



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

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

In Re: 37090024

Date: MAR. 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. *See* 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 record did not establish the national importance of her proposed endeavor; that she is well-positioned to advance the endeavor; or that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(K)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

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
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner, an entrepreneur, proposes to develop and act as chief executive officer of [REDACTED] a company that will “offer consultancy and communication advice focused on reputation, [s]pokesperson positioning . . . and [b]rand [b]uilding for CEOs, entrepreneurs, companies, of all sizes, traditional or startups.” [REDACTED] intends “to help companies achieve continuity, sustainability, and development through the humanization of the relationship between companies, brands, consumers, and investors around the US.”

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

A. Substantial Merit and National Importance

The first prong, 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 *Dhanasar*, we noted that “we look for broader implications” of the proposed endeavor and that “[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field.” *Id.* We also stated that “[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.

On appeal, the Petitioner asserts that in denying her petition, the Director incorrectly applied erroneous legal standards and failed to conduct a detailed review of the evidence. The Petitioner also asserts the Director mistakenly characterized her endeavor as “consulting,” even though her company also intends to provide “knowledge sharing, professional training, and research and publications.” However, in the denial decision, the Director cited to Petitioner’s counsel in expansively describing the Petitioner’s intent “to leverage the CEO, [REDACTED] expertise and knowledge to provide Small Medium Business (SMB) strategies to communicate better for all stakeholders (employees, investors, customers), helping

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).

them to develop, grow, and generate more jobs, taxes, and socio-economic benefits, gaining more competitiveness and efficiency, through humanization of companies, generation of empathy, more diverse, plural and inclusive.” After our review of the record, we concur with the Director that the Petitioner has not demonstrated the national importance of her endeavor.

The Petitioner asserts her endeavor has national importance as it aligns with the national goals of economic growth and corporate responsibility through its elevation of industry standards and businesses practices. The Petitioner also claims her endeavor has positive social impact by humanizing corporate communication, enhancing employer branding, improving community engagement, and “fostering a more inclusive and empathetic business environment.” In comparing herself, an entrepreneur, to a standard employee, the Petitioner contends she can have broader impact as an entrepreneur in developing [REDACTED] in this role, she will have the capacity to influence various businesses, clients, and industries simultaneously. In comparing herself to the petitioner in *Dhanasar*, the Petitioner asserts she has similar plans to engage in “knowledge transfer, technical advancements, and subjective benefits derived from the expertise of foreign professionals,” and “establish a company that disseminates knowledge and engages with society and professionals beyond traditional employment boundaries. . . unlike a teacher in a classroom.” However, while we acknowledge the importance of economic growth and corporate growth and responsibility, and additional fields impacted by the Petitioner’s endeavor, merely working in an important field is insufficient to establish the national importance of the proposed endeavor. The relevant question is not the importance of the field, industry, or profession in which the Petitioner may work; instead, we focus on “the specific endeavor that the foreign national proposes to undertake.” *Dhanasar* at 889. Here, the Petitioner’s asserts she plans to disseminate information through studies, publications, and media attraction, but she has not demonstrated these contributions or her company’s work would have broader implications for the relevant fields. Overall, she has not sufficiently demonstrated her endeavor will extend beyond her company’s clients’ interests in a manner that has national or global impact in these fields, or broader implications arising from the endeavor at a level commensurate with national importance.

The Petitioner asserts the Director inaccurately assessed the job creation potential of her endeavor and did not consider important contextual factors. Specifically, the Petitioner compares the EB-2 immigrant classification and national interest waiver to those of other employment classifications, asserting the requirements of other classifications should not be applied to her instant petition. The Petitioner references her business plan in claiming that within five years, her endeavor will result in the creation of 26 direct jobs and 98 indirect jobs in accordance with “RIMS II calculations.” Similarly, the Petitioner contends on appeal that the total payroll for [REDACTED] could amount to approximately 6.2 million dollars and tax revenue 930 thousand dollars, annually. However, the Petitioner has not submitted sufficient supporting evidence corroborating these projected employment and financial figures or established the significance of the data to show the endeavor would provide substantial economic benefits to the region or national economy more broadly. While the proposed endeavor may stimulate economic activity at some level, it is the Petitioner’s burden to demonstrate the economic effects of the proposed endeavor will be substantial and at a level commensurate with national importance. Overall, the Petitioner has not sufficiently demonstrated her proposed endeavor has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects beyond her company and clients, such that it would have broader implications for the United States.

B. Additional *Dhanasar* Prongs and Ineligibility

As our finding on this issue is dispositive of the Petitioner's appeal, we decline to reach and reserve whether the Petitioner has met the additional prongs of the *Dhanasar* framework. See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to reach"); 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).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude the Petitioner has not demonstrated eligibility for or otherwise merits a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.