U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39908874

Date: OCT. 20, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, an entrepreneur and chief executive officer (CEO), seeks second preference immigrant classification (EB-2) 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 immigrant 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 the underlying EB-2 classification as a member of the professions holding an advanced degree, but 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 establish eligibility for a national interest waiver, a petitioner must first qualify 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, they must then establish 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:

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts in holding that USCIS' decision on a national interest waiver is discretionary in nature).

- The proposed endeavor has both substantial merit and national importance;
- The individual is well positioned to advance the proposed endeavor; and
- On balance, waiving the requirements of a job offer and a labor certification would benefit the United States.

Id.

II. ANALYSIS

SCOPS determined that the Petitioner qualifies as a member of the professions holding an advanced degree. We agree with this determination as the record demonstrates that the Petitioner holds a bachelor's degree in commerce from [redacted] and a foreign equivalent of a U.S. master's degree in international management from [redacted]

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. For this, we focus on "the specific endeavor that the foreign national proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889. Here, the Petitioner initially described her proposed endeavor as "[pursuing] my career in the field of venture capital consultancy through the establishment of my own venture capital management consulting firm to incubate and provide topnotch services to various clients in America and around the world."

SCOPS concluded that the Petitioner's endeavor has substantial merit but not national importance under the first prong of the *Dhanasar*'s analytical framework. In determining national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we consider the potential prospective impact and "broader implications" of the specific endeavor. *Id.* We further noted in *Dhanasar* that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* In addition, "[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.

In the denial, SCOPS discussed how the Petitioner has not sufficiently demonstrated that her consulting firm will extend beyond its clients to affect the industry or the U.S. economy rising to the level of national importance and how the record does not sufficiently corroborate the claims of the endeavor's broad impact as it largely focuses on the general importance of the industry, field, or profession.

On appeal, the Petitioner does not provide additional documentation to cure the deficiencies noted in the denial; instead, the Petitioner contends that the existing record, such as "an updated, detailed career plan," "immediately available capital," and "feasible step-by-step financial and business planning," shows that her proposed endeavor will create job opportunities for American workers and benefit the U.S. economy, satisfying the national importance element of the *Dhanasar*'s first prong. Furthermore, the Petitioner claims that SCOPS overlooked the expert testimonials in the record and erroneously interpreted *Dhanasar*. However, we do not find the Petitioner's claims persuasive for the reasons discussed below.

The Petitioner's original "Career Plan" submitted with her initial filing stated that she plans to establish her consulting firm in [redacted] and fundraise a start-up capital "in the amount of $5M" which will create "about 20 or more job opportunities in the United States in two to five years." This career plan also lists types of consultation and advisory services to be offered, consisting of: 1) strategy consulting to "ensure that all long-term goals, financial goals, operational projects, and IT infrastructure components align with the business vision"; 2) corporate consulting to assist with "optimizing internal workflow and the internal inner workings of the business as a whole"; and 3) marketing consulting "identifying a new demographic to be marketed to or creating a buyer persona plan associated with marketing regions."

In the updated "Career Plan" submitted in response to the request for evidence (RFE), the Petitioner reiterated her prior claims from the original career plan but added that she will also "focus on accelerating innovation in the fields of education technology (EdTech) and artificial intelligence (AI) in the United States." However, the Petitioner did not provide sufficient details regarding her plans to focus on AI and educational technology aside from discussion on her own prior experience and background in these fields. While the Petitioner proposes wide-ranging activities and goals and emphasizes the importance of the field of venture capital consulting, artificial intelligence, and technology, the lack of specificity with the future endeavor does not allow for proper evaluation of the endeavor's prospective impact and broad implications under *Dhanasar*.

The updated career plan also offered a five-year projection chart, forecasting that the consulting firm will generate 26 clients, 15 employees, and a net profit of $228,000 by the fifth year of the business. However, the Petitioner has not submitted any corroborating documents or the basis for the projected staffing and revenue forecasts. Even if such projections are realized, the Petitioner has not demonstrated that these numbers are sufficient to show "significant potential to employ U.S. workers" or "substantial positive economic effects" contemplated in *Dhanasar*. *Id.* at 890.

We also agree with SCOPS that the testimonial letters in the record are not probative in establishing national importance of the proposed endeavor. The support letters are largely from the Petitioner's former professors and employers, and they do not offer persuasive details about the endeavor or discuss its impact in concrete terms. Instead, the authors generally discuss the Petitioner's educational achievements, receipt of scholarships and awards in the past, various start-up companies that the Petitioner founded, and commitment to community service. Any references to the Petitioner's endeavor are generally vague and generic, asserting, for instance, that the Petitioner's endeavor "will be of tremendous strategic value to the American business community" or "her superb expertise in business strategizing and commercial development will no doubt bring immeasurable positive impact to the overall economic development of the United States." USCIS may, in its discretion, use as advisory opinions statements submitted as expert testimony, but USCIS is ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). Here, the advisory opinions are of little probative value as they do not meaningfully address the details of the proposed endeavor.

The Petitioner claims that the testimonials are supported by "many media reports about petitioner, as well as awards/honors that petitioner received" and that she was "featured in the media report confirming that she is the co-founder of the world's 1st [redacted] Although we acknowledge the Petitioner's

entrepreneurialism and accolades for her start-up companies, the evidence relating to the Petitioner's experience, record of success, and skills relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the specific endeavor that the Petitioner proposes to undertake has national importance under *Dhanasar*'s first prong. However, the Petitioner's endeavor as described in her career plans and testimonial letters are not specific or detailed to determine its broad implications or prospective impact.

In addition, the Petitioner claims that SCOPS "took liberty of making new rules" because the denial stated that the endeavor's impact should "for instance, affect US GDP, tax revenue, or employment levels." Such language, the Petitioner contends, erroneously interprets *Dhanasar* and other relevant regulations. However, *Dhanasar* clearly indicates that showing significant economic impact is a factor in analyzing national importance of the proposed endeavor and SCOPS appears to provide examples of what such significant economic impact may look like. Without referencing specific passages in *Dhanasar* or other pertinent regulations, the Petitioner has not substantively raised a valid deficiency in SCOPS' decision.

Based on the foregoing, we conclude the record does not demonstrate that the proposed endeavor has national importance, as contemplated by *Dhanasar*. Although the record supports that the Petitioner has experience as an entrepreneur, she has not adequately established with specific, probative evidence that her proposed endeavor will have broader implications in the fields, have significant potential to employ U.S. workers, or have substantial positive economic or societal effects. *Matter of Chawathe*, 25 I&N Dec. at 375-76 (holding that in reviewing the record we consider not only the quantity, but also the quality, including relevance and probative value, of the evidence).

As the identified ground for denial, the Petitioner's inability to satisfy *Dhanasar*'s first prong, is dispositive of this appeal, we reserve our opinion on the Petitioner's eligibility for the second and third *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to reach 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, she has not established eligibility for 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.