



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

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 26913611

Date: JUNE 16, 2023

Appeal of Texas Service Center Decision

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

The Petitioner, a bilingual content analyst, seeks classification as a member of the professions holding an advanced degree. Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. See section 203(b)(2)(B)(i) of the Act, 8 U.S.C. § 1153(b)(2)(B)(i). U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so.

The Director of the Texas Service Center denied the petition, concluding that the record did not establish that the Petitioner is eligible for or otherwise merits a national interest waiver as a matter of discretion. The matter is now before us on appeal. 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 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. Once a petitioner demonstrates eligibility as either a member of the professions holding an advanced degree or an individual of exceptional ability, they must then establish that they merit a discretionary waiver of the job offer requirement “in the national interest.” *Id.*

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 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;
- 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 Petitioner proposes to work in the United States as a bilingual content analyst. The Petitioner earned a master's degree in international studies from [REDACTED] University in [REDACTED] NC in 2021, and then worked in the United States for [REDACTED] as a bilingual content reviewer. We agree with the Director that the Petitioner established her eligibility as a member of the professions holding an advanced degree.

However, the Director concluded the Petitioner did not establish that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. The Director found that while the Petitioner demonstrated the proposed endeavor has substantial merit, she “has not established that the proposed endeavor is of national importance,” as required by the first Dhanasar prong. The Director further found that the record does not satisfy the second or third Dhanasar prongs. Upon de novo review, we agree with the Director's determination that the Petitioner did not demonstrate that a waiver of the labor certification would be in the national interest.

The first prong of the Dhanasar analytical framework, substantial merit and national importance, focuses on the specific endeavor that a petitioner 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. Matter of Dhanasar, 26 I&N Dec. at 889. If the Petitioner does not meet the first prong, the evidence is dispositive in finding the Petitioner ineligible for the national interest waiver, and we need not address the second and third prongs.

The Petitioner submitted a statement with her Form I-140 indicating that she intended to keep her current job at [REDACTED] and stated, “Obtaining permanent residence in the United States will increase my work opportunities. . . . I am currently on a temporary work visa that cannot be renewed and am [sic] not being sponsored. I was told many times my performance and resume looked great, but the companies were not available to sponsor me at that time, so that made them decline many opportunities that I was a good fit for it.” The Petitioner explained the United States has a need for bilingual workers and submitted a job offer letter from her current employer and a letter of support from her supervisor.

In her reply to a request for evidence, the Petitioner further described her proposed endeavor as “a linguistics/languages worker” with potential “employment in both the public and private sectors, in fields like translation, technical writing, forensic science, and even the military, and also be self-employed as a freelancer in translation and linguistic proofreading and editing.” The Petitioner

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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).

submitted a statement and a business plan describing her skills and career goals, including “I want to advance my career in translation and linguistics services”, her attaining certification with the American Translators Association, and her completing a “PhD in translation and interpretation studies”. The Petitioner also describes how language services are provided to companies, stating “[t]he main employers in the language sector are language service providers and contract language providers.” The business plan generally explains that her services in the linguistics-language industry would add value and profitability to businesses, “to help businesses thrive economically by working with external vendors and internal stakeholders to provide timely and market-appropriate localized products in a target language.”

The Director found that the Petitioner’s proposed endeavor has substantial merit, but not national importance. On appeal, the Petitioner argues that she clearly stated her proposed endeavor working in the linguistics-language field and is “willing to bring national and global implications to that field.” She reiterates that her work will benefit the U.S. economy contending the evidence submitted with her petition and in her reply to the request for evidence establishes national importance.

We agree with the Director’s determination that the Petitioner’s proposed endeavor has substantial merit. We note that the Petitioner’s proposed endeavor included personal goals, such as completing her education and obtaining lawful permanent resident status. We make no determination on those goals. However, we find her proposal to provide linguistic and translation services to businesses to have substantial merit and will limit our analysis to that portion of her proposed endeavor.

When determining whether a proposed endeavor would have national importance, the relevant question is not the importance of the industry or profession where a petitioner will work, but the specific impact of that proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 889-890. *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” and endeavors that have broader implications, such as “significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area.” *Id.*; see generally 6 USCIS Policy Manual F.5(D)(I), <https://www.uscis.gov/policy-manual>. While the Petitioner’s business plan expresses her desire to contribute to the U.S. economy and communities, she has not established with specific, probative evidence that her endeavor will have broader implications on the linguistics-language industry and extend beyond the company she works for or her potential business’s clients. Further, the record does not include any other documentary evidence to support the Petitioner’s claims of benefit to the local or national economy.

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address her eligibility under the second and third prongs and we hereby reserve them. 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”). The petition will remain denied.

### III. CONCLUSION

The Petitioner has not met the requisite first prong of the Dhanasar analytical framework. As such, we conclude that she has not established that she is eligible for or otherwise merits a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.