U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39543712

Date: SEP. 30, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a human resources (HR) professional, 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. Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

SCOPS denied the petition, concluding that the Petitioner did not demonstrate that she merits a discretionary 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 determined that while the Petitioner established that her proposed endeavor has substantial merit and that she is well-positioned to advance her proposed endeavor, she did not establish that her proposed endeavor has national importance.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of 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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

In her petition, the Petitioner asserted that her proposed endeavor is to pursue a career as an HR professional. She also states the following:

> I can play an important part in bolstering the economy of the country by creating a healthy working environment within the organization, thus paving way for smooth economic activity. My proposed endeavor and future goal in the USA are to live there and be beneficial to the economy of the country using my professional skills or setting up a business in relevant domain . . . Additionally, I . . . aim to create substantial opportunities for marginalized artisans along with managing climate change, fostering economic growth and empowerment within communities.

In a response to SCOPS' request for additional evidence, the Petitioner "elaborated [her] [proposed endeavor," asserting that:

> My utmost goal has always been to be beneficial to economy using my professional skills of HR in job roles or devoting my time in setting up and successfully running a business in relevant domain (creating a social impact, empowering workforce, building teams and creating jobs that help boost economy). After moving to U.S., I plan to utilize my HR and entrepreneurial skills to achieve my ultimate goal of setting up my business (which is already established in Pakistan) . . . [redacted]' as well as "a subsidiary entity, focuse[d] on creating innovative, eco-friendly handcrafts from recycled plastic materials.

The Petitioner also provides the following timeline of her future plans:

> Year 1: (Apply for part time HR consultancy job, focus on expanding my venture [redacted]) in U.S., reach out to potential artisans and building training avenues for them . . .

> Year 2: (Hire local artisans who got trained and are passionate to join our team; Focus on moving production to U.S., Ensure effective record keeping for future use of artisan's database.) . . .
>
> Year 3: (Launch AI powered platform for other businesses and organizations) . . . Launch [redacted] AI-powered platform for other businesses and organizations; Continue to grow and expand [redacted] business operations and product line; and Establish [redacted] as a thought leader in the sustainable fashion and AI-powered HR industries.

In denying the petition, SCOPS determined that the Petitioner did not provide sufficient evidence supporting her claim that "her employment as a HR professional and entrepreneur falls under the societal benefits and positive economic category and is in a sector that plays a critical role in U.S. sustainable growth and economic security; aligns with key government priorities including public policies advancing legal frameworks, job creation, and economic development." SCOPS further determined that the record did not establish that her endeavor "will address the skills gap and the growing demand for HR professionals such as by training workers and offering specialized workforce development programs . . . will focus on economically depressed areas such as Opportunity Zones and low or no income communities, and foster economic growth in underserved regions."

On appeal, the Petitioner asserts that SCOPS misinterpreted her proposed endeavor by overly focusing on her job title, contradicting the broader definition of "endeavor" in *Dhanasar*, which "encompasses multidisciplinary contributions like AI-driven artisan empowerment and economic revitalization." She contends that SCOPS' "narrow interpretation dismisses evidence of national importance, including a scalable AI platform, employment plans for economically depressed regions, and cultural enrichment through artisan crafts."

The Petitioner emphasizes the importance of human resources sector in the U.S. economy, contending that her "work as a Human Resource Professional aligns with the national interest of the USA," and "[b]y continuing to operate within the U.S., [she is] dedicated to . . . playing an integral role in the advancement of the Human Resources Sector," and "her contributions will make a significant impact to the HR sector in the United States of America." However, in determining national importance, 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.* at 889. A petitioner may present a proposed endeavor that focuses on an area with significant merit but still fall short of demonstrating that their specific endeavor has a potential prospective impact in that area that is commensurate with national importance. We recognize the value of the HR sector in the United States; however, working as an HR professional and launching an AI-powered platform aimed at connecting business with artisans, is insufficient to establish the national importance of the Petitioner's proposed endeavor.

Further, while the Petitioner contends that her AI platform has the potential "to revolutionize artisan employment," she does not provide sufficient details showing the basis for this claim or explain how her platform will be different from existing or nascent AI platforms/companies that are also dedicated to connecting businesses with artisans. For example, in April 2025, EON Reality, a multinational virtual reality software developer, launched the "Traditional Artisan Marketplace,"

which they described as "a groundbreaking digital marketplace for traditional artisans using EON Reality's AI-Powered EON Entrepreneur Guide platform."[2] Other AI-powered platforms and marketplaces that are emerging – with the goal of connecting traditional artisans with global consumers, preserving cultural heritage, and ensuring fair compensation – include CraftHero, Zwende, and Artisans Alley. The Petitioner's broad statements and projections regarding the development of her AI platform do not demonstrate a prospective impact on artisan employment directly attributable to her proposed endeavor. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation directly attributable to her future work, the record does not show that benefits to the U.S. regional or national economy resulting from the Petitioner's proposed endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id*

In the present case, the Petitioner has not provided corroborating evidence, aside from claims in her statements and reference letters, that her role as an HR professional or her company's activities stand to provide the claimed substantial economic benefits to Virginia DC area, New York, or the United States, and her statements are not sufficient to demonstrate her endeavor has the potential to provide economic, societal, and security benefits to the United States. While the Petitioner's company may stimulate economic activity at some level, it is the Petitioner's burden to show that the economic effects of the proposed endeavor will be "substantial" and at a level commensurate with national importance. Here, the record does not contain sufficient relevant or probative evidence showing that the secondary or indirect economic benefits of her proposed endeavor would rise to that level. Further, the Petitioner has not demonstrated that her business would benefit an economically depressed area in the United States. In the end, the economic benefits that the Petitioner claims will result from her endeavor depend on numerous factors and the Petitioner does not offer a sufficiently direct evidentiary tie between her proposed endeavor and the claimed economic results or establish or how her endeavor will impact the industry beyond her potential employer or her company's customers and the operations of her business.

Because the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that she has not established that she is eligible for or otherwise merits a national interest waiver as a matter of discretion. Therefore, we need not reach, and therefore reserve, the Petitioner's eligibility and appellate arguments under *Dhanasar*'s second and third prongs. *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).

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

[2]The company's website also states that their platform "represents a significant advancement in fair trade e-commerce, connecting artisans directly with global consumers while ensuring craftspeople receive 70-80% of the final selling price instead of the industry standard 10-20%. https://eonreality.com/traditional-artisan-marketplace-launched-breakthrough-app-developed-using-ai-powered-eon-entrepreneur-guide/#:~:text=Innovative%20Platform%20Connects%20Global%20 Consumersindustry%20standard%2010 %2D20%25.

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.