U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39743604

Date: OCT. 14, 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 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 Petitioner qualified for classification as a member of the professions holding an advanced degree, but that she had not established 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.

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;

[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).

- 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 found that the Petitioner qualifies as a member of the professions holding an advanced degree. The sole 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.

With respect to her proposed endeavor, the Petitioner stated that she intends to offer her industrial engineering "knowledge and skills to public or private entities, small and medium-sized companies that request them in everything related to the study and analysis of production lines, in order to detect failures and improvement opportunities that can be incorporated into the system of each company, related to aspects of design, technology, human resources, among others, defining strategies for optimization in terms of time, costs, quantity, quality and safety." She further stated:

> Likewise, I intend to apply methodologies to improve processes, such as the Kaizen method, SWOT analysis, diagrams and competition analysis. I also offer companies the definition of the strategic framework and design of quality management systems under international standards (ISO 9000) and process control, defining core processes, procedures, process maps and management indicators that facilitate the measurement of processes, collection and analysis of information in the field; standardization of work practices, risk and impact analysis, determining potential risks in companies, defining hierarchies and appropriate treatment, definition of safety, hygiene and environmental systems, training and education in quality and safety, management methods selection and evaluation of reliable suppliers that provide better benefits to companies, contracting strategies for works and services, among others, aiming at the improvement of administrative and operational processes, for the sake of their optimization, all of which has an impact on economic benefits for the company, or organization directly and labor for employees . . . .

In addition, the Petitioner presented her business plans (2024 and 2025 versions) and company formation documents for [redacted] a consulting firm "specializing in optimizing processes, standardizing operations and improving employee skills" as well as "providing cutting-edge work methods and solutions that prioritize safe and efficient work processes, while meeting the highest quality standards."

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. *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.* SCOPS determined the Petitioner's proposed endeavor has substantial merit. We agree.

SCOPS concluded, however, that the Petitioner did not establish the national importance of her proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. SCOPS determined the Petitioner did not establish the potential prospective impact of her proposed work.[2]

On appeal, the Petitioner argues that SCOPS' decision overlooked documentation demonstrating the national importance of her proposed endeavor. She points to White House policies aimed at addressing our country's energy security. The record includes information relating to U.S. trade policy, executive actions on the integrity and expansion of our nation's energy infrastructure, Venezuelan energy sanctions, presidential action to increase American mineral production, and STEM (science, technology, engineering, and mathematics) education teaching and learning. The Petitioner claims that these articles support the national importance of her proposed endeavor. The determination of national importance does not focus on the importance of one's field or industry in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the Petitioner or her planned projects, or otherwise speak to the potential prospective impact of her specific proposed endeavor.

The Petitioner also contends that her business plan supports the national interest of her proposed endeavor. Her business plan includes industry and market analyses, information about [redacted] and its services, financial forecasts and projections, marketing strategies, a discussion of her education and work experience, and a description of company personnel. Regarding future staffing, the Petitioner's business plan anticipates that her company will employ 6 personnel in year one, 12 in year two, 16 in year three, 19 in in year four, and 22 in year five, but she did not elaborate on these projections or provide evidence supporting the need for these additional employees. Furthermore, while her plan offers revenue projections of $550,000 in year one, $1,292,817 in year two, $2,124,260 in year three, $2,600,000 in year four, and $2,883,292 in year five, these projections are not supported by details showing their basis or an explanation of how they will be achieved.

The Petitioner further indicates that SCOPS' decision did not properly review the letters of support from colleagues in her field. The Petitioner provided letters of support from A-E-G-M-, G-N-R-, J-I-P-V-, J-G-A-S-, J-A-C-P-, L-G-, N-U-W-, J-M-C-H-, J-C-D-S-, J-J-H-V-, C-R-C-, J-A-H-A-, M-A-, B-G-, C-D-S-G-, E-O-, and F-E-A-S-, discussing her industrial engineering knowledge, managerial capabilities, and business experience. In addition, the Petitioner presented letters from J-L-S-, C-D-, J-R-B-, N-U-W-, A-F-, H-Z-, J-H-, F-K-, M-V-, and S-D- reflecting interest in either investing in her company or utilizing its consulting services. The Petitioner's skills, knowledge, and prior work in her field, as well as interest from potential customers, relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890.

[2] For example, SCOPS' decision indicated the Petitioner had not shown that her undertaking stands "to have a broader impact on the field, rising to the level of having national importance."

The issue here is whether the specific endeavor that she proposes to undertake has national importance under *Dhanasar's* first prong.

Here, the Petitioner's letters of support do not demonstrate that her proposed endeavor would operate on such a scale as to rise to a level of national importance. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. Furthermore, while any basic economic activity has the potential to positively affect the economy to some degree, the Petitioner has not demonstrated how the potential prospective impact of her proposed endeavor stands to offer broader implications in her field or to generate substantial positive economic effects in the region where her company will operate or in other parts of the United States.

In addition, the Petitioner presented "Expert Opinion Letters" from H-M-B-, A-Z-, L-M-, J-E-M-B-, C-E-V-, and M-B- in support of her national interest waiver.[3] For example, H-M-B- speculates that the Petitioner's proposed consulting work "can be very profitable . . . resulting in the best organization and economic consolidation of its eventual clients . . . for organizations of the public sector as well as the private sector," but does not explain how her work stands to affect her field or industry beyond her immediate clients. In addition, A-Z- contends that the Petitioner's proposed endeavor is of national importance because of projected job growth in the industrial engineering field and the value of quality and safety management. Again, the issue here is not the national importance of the field, industry, or profession in which the individual will work; rather we focus on the "the specific endeavor that the foreign national proposes to undertake." *See Dhanasar* at 889. The letters from H-M-B-, A-Z-, C-E-V-, L-M-, J-E-M-B-, and M-B- do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed work offers broader implications in her field or substantial positive economic effects for our nation that rise to the level of national importance.

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 provide advisory services to 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. Here, we conclude the Petitioner has not shown that her proposed endeavor stands to sufficiently extend beyond her company and its future clientele to impact her industry, the field of industrial engineering, or the U.S. economy more broadly at a level commensurate with national importance.

Furthermore, the Petitioner has not shown that the specific endeavor she proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Specifically, she has not demonstrated that her company's future staffing levels and business activity stand to provide substantial economic benefits in Texas or any other region of the United States. The Petitioner has not presented evidence indicating that the benefits to the regional or

[3] While we discuss a sampling of these letters, we have reviewed and considered each one.

national economy resulting from her undertaking would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id*. at 890.

The Petitioner has not established that her proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

Because the documentation in the record does not establish the national importance of her proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. As this issue is dispositive of the Petitioner's appeal, we need not reach, and therefore reserve, determination of her eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that she has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the 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.