U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42456286

Date: APR. 1, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary, a financial investor, 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).

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish the Beneficiary's eligibility for the EB-2 classification as a member of the professions holding an advanced degree. In addition, SCOPS determined that the Petitioner did not establish that the Beneficiary merits a waiver of the EB-2 classification's job offer requirement, and thus of the 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: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

II. ANALYSIS

A. EB-2 Classification

SCOPS found that the Beneficiary did not qualify for the underlying EB-2 classification as a member of the professions holding an advanced degree. However, as the resolution of the issues pertaining to the Petitioner's eligibility for a national interest waiver under the *Dhanasar* analytical framework is dispositive of this appeal, we will reserve consideration of the Petitioner's eligibility for the requested EB-2 category. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

B. National Interest Waiver

SCOPS found that the Petitioner did not establish the Beneficiary's eligibility for a national interest waiver under all three prongs of the *Dhanasar* analytical framework. Specifically, SCOPS found the Petitioner had not established the substantial merit or national importance of the Beneficiary's proposed endeavor, that the Beneficiary is well positioned to advance the proposed endeavor, and that, on balance, waiving the job offer requirement would be beneficial to the United States. For the reasons discussed below, we agree with SCOPS that the Petitioner has not shown the proposed endeavor's national importance under *Dhanasar's* first prong and, therefore, is not eligible for a national interest waiver. Accordingly, we will dismiss the appeal.

The Beneficiary claims that she is a compliance and financial governance expert with almost 20 years of experience in securities regulation, risk management, private equity, and cross-border investment. Her past positions include roles as an attorney, auditor, compliance manager, and risk manager, as well as various executive positions including vice president and president of her employing companies.

The Beneficiary states her proposed endeavor is to establish an asset investment management and compliance advisory firm, [redacted] through which she will "provide American enterprises with advanced compliance and risk-control strategies across traditional securities, futures, and emerging crypto assets, while also facilitating lawful and transparent capital flows between the United States and China." Her company will focus on four core service areas: securities, futures, and capital market compliance consulting; cryptocurrency and digital financial risk management; cross-border investment structuring and risk mitigation; and corporate governance, internal control, and ESG coordination. She states her company will offer its services to small and medium-sized businesses in the U.S., fintech startups, and cross-border investment companies.

[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).

In concluding the Beneficiary's endeavor did not satisfy *Dhanasar's* first prong, SCOPS found that the Petitioner did not submit sufficient evidence to show the proposed endeavor's substantial merit or demonstrate how the Beneficiary's work would sufficiently extend beyond her company, future clientele, or business partnerships to impact the field, economy, or nation more broadly at a level commensurate with national importance.

On appeal, the Petitioner generally asserts that SCOPS erred in their decision. He contends that the endeavor will "benefit the entire American financial investment community by facilitating and promoting their business investment in China" and "substantially assist American firms doing business in China, which is of US national importance." The Petitioner also claims that, in addition to the Beneficiary's initial investment, the Beneficiary plans to invite more investors to expand her consulting firm, which will create more job opportunities for American workers.

Upon review of the record, we conclude the record supports the proposed endeavor's substantial merit and will withdraw SCOPS' determination on this issue. However, we agree with SCOPS' conclusion that the Petitioner has not demonstrated the proposed endeavor's national importance and, thus, has not shown the Beneficiary satisfies *Dhanasar's* first prong.[2]

In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. 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.

Contrary to the Petitioner's arguments on appeal, the evidence submitted, including the Petitioner's career plan, support letters, and industry articles, is not sufficient to demonstrate that the proposed endeavor's prospective impact rises to the level of national importance. In particular, the documents in the record do not adequately detail how the consulting firm will have a broader impact on the field beyond the company and individual clients it will serve.

For instance, the Beneficiary broadly claims that her company will benefit the local economy by creating job opportunities for compliance professionals, increasing local enterprises' tax contributions, and enhancing the transparency of financial transactions in traditional and digital asset markets. She also claims it will support the broader national interests of the U.S. in areas such as financial security, investor protection, and sustainable economic growth. Despite these claims, however, the Petitioner has not offered sufficient, specific evidence establishing the alleged economic impact directly attributable to the Beneficiary's future work.

Although the Petitioner provided the Beneficiary's "Career Plan" outlining various financial projections, he has not explained in detail how these forecasts were calculated or how its projections

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

will be realized. He also has not offered supporting evidence corroborating the assertions and figures in the plan.

Moreover, even if these projections were accurate, we would still conclude that the Petitioner has not adequately demonstrated how the proposed endeavor would generate such significant economic activity that it rises to the level of "substantial positive economic effects" as contemplated by *Dhanasar*. For example, although the plan forecasts revenue of $90,000 to $110,000 in the first year, increasing to $900,000 to $1 million by the fifth year, as well as tax contributions over $280,000 by the fifth year, he did not establish the significance of this data to show that the benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. Similarly, even though the plan estimates the company will create three to four jobs in the first year of operation, increasing to 20 jobs by the fifth year, the Petitioner did not demonstrate the relevance of these numbers and show that such future staffing levels would provide substantial economic benefits to New York, where the company will be headquartered, or the U.S. economy more broadly at a level commensurate with national importance. The Petitioner, for instance, did not establish that such employment figures would utilize a significant population of workers in the area or would substantially impact job creation and economic growth, either regionally or nationally. While any basic economic activity has the potential to positively impact the economy, the Petitioner has not offered a sufficiently direct connection between the Beneficiary's proposed endeavor and any demonstrable economic effects either regionally or nationally. As such, the record does not sufficiently demonstrate that, beyond the limited benefits provided to its prospective clients and employees, the Beneficiary's proposed endeavor would have broader implications rising to the level of national importance.

The Petitioner also broadly claims on appeal that the proposed endeavor "will benefit the entire American financial investment community by facilitating and promoting their business investment in China via nationwide seminars, conferences, and implementation of media technologies such as short-video." But beyond this vague statement, the Petitioner has not adequately explained, and the record does not show, how these activities would sufficiently extend beyond the individuals attending these events or engaged with these "media technologies" to affect the field, region, or nation more broadly at a level commensurate with national importance. *See id.* at 893 (finding 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).

The Petitioner also contends that the Beneficiary's proposed endeavor is nationally important because "[t]he economy is inherently of substantial merit and national significance as it is the foundation of almost everything else." The Petitioner asserts that "[w]ith a prosperous economy, we can build better transportation systems, provide quality education, improve medical care, promote technology breakthroughs, adopt environmentally friendly policies and elevate overall living standard and quality." But these claims linking the Beneficiary's proposed endeavor to these impacts are too attenuated and lack sufficient corroborating evidence to show the proposed endeavor's prospective impact. General conclusory statements without a sufficiently direct evidentiary tie between the proposed endeavor and the claimed impacts are insufficient. Again, the Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Likewise, the Beneficiary's support letters also add little probative value in establishing her eligibility under *Dhanasar's* first prong. While the authors laud the Beneficiary's skills, personal attributes, and past accomplishments, these are factors which relate more to the second prong. When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Matter of Dhanasar*, 26 I&N Dec. at 889. As the letters do not discuss the Petitioner's specific proposed endeavor or impact thereof, they provide little relevant information in establishing how the proposed endeavor rises to the level of national importance.

Because the documentation in the record does not sufficiently establish the national importance of the proposed endeavor as required by *Dhanasar's* first prong, the Petitioner has not demonstrated the Beneficiary's eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether the Petitioner has established the Beneficiary's eligibility for the underlying EB-2 classification, as well as eligibility under the remaining two *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

As the Petitioner has not shown that the proposed endeavor is of national importance under *Dhanasar's* first prong, it has not established that the Beneficiary is eligible for, or otherwise merits, a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.