U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37485947

Date: APR. 16, 2025

Appeal of Nebraska Service Center Decision

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

The Petitioner, a financial planner and analyst, 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 record did not establish the Petitioner's eligibility for the requested national interest waiver. 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:

- 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.

II. ANALYSIS

The Director determined that the Petitioner qualified as an advanced degree professional, but further concluded he did not establish eligibility for a national interest waiver under the *Dhanasar* framework. For the reasons set forth below, we agree that the Petitioner did not demonstrate eligibility for a national interest waiver and will dismiss the appeal.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

The record reflects that the Petitioner intends to work in the United States as a financial planner and analyst to operate a financial consulting company with a particular focus on providing services to small and medium-sized enterprises (SMEs). The Petitioner asserted that by focusing on SMEs, and providing affordable, accessible, and high-quality financial services, his company would foster job creation, enhance economic productivity, and ultimately contribute to the prosperity of the United States. Specifically, by providing his clients with financial tools and insights, he claimed that his company would help their customers enhance their operational efficiency, sustainability, and growth potential, therefore driving overall economic stability. According to his business plan, the company's services will include budget creation and management; financial forecasting; financial data analysis; cash flow management; training and workshops; compliance and regulatory support; as well as ongoing support and consultation for his clients. Ultimately, he asserted that by providing these specialized services to SMEs, he would help his clients avoid closure due to inadequate financial planning, which would significantly benefit the U.S. economy.

In support of his endeavor, the Petitioner provided a five-year business plan, multiple letters of recommendation, as well as industry reports, articles, and research papers providing various statistics on small and medium-sized businesses and discussing the importance of these businesses to regional and national economies. In addition, the record contains copies of laws implementing various federal government initiatives aimed at increasing economic development in particular for small and medium-

[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).

sized businesses. The Petitioner also provided letters of intent from individuals interested in using his services.[2]

Upon review of the record, the Director concluded that, while the Petitioner established his proposed endeavor is substantially meritorious, he did not demonstrate its national importance. Specifically, the Director determined that the Petitioner had not shown his company would offer benefits more broadly at a level commensurate with national importance, beyond the direct benefits provided to his prospective clients. And the Director determined that he did not demonstrate his proposed endeavor has a significant potential to employ U.S. workers or otherwise generate substantial positive economic effects contemplated in *Dhanasar*.

On appeal, the Petitioner generally disagrees with the Director's conclusions and asserts that his endeavor is nationally important given that his company will directly address critical challenges faced by SMEs. The Petitioner also submits several additional articles and publications demonstrating the importance of strategic financial planning, the use of mergers and acquisitions as a method to avoid company closures, as well as articles discussing the importance of the manufacturing industry in the United States. He also asserts that his company will primarily focus on assisting businesses within the manufacturing industry.

Notably, beyond generally disagreeing with the Director, the Petitioner does not specifically identify an erroneous conclusion of law or statement of fact in the Director's decision. The reason for filing an appeal is to provide an affected party with the means to remedy what they perceive as an erroneous conclusion of law or statement of fact within the decision. *See* 8 C.F.R. § 103.3(a)(1)(v). It is insufficient to broadly disagree with the Director's determinations. Where a question of law is presented, supporting authority should be included, and where the dispute is on the facts, there should be a discussion of the particular details contested. *Matter of Valencia*, 19 I&N Dec. 354, 355 (BIA 1986). As the Petitioner does not contest the Director's determinations, this alone is a basis for dismissal. Nevertheless, for the reasons discussed below, we agree with the Director's conclusion that the proposed endeavor, while substantially meritorious, does not have national importance as contemplated in *Dhanasar*.

On appeal, the Petitioner continues to rely on the importance of the general financial services industry and small and medium-sized businesses to establish the national importance of his endeavor. And, although the Petitioner acknowledges in his appellate brief that the benefits of financial services are initially limited to direct clients, he avers that these benefits nonetheless generate a "broader multiplier effect on the U.S. economy." Accordingly, he asserts that his company's "strategic financial planning [services will] empower [] SMEs to grow, innovate, and sustain operations," which will support federal priorities aimed at encouraging entrepreneurship and supporting small businesses, and will also result in broader implications like job creation, economic development, and increased tax revenue. The Petitioner also asserts that he will be able to provide merger and acquisition services to his clients, which have facilitated revitalization of many businesses.

[2] While we do not discuss each piece of evidence contained in the record individually, we have reviewed and considered each one.

While we acknowledge the importance of financial planning, in *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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.

In his appellate brief, the Petitioner discusses several case studies of business revitalizations, establishing the impact of strategic financial planning and analysis on small and medium-sized businesses. He claims that these case studies reflect the broader implications that can result from his company's services. We disagree. While these represent the impact his work may have on his clients, and the importance of strategic financial planning, the case studies establish the substantial merit of the Petitioner's endeavor, not its broader impact. As stated, when evaluating the national importance of a proposed endeavor, the industry or customer base a petitioner will serve alone is not sufficient to establish national importance, instead we focus on the broader implications of "the specific endeavor that the foreign national proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889.

The Petitioner also asserts on appeal that he will develop publicly available, industry-specific financial models to help SMEs with restructuring and valuation and will partner with small business support programs to integrate existing financial planning and analysis programs to aid SMEs. However, the record does not contain an explanation or additional information discussing the prospective impact of these financial models. The Petitioner has not explained, for instance, how any of these models or programs he intends to develop, even if adopted and used by his clients, compare to models that are already widely available in the market to allow us to determine if his company's offerings will indeed be analogous to the "improved manufacturing processes or medical advances" contemplated in *Dhanasar*. Similarly, he states that by revitalizing businesses in manufacturing and defense sectors, his company will protect national security. However, he does not identify ways in which his company will meaningfully impact these industries or the broad government initiatives at a level commensurate with national importance. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Generalized conclusory statements that do not identify a specific impact in the field have little probative value. *See 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications). In the same way teaching activities proposed by the petitioner in *Dhanasar* were not shown to have a broader impact on the field of STEM education, the Petitioner's endeavor, which will only benefit his clients, would not have broader implications in the field. *Dhanasar* at 893.

Additionally, we also conclude that the record does not support the Petitioner's claims that his company has a significant potential to employ U.S. workers or otherwise result in substantial positive economic effects contemplated in *Dhanasar*. *Dhanasar at* 890. On appeal, the Petitioner emphasizes the "ripple effects" that will result from of his company's services, but he has not shown that these "ripple effects," which are oftentimes significantly attenuated and unconnected with a particular endeavor, establish that his endeavor will result in "substantial economic effects" as contemplated in

Dhanasar. *Id.* In the business plan, the Petitioner indicated that by the fifth year of operations he anticipates generating total sales of $7,000,000 while employing 26 individuals. Notably, however, while the Petitioner identified the various positions he intends to hire, including marketing manager, sales staff, administrative staff and consulting staff, the business plan does not provide sufficient explanation for the basis of these employment projections, nor does it explain the basis for the financial projections. Yet, even if the endeavor's revenue and job creation projections were sufficiently explained, they do not establish that his company would operate on a scale rising to the level of national importance. Although any basic economic activity has the potential to positively impact a local economy, the Petitioner has not demonstrated how the economic activity directly resulting from his proposed endeavor would result in substantial economic benefits contemplated in *Dhanasar*.

We have also reviewed the letters of recommendation in the record and conclude that they do not establish the national importance of his endeavor, as they primarily focus on the Petitioner's expertise without addressing the prospective impact of his endeavor. And while some of the letters address interest in investing and partnering with his company, the letters do not establish how his company will lead to broader implications to the industry at a level commensurate with national importance. Moreover, a petitioner's expertise and record of success are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Dhanasar* at 890. The issue here is whether the Petitioner has demonstrated the national importance of his proposed endeavor. We conclude he has not.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

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. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under *Dhanasar*'s second and third prongs. *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).

ORDER: The appeal is dismissed.