U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 35565280

Date: AUG. 27, 2025

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 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).

SCOPS denied the petition, concluding the Petitioner did not establish that he 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.

An advanced degree is any United States academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. A United States bachelor's degree or foreign equivalent degree followed by at least five years of progressive experience in the specialty is the equivalent of a master's degree. 8 C.F.R. § 204.5(k)(2). "Exceptional ability" means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business. *Id.*

Once a petitioner demonstrates eligibility for the underlying classification, the petitioner must then establish eligibility for a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. 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. *Matter of Dhanasar,* 26 I&N Dec. 884, 889 (AAO 2016), provides the

framework for adjudicating national interest waiver petitions. *Dhanasar* states 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 Petitioner proposes to work in the United States as a financial analyst and provide financial advisory services through [redacted] (the Initiative).

A. Member of Professions Holding an Advanced Degree

Although the Petitioner not meeting *Dhanasar's* first prong is the dispositive issue dismissing the appeal, we will address the Petitioner's eligibility for the underlying EB-2 immigrant classification. SCOPS determined that the Petitioner qualifies for the EB-2 immigrant classification, based on obtaining a master of business administration from [redacted] in [redacted] California in 2019. But upon de novo review, we conclude that this determination is not supported by the record.

The Petitioner provided copies of his diploma and transcript for his master of business administration. However, a review of the website for [redacted] states, "[w]e are currently not accredited, but the University will continue pursuing accreditation."[2] [redacted], Institutional Status, https://[redacted]. The record does not otherwise establish the Petitioner's degree was obtained from an accredited institution of higher education. Based on this lack of clarity, we conclude that the record is not sufficiently clear to establish that the Petitioner possesses any United States academic or professional degree or a foreign equivalent degree above that of a bachelor's degree, or otherwise is a professional holding an advanced degree. The Petitioner would need to address this deficiency in any future proceedings where that is required to establish eligibility.[3]

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[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeal in concluding that USCIS' decision to grant or deny a national interest waiver to be discretionary in nature).

[2] While the regulatory language at 8 C.F.R. § 204.5(k)(2) does not specifically state that a degree must come from an accredited college or university to qualify as an "advanced degree," the requirement is implicit in the regulation. *See Matter of Yau*, 13 I&N Dec. 75 (Reg'l Comm'r 1968) (a degree issued by an unaccredited institution does not allow the degree holder to qualify as a professional within the statute granting preference classification).

[3] The Petitioner also claims to qualify for the EB-2 classification as an individual of exceptional ability. *See* 8 C.F.R. § 204.5(k)(2). Because we agree with the SCOPS' conclusion that the Petitioner has not demonstrated the national importance of the proposed endeavor and this is dispositive of the Petitioner's appeal, we need not consider the Petitioner's other claim as to EB-2 qualification in the first instance. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

B. National Interest Waiver

SCOPS determined that the Petitioner did not demonstrate meeting any of the three prongs of the *Dhanasar* analytical framework. We agree with SCOPS' determination that the Petitioner did not demonstrate his proposed endeavor is of national importance, under the first prong of *Dhanasar*.[4]

For the first *Dhanasar* prong, SCOPS determined that while the Petitioner demonstrated the proposed endeavor has substantial merit, he did not establish that the endeavor is of national importance. *Dhanasar's* first prong 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 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." *Matter of Dhanasar*, 26 I&N Dec. at 889.

As noted above, the Petitioner proposes to work as a financial analyst and provide financial advisory services by leading the Initiative. In his supplemental professional plan, the Petitioner explains that the Initiative would provide financial advisory services to underserved communities in the [redacted] area, including financial literacy programs to low-income households, immigrants, youth, and elderly individuals; investment management services to underserved businesses and individuals; and cross-border business advisory services to Brazil companies planning to enter the U.S. market. The Initiative aims to advance economic prosperity and financial well-being for businesses and individuals in the underserved communities. We agree with SCOPS that the Petitioner's proposed endeavor has substantial merit.

Even though the Petitioner's proposed endeavor has substantial merit, SCOPS determined that the Petitioner did not establish that his proposed endeavor is of national importance. SCOPS found that the Petitioner did not demonstrate his proposed endeavor would extend beyond him and his clients to have a potential prospective impact on his field, societal welfare, or the nation more broadly at a level consistent with national importance. SCOPS pointed out that the Petitioner did not demonstrate his endeavor has the claimed significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation or the economically depressed area he intends to serve which would render his endeavor nationally important under the *Dhanasar* framework.

On appeal, the Petitioner contends SCOPS based the decision on erroneous conclusions of law and fact. Arguing that SCOPS was incorrect to determine his work would not extend beyond his clients, he maintains his proposed endeavor has the potential to contribute to job growth and impact the national economy. He asserts his endeavor would create substantial opportunities for job creation of skilled U.S. workers with expertise in finance and data science and would be aligned with the growing demand for jobs in the data science field. The Petitioner contends that SCOPS did not consider all his evidence, including his supplemental business plan, letters of intent from businesses intending to work with the Petitioner, and national initiatives aligned with his proposed endeavor. When considering all the evidence, he maintains that it clearly sets out the national importance of his proposed endeavor, including his endeavor's potential broad implications on his field, the U.S. and local underserved

[4] While we may not discuss every document submitted, we have reviewed and considered each one.

economies, societal and cultural welfare, as well as its significant potential to employ U.S. workers and impact national initiatives.

The standard of proof in this proceeding is a preponderance of the evidence, meaning that a petitioner must show that what is claimed is "more likely than not" or "probably" true. *Matter of Chawathe*, 25 I&N Dec. at 375-76. To determine whether a petitioner has met the burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.*; *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). In addition, when USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir.1992); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993). In evaluating whether the Petitioner had established that he meets the first prong of the *Dhanasar* framework, SCOPS weighed all the evidence but determined that the evidence overall lacked probative value. *See Matter of Chawathe*, 25 I&N Dec. at 376. Upon de novo review, the Petitioner has not demonstrated that the evidence submitted establishes his eligibility by a preponderance of the evidence, as discussed below.

The Petitioner has not sufficiently detailed his specific proposed endeavor or provided evidence demonstrating its potential prospective impact is commensurate with national importance, including the asserted broad impact on his field and economic benefits to the United States and the areas he intends to serve. The Petitioner's supplemental professional plan provides brief descriptions of his Initiative's intended services, including a list setting out the general terms of its financial advisory, investment management, financial literacy, and cross-border advisory services. Mainly using general terms, the plan broadly claims the Initiative would impact U.S. businesses and individuals, particularly those in underserved communities. Although his supplemental professional plan provides steps the Initiative intends to take in order to attain its objectives, the plan is brief and vague, lacking detailed information and evidence corroborating the proposed endeavor rises to the level of national importance.

For example, the supplemental professional plan states his Initiative will leverage the Petitioner's professional experience "to provide companies with tailored investment strategies using innovative fintech solutions such as blockchain, data analytics tools and cloud-based platforms." He claims that "[t]hese strategies will enhance financial performance and growth opportunities, aligning with each company's unique needs and challenges." Also, he claims that with his wealth management experience and innovations, "[he] will stimulate economic growth by identifying strategic investment opportunities." For the proposed financial literacy program, he similarly makes broad, general assertions that by leveraging his experience, "he will develop educational materials and workshops to increase financial literacy among targeted distressed communities" and "[h]e will use social media, podcasts, email marketing, and data analysis tools to reach a broad audience and empower individuals to make informed financial decisions, contributing to economic empowerment and prosperity nationwide." In addition, without providing details, the plan broadly asserts the Initiative's work with foreign markets of Brazil would open trade, collaboration, and cultural exchange leading to economic growth in the United States.

The record includes letters of intent from businesses willing to consider collaborating and working with the Petitioner. The letters, however, speak in general terms about interest in investing in professional partnerships and projects with the Petitioner. Although the letters express admiration for the Petitioner's work and the shared promotion of financial inclusion, financial literacy, and cross-border expansion of businesses, they do not explain the specifics of the partnerships and projects with the Petitioner. Moreover, some of the letters appear to be offers of employment for specific roles at the businesses, including interest in hiring the Petitioner as a finance manager for a podcast company, a financial analyst for a brewing company, and a business developer and financial coordinator for a home builder. Without more evidence detailing the specifics of the projects beyond broad interest in the Petitioner's proposed financial services work, the record lacks evidence to determine whether his proposed endeavor has the claimed potential prospective impact on the financial services field, or the U.S. or local underserved economies rising to the level of national importance.

The Petitioner has not provided corroborating independent and objective evidence to support his claims that the Initiative's activities stand to provide broader impact on his field and substantial economic benefits to the nation and underserved communities in [redacted] or the United States. The record lacks evidence detailing and adequately explaining how his proposed financial advisory services initiative will realize the claimed economic impacts. The Petitioner's statements are not sufficient to demonstrate his claims and must be supported with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without sufficient documentary evidence that his proposed job duties as a financial analyst and the leader for his financial advisory services initiative would impact the financial services field more broadly, rather than benefiting himself and his clients, the Petitioner has not demonstrated by a preponderance of the evidence that his proposed endeavor is of national importance.

The Petitioner maintains that the United States has and expects to continue to have a shortage of skilled professionals in the finance and data science fields. By using his professional skills to train and mentor others in financial literacy, he asserts the dissemination of his professional knowledge to others would contribute to addressing the shortage of professional workers in the financial services and data analytics fields. However, 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. *Matter of Dhanasar,* 26 I&N Dec. at 893. We noted that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *Id.* at 889. Likewise, the Petitioner's intent to transfer his professional knowledge to others through trainings and mentoring does not demonstrate an impact on the financial services and data analytics fields more broadly or rise to the level of national importance as contemplated by *Dhanasar*. Moreover, the growth and importance of an industry are not sufficient to meet the national importance requirement under the *Dhanasar* framework. Instead of focusing on the importance of an industry or field, or a shortage of workers in a field, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id*.

To further support his assertions, the Petitioner submitted an opinion from an assistant professor of finance at [redacted] The opinion explains that the Petitioner intends to provide financial advisory services in the areas of investments, financial planning, business strategies, marketing, and data analysis in order to help U.S. businesses expand their market, sales, and revenue.

In addition, the opinion explains that the Petitioner intends to teach investors by giving lectures, participating in seminars and events, and promoting investments to younger individuals. In describing the national importance of the Petitioner's endeavor, the opinion stresses the importance of individual and business investments to the U.S. economy and that the Petitioner's experience in his field of financial planning will help U.S. businesses and individuals to create investment strategies for their economic growth. However, the opinion's focus on the importance of the financial services industry to the economy, and how the Petitioner's professional experience would help individuals and businesses is misplaced. As noted above, the importance of an industry or field is not sufficient to meet the national importance requirement under the *Dhanasar* framework. Moreover, the Petitioner's professional experience 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 the Petitioner proposes to undertake has national importance under *Dhanasar's* first prong. To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of his work. *Id.* at 889. The opinion does not, however, focus on the Petitioner's specific endeavor and its potential prospective impact on the U.S. economy, the local underserved area, or in the field of financial services. *See id.*

The Petitioner further argues that SCOPS did not consider his endeavor impact on matters that the government has described as having national importance or is the subject of national initiatives. He argues his endeavor aligns with several national priorities relating to financial inclusion for underserved communities and economic recovery following the COVID-19 pandemic. To support his assertions, the opinion from the assistant professor at [redacted] describes national initiatives and stresses the importance of the financial services industry to the U.S. economy. In addition to the opinion, the Petitioner submitted an article relating to an increase in the number of Brazilian investors after the second year of the COVID-19 pandemic.

The importance of the U.S. government initiatives, such as those implemented to grow the U.S. economy following the COVID-19 pandemic, is not in dispute, but their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. While the financial services industry is important to the U.S. economy, it does not follow that an individual providing financial analyst work and financial services to individuals and businesses in underserved communities has national importance. As discussed earlier, working in or establishing a business in an important field is insufficient on its own to establish the national importance of the proposed endeavor. Instead, we focus on the "the specific endeavor that the foreign national proposes to undertake" and consider the endeavor's "potential prospective impact." *Id.* The Petitioner makes general statements about his initiative's potential impact on national initiatives but does not quantify the proposed endeavor's expected impact in the identified areas of concern, or provide objective, probative evidence to support his contentions. Although supporting individuals and businesses in financially vulnerable areas may be nationally important issues, he has not demonstrated the potential prospective impact of his specific endeavor to such nationally important matters.

Based on the above, the Petitioner has not demonstrated that his proposed endeavor has the potential to extend beyond his Initiative and his future clients to impact his field, the U.S. economy, or nationally important matters more broadly at a level commensurate with national importance. Beyond general assertions, he has not demonstrated that the work he proposes to undertake as a financial analyst and

the leader of his proposed financial advisory services initiative offers the claimed innovations that contribute to advancements in his field or otherwise broader implications. The potential economic, societal welfare, and cultural impacts that the Petitioner claims depend on numerous factors, and he did not offer a sufficiently direct evidentiary tie between his financial analyst and financial advisory work and the claimed potential impacts.

Because the documentation in the record does not sufficiently establish the national importance of the Petitioner's proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, he has not demonstrated eligibility for a national interest waiver. This identified basis for dismissal is dispositive of the Petitioner's appeal, and therefore we decline to reach and hereby reserve the Petitioner's appellate arguments regarding his eligibility under the second and third prongs. *See INS v. Bagamasbad*, 429 U.S. at 25; *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 established eligibility under the requisite first prong of the *Dhanasar* analytical framework, he is not eligible for a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

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.