



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

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

In Re: 34674650

Date: NOV. 21, 2024

Appeal of Nebraska Service Center Decision

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

The Petitioner, a business and hospitality management specialist, 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 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 the Petitioner 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 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. While neither the statute nor the pertinent regulations define the term “national interest,” *Matter of Dhanasar*, 26 I&N Dec. 884 (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:

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v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS’ decision to grant or deny a national interest waiver is discretionary in nature).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

Id.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. See *id.* at 888-91 for elaboration on these three prongs.

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 of a labor certification, would be in the national interest. For the reasons discussed below, the Petitioner has not established that a waiver of the requirement of a job offer is warranted.

The Petitioner described the proposed endeavor as a plan “to work in the United States as a Tourism and Hospitality Management Specialist in the hospitality industry.” The Petitioner did not clarify whether she intends to work for an existing employer or she would found her own company. However, she generally referenced prospectively “working with international hotel chain management and guests,” suggesting that her plan entails working at an unspecified international hotel chain. She added that she “intend[s] to share my industry knowledge related to innovative technologies, services and processes, safety protocols, staff recruiting and retention, training, sales strategies, development of partnerships, contracts, negotiations, and cutting-edge technology applications for hotels.” The Petitioner summarized her prior academic and employment experience, and she provided generalized information regarding the hospitality industry and business administration.

We note that, in a personal statement dated October 2023 submitted in response to the Director's request for evidence (RFE), the Petitioner asserted, “In my consultancy role, I assist small hotels in improving their online presence and sales strategies,” seeming to discuss her employment at that time in the present tense. However, the Petitioner also submitted a résumé in response to the Director's RFE, indicating that her most recent employment was with [REDACTED] between “08/2021-09/2023,” omitting an explanation for the “consultancy role” the Petitioner asserted she performed thereafter in October 2023. Moreover, the Petitioner's personal statement did not elaborate on the apparently current consultancy role she generally stated she performed. Because the Petitioner's résumé does not support her assertion in the October 2023 personal statement regarding an unspecified “consultancy role” at that time, the reliability and sufficiency of her personal statement specifically, and of the record in general, is undermined. See *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988) (providing that doubt cast on any aspect of a petitioner's proof may undermine the reliability and sufficiency of the remaining evidence offered in support of the visa petition).

The Director concluded the proposed endeavor has substantial merit as required, in part, by the first *Dhanasar* prong. *See id.* at 889-90. The Director acknowledged that the Petitioner summarized her prior academic and employment experience, and that she provided generalized information regarding the hospitality industry and business administration, including in opinion letters. However, the Director observed that the Petitioner’s references to innovations “do[] not demonstrate the innovations the [Petitioner] states their endeavor will achieve are not readily being applied as current practices or that these innovations are specific to the [Petitioner] and technology the [Petitioner] has created specific to the endeavor.” The Director also noted that “the record does not include sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to the [Petitioner’s] work as a tourism & hospitality management specialist.” The Director further observed that the generalized information in the record regarding the hospitality industry and business administration “discuss the industry in broad terms and do[] not specifically discuss the [Petitioner] or their endeavor to determine [its] national importance.” Based on those and similar reasons stated in the underlying decision, the Director concluded the record does not establish the proposed endeavor has national importance, as required by the first *Dhanasar* prong. *See id.* Although the Director denied the Form I-140, Immigrant Petition for Alien Workers, the Director concluded that the record satisfied the second *Dhanasar* prong; however, the Director also concluded that the record does not satisfy the third *Dhanasar* prong. *See id.* at 888-91 for elaboration on these three prongs.

On appeal, the Petitioner clarifies that, despite her prior references to consultancy and entrepreneurship, “her intent is not to pursue an entrepreneurial venture but to contribute as a subject matter expert within established hospitality organizations.” She generally reasserts on appeal that her “proposed endeavor aims at repositioning the U.S. hospitality industry, making it more robust, adaptable, and primed for growth in the post-pandemic era.” She states that two opinion letters and generalized “articles and reports” in the record demonstrate the proposed endeavor has national importance. She also discusses her prior academic and employment experience.

In determining national importance, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on “the specific endeavor that the [noncitizen] proposes to undertake” and “we consider its potential prospective impact,” looking for “broader implications.” *Id.* at 889. *Dhanasar* provided examples of endeavors that may have national importance, as required by the first prong, having “national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances” or those with “significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area.” *Id.* at 889-90.

We first note that the Petitioner’s references to her prior academic and employment experience are material to the second *Dhanasar* prong—whether an individual is well positioned to advance a proposed endeavor. *See id.* at 888-91. However, an individual’s prior academic and employment experience are immaterial to the issue of whether the potential prospective impact of the specific endeavor an individual proposes to undertake may have broader implications indicative of national importance, as required by the first *Dhanasar* prong. *See id.* Because the Petitioner’s prior academic and employment experience are immaterial to the issue of whether the potential prospective impact of the specific endeavor she proposes to undertake may have national importance, and because that issue is dispositive, we need not address them further.

Relatedly, the Petitioner's references on appeal to "articles and reports" providing information in the record regarding the hospitality industry and business administration also are immaterial to determining whether the specific endeavor the Petitioner proposes to undertake may have national importance. The generalized "articles and reports" in the record do not address the Petitioner, the specific endeavor she proposes to undertake, and how the potential prospective impact of the specific endeavor she proposes to undertake may have broader implications indicative of national importance. *See id.* at 889-90. For example, the generalized information does not explain how the specific endeavor the Petitioner proposes to undertake may have national or even global implications within the field of hospitality, business administration, or any other field, such as those resulting from certain improved manufacturing processes or medical advances. *See id.* As another example, the generalized information in the record does not discuss how the specific endeavor the Petitioner proposes to undertake may have significant potential to employ U.S. workers or other substantial positive economic effects. *See id.* Because the generalized "articles and reports" in the record regarding the hospitality industry and business administration are immaterial to determining whether the specific endeavor the Petitioner proposes to undertake may have national importance, as required by the first *Dhanasar* prong, and because that issue is dispositive, we need not address them further.

We acknowledge that the opinion letters in the record referenced by the Petitioner on appeal contain conclusory statements serving as section headers, such as "[The Petitioner's] Endeavor Is Of Substantial Merit And National Importance," and "[The Petitioner's] Endeavor Has A National And Even Global Impact." However, despite referencing the Petitioner in the section headers, the substance of both opinion letters' bodies do not support the conclusory statements serving as section headers. Rather, the bodies of the opinion letters discuss generalized information regarding "the economic impact of the travel and tourism industry," "[t]he primary way e-commerce will affect the economy," "the hospitality industry as a whole," "the hospitality sector," "the lodging sector," and similarly broad topics attenuated from the Petitioner and the specific endeavor she proposes to undertake. The opinion letters do not specifically address how the Petitioner's proposed endeavor may have national or even global implications within the field of hospitality or any other field, significant potential to employ U.S. workers or other substantial positive economic effects, or other indicia of national importance, as contemplated by the first *Dhanasar* prong. *See id.* Because the opinion letters do not support their conclusory statements with supporting information material to the issue of whether the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance, they do not support the conclusion that the proposed endeavor may have national importance, as contemplated by the first *Dhanasar* prong.

Although the record does not establish the "established hospitality organizations" within which the Petitioner she aspires to work, it establishes that the proposed endeavor may benefit those unspecified hospitality organizations, their business partners, and their clients, customers, and guests. However, the record does not establish how the potential prospective impact of the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance, as contemplated by the first *Dhanasar* prong. For example, although the record generally discusses types of innovations within the fields of hospitality and business administration, the record does not establish any particular innovation the specific endeavor the Petitioner proposes to undertake may have, distinguishable from current practices and trends within the fields of hospitality, business administration, or any other field. Moreover, even if the record established how the Petitioner's proposed endeavor may create a particular innovation, the record does not establish how such an

innovation would have national or even global implications within the field of hospitality, business administration, or any other field. *See id.* As another example, although the record provides generalized assertions regarding labor shortages and employment, the record does not specify any number of workers the Petitioner believes the specific endeavor she propose to undertake will cause her employer(s)—or any other entity—to hire, the jobs those workers would be performed, the wages the employer(s) would pay those workers, and other information that would address whether the proposed endeavor may have significant potential to employ U.S. workers or other substantial positive economic effects. *See id.*

In summation, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, she is not eligible for a national interest waiver. We reserve our opinion regarding whether the record satisfies the second or third *Dhanasar* prong. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make “purely advisory findings” on issues that are unnecessary to the ultimate decision); *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 the Petitioner has not established eligibility for, or otherwise merits, a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.