



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

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

In Re: 37098482

Date: MAR. 05, 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 the Petitioner qualified for classification as an advanced degree professional. However, the Director concluded that the proposed endeavor did not have substantial merit and national importance, the Petitioner was not well-positioned to advance her proposed endeavor, and 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.*

After reviewing the Petitioner's submission, we find that the Petitioner has established that her endeavor has substantial merit as it falls within the above-mentioned range of areas of substantial merit. However, we agree with the Director's determination that the Petitioner has not provided sufficient documentation or explanation to support her claim that her proposed endeavor has national importance.

The Petitioner asserts that her proposed endeavor is to serve as the chief executive officer/marketing consultant of a digital marketing company, to be based in [REDACTED] California. She further asserts that her company will "offer a comprehensive array of tailored solutions designed to empower small and medium-sized businesses in the United States, focusing on driving success, expanding sales, and fostering profitable growth," as well as "set new standards for the industry." She contends that her company will "also offer its services to Brazilian businesses interested in expanding their presence in the U.S. market," and as "Brazil is one of the most important trade partners to the United States, with proper marketing strategy implementation, businesses in the South American country would become even more interested in expanding into the U.S. market." In addition, she states that "the impact on my clients inherently carries broader benefits for the community and society at large. The success of other companies leads to increased employment opportunities, supports community development through local investments, and stimulates further economic activity." The Petitioner's business plan includes financial forecast data indicating that by its fifth year, her company will generate a total revenue of \$9.63 million in sales and "support the creation of 156 jobs, encapsulating both direct and indirect employment opportunities generated through the extended economic activity."

On appeal, the Petitioner asserts that the Director erred by misinterpreting the evidence in the record which "clearly outline[s] how the proposed venture will significantly contribute to job creation, economic growth, and advancements in the marketing industry." She states that "[t]he decision references various sections of my arguments and supporting documents only to assert that they are insufficient to demonstrate that the proposed endeavor meets the threshold of substantial merit and national importance. However, it fails to address or refute the comprehensive Business Plan submitted, which includes detailed financial projections, expansion strategies, marketing and sales

plans, and the financial resources necessary for implementation, as well as the potential clients we have already secured.”

The Petitioner relies primarily on the importance of the digital marketing industry for small and medium-sized businesses in the United States; 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 competent marketing consultants, especially for small and medium-sized businesses; however, merely working in an important field or profession is insufficient to establish the national importance of the Petitioner’s proposed endeavor.

In the present case, the Petitioner has not provided corroborating evidence, and the Petitioner’s claims in her statement and business plan coupled with articles regarding the digital marketing industry are not sufficient to demonstrate her endeavor has the potential to provide economic, societal, and security benefits to the United States. The Petitioner contends that her company, with a \$35,000 allocation of her personal funds, will have a total revenue of \$9.63 million in sales and support the creation of 156 jobs by the fifth year. However, these revenue and employment projections are not supported by details showing their basis or an explanation of how they will be realized, nor do they demonstrate a significant potential to either employ U.S. workers or to substantially impact the regional or national economy. In addition, we acknowledge that the record contains letters from various businesses indicating their intent to hire the Petitioner’s company to assist them in their digital marketing efforts.² However, 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 evidence in the record does not establish by a preponderance of the evidence – that it is more likely than not – that the Petitioner’s company will “elevate the marketing landscape across the United States setting new benchmarks of excellence for the entire industry,” or “be strategically positioned to catalyze significant advancements within the broader economic and business landscapes of the United States.” Generalized conclusory statements that do not identify a specific impact to the field and do not demonstrate the prospective impact directly attributable to the proposed endeavor have little probative value.³

We have also considered the Petitioner’s claim that her proposed endeavor will have ripple effects on the local or national economy. Specifically, the Petitioner claims that her business plan projects \$9.63

² The businesses include “an import and export company coupled with a grocery store and car business,” based in Texas; a “family-owned company based in [redacted] specialized in cleaning/painting, renovation, and janitorial contract services;” a Texas-based “general contractor specializing in interior and exterior painting and wall covering services;” and a construction management company based in Washington.

³ See *e.g., 1756, Inc. v. U.S. Att’y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

million sales revenue, which “according to RIMS II⁴ multipliers, is expected to produce a ripple effect throughout the local and national economy,” reflecting “a \$21.73 million increase in gross output within the region.” However, this claim is based upon the Regional Input-Output Modeling System, a regional economic model which is a tool used by investors, planners, and elected officials to objectively assess the potential economic impacts of various regional projects – not to assess the expected economic impact of a nascent marketing consulting business.

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.* 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.

⁴ The Regional Input-Output Modeling System (RIMS II), developed by the U.S. Bureau of Economic Analysis, is a regional economic modeling system used by local planners, investors, and policymakers which shows the goods and services produced by each industry and the use of these goods and services by industries and final users. The model produces multipliers that are used in economic impact studies to estimate the total impact of a project on a region.