 26 I&N Dec. at 888-91, for elaboration on these three prongs.

national importance of his endeavor in order to establish his eligibility under the first prong of the *Dhanasar* analytical framework.

The first 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. We agree with SCOPS that the Petitioner established that his proposed endeavor has substantial merit.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Dhanasar*, 26 I&N Dec. at 889. The relevant question is not the importance of the 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.* In *Dhanasar*, we further noted that "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.

To demonstrate the national importance of his proposed endeavor, the Petitioner provided an expert opinion letter, articles, and reports discussing issues related to businesses and the economy. This material, however, does not provide sufficient insight into the Petitioner's business plans or how his specific endeavor would have a potential prospective impact of national importance. The Petitioner also submitted letters expressing investment interest and letters of recommendation discussing his skills and experience. We note that evidence of investment interest and a petitioner's job experience generally relates not to the national importance of an endeavor, as discussed in the first prong of *Matter of Dhanasar*, but to the second,[3] which evaluates whether a petitioner is well-positioned to advance an endeavor. As such, the letters do not sufficiently demonstrate the national importance of the Petitioner's proposed endeavor.

Regarding the Petitioner's proposed endeavor, the record includes a business plan that provides the following explanation of his company's intended mission and vision:

> The firm will prioritize customized solutions tailored to the specific needs of each client, ensuring that businesses will operate with greater agility, informed decision-making, and a competitive advantage in their respective industries. With a strong focus on economic impact and sustainability, [the firm] will foster entrepreneurial success, job creation, and business longevity, particularly in economically disadvantaged regions. By integrating advanced technology, financial intelligence, and leadership

[3] Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* framework, determinations concerning the second and third prongs are unnecessary to the ultimate decision; therefore, they will be reserved in this decision.

> development, the firm will transform SMEs into scalable, high-performing enterprises that will contribute meaningfully to local and national economies.
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> [The firm] will strive to become a leading force in transforming the SME sector, setting a new standard for financial resilience, operational excellence, and strategic innovation. The firm will be recognized as a key driver of business sustainability and economic empowerment, offering cutting-edge consulting solutions that enable small and medium-sized enterprises to thrive in competitive markets.
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> By leveraging advanced financial analytics, technology-driven process optimization, and risk management frameworks, [the firm] will pioneer innovative methodologies that will equip businesses with the agility and foresight necessary to adapt to an evolving global economy.
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> . . .
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> Ultimately, [the firm] will shape the future of SME consulting by becoming a global reference in business advisory services, empowering entrepreneurs and businesses to achieve measurable success, economic resilience, and industry leadership in an increasingly complex and competitive world.

The Petitioner, however, has not provided an explanation of how he would undertake an endeavor of a scale that would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. While the business plan offers an overview of the services the Petitioner intends to provide, the asserted national importance of his proposed endeavor relies on the overall importance of the role that small- and medium-sized businesses play in growing and sustaining robust economies; the Petitioner has not explained how his individual consulting company would have a national-level impact, "becoming a global reference in business advisory services," or what "cutting-edge solutions" or "innovative methodologies" it would provide to its clients. The business plan generally speculates that the company's services would result in significant business growth in the United States, but it does not provide independent evidence or otherwise explain how the company would have a prospective national impact on a specific field.

For example, the business plan anticipates hiring seventeen individuals by its fifth year of operation, resulting in the generation of payroll expenses totaling $1,100,230.84, and a sales forecast anticipates $1,729.396.13 in revenue. The business plan also estimates paying a total of $275,842.47 in federal taxes within five years. The business plan is not, however, substantiated by a sufficient basis for these projections, nor are the numbers corroborated by probative evidence sufficient to demonstrate that it is more likely than not that the company will have a substantial positive economic effect within any field. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. He has not done so here.

On appeal, the Petitioner's brief states that, "waiving the job offer and labor certification requirements for [the Petitioner] will enable him to make immediate, impactful contributions to the U.S. SME sector

and produce improvement in society and to the local and national economy overall." This statement and others asserting the Petitioner's ambitious vision of his company's impact on the nation's economy are not supported by probative evidence, including any evidence of a cause-and-effect relationship between his company's services and the economy. The record does not include an explanation of how the Petitioner would operate a company that would impact businesses or the economy at the level of national importance contemplated under the first prong of the *Dhanasar* framework. In addition, while the basis of the Petitioner's business is imparting his knowledge and purported expertise for the benefit of his 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. *See Dhanasar* at 893. The Petitioner's intent to transmit his knowledge to clients is not considered an activity that would have a broad impact on the economy.

We note that the USCIS Policy Manual addresses specific evidentiary considerations for entrepreneurs.[4] These considerations include the fact that, while USCIS decides each case on its merits, broad assertions regarding general benefits to the economy and potential to create jobs will not establish an entrepreneur's qualification for a national interest waiver. For example, an entrepreneur cannot demonstrate national importance under the first prong solely by opening a consulting firm for those working or seeking to work in a nationally important occupation. Similarly, statements and evidence regarding the importance of the relevant industry overall will not demonstrate that a person seeking to start a business in that industry satisfies the national importance prong. Here, the importance of the Petitioner's business endeavor cannot be established based solely on its general relationship to business sectors recognized as one of many sectors of importance within the national economy—in this instance, the small- and medium-sized business sectors.

The Petitioner has not demonstrated that his proposed endeavor has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for the nation. Specifically, he has not shown that his business stands to provide substantial economic benefits to any particular locality or to the United States overall. While the business plan vaguely explains that his company's services would benefit the U.S. economy because they would facilitate the growth of small- and medium-sized businesses, these asserted national impacts are not sufficiently supported by objective evidence related to his particular proposed endeavor. It is not clear how a business of the size and scope described in the business plan would significantly impact the location of its employees or clients, including by creating the claimed "ripple" effects in the economy. The Petitioner has not provided sufficient evidence to show that he would employ a significant population of workers in a particular region, nor has he shown that his proposed endeavor would offer substantial economic benefits through employment levels, business activity, or tax revenue. As such, the record does not demonstrate that the prospective benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See Dhanasar* at 890.

The record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility

[4] *See* 6 *USCIS Policy Manual* at F.5(D)(6), https://www.uscis.gov/policy-manual.

under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The petition will remain denied.

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.