



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

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

In Re: 29808518

Date: FEB. 23, 2024

Appeal of Nebraska Service Center Decision

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

The Petitioner, a soccer coach, 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 EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Nebraska Service Center denied the petition, concluding that the Petitioner qualified for classification as a member of the professions holding an advanced degree, but that he 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.

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 demonstrate qualification 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. While neither the statute nor the pertinent regulations define the term “national interest,” *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<sup>1</sup>, grant a national interest waiver if the petitioner demonstrates that:

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<sup>1</sup> *See also Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS’ decision to grant or deny a national interest waiver to be discretionary in nature).

- 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.

## II. ANALYSIS

The Director found that the Petitioner qualifies as a member of the professions holding an advanced degree. 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 the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework.

With respect to his proposed endeavor, the Petitioner indicated that he intends to continue to work as Head Soccer Coach at [REDACTED] a company he established in 2021. He asserted that [REDACTED] “works with students of different ages, providing physical training, and works on their technique and understanding of the game, to improve their skills and overall results in different tournaments.” The Petitioner further stated that his “goals are to improve the quality of U.S. soccer; to increase the quality of life of my students/players/ and of the population in general; and to promote a healthier lifestyle.” In response to the Director’s request for evidence (RFE), the Petitioner explained that his proposed endeavor’s duties and responsibilities include “designing training programs, coaching athletes in the fundamentals of the sport, organizing soccer camps and boot camps, and international exchange (training and tournaments).”

In addition to company formation and operation documents, the Petitioner submitted the business plan for [REDACTED]. This business plan includes industry and market analyses, information about the company and its sports services, financial forecasts and projections, marketing strategies, a discussion of the Petitioner’s education and work experience, and a description of company personnel. Regarding future staffing, the Petitioner’s business plan anticipates that his company will employ 4 personnel in year one, 6 in year two, 8 in year three, 12 in year four, and 20 in year five, but he did not elaborate on these projections or provide evidence supporting the need for these additional employees. Furthermore, while his plan offers revenue projections of \$340,900 in year one, \$473,851 in year two, \$653,914 in year three, \$915,480 in year four, and \$1,299,982 in year five, these projections are not supported by details showing their basis or an explanation of how they will be achieved.

The record includes information about soccer’s health benefits, coaching and scouting occupations, “Healthy People” objectives, physical activity guidelines, the U.S. Department of Health and Human Service’s “National Youth Sports Strategy,” and U.S. demographics and statistics for head coaches. In addition, the Petitioner provided articles discussing college-going benefits of high school sports participation, factors relating to healthy development for children and adolescents, the International Sports Programming Initiative, and the contribution of sports to the achievement of sustainable global development and peace. We agree with the Director that the submitted documentation establishes the Petitioner’s endeavor has substantial merit. In determining national importance, however, the relevant question is not the value of youth sports, physical activity, or the Petitioner’s general occupation; instead, we focus on the “the specific endeavor that the foreign national proposes to undertake.” See *Dhanasar*, 26 I&N Dec. at 889. The Petitioner must still demonstrate the potential prospective impact of his specific proposed endeavor.

Furthermore, the Petitioner provided letters of support from S-L-L-, M-J-R-, M-S-, A-N-S-, L-Y-, F-A-, A-C-, M-M-, E-B-, A-M-, J-P-, L-P-, A-A-, D-W-, L-G-, T-W-, E-W, J-S-, M-A-B-, L-M-, J-M-, L-D-, S-T-, N-H-, L-H-, A-P-, D-B-, L-S-, P-S-, J-M-, C-M-, S-B-, H-W-, P-W-, F-G-, J-A-, V-S-, and S-R-M- discussing his coaching capabilities and experience. The Petitioner’s skills, knowledge, and prior work in his field, however, 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 he proposes to undertake has national importance under *Dhanasar*’s first prong.

The Petitioner also submitted “Expert Opinion Letters” from Dr. A-J-R-, a lecturer at [redacted] Dr. J-E-, an adjunct professor at [redacted] K-M-, Vice President of the [redacted] [redacted] and Dr. D-S-A-, a clinical associate professor at [redacted] in support of his national interest waiver. Dr. A-J-R-, Dr. J-E-, K-M-, and Dr. D-S-A contend that the Petitioner’s proposed work is of national importance because of the value of physical activity, the popularity of soccer, the projected U.S. job demand for coaches and physical educators, an ineffective soccer player development system in our country, and the U.S. childhood obesity epidemic. The issue here, however, is not the national importance of physical activity in general, the sport of soccer, the U.S. player development system, or the occupation in which the individual will work; instead we focus on the “the specific endeavor that the foreign national proposes to undertake.” *Id.* at 889. The letters from Dr. A-J-R-, Dr. J-E-, K-M-, and Dr. D-S-A- do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Petitioner’s specific proposed work as a soccer coach and sports consulting business operator offers broader implications in his field, enhancements to U.S. societal welfare, contributions to public health, or substantial positive economic effects for our nation that rise to the level of national importance.

In the decision denying the petition, the Director determined that the Petitioner had not established the national importance of his proposed endeavor. The Director stated that the Petitioner had not demonstrated that his undertaking “has the potential to create a significant economic impact” or offers “broader implications” in his field. The Director also indicated that the Petitioner had not shown his proposed work “has significant potential to employ U.S. workers” or “will broadly enhance societal welfare.”

On appeal, the Petitioner contends that his proposed endeavor “offers specialized services that transcend the conventional boundaries of coaching” and that [t]hese services stand to benefit not just individual players, but the sports community and, by extension, the nation.” The Petitioner, however, has not provided evidence demonstrating that his company’s services stand to offer benefits beyond the youth and athletes participating in his specific sports programs.

The Petitioner also asserts that “his specialized knowledge in injury prevention and rehabilitation embedded within soccer training is unique and fills a crucial gap in the sports industry,” but the first prong of the *Dhanasar* framework focuses on the proposed endeavor; not on the Petitioner’s specialized knowledge in his field. The national importance of the Petitioner’s proposed endeavor stands separate and apart from his education, skills, and knowledge.<sup>2</sup>

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<sup>2</sup> See *Dhanasar* at 899-90.

In addition, the Petitioner argues that “the remote services his company plans to offer could revolutionize soccer training across the country, democratizing access to high-quality coaching,” The Petitioner also claims that “the educational opportunities [he] offered through scholarships will significantly impact the broader social fabric. By giving financially disadvantaged young players a chance at higher education, he is effectively contributing to breaking the cycles of poverty and inequality on a larger scale.” Again, the Petitioner has not offered supporting evidence indicating that the benefits of his undertaking extend beyond the participants in his company’s specific athletic programs and sports services at a level indicative of national importance.

Furthermore, the Petitioner points to his plan to organize “soccer tournaments in the U.S. aimed at uplifting the standard of the sport within the country. By offering U.S. teams the opportunity to compete with international teams, he is contributing to improving the quality of soccer in America, thereby strengthening its international standing in the sport.” The record, however, does not include evidence indicating the size and scope of these proposed soccer tournaments.

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 focus on the “the specific endeavor that the foreign national proposes to undertake.” *See Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we further 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.

To evaluate whether the Petitioner’s proposed endeavor satisfies the national importance requirement we look to evidence documenting the “potential prospective impact” of his work. While the Petitioner’s statements reflect his intention to offer soccer training and sports injury rehabilitative services to his company’s clientele, he has not offered sufficient information and evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. For example, he has not demonstrated that his involvement as a sports program coordinator and soccer coach stands to affect U.S. soccer or public health interests at a level consistent with having national importance. Nor has he shown that his proposed endeavor is at a level that would offer national implications in his sport, or that the implications of such work otherwise stand to impact his field more broadly. In *Dhanasar*, we determined that the petitioner’s teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. Here, we conclude the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond his company’s programs and their participants to impact his sport, public health, societal welfare, U.S. cultural interests, governmental initiatives, or our country’s economy more broadly at a level commensurate with national importance.

Furthermore, the Petitioner has not shown that the specific endeavor he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Specifically, he has not demonstrated that his company’s future staffing levels and business activity stand to provide substantial economic benefits in Arizona or the United States. While

the Petitioner claims that his company has growth potential, he has not presented evidence indicating that the benefits to the regional or national economy resulting from his undertaking would reach the level of “substantial positive economic effects” contemplated by *Dhanasar*. *Id.* at 890. In addition, although the Petitioner has asserted that his endeavor will create new job opportunities, he has not offered sufficient evidence that his proposed work offers Arizona or the United States a substantial economic benefit through employment levels, tax revenue, or business activity.

Because the documentation in the record does not establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner’s appeal, we decline to reach and hereby reserve the appellate arguments regarding his eligibility under the third prong outlined in *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they 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 that he has not established he is eligible for or otherwise merits 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.