U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43527648

Date: JULY 10, 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 (NIW) 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).

Through its Service Center Operations (SCOPS), USCIS denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding that the record established that the Petitioner qualified for the underlying visa classification, but he did not merit a discretionary waiver of the job offer requirement in the national interest. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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 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.

[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).

Id.

II. NATIONAL INTEREST WAIVER

The Petitioner earned a master's degree in monetary banking, has over three decades of experience in the banking industry, and currently serves as in an executive position in two finance related companies in his home country. As his proposed endeavor, he intends to create and run a financial technology (fintech) company in Florida that develops credit management and capital settlement technology systems for small- and medium-sized enterprises in the United States.

A. Substantial Merit and National Importance (Collectively *Dhanasar's* First Prong)

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.* When we evaluate national importance, the relevant question is not the importance of the industry or profession in which the alien will work. Rather, we focus on the "the specific endeavor that the alien proposes to undertake" and we look to evidence illustrating the "potential prospective impact" of their actual proposed work. *Id.* A petitioner must demonstrate the proposed endeavor will "impact the field . . . more broadly" (*Id.* at 893) and that it has "broader implications" (*Id.* at 889). Such endeavors may have "national or even global implications within a particular field" (*Id.* at 889), "significant potential to employ U.S. workers or [have] other substantial positive economic effects, particularly in an economically depressed area, for instance" (*Id.* at 890), or has the potential to widely advance and broadly affect U.S. strategic interests (*Id.* at 892).

USCIS policy also provides that "if the evidence of record demonstrates that the person's proposed endeavor has the significant potential to broadly enhance societal welfare or cultural or artistic enrichment, or to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance." *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual (citing *Matter of Dhanasar*, 26 I&N Dec. at 889–90, 892).

As SCOPS noted, the Petitioner claimed and provided two personal statements, a research and development plan, a copy of his business plan, and copies of industry reports in support of his claims that his endeavor was of national importance.

SCOPS concluded the Petitioner's national importance claims did not satisfy *Dhanasar's* prong one requirements because, although fintech and small- and medium-sized enterprise financing is important generally, he did not show that his specific company and activities would have national or global impacts beyond his own business and its clients. They also found that claimed nationwide social and economic benefits, job creation, and planned expansion were not supported by adequate evidence or detailed projections, and that his software products and planned systems were not shown to affect the broader field or economy. SCOPS decided the Petitioner's claims and evidence was overly focused

on the general importance of the fintech industry, and that he did not document a national-level interest in his particular endeavor, and the record lacked probative expert or government statements tying his specific work to national initiatives or priorities.

On appeal, the Petitioner claims his endeavor is about more than establishing a single company and serving local clients. He states the core of his endeavor lies "in solving the foundational capability deficiencies in the U.S. small and medium financial services system-regarding credit approval, contract management, clearing efficiency, risk control capability, and compliance adaptation-through localized reconstruction, modular output, and cross-institution integration of financial technology systems."

He also claims the problems he aims to solve are nationwide issues that are recognized by authorities in the United States. Here, the Petitioner cites studies from the U.S. Treasury Department, the national Small Business Association, and the Bipartisan Policy Center "to demonstrate that the problems I aim to solve are not localized or incidental, but rather structural challenges that have long existed nationwide and have been confirmed by authoritative institutions." He continues indicating that those "materials collectively show that insufficient access to financing for small businesses, declining coverage of traditional bank loans, financing restrictions for minority and rural business owners, and the inadequacy of accessibility and fairness of financial services for underserved populations are already nationwide issues."

It appears the Petitioner misunderstood a portion of SCOPS' denial when it stated "simply working or offering services in an area that is adjacent to or aligned with the subject of national initiatives or priorities is not sufficient, in and of itself, to establish the national importance of a specific endeavor." In other words, being in alignment with or sharing common aspects with industry improvements or goals are not sufficient to meet the first prong's national importance requirement. The shortcoming here is the Petitioner has not established his specific endeavor will substantially benefit and impact the field more broadly. Nor has he demonstrated his efforts have adequate potential to widely advance and broadly affect U.S. strategic interests. *Matter of Dhanasar*, 26 I&N Dec. at 892. This misplaced focus on aligning with "nationwide issues" does not address the national importance requirements of the *Dhanasar* decision, nor does it adequately tie the Petitioner's endeavor to broadly address those business improvements. As SCOPS noted, even if he addresses problems within fintech for small- and medium-sized enterprises at a smaller scale, that does not have an impact in the field more broadly, which is one of the mandates under *Dhanasar's* national importance requirement.

Similar shortcomings emerge from his claim that his endeavor has broader implications than his clients. He explains that his "system architecture has the characteristics of reusability, replicability, and modular combinability, and I plan to provide low-threshold, standardized credit technology infrastructure to small and medium-sized financial service providers across the United States through an API open platform." He aims to improve "the overall technological supply and service capabilities of U.S. small and medium-sized financial institutions" enabling them to "complete loan approval, contract execution, and fund clearing at lower cost, higher efficiency, and stronger compliance."

Simply addressing issues that are nationally important, as the Petitioner claims here, doesn't meet the requirements under prong one. And on the issue of what the *Dhanasar* decision requires to demonstrate national importance, a review reveals that Dr. Dhanasar presented *his* proposed endeavor

as having a significant impact in his field, as did many of the expert letters supporting his petition. And when we considered Dr. Dhanasar's appeal, we performed two evaluations to determine what did, and what did not, qualify as a proposed endeavor under prong one's national importance requirements. We decided his future research efforts qualified, while his future teaching endeavor did not.

Ultimately, the question petitioners should answer for prong one's national importance requirement is not whether an endeavor could touch its broader field in some way, but whether it could impact the field in ways that carry national importance. Routine or incremental contributions that merely add knowledge or other improvements to the field without broader implications are generally insufficient to satisfy *Dhanasar's* prong one requirements. *See id.* at 889–90, 893 (concluding through its descriptive language that an endeavor's impact in a field should be wide or extensive and should not be limited, e.g., "broader implications," "significant potential," "substantial positive economic effects," and "more broadly").

The *Dhanasar* decision provides examples illustrating that—when it comes to national importance—a qualifying endeavor cannot rest on minimal effects. The decision does not provide that we only consider whether an endeavor has the potential to have *any* prospective impact in the field. Interpreting the requirements in that manner would effectively nullify the stature requirement under prong one that the endeavor must be of national importance. Instead, it should include qualitative aspects and have "national or even global implications within a particular field" or have "significant potential to employ U.S. workers or has other substantial positive economic effects." *Id.* at 889–90. (Emphasis added).

We implemented that concept in the *Dhanasar* decision itself when we drew the distinction between his two claimed endeavors: one to continue research into propulsion systems for nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles, and another endeavor to continue teaching aerospace engineering at the university level. The potential level of impact of Dr. Dhanasar's future research was a key factor in demonstrating that his work met the criteria of being nationally important under the first prong. What makes this apparent was his future efforts in teaching did not have a sufficient level of impact in the broader field and therefore, did not meet the national importance requirements under prong one. Dr. Dhanasar did not show that he "would be engaged in activities that would impact the field of STEM education more broadly."

A proposed endeavor should demonstrate qualitative contributions—such as adequately advancing knowledge, improving practices, or creating conditions with national or even global implications—rather than relying on vague or incremental effects. To satisfy this portion of prong one, a petitioner must demonstrate that the proposed endeavor will have broader field-level or national effects. For example, the endeavor will shape how the broader field operates, how technologies are deployed throughout the field rather than on a smaller scale, how policies are formed, or how outcomes are produced. Without that, the claimed impact is nominal and falls short of meeting the NIW requirements. USCIS policy guidance further reinforces this qualitative approach as being proper, stating that national importance may be established "if the evidence of record demonstrates that the person's proposed endeavor has the *significant* potential to" have a noteworthy positive impact on society or a particular technology or area of study. *See generally* 6 *USCIS Policy Manual*, *supra*, F.5(D)(3), (citing *Matter of Dhanasar*, 26 I&N Dec. at 889–90, 892). (Emphasis added).

When we evaluate national importance, the relevant question is not the importance of the industry or profession in which the alien will work. Rather, we focus on "the specific endeavor that the alien proposes to undertake" and we look to evidence illustrating the "potential prospective impact" of their actual proposed work. *Matter of Dhanasar*, 26 I&N Dec. at 889. SCOPS conveyed this in their request for evidence and in the petition's denial decision, but it appears the Petitioner refuses to accept the agency's ruling on the issue. The Petitioner has the burden to submit claims and evidence that preponderantly meet the requirements as specified in the statute, regulation, precedent decisions, and agency policies. But he has not satisfied that burden here. *See Matter of Y-B-*, 21 I&N Dec. at 1142 n.3 (finding that the filing party's burden of proof comprises both the initial burden of production, as well as the ultimate burden of persuasion).

The crux of the purpose of the national importance element in the NIW category is not that an alien is doing important work. While that may be a consideration under *Dhanasar's* first prong, it falls under prong one's substantial importance requirements. Instead, national importance means that the individual's proposed endeavor is likely to have a noteworthy distinct and qualitative impact in the field in which the alien performs the endeavor. So, doing important work is one requirement, but those seeking an NIW must show their efforts are more than that, and that their work will have repercussions in the field.

As part of the Petitioner's final arguments, he states: "I further respectfully point out that in the analysis of national importance, USCIS seems to treat 'already having widespread impact across the United States' as a necessary prerequisite. However, this is not a requirement under Matter of Dhanasar." We agree that under *Dhanasar's* first prong, demonstrating the endeavor's impact has already taken effect is not required. But where we depart from the Petitioner's statement is that SCOPS provided the quoted text anywhere in its decision on his case. We also don't find it in the request for evidence, so it's not apparent from where the quoted text originates.

Because the Petitioner has not sufficiently established the national importance of his proposed endeavor as required by *Dhanasar's* first prong, he has not demonstrated eligibility for an NIW of the job offer requirement.

B. We Reserve *Dhanasar's* Remaining Second and Third Prongs

As we explain above, *Dhanasar's* second and third prongs require the Petitioner to demonstrate he is eligible for an NIW meeting additional requirements. But because the Petitioner has not established that his proposed endeavor satisfies the *Dhanasar* framework's first prong, he is not eligible for an NIW and further discussion of the second and third prongs would serve no meaningful purpose. Consequently, we will not address and we reserve the Petitioner's remaining appellate arguments. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)); *see also Matter of Vizcaino Aybar*, 29 I&N Dec. 736, 738 (BIA 2026) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The appeal will be dismissed for the above stated reasons, with each considered an independent and alternative basis for the decision. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden.

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.