U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43869950

Date: AUG. 20, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner 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).

USCIS denied the petition, concluding that although the Petitioner qualified as an advanced degree professional, he had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest.[1] 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*.

[1] While the Petitioner provided a copy of his doctor of philosophy degree, he did not provide the academic transcript as required by 8 C.F.R. § 204.5(k)(3) (requiring the submission of an official academic record). But we need not reach whether the Petitioner established he is an advanced degree professional, however, as our decision on his eligibility for a national interest waiver is dispositive. The Petitioner must submit a copy of his academic transcript in any future filings to establish his underlying eligibility.

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 USCIS may, as matter of discretion,[2] 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 Petitioner's proposed endeavor is in the Islamic banking and finance industry. In his initial letter, he stated that he "plans to initiate projects that drive sustainable growth, foster financial inclusivity, and advance the U.S.'s position in the global finance arena." In addition, he explained that his proposed endeavor "revolves around three core areas: the integration of Islamic banking-compliant financial solutions, education and training in Islamic finance, and advisory and consultancy services." In response to USCIS' request for evidence (RFE), he further explained that he will "design and deploy a U.S.-regulated, riba-free (interest-free and risk sharing) microfinance and ethical-finance toolkit that U.S. fintech companies, nonprofit lenders, and community-facing financial institutions can adopt to expand affordable credit access for underserved and faith-conscious consumers." Specifically, the Petitioner outlined the following:

> He will (1) build and pilot standardized Shariah-compliant product structures (e.g., Qard Hasan, Mudarabah, Musharakah, and asset-based home-finance alternatives), (2) publish institution-ready documentation (model contracts, governance policies, accounting and reporting structures, and operational manuals), and (3) implement data-analytics and AI-based compliance/monitoring processes to support consumer protection and regulatory alignment.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* 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.* USCIS determined that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, USCIS concluded that the Petitioner did not establish that his proposed endeavor has national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "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."

[2] *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).

Id. at 890. 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.*

On appeal, the Petitioner contends USCIS applied an incorrect application of the law and a flawed assessment of the evidence in the record. He asserts that his endeavor is not his employment in Islamic finance or a job search. Rather, he asserts his "endeavor is the design, development, and deployment of a comprehensive, U.S.-regulated ethical-finance toolkit intended for adoption by multiple U.S. financial institutions across multiple states." Moreover, he points to his RFE response and claims that it provided "specific articulation of the toolkit project, quantifiable projections, documentation of institutional demand, evidence of prior implementation of success, and a detailed roadmap." He concludes that his "endeavor demonstrates prospective national impact through quantified economic projections, multi-state institutional adoption, financial inclusion benefits, and contributions to U.S. competitiveness in global Islamic finance." Upon review, we conclude that the record does not establish the national importance of the proposed endeavor.

We acknowledge that the record includes a document entitled "Future Plans in the United States" that presents three phases for starting his business with "Key Objectives," "Core Activities & Deliverables," and "Measurable National Outcomes" for each phase. The document, however, does not explain how these outcomes were calculated or adequately clarify how these projections will be realized, nor has the Petitioner provided independent evidence or otherwise explained how his business would create jobs at a level that would have a significant impact in a region or have a prospective national impact on a specific field. On appeal, the Petitioner explains that the multistate rollout and training components will create a "sustained demand for skilled professionals across multiple institutions and geographic regions" and that "this market expansion has direct economic implications for job creation, institutional growth, and capital deployment." But the Petitioner has not provided corroborating evidence to support his claims. As such, the record does not demonstrate that the prospective benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by the precedent decision. *Id.* A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376.

The Petitioner also highlighted in the "Future Plans" document that his proposed endeavor aligns with several government initiatives promulgated through the U.S. Department of Treasury, Federal Reserve, and the Consumer Financial Protection Bureau. However, the Petitioner must demonstrate that his proposed endeavor would have a substantial national impact on these large government initiatives rather than just contribute to them in some way.

Further, while the Petitioner asserts his initiative will create opportunities for underserved populations, he has not provided evidence that the area where he intends to operate in is economically depressed, that his proposed endeavor would employ a significant population of workers in the economically depressed areas, or that the proposed endeavor would offer the region or its population a substantial economic benefit through employment levels, business activity, or related tax revenue. While the intention is meritorious, the Petitioner has not provided corroborating evidence to support these claims. Again, the Petitioner must support his assertions with relevant, probative, and credible evidence. *Id.*

Moreover, in *Dhanasar*, we determined the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *See Matter of Dhanasar*, 26 I&N Dec. at 893. Likewise, the Petitioner has not established how providing his "U.S.-regulated ethical-finance toolkit" stands to sufficiently extend beyond his business and his future clients to impact the field more broadly at a level commensurate with national importance. We note that the *USCIS Policy Manual* states that "a person developing a particular technology for use or sale by a given company may not be able to establish national importance based on evidence that this technology will have benefits for the company or its clients alone" and that to establish broader implications at a level consistent with national importance, the petitioner could demonstrate "widespread interest in adoption or licensing of the technology, a novel and important manufacturing or operational process, or how the technology stands to impact the development of similar technology by other companies." *See generally* 6 *USCIS Policy Manual* F.5(D)(3), www.uscis.gov/poliy-manual. On appeal, the Petitioner states that "[e]ntities in Texas and California-representing different regions, institutional types, and market segments-have expressed interest in implementing the toolkit, with evidence of training onboarding, institutional interviews, and written offer." The record includes a job offer letter and email correspondence regarding potential employment for the Petitioner. However, the evidence does not establish widespread interest in the Petitioner's proposed endeavor, that it is novel and important, or that it stands to impact the field. Rather, the evidence only highlights that the endeavor's impact is to the individual client or company that hires the Petitioner to provide his services. Here, we conclude that the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond his future clients to impact the field of financial services, the economy, or U.S. societal welfare more broadly at a level commensurate with national importance.

Finally, we reviewed the letter from the chief executive officer and managing director of [redacted] LLC. In addressing the first prong of the *Dhanasar* framework, the author focuses on how the Petitioner's research experience in Islamic finance and cybersecurity in financial technology would be beneficial to the United States. It also broadly claims the Petitioner's endeavor will foster "advancements that benefit industries such as automotive retail, fintech, and other, while promoting ethical standards that align with national priorities in innovation and financial inclusion." Here, the letter does not contain sufficient information and explanation of the Petitioner's endeavor, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed work in the finance industry offers broader implications in her field or substantial positive economic effects for our nation that rise to the level of national importance.

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address his eligibility under the remaining 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"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to establish that he meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that he has not established eligibility for 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.