U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40796220

Date: JAN. 20, 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 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 qualified for 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:

- The proposed endeavor has both substantial merit and national importance;

[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).

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- 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

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] 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. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework.

At the time of filing, the Petitioner was working as an "Actuarial Associate" at [redacted].[3] With respect to his proposed endeavor, the Petitioner asserted that he intends "to bolster Americans' retirement security by improving the solvency of pension programs, particularly for those in public service." In addition, he indicated that his "endeavor employs artificial intelligence (AI), machine learning, and predictive modeling to revolutionize our nation's retirement landscape, bolstering public pension plans through accurate cost forecasting, streamlining their management for better cost-efficiency, and empowering individuals with personalized, resilient, and adaptable investment strategies for their retirement savings." The Petitioner also claimed that his "experience applying advanced data analytic techniques to enhance the solvency of volunteer firefighter retirement programs for state and local governments has uniquely positioned [him] to make meaningful contributions in this area." He further stated:

> My proposed endeavor – developing and deploying cutting-edge AI and machine learning solutions to fortify America's retirement system – directly aligns with this national imperative and confronts the immense financial pressures facing public pension systems through a two-pronged approach: enhancing the accuracy of actuarial projections and improving operational efficiency. By leveraging AI-driven models, we can more accurately predict future liabilities, enabling proactive adjustments to funding strategies.

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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,

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[2] The Petitioner received a Master of Science degree in Analytics from [redacted] in June 2023.

[3] [redacted] is a "firm specializing in actuarial and administrative services for Length of Service Award Programs (LOSAPs)" for volunteer firefighting and emergency service organizations. The Petitioner indicated that his job duties involve providing "actuarial consulting services to municipalities and fire departments regarding the pension-like service award programs of volunteer firefighters and ambulance workers." As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for him to have a job offer from a specific employer. However, we will consider information about his actuarial position to illustrate the capacity in which he intends to work in order to determine whether his proposed endeavor meets the requirements of the *Dhanasar* framework.

health, or education. *Id.* We agree with SCOPS' determination that the Petitioner's proposed endeavor has substantial merit.

SCOPS concluded, however, that the Petitioner did not establish the national importance of his proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. SCOPS determined the Petitioner did not establish the potential prospective impact of his actuarial services.[4]

In his appeal brief, the Petitioner claims that SCOPS' decision erred in requiring an "overly strict interpretation of national importance." He contends that the *Dhanasar* framework states "that the prospective impact of an endeavor 'need not be certain.'" The *Dhanasar* decision's first prong discussion, however, includes no such statement.[5]

The Petitioner argues that SCOPS' decision "was premised on a cursory assessment" and an "incomplete review of the evidentiary record." The Petitioner's evidence included a Society of Actuaries (SOA) Research Institute report on life-cycle fund design for the U.S. pension system, his LOSAP actuarial reports for various municipalities' fire departments, his gain/loss analyses for clients, his proposal to automate pension valuation workflows, and his annual performance reviews from 2022-2024. He also submitted documents showing that he performed an Albertson Cost Estimate for a client's proposed program amendment, that he provided a report commentary to enhance a client's understanding of valuation results, that he wrote a white paper on optimizing defined benefit programs for [redacted] clients, and that he advised a client on a potential conversion from a defined benefit to a defined contribution plan. In addition, the Petitioner offered letters of support from colleagues discussing his actuarial capabilities and technical experience. The Petitioner's skills, knowledge, and prior work in his field relate 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 he proposes to undertake has national importance under *Dhanasar's* first prong.[6]

The Petitioner contends that SCOPS' decision "failed to meaningfully account for the detailed, specific endorsements from expert referees." Regarding the Petitioner's work to enhance the solvency of volunteer firefighter retirement programs, R-A-Y-, Chief Actuary for the [redacted], stated that the Petitioner's "ability and pension program design, funding strategy development, and cost analysis for proposed program amendments directly supports these critical programs, ensuring these volunteers receive their retirement security you to serve without placing

[4] SCOPS stated that the Petitioner had not demonstrated that his undertaking stands to sufficiently extend beyond his company and its clients to impact the industry more broadly than his specific projects.

[5] *Dhanasar*'s second prong discussion states: "We do not . . . require petitioners to demonstrate that their endeavors are more likely than not to ultimately succeed. But notwithstanding this inherent uncertainty, in order to merit a national interest waiver, petitioners must establish, by a preponderance of the evidence, that they are well positioned to advance the proposed endeavor." *Id.* at 890. Uncertainty, however, is not a prong one consideration.

[6] The national importance of the Petitioner's proposed endeavor stands separate and apart from his education, skills, and work experience. *See Dhanasar* at 889-90.

excessive financial burdens on local governments." Likewise, P-A-C-, Vice President of Operations at [redacted] asserted that the Petitioner's "technical expertise, innovative problem-solving skills, and contributions to public retirement programs play a critical role in supporting the strength of our emergency services infrastructure and serving the broader national interest." Furthermore, K-Y-, Managing Actuary for [redacted], indicated that the Petitioner's work stands to "continue to help public plan sponsors properly design, sustainably fund, and effectively manage their retirement programs in the coming years, ensuring they remain financially sound and provide promised and much-needed benefits to retirees."

The letters from Petitioner's colleagues, however, do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that his specific proposed work offers broader implications for the U.S. retirement system or substantial positive economic effects for our nation that rise to the level of national importance. The Petitioner has not provided evidence demonstrating that his proposed AI and machine learning solutions for improving the solvency of pension programs would operate on such a scale as to rise to a level of national importance. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. Furthermore, while any basic actuarial activity has the potential to positively affect the economy to some degree, the Petitioner has not demonstrated how the potential prospective impact of his proposed endeavor stands to offer broader implications in his field or to generate substantial positive economic effects in the United States.

The Petitioner asserts that SCOPS's decision overlooked federal policy guidance relevant to the national importance of his work. He presented articles on the importance of improving the transparency of fees and expenses to workers in retirement plans, maintaining the solvency of Social Security, strengthening Social Security and Medicare, protecting and funding retiree pension benefits, reforms aimed at preventing unfunded pension liabilities, reducing investment risk for public pension funds, effective pension management practices, and evaluating and improving retirement outcomes for target date funds. The Petitioner also provided information about the importance of understanding generative AI's impact on the U.S. workforce, using machine learning to evaluate mutual funds, developing innovative solutions to safeguard retirement futures, modernizing and securing pension systems, leveraging technology for enhanced pension administration, employing AI to improve pension actuarial forecasting and to safeguard retirement incomes, and integrating AI in actuarial work. The Petitioner claims that these articles support the national importance of his proposed endeavor. The determination of national importance does not focus on the importance of pension reform initiatives in general or of using AI to protect retirement benefits, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the Petitioner or his particular projects, or otherwise speak to the potential prospective impact of his specific proposed endeavor.

In addition, the Petitioner submitted information relating to the shortage of actuarial professionals in the United States. We are not persuaded by the argument that the Petitioner's proposed endeavor has national importance due to the shortage of workers in the Petitioner's field. Here, the Petitioner has not established that his proposed endeavor stands to impact or significantly reduce the claimed national shortage. Moreover, shortages of qualified workers are directly addressed by the U.S. Department of Labor through the labor certification process.

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. While the Petitioner's statements reflect his intention to use AI to improve our nation's retirement system, he has not offered sufficient information and evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. 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. *Id*. at 893. Here, we conclude the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond the Petitioner's clientele and his immediate projects to impact his field, the U.S. retirement system, or the U.S. economy more broadly at a level commensurate with national importance.

Nor has the Petitioner demonstrated that the specific endeavor he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to his future work, the record does not show that benefits to the regional or national economy resulting from the Petitioner's projects would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id*. at 890.

The Petitioner has not established that his proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

Because the documentation in the record does not establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. As this issue is dispositive of the Petitioner's appeal, we need not reach, and therefore reserve, determination of his eligibility under the second and third prongs of the *Dhanasar* framework. *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 he is eligible 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.