



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 37095547

Date: MARCH 12, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, an entrepreneur, 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).

The Director of the Texas Service Center 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

The Director determined that while the Petitioner established that her proposed endeavor has substantial merit, she did not establish that her proposed endeavor is of national importance, that she is well-positioned to advance her proposed endeavor, or that waiving the job offer requirement would not benefit the United States.

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.*

The Petitioner asserts that her proposed endeavor is to continue use her experience and knowledge to launch a transportation, storage, and distribution company in [REDACTED] Massachusetts focusing on providing consulting services that "integrate the use of real-time data, emerging fleet management technologies, and predictive analytics to improve efficiency, reduce waste, and optimize the operations." She further asserts that her "methodology includes the use of customized workflow analysis techniques, which allows us to identify logistics bottlenecks and solve them with a precision that few companies in the sector can offer. The implementation of these techniques represents a significant improvement in the field of logistics management because each solution is tailored to the specific needs of the client company, rather than following a generic model, as is typical in many similar businesses." She contends that her company's "practices have the potential to transform the way American companies manage their logistics operations, something that is not simply another offering in the market, but a direct contribution to U.S. innovation and competitiveness on the global stage." She further contends that "through the solutions I propose, companies can improve their production and distribution capacity, which leads to the creation of direct jobs in areas such as transportation, warehousing, and fleet management," and "by promoting job creation through logistics optimization, I am directly contributing to one of the highest priorities of U.S. economic policy." The Petitioner's business plan includes financial forecast data indicating that by its fifth year, her company will employ six workers with a total expense that could reach \$288,000 and annual payment of \$250,000 to federal and local governments.

On appeal, the Petitioner asserts that the Director erred by misinterpreting the evidence in the record and describing her "work in the logistics sector as part of an international supply chain, rather than highlighting the specific relevance of what I will accomplish." She further asserts that the Director failed to recognize the specific nature of the improvements she is proposing by claiming that her techniques, methodologies, or methods are not sufficiently innovative or distinctive, which reflects a limited understanding of the true depth and innovation behind the logistics solutions her company will offer.

The Petitioner relies primarily on the importance of logistics and supply chains in the U.S. economy; 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 logistics infrastructure in the United States; however, establishing a business in an important sector of the U.S. economy is insufficient to establish the national importance of the Petitioner’s proposed endeavor. Further, while the Petitioner claims that her methodology “represents a significant improvement in the field of logistics management because each solution is tailored to the specific needs of the client company,” the idea of a tailored or personalized approach to logistics began in the 1990s² and has continued to evolve with advancements in technology, with numerous businesses using utilize bottleneck analysis, predictive analytics and the other techniques cited by the Petitioner.

In the present case, the Petitioner has not provided corroborating evidence, aside from claims in her statement and business plan coupled with articles regarding logistics and supply chains in the United States, that her company’s activities stand to provide substantial economic benefits to Massachusetts 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. Specifically, her business plan projects that her company will generate \$288,000 in salary to six employees and an annual payment of \$250,000 to federal and local governments; however, these projections are not supported by relevant or probative evidence, details showing their basis, or an explanation of how they will be realized, nor do they demonstrate a significant potential for job creation or substantial impact to the regional or national economy. The Petitioner also claims that her endeavor “is not limited to the direct impact it may have on specific areas of the economy; it also extends to the broader implications it has for the competitiveness of the United States on the global stage,” “has the potential to significantly improve the competitiveness of American companies,” and “has the potential to transform the way American companies manage their logistics operations.” However, broad statements and projections regarding the prospective role that her company will play in the U.S. economy and “global stage” do not demonstrate the prospective impact directly attributable to the Petitioner’s proposed endeavor or establish how her endeavor will impact the industry beyond her company’s customers and the operations of the business.

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. 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

² See Joseph Fuller, James O’Conor and Richard Rawlinson (May–June 1993). Tailored Logistics: The Next Advantage. *Harvard Business Review*, <https://hbr.org/1993/05/tailored-logistics-the-next-advantage> (highlighting the idea that tailoring logistics strategies offers a competitive advantage by focusing on specific customer needs and enhancing the overall customer experience).

would reach the level of “substantial positive economic effects” contemplated by *Dhanasar*. *Id.* Further, the Petitioner has not demonstrated that her business would benefit an economically depressed area. 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 company’s customers and the operations of the business.

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. Since the identified basis for denial is dispositive of the Petitioner’s appeal, we decline to reach and hereby reserve the Petitioner’s eligibility and appellate arguments under *Dhanasar*’s second and third prongs. *See INS v Bagamasbad*, 429 U.S. 24, 25 (“courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reached”); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

ORDER: The appeal is dismissed.