U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41652708

Date: JULY 13, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a financial director and an entrepreneur, seeks employment-based second preference (EB-2) immigrant classification as either a member of the professions holding an advanced degree or an individual of exceptional ability, 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).

USCIS denied the petition, concluding that although the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional, she 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

Upon review of the record, we agree with USCIS that the Petitioner qualifies for the EB-2 classification as an advanced degree professional,[2] but she is not eligible for a national interest waiver. Specifically, we conclude that the Petitioner did not demonstrate the endeavor's substantial merit and national importance under the first prong of the *Dhanasar* framework because the Petitioner's statements and evidence in the record do not offer a consistent, specific proposed endeavor and contain material changes.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* 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 Petitioner stated on Form I-140, Immigrant Petition for Alien Workers, that her occupation is a financial director. The letter accompanying the initial petition discussed how the Petitioner has served as a financial director of a used car dealership, [redacted]) in [redacted], Alaska,[3] since December 2024 and her intention to work as a financial director of [redacted], managing its financial resources and budgets. The letter further elaborated on how the Petitioner has demonstrated a strong commitment to advancing the company's financial operations and claimed that her activities demonstrate national importance under *Dhanasar* because her work "enhanced the dealership's operations and service offerings, . . . contributing to robust economic growth" and "plays a crucial role in boosting the local economy, fostering job creation, and promoting community development." Additionally, the Petitioner claimed that she has "championed initiatives that emphasize ecological balance through rigorous vehicle maintenance standards, ensuring that vehicles meet environmental regulations" and "contribute to national efforts to reduce pollution and greenhouse gas emissions, helping preserve road infrastructure and aligning with broader sustainability goals." Based on these initial descriptions, the Petitioner appeared to claim that her proposed endeavor's substantial merit and national importance stem from her financial operations work for the car dealership and other possible benefits associated with environment-friendly vehicle maintenance standards in the dealership's vehicle offerings.

In support of these initial claims, the Petitioner submitted various letters of recommendations from companies in Ukraine that she assisted in the past. These letters, similarly worded without much specificity, generally agree that the Petitioner's assistance resulted in "reliable financial management

[2] The Petitioner submitted her diploma, official academic transcripts, and a credential evaluation showing that she has a master's degree in finance and credit from [redacted] in Ukraine.
[3] The Petitioner included the company's tax documents indicating that she and her husband jointly own this dealership.

practices" or "sustainable management practices" and implementation of "comprehensive audit systems that ensured transparency, accountability, and improved the financial health." The letters also praised the Petitioner's "leadership qualities and ability to foster a culture of continuous improvement and innovation" and her contribution in "instilling confidence and a shared vision of future success." In addition to these letters from Ukrainian companies, the Petitioner submitted one reference letter from a company in Alaska, [redacted] LLC. This letter focuses on the Petitioner's leadership at [redacted], stating that she "has implemented cutting-edge financial solutions," contributed to "reduction of unemployment rates in the region" and "industry-wide adoption of sustainable practices," and "advance[ed] strategic financial management and operational excellence" setting a precedent for other dealerships. The Petitioner also provided job offer letters from other companies, ranging from an accounting firm in Alaska to an entertainment company in California, showing interest in hiring her as a financial director.

As the initial filing did not provide any other details beyond her intention to work as a financial director for [redacted] or for other companies in the United States, USCIS indicated in the request for evidence (RFE) that the Petitioner "has not explained what their specific undertaking in the United States is" and requested additional information to establish the endeavor's substantial merit and national importance.

In response to the RFE, the Petitioner submitted a new personal statement and a business plan for [redacted], LLC ([redacted]), a new company through which she would provide "a comprehensive National SME [small and medium enterprise] Financial Resilience and Innovation Platform – a single, systematic 42-month initiative that will deploy my tested and validated SME financial management methodologies through integrated implantation across a national network of 12 regional implement centers serving businesses in all 50 states." The Petitioner indicated that her endeavor "addresses a documented national emergency by implementing systematically developed and piloted financial management capabilities for America's small business sector through one unified platform." In support of this endeavor, the Petitioner offered an expert opinion letter, a new set of recommendation letters, and a research paper entitled, "[redacted]" dated October 2013 along with other online research articles purportedly written by the Petitioner and cited by third parties, such as '[redacted] [the Petitioner's] [redacted]' appearing on http://www.[redacted]

Based upon the evidence in the record, USCIS concluded that the Petitioner materially changed the proposed endeavor, citing to *Matter of Izzummi*, 22 I&N Dec. 169, 176 (Assoc. Comm'r 1998) (holding that a petitioner may not make material changes to a petition in an effort to make a deficient petition conform to USCIS requirements). On appeal, the Petitioner asserts that USCIS' decision was in error because it applied "overly restrictive interpretation of RFE response standards" and that her proposed endeavor in the RFE response merely clarifies the initially proposed endeavor. However, we do not find the Petitioner's assertions persuasive and agree with USCIS' determination.

As proposed in her initial filing, the Petitioner's original endeavor involved working as a finance director for a used car dealership to enhance its operations, providing economic benefits such as creating jobs in the region, and promoting sustainable and environment-friendly vehicle maintenance standards. By contrast, the Petitioner's RFE response indicated a shift in focus, proposing to create a

different business to strengthen SMEs in the United States and disseminate her financial management methodologies that she did not mention in the initial proposal. The Petitioner also submitted brand new evidence tailored to her changed endeavor, such as her publications, a business plan, a new set of recommendation letters, and an expert opinion, rather than providing evidence to establish substantial merit and national importance of her original endeavor. USCIS regulations affirmatively require a petitioner to establish eligibility for the benefit it is seeking at the time the petition is filed. 8 C.F.R. § 103.2(b)(1). A visa petition may not be approved based on speculation of future eligibility or after a petitioner becomes eligible under a new set of facts. *See Matter of Michelin Tire Corp.*, 17 I&N Dec. 248, 249 (Reg'l Comm'r 1978). Here, the Petitioner made an impermissible material change to her proposed endeavor when USCIS asked for more details about her proposed endeavor in the RFE. *See Matter of Izummi*, 22 I&N Dec. at 176. Therefore, we will not consider the changes made to the Petitioner's proposed endeavor and evaluate the proposed endeavor as submitted in the initial filing to determine its substantial merit and national importance.

Contrary to USCIS' determination,[4] we conclude that the Petitioner's original endeavor does not have substantial merit. Based on the initial filing, the Petitioner has not clearly defined her proposed endeavor nor provided persuasive and corroborating documentation to support a finding of substantial merit. The Petitioner's endeavor as initially stated includes only vague references and generic descriptions of the occupation of a financial director for her used car dealership and claims about providing economic benefits to the region and sustainability in vehicle maintenance standards. In the RFE, USCIS noted that the Petitioner failed to provide sufficient details regarding her proposed endeavor to show that it was of substantial merit and the Petitioner responded by altering her original endeavor to forming her own consulting company, [redacted], to assist SMEs across the United States and disseminating her innovative finance management methodologies. Per our decision in *Dhanasar*, it is the substantial merit of the specific endeavor that must be established, not the merits of an entire field or industry.

Similarly, in determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work. The Petitioner claimed that her original endeavor is to work as a financial director for the used car dealership and this endeavor will provide significant economic contribution to the United States; however, the record does not offer any sufficient, specific information and evidence regarding her proposed endeavor or its prospective impact rising to the level of national importance. *See Dhanasar*, 26 I&N Dec. at 889 (indicating that we focus on the "the specific endeavor that the foreign national proposes to undertake" and look to evidence documenting the "potential prospective impact" of the proposed endeavor). Here, the Petitioner provided generalized claims regarding her endeavor's national importance and did not provide probative and relevant evidence to support her claims. Generalized conclusory statements that do not identify a specific impact in the field have little probative value. *See 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

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

[4] USCIS ultimately concluded that the Petitioner's new endeavor as presented in the RFE response has substantial merit, but now we withdraw this determination.

improved manufacturing processes or medical advances." *See Dhanasar*, 26 I&N Dec. at 889. The Petitioner does not offer any evidence, aside from her own statements, that her skills in finance operation differ from or improve upon those already available and in use in the United States. The Petitioner has not sufficiently demonstrated how her proposed endeavor will substantially benefit the various fields of finance, sustainability in vehicle maintenance, or entrepreneurship. 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. However, the Petitioner has not established that her endeavor has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Without corroborating evidence regarding any projected U.S. economic impact or job creation attributable to her company, the record does not show that the benefits to the U.S. regional or national economy resulting from her endeavor of working as a financial director would reach the level of "substantial positive economic effects" as contemplated by *Dhanasar. Id.*

The Petitioner asserts on appeal that she has established substantial merit and national importance of her work by a preponderance of the evidence. The Petitioner contends that USCIS erred by not considering the totality of the evidence, especially the expert opinion letter by Professor P-I-M- from [redacted] University and her outreach efforts to other academic institutions in the United States to validate importance of her methodologies. The Petitioner also contends that USCIS improperly applied "an academic citation metric (Google Scholar) to a business/entrepreneurship endeavor" and dismissed multiple recommendation letters "based solely on similar professional language structure without investigation or evidence of actual inauthenticity."

With respect to the standard of proof in this matter, a petitioner must establish that she meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-76. To determine whether a petitioner has met her burden under the preponderance standard, USCIS considers not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.* at 376; *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). Here, the expert opinion letter from Professor P-I-M- lacks probative value as it was introduced after Petitioner materially changed her proposed endeavor. Furthermore, the expert letter does not contain sufficient information or explanation of the Petitioner's future endeavor, corroborated by the record showing that the Petitioner's proposed work as a financial director offers broader implications in her field or substantial positive economic effects for our nation that rise to the level of national importance. *See Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988) (holding that the immigration service may reject or afford less evidentiary weight to an expert opinion that conflicts with other information or "is in any way questionable").

Also, USCIS properly scrutinized certain evidence that appears to be inconsistent or incongruous with other materials presented in the record. For example, in requesting corroborating evidence of academic citation metrics like Google Scholar, USCIS attempted to examine authenticity of the Petitioner's claims that she published papers on her financial methodologies and third parties cited to or utilized her innovative framework. But the Petitioner did not provide sufficient explanation or clarification regarding her purported research paper or other articles introduced with her RFE response. We also note that the recommendation letters do not establish the endeavor's national importance, not only because they contain similar language or structure, but also for the lack of specificity in describing the Petitioner's individualized assistance to various companies and persuasive

details regarding the prospective impact of her future endeavor. In addition, the reference letters discussing the Petitioner's experience, skills, and abilities as well as any publications purportedly written by the Petitioner largely relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Dhanasar*, 26 I&N Dec. at 890.

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. Likewise, the Petitioner has not provided evidence to support that her work as a financial director working for her car dealership or other companies would have substantially positive effects or would otherwise have broader implications beyond those employers.

Based on the foregoing, we find that the Petitioner did not establish substantial merit and national importance of the proposed endeavor and did not meet the first prong of *Dhanasar*. Therefore, we decline to reach and hereby reserve the Petitioner's arguments regarding her eligibility under the second and third prongs. *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 she has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion.

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.