U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 40779583

Date: FEB. 05, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a financial engineer, 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).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner qualifies for the EB-2 classification as a member of the professions holding an advanced degree but that he had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. 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.

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] *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).

- 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 submitted his diploma, transcripts, and an educational evaluation to demonstrate that he earned U.S. equivalent of a bachelor's degree in productivity and quality engineering from Colombia in 2009. The Petitioner also provided employment letters showing that he worked full time in Colombia, first as a bank manager from 2011 to 2016, and as a director of retirement savings from 2016 to present. Therefore, we agree with SCOPS that the Petitioner qualifies for the EB-2 classification as an advanced degree professional. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

The Petitioner stated that his endeavor is "to develop and optimize personalized financial strategies tailored to the unique needs of individuals, with a strong emphasis on supporting effective retirement and pension planning in the United States." The Petitioner claimed that he will "advance his endeavor by developing his business [redacted], which intends to hire 49 full-time employees by the end of its fifth year of operation" and as a result, he will "empower Americans to achieve financial literary, security, and confidently prepare for a stable and stress-free retirement," "create employment opportunities within the financial sector by expanding consulting, advisory and outreach initiatives," and "reduce the strain and reliance of public resources and contribute to the US economy."

Under the first prong of the *Dhanasar*'s analytical framework, SCOPS concluded that the Petitioner's proposed endeavor has substantial merit but not national importance. Specifically, SCOPS determined that the Petitioner did not establish his endeavor would have a broad impact on the field or significant positive economic effects commensurate with national importance. Upon review, we agree with SCOPS' conclusion.

Although the Petitioner provided numerous reports and articles on the importance of financial literacy and planning for retirement, the current administration's executive orders and their impact on retirees, and other challenges facing the nation for the retired population, they provide a general overview of the field and do not discuss the specific nature of the Petitioner's endeavor or the details of his personalized financial strategies or models that would broadly impact the field. Merely working in an important field is insufficient 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." *Dhanasar,* 26 I&N Dec. at 889. However, the record does not sufficiently corroborate the Petitioner's specific endeavor and its impact.

In *Dhanasar*, we gave significant weight to "probative expert letters from individuals holding senior positions in academia, government, and industry that describe the importance of hypersonic propulsion research as it relates to U.S. strategic interests" and "detailed expert letters describing U.S. Government interest" in Dr. Dhanasar's specific research. *Id.* at 892. Here, the Petitioner has not

provided similar evidence, such as the type of expert opinion evidence or letters from government entities detailing how his specific endeavor impacts a matter that is a subject of national initiatives. None of the articles and reports specifically mention the Petitioner's endeavor or discuss the government's interest in promoting the use of the Petitioner's innovation or solutions.

For example, reference letters from the Petitioner's former work colleagues or letters of interest from other businesses demonstrate that the Petitioner's skills and experiences are valuable to his past employers and potentially to some future clients. But the evidence does not indicate any specific solutions or methodologies attributable to the Petitioner that rise to the level of national importance. Similarly, the expert opinion letters in the record do not provide sufficient details on the Petitioner's financial strategies or models that would widely impact the field; instead, the letters discuss the significance of financial management and education in general and reiterate the Petitioner's education background or the information in the business plan already in the record. As such, the authors' statements do not meaningfully explain the nature of the Petitioner's endeavor and its impact.

On appeal, the Petitioner contends that SCOPS' analysis under the first prong "contains instances of misunderstanding and misapplication of law that go beyond harmless error and reach the levels of abuse of discretion." The Petitioner further asserts that SCOPS abused their discretion in failing to address all evidence, citing *Buletini v. INS*, 850 F. Supp. 1222 (E.D. Mich. 1994). The Petitioner also claims that financial literacy and financial education of Americans is "an urgent priority" and therefore, his endeavor is nationally important. However, we do not find the Petitioner's contentions persuasive.

The court in *Buletini* did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor does the *Buletini* decision suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. 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. *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *see also Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993). Even though SCOPS did not address each piece of evidence individually, SCOPS has acknowledged and analyzed various documents on record, reflecting consideration of all evidence in totality, and properly concluded that the quality of the evidence lacked probative value in supporting national importance of the endeavor. To determine whether a petitioner has met his burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 376; *see also Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989).

On appeal, the Petitioner does not provide additional evidence to corroborate his claims or resolve deficiencies raised by SCOPS. Instead, the Petitioner focuses on various instances in which SCOPS' choice of words purportedly misapplying *Dhanasar*. For example, the Petitioner asserts that SCOPS erred in considering his "skills and experience" or evaluating his previous work or a record of success in deciding whether the endeavor has national importance. Although we agree that the Petitioner's past work experience and record of success are more suited for analysis under the *Dhanasar*'s second prong, whether he is well-positioned to advance the endeavor, the Petitioner has not shown that SCOPS is prohibited from considering the totality of the evidence, especially when such evidence may

provide insight into the endeavor's impact to the field of financial management and retirement planning.

Furthermore, the Petitioner claims that SCOPS' statements, such as "[t]here is no evidence of unique methodologies or groundbreaking approaches" or "there is no evidence of government entities describing this specific endeavor as national important," are inconsistent with the legal framework in *Dhanasar* or create new requirements outside of *Dhanasar*. However, SCOPS properly evaluated the Petitioner's specific endeavor and its impact as contemplated by *Dhanasar*: "[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.*

The Petitioner also asserts that SCOPS incorrectly asked for a potential prospective impact to be "cultural" and such evidence is not required to support that the endeavor is of national importance. The Petitioner claims that SCOPS misunderstood that the record's focus is "mainly on financial literacy" and these instances constitute "a substantial misadjudication of the Petitioner's initial filing." But SCOPS properly evaluated the endeavor's impact in a variety of areas, including its cultural or educational interests, consistent with USCIS policy guidance. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), www.uscis.gov/policy-manual (contemplating national importance through its potential to provide cultural or artistic enrichment or broadly enhancing societal welfare). Therefore, we disagree that usage of the word "cultural" in SCOPS' decision denotes misapplication of *Dhanasar*.

Additionally, the Petitioner claims that SCOPS did not elaborate how the endeavor does not have "significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for the nation." *Id.* at 890. While SCOPS' discussion could have been more comprehensive as to the evidence in the record, we considered the evidence in the record in full and upon review, we agree with SCOPS' conclusion that the Petitioner did not sufficiently demonstrate the endeavor's economic impact. On appeal, the Petitioner reiterates his company's impact to the U.S. economy by recounting the projected tax payments, expected revenues, number of direct staff hirings, and creation of indirect jobs (using the Bureau of Economic Analysis's RIMS II multipliers and Economic Policy Institute's national job multipliers) as provided in the company's business plan. While the metrics in the business plan indicate that the Petitioner's company has growth potential, the record lacks independent and corroborating evidence to support the basis of the financial and staffing projections in his business plan. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Any basic economic activity has the potential to positively impact the economy; however, the Petitioner has not offered a sufficiently direct connection between his proposed endeavor's activities and any demonstratable substantial economic activities.

We determined in *Dhanasar* 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. *Dhanasar,* 26 I&N Dec. at 893. Similarly, we find that the Petitioner has not established his proposed endeavor in this case will sufficiently extend beyond his clientele and employees to affect the regional or national economy or impact the field broadly at a level commensurate with national importance. Therefore, the petition will remain denied and further analysis of the Petitioner's eligibility under the second and third prongs outlined in *Dhanasar* would serve no meaningful purpose. *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).

## III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established eligibility for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

**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.