



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

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

In Re: 28051191

Date: SEPT. 8, 2023

Appeal of Texas Service Center Decision

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

The Petitioner, a public policy consultant, 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 Texas Service Center denied the petition, concluding that the Petitioner qualified for classification as a member of the professions holding an advanced degree, but that she 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:

- The proposed endeavor has both substantial merit and national importance;

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<sup>1</sup> *See also Poursina v. USCIS*, 936 F.3d 868 (9th Cir. 2019) (finding USCIS’ decision to grant or deny a national interest waiver to be discretionary in nature).

- 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 her proposed endeavor under the first prong of the *Dhanasar* analytical framework.

With respect to her proposed endeavor, the Petitioner initially indicated that she intends to continue to work as a public policy consultant in “the field of international development . . . helping developing and poor countries.” She asserted that she planned to work “directly with organizations and think tanks supporting and promoting economic prosperity in poor countries.” The Petitioner further stated:

At the present time, my primary objective is to . . . contribute to the support of long-term stability and prosperity in poor countries. To this end, I see myself working as a practitioner in international organizations or influential think tanks / consulting firms with a global focus aimed to support developing countries through designing and implementing assistance programs. My particular interest is to work on the programs focused on the Eurasian region (including Central Asia, Post-Soviet Countries, Eastern and Western Europe), where my knowledge of local context and expertise can be invaluable, particularly in building partnership and defining priority areas.

The Petitioner further noted that because “[redacted] of the United States and the nation’s epicenter of global policy making and advocacy,” continuing her work in that city “will contribute to the advancement of economic development in the United States and the world at large, as well as the success of U.S. foreign policy in Central Asia, Commonwealth of Independent States, and the rest of the developing world.”

In addition, the Petitioner discussed a project she worked on in Kazakhstan from 2018 until 2019 providing “technical assistance in the development and implementation of cluster policy in the country.” The Petitioner claimed that “the main outcomes of the 2-year project could be resumed as follows: 6 territorial clusters in 6 different regions and priority sectors were designed and launched, a legal framework for a cluster policy is developed and implemented, a cluster development action agenda is developed with detailed policy recommendations for further development and implementation of national cluster strategy was developed.”<sup>2</sup> While the Petitioner indicated that the “outcomes of the 2-year project could be resumed,” she did not state that she planned to engage in this particular project in Kazakhstan or provide supporting evidence relating to her future involvement in the project.

In response to the Director’s request for evidence (RFE), the Petitioner reiterated that her proposed endeavor involves working as a public policy consultant. She further stated:

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<sup>2</sup> The record does not include evidence from the World Bank or the Ministry of Finance of the Republic of Kazakhstan inviting the Petitioner to continue her work on this project.

Regarding my specific plans as a consultant in the United States, I intend to continue working in the fields of international development, focusing on developing regions, namely, Central Asia, Post-Soviet States, Latin America, and some European countries (including Eastern Europe).

I intend to achieve my professional goals either by getting a consultant job in international organizations, consulting firms, or influential think tanks engaged in the implementation of U.S. foreign assistance programs. Or, by opening a project consulting firm to provide the same type of policy consulting services to organizations and firms as a consultant instead of an employee.

I have started my consulting firm [redacted] specialized in policy and market analysis in emerging markets and developing countries. So far, I am already working with my first client on the analysis of developing countries to identify potential opportunities to expand his business. Similarly, I have received a letter of interest from U.S. company interested in entering new markets, yet lacking information about their target markets, opportunities and potential risks. Therefore, I am confident that by working as an independent consultant, I will continue contributing to U.S. interests, firstly, by helping U.S. firms to explore opportunities and to build partnerships with the private sector and local organizations in developing countries.

Either way, through my work for various organizations and firms implementing assistance and support programs or as an independent consultant working with individual firms, I will still contribute to the economic growth in developing countries, and therefore, I will support U.S. prosperity and security objectives.

The Petitioner provided recommendation letters from colleagues who discuss her knowledge and experience in international development and her foreign consulting projects. For example, Dr. C-R-G-, Professor of Economics at University [redacted] and the Petitioner's former research supervisor and coauthor, stated that the Petitioner's "work on the constraints upon economic growth in the Kyrgyz Republic as well as her other publications were used by USAID in the Kyrgyz Republic." He further indicated that the Petitioner's "work on regional development based on clusters in livestock in the Kyrgyz Republic was helpful in developing the project promoted by the Ministry of Food, Agriculture and Livestock of Turkey and Food and Agricultural Organization of United Nations." In addition, the Petitioner presented letters from three prospective clients ([redacted] [redacted] [redacted]) reflecting interest in utilizing her consulting services. The Petitioner's skills, knowledge, and prior work in her field, as well as interest from potential customers, 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 she proposes to undertake has national importance under *Dhanasar*'s first prong. The letters from Petitioner's colleagues and prospective clients do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that her specific proposed work as public policy consultant offers broader implications in the field of international development or substantial positive economic effects for our nation that rise to the level of national importance.

The record also includes information about the U.S. foreign policy dilemma in Central Asia, North Atlantic Treaty Organization (NATO) membership, NATO expansion and countries seeking membership, and signatories of NATO's Partnership for Peace framework document. In addition, the Petitioner provided articles discussing the U.S. Department of State's Strategy for Central Asia, the Biden Administration's Interim National Security Strategic Guidance, and NATO's relations with Central Asia. The record therefore supports the Director's determination that the Petitioner's proposed endeavor has substantial merit.

In the decision denying the petition, the Director determined that the Petitioner had not established the national importance of her proposed endeavor. The Director stated that the Petitioner had not shown that her undertaking "stands to sufficiently extend beyond her consulting firm to impact her field . . . more broadly at a level with national importance." Additionally, the Director indicated that the Petitioner had not demonstrated that her proposed endeavor "has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation."

On appeal, the Petitioner argues that her proposed endeavor stands to "increase ties with Central Asian countries" through fostering "U.S. companies' economic activity" in those nations and affecting "U.S. relations in those areas." She states that "having a consultant in the U.S. that will allow U.S. companies to not only get into other countries but succeed and prosper there, as well as meet relevant international agreements on the environment and employee relations, is clearly in the national interests of the U.S."<sup>3</sup> The Petitioner also indicates that her undertaking will "help poor underdeveloped countries have the resources and opportunities needed to build better lives for their future citizens." In addition, she asserts that "the implications of working with U.S. companies to get them deals with the governments of Georgia, Kazakhstan, Uzbekistan, etc. does have global implications as it ties these countries more closely with the U.S., both [*sic*] economically, politically, and security wise." The Petitioner further contends that "[t]he U.S. relies on people such as [the Petitioner] to ease the way for U.S. companies to gain access to these countries."

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.

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<sup>3</sup> The appeal brief claims that the Petitioner "has not only (and will not only) be doing direct economic development work, but also writing about and publishing about her findings and work as she has in the past." The Petitioner's publication record relates 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 she proposes to undertake has national importance under *Dhanasar*'s first prong. Neither of the Petitioner's signed personal statements offered initially or in response to the Director's RFE stated that she plans to publish her work. Further, the evidence indicates that the Petitioner has not published any findings since coauthoring a paper with her research supervisor (Dr. C-R-G-) in 2018.

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of her work. While the Petitioner's statements reflect her intention to provide valuable international development consulting services, she has not offered sufficient information and evidence to demonstrate that the prospective impact of her proposed endeavor rises to the level of national importance. 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 her proposed endeavor stands to sufficiently extend beyond her future U.S. employer or consulting clientele to impact her field or U.S. economic and security interests more broadly at a level commensurate with national importance.

Furthermore, the Petitioner has not demonstrated that the specific endeavor she proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to her future work, the record does not show that benefits to the regional or national economy resulting from the Petitioner's international development projects would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. Accordingly, the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework.

Because the documentation in the record does not establish the national importance of her 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 her 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 she has not established she 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.