U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38892729

Date: JUL. 10, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an international banking and finance professional, 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 although the Petitioner demonstrated his eligibility for EB-2 classification as an advanced degree professional, the record did not establish his eligibility for the requested national interest waiver. Specifically, SCOPS determined the Petitioner did not establish the national importance of his proposed endeavor or that on balance, waiving the job offer requirement would benefit the United States. 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 immigrant visa classification, a petitioner must establish they are a member of the professions holding an advanced degree 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

SCOPS determined that the Petitioner qualifies for EB-2 classification as a member of the professions holding an advanced degree. The record supports this determination. The Petitioner provided evidence that he attained the foreign equivalent of a bachelor's degree in international business with a concentration in finance and banking, followed by more than five years of progressive experience in this field. *See* 8 C.F.R. § 204.5(k)(2) (defining "advanced degree"). The remaining issue is whether the Petitioner established that a discretionary waiver of the job offer requirement, and thus of a labor certification, would be in the national interest.

SCOPS determined that the Petitioner established the substantial merit of his proposed endeavor and that he is well-positioned to advance it. However, SCOPS concluded the Petitioner did not meet his burden to demonstrate the national importance of the proposed endeavor, and that, on balance, it would benefit the United States to grant a discretionary waiver the job offer requirement.

On appeal, the Petitioner contends that SCOPS applied an incorrect standard and maintains the evidence of record is sufficient to demonstrate that he meets all three prongs of the *Dhanasar* framework and otherwise merits a waiver of the job offer requirement in the national interest.

For the reasons provided below, we agree with SCOPS' conclusion that the Petitioner did not establish the national importance of his proposed endeavor and therefore did not meet his burden to establish that he is eligible for the requested national interest waiver. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

A. The Proposed Endeavor

The Petitioner is a finance and banking professional who, prior to coming to the United States in 2022, gained approximately 10 years of work experience with a major Colombian bank, most recently as a regional commercial manager.

In support of the petition, the Petitioner provided a proposed endeavor statement and a professional plan for his Florida-based financial consulting company, [redacted] According to this evidence, the Petitioner's company will target a range of clients, including low-income populations who currently have limited access to banking and financial services, entrepreneurs and start-up companies, small and medium-sized enterprises, and financial institutions. The Petitioner states that his company's services will include financial consulting (risk management, process optimization, budget forecasting); regulatory compliance (internal control systems and anti-money laundering training and strategies); training programs (including community outreach and education programs for individuals and workshops for organizations' employees); market entry strategies (including market

research and operational support); capital management; mergers and acquisitions; and technology integration.

The business plan discusses the Petitioner's professional profile, the market for consultants in the banking and finance services field in the United States, the financial challenges faced by small businesses, statistics regarding the number of "unbanked" households in the United States, and the company's staffing and financial projections for its first three years of operation.

B. Substantial Merit and National Importance

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 evidence in the record cites market and industry data describing the importance of small and medium-sized enterprises as key drivers of job creation and revenue in the U.S. economy. The Petitioner also provided publications addressing compliance and anti-money laundering regulations applicable to banks, the impacts of automated and digital technologies on the finance industry, and the need for a national financial inclusion strategy for low-income communities and other populations that may lack full access to banking and financial services. We find this evidence sufficient to establish the substantial merit of the Petitioner's proposed endeavor.

However, simply working in one or more areas with substantial merit is insufficient to meet the national importance element of *Dhanasar's* first prong. Our focus in considering national importance is not on the industry itself; instead, we focus on "the specific endeavor that the foreign national proposed to undertake" and its "potential prospective impact." *Id.* Specifically, in *Dhanasar*, we noted that "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, such as those resulting from certain improved manufacturing processes or medical advances." *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. We will also consider factors such as whether there is evidence that a proposed endeavor has the potential to broadly enhance societal welfare or whether it impacts a matter that a government entity has described as having national importance or is the subject of national initiatives.

The Petitioner maintains on appeal that he clearly outlined how his endeavor "directly responds to widespread economic challenges," by providing financial literacy educational services to underserved populations, by offering regulatory compliance training that will enhance the resilience of financial institutions, and by "supporting U.S. small and medium businesses. . . which represent 44% of the country's GDP and two-thirds of job creation, with customized strategies for growth." The Petitioner claims that his endeavor will have a "ripple effect through underserved communities, startups, and financial institutions" that meets the standards for national importance set forth in *Dhanasar*.

The record supports the proposition that small and medium-sized businesses are important to the U.S. economy and that large-scale measures designed to increase access to banking and financial services among underserved populations may strengthen the economy. However, the burden is on the Petitioner to establish that the potential positive economic effects of his specific proposed endeavor would be "substantial." The Petitioner did not provide specific plans, projections or calculations in support of his broad claims regarding the potential indirect economic or "ripple" effects of his proposed endeavor. According to the submitted professional plan, the Petitioner expects to have the capacity to serve an average of eight clients per month at the end of his company's third year in operation. As observed by SCOPS, the Petitioner did not explain how the services he intends to provide would have economic effects that extend beyond those clients, or show that the customized services he will tailor to meet his clients' individual needs have the potential to be broadly applied and readily adopted by others in the same industry or field, such that they would have a more widespread impact. The general importance of small businesses and entrepreneurs as job creators and the other economic benefits they provide are noted, but not sufficient to demonstrate the national importance of the Petitioner's proposed endeavor to operate a small consulting firm targeting clients in these sectors.

The Petitioner further emphasizes that his company will have direct economic benefits by generating $1.5 million in revenue over three years and creating six full-time jobs but does not explain how these financial and staffing projections are at a level that demonstrates national importance based on job creation, revenue or other economic benefits. While we do not doubt the services the Petitioner intends to provide could stimulate local economic activity at some level, it is his burden to show that any claimed economic effects of the proposed endeavor will be "substantial" to demonstrate their national importance. Here, the record does not contain sufficient relevant or probative evidence showing that the direct or indirect economic benefits of his proposed endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. 26 I&N Dec. at 890. Unsupported claims that the proposed endeavor will "help the efficiency, and therefore, the profitability of many companies and society" and the overall "economic activity of companies in the U.S." are not sufficient to meet the Petitioner's burden.

We have also considered whether the Petitioner demonstrated that his proposed endeavor will have broader implications in his field or industry. 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. 26 I&N Dec. at 893. However, we concluded that endeavors with national (or even global) implications within a particular field - such as those introducing improved manufacturing processes or medical advances - may have national importance. *Id.* at 889. Here, the services the Petitioner intends to provide include training or educational services aimed at both individuals who lack financial literacy and at employers seeking finance-related training for their employees. Based on projections in the submitted professional plan, the Petitioner anticipates his firm will offer two courses per month by its third year of operations. The record does not include evidence that the Petitioner has any plans to disseminate his training methods or course materials or otherwise shown that he expects to have a platform to reach a wider audience with these education and training programs, such that he could impact the field more broadly. Overall, the Petitioner did not sufficiently elaborate on the knowledge-sharing component of his proposed endeavor or otherwise demonstrate that any training services he provides to small business owners would result in tangible improvements, advancements, or other broader implications for his field.

The record also includes a cover letter indicating that the Petitioner's proposed endeavor is "focused on research and development," such that "[h]is work contributes to the broader scientific and financial knowledge base." The letter states this "research component of his endeavor could serve as a valuable resource for policy makers, financial institutions, and scholars" and offer "insights that drive further innovations in financial technologies and global regulatory practices." However, these claims are not supported by other evidence in the record. The evidence, which includes the Petitioner's academic and professional credentials, letters from his colleagues, clients, and employers, and awards received from his employer, establish that he is a successful professional in the commercial banking and finance field. But the record does not support a determination that the Petitioner has been or will be engaged in the research and development of innovative financial technologies or global regulatory practices, such that he is likely to, for example, publish or otherwise disseminate findings that could be adopted by financial institutions or serve as resources for scholars and policymakers in the field. The Petitioner's professional plan does not indicate the proposed endeavor, a private consulting firm, would be focused on research and development activities or that the Petitioner's endeavor would otherwise have the claimed broader implications in the financial industry.

The Petitioner has claimed that his proposed endeavor, and specifically its objective of assisting low income, minority and other underserved communities, with financial literacy and access to banking and financial services, has the potential to broadly enhance societal welfare. While the record contains publications that acknowledge the economic challenges facing these populations and the need for strategies to enhance their access to and use of banking and financial services, the Petitioner has not demonstrated how his proposed endeavor would *broadly* enhance societal welfare by serving the "unbanked" or "underbanked" population in the United States. The Petitioner's proposed endeavor statement indicates that he will be conducting training programs that include "outreach and education programs for low-income individuals focusing on financial skills such as budgeting, saving and accessing banking services." The "business description" portion of his professional plan indicates that providing financial inclusion for low-income people is one of the "main objectives" of his financial consulting company, but the plan does not otherwise indicate that services in this sector would be a main focus of the endeavor. Further, the plan offers no additional insight into how the Petitioner intends to implement this objective in a way that it would have the claimed broader impact of "reduc[ing] inequality in society."

We have also considered the Petitioner's claim that his proposed endeavor would impact an area that is the subject of national government initiatives. He specifically referenced the Biden-Harris administration's economic recovery initiatives, noting that such initiatives "prioritize financial inclusion, support for small businesses, and the use of emerging technologies to improve the efficiency and security of the U.S. financial system." The Petitioner also emphasized that his endeavor supports several sustainable development goals under the United Nations Agenda 2030 by addressing poverty, inequality, and economic growth. However, the fact that an individual will work in a field that is generally adjacent to the subject of national government initiatives is not sufficient to demonstrate the national importance of their work. The Petitioner must still demonstrate the potential prospective impact his proposed endeavor would have on such national initiatives. Here, the record does not demonstrate that the Petitioner's consulting and financial education work would be carried out on a scale that would have a substantial prospective impact on initiatives focused on developing the small business sector, furtherance of emerging financial technologies, or reducing economic inequality.

The record also contains statistics citing an increasing demand for qualified financial consulting professionals in the United States and a shortage of qualified individuals to meet this demand. However, this shortage is likewise insufficient to demonstrate the national importance of the Petitioner's proposed endeavor. A shortage of qualified professionals alone does not render the work of an individual financial consultant nationally important under the *Dhanasar* precedent decision. Further, the Petitioner has not shown how his employment as the self-employed CEO of a small consulting business would have a significant impact on addressing the talent shortage in the field.

To further illustrate the potential impact of his proposed endeavor, the Petitioner points to his academic and professional qualifications and achievements and his past employment experience in banking and finance. We reviewed his statements, and all submitted reference letters from his employers, former professors, colleagues, clients and other business contacts, including several letters which he submitted in response to a request for evidence. The authors of the letters praise the Petitioner's expertise, professionalism, personal attributes, and past academic and employment-related achievements. The authors do not discuss his specific proposed endeavor or explain, for example, how the Petitioner's past work would be carried over to the proposed endeavor and would substantially benefit the field. While some of the submitted letters briefly address the implications of his past work, they do not do so with specificity and therefore are not probative of the Petitioner's eligibility under the first prong of *Dhanasar*. For example, a letter from D-C-C-, the Petitioner's former colleague, states that he "made a positive impact on the teams he led and the companies with which he collaborated" during his tenure at a Colombian bank. While the letter's author describes specific projects on which he worked for his employer in support of this claim, she does not offer similar support for her conclusion that "the corporate and social impact that [the Petitioner] generates in society is highly relevant." Similarly, the author's letter does not offer sufficient support for her assertion that the Petitioner "has profoundly impacted . . . the corporate economic development of [Colombia]" or that his experience and achievements are "of incalculable value . . . for the national interest of the United States."

Furthermore, we note that the Petitioner's knowledge, skills, education, and experience are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." 26 I&N Dec at 890. The issue under the first prong is whether the Petitioner has demonstrated the national importance of his proposed endeavor.

Finally, we acknowledge that the Petitioner submitted an expert opinion letter from a U.S. university professor who evaluated his eligibility under the three prongs of the *Dhanasar* framework. In addressing *Dhanasar*'s first prong, the author significantly focuses on the banking industry as well as the Petitioner's prior experience and qualifications to work in that industry. While the professor indicates that the United States would benefit from the Petitioner's expertise and skills as a financial consultant, he does not sufficiently address the Petitioner's specific proposed endeavor as it is described elsewhere in the record, including in the Petitioner's own statements and the professional plan for his business. Rather, the author of the expert opinion letter indicates that the Petitioner would be working primarily with banks on strategies for restructuring and human resources management.

We observe that USCIS may, in its discretion, use as advisory opinions statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. *Matter of Caron Int'l*, 19 I&N Dec. 791, 795 (Comm'r. 1988). However, USCIS is ultimately responsible for making the final determination regarding a foreign national's eligibility. The submission of letters

from experts supporting the petition is not presumptive evidence of eligibility. *Id.*, *see also Matter of D-R-*, 25 I&N Dec. 445, 460 n.13 (BIA 2011) (discussing the varying weight that may be given expert testimony based on relevance, reliability, and the overall probative value). Here, much of the content of the expert opinion letter lacked relevance and probative value with respect to the national importance of the Petitioner's specific proposed endeavor because the letter described a different endeavor than the one the Petitioner described in his own professional plan.

For the reasons discussed, 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 *Dhanasar*. Accordingly, the record does not establish that he merits, as a matter of discretion, the requested national interest waiver.

Because the Petitioner is ineligible for a national interest waiver of the job offer, we need not reach, and therefore reserve, his appellate arguments that, overall, granting the waiver would benefit the United States, as required by *Dhanasar's* third prong. *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 satisfied 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.

ORDER: The appeal is dismissed.