U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40533493

Date: JULY 23, 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 management analyst, 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).

USCIS denied the petition, concluding that despite qualifying for the underlying EB-2 visa classification as an advanced degree professional, the Petitioner did not establish 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

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;
- 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

USCIS determined that the Petitioner qualified as an advanced degree professional but did not establish eligibility for a national interest waiver under the *Dhanasar* framework. For the reasons discussed below, we agree with USCIS's determination that the Petitioner has not sufficiently demonstrated the national importance of her proposed endeavor under the first prong of the *Dhanasar* analytical framework.

A. National Interest Waiver

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

Here, the Petitioner stated that she assumes the role of a branch manager for the company where she is currently employed and plans to use her "extensive experience to address critical needs in the financial and insurance sectors." USCIS stated that "an occupation and the general work performed in the occupation of branch manager [] does not constituted an endeavor" and determined that the Petitioner did not adequately identify her proposed endeavor. We disagree.

Although the Petitioner acknowledged that her current role is that of branch manager, she did not list that as her proposed endeavor but rather stated that her endeavor would be as follows: "Optimizing organizational operations and workforce productivity in the U.S. financial and insurance sectors in underserved areas." She further stated that she intends to use her "extensive experience to address the critical needs in the financial and insurance sectors" and that her work "aligns with U.S. priorities for economic stability and organizational effectiveness."

1. Substantial Merit

First, we will address the issue of substantial merit, which may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889.

Contrary to USCIS's determination that the Petitioner's proposed endeavor is to be a branch manager, the Petitioner initially stated that she intends to optimize operations and productivity in specific

[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).

industries in underserved areas. On appeal, she similarly states that she intends to "improv[e] operational efficiency and workforce productivity in underserved areas." The record contains evidence, including articles and reports about government initiatives, demonstrating the substantial merit of this proposed endeavor. As such, we will withdraw USCIS's adverse conclusion on this issue.

2. National Importance

Notwithstanding our favorable determination on the issue of substantial merit, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of her proposed endeavor under the first prong of the *Dhanasar* analytical framework. In determining whether the proposed endeavor has national importance, we consider the endeavor's potential prospective impact. *Id.*

As stated earlier, the Petitioner's endeavor "involves improving operational efficiency and workforce productivity in underserved areas." In response to USCIS's request for evidence (RFE), the Petitioner stated that she intends to "systemically transform how financial and insurance services are delivered in regions where they are most needed." She claimed that her endeavor "aligns with U.S. priorities for economic stability and organizational effectiveness" and that it will promote "organizational profitability and national economic growth." The Petitioner provided a map highlighting areas of "chronic economic distress," claiming that her endeavor will prioritize these areas "for targeted intervention" through strategies that will ensure these populations "have better access to affordable financial products."

USCIS determined that the Petitioner did not provide sufficient evidence of her endeavor's projected economic impact such as job creation or benefits to the regional or national economy attributable to the endeavor. USCIS further found that the record does not show that impact from the Petitioner's endeavor would extend beyond her future employer to broadly impact the financial industry at a level that is commensurate with having national importance.

On appeal, the Petitioner asserts that her work "addresses systemic inefficiencies in financial and insurance operations in economically distressed counties" and that she plans to implement "scalable, research-informed frameworks," claiming that her work "aligns with U.S. economic goals and supports equitable economic growth." However, despite claiming that she previously submitted "data, expert recommendations, and a proven track record" that demonstrate her proposed endeavor's potential prospective impact, the Petitioner does not specify which data or "expert recommendations" support these claims.

For example, in one recommendation letter, Chief Executive Officer of [redacted] T-A-, discussed findings from a study that the Petitioner performed showing "the importance of AI-driven analytics in reducing non-performing loans and improving portfolio predictability." T-A- stressed the applicability of a framework the Petitioner developed, stating that it could "significantly benefit U.S. financial institutions, particularly community banks and credit unions in economically distressed regions." In another recommendation letter, C-G-, an "accounting professional," stated that the Petitioner has a "rare and valuable skillset" that she uses to "translate complex theories into actionable solutions, particularly those aimed at improving operational efficiency and workforce development." C-Z- referred to the Petitioner's "innovate approaches" and stated that her research

"demonstrates substantial human impact." However, neither T-A- nor C-G- specifically mentioned or discussed the Petitioner's proposed endeavor.

Further, although the record contains statistical data showing that there is limited access to financial and insurance services in rural and low-income communities, the Petitioner does not explain on appeal how this data supports her endeavor's claimed national importance. Importantly, it remains unclear how the Petitioner plans to implement her endeavor on a broad scale such as to impact the financial services and insurance industries or the rural and low-income regions where accessing these industries is particularly problematic. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

In response to the RFE, the Petitioner stressed the importance of the financial services and insurance industries, stating that they are "cornerstones of economic participation, security, and resilience, particularly in underserved and economically distressed areas." However, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889. Here, the Petitioner's specific role within the scope of her endeavor is unclear. While the Petitioner states that she wants to use her experience abroad to "transform how financial and insurance services are delivered in regions where they are most needed" and asserts that a labor certification "tied to a single job offer would severely constrain this mission by tethering it to a single employer or location," she has not adequately explained how she plans to "target[] structural weaknesses in sectors essential to the U.S.'s economic health and disaster reliance" in a way that would broadly impact how financial and insurance services are provided in underserved areas.

The Petitioner also pointed out that she successfully improved the "operational efficiency and workforce productivity" while working as the branch manager of her employer abroad, indicating that her prior achievements serve as evidence of her endeavor's potential prospective impact. However, a discussion of the Petitioner's skillset is more relevant to a consideration under *Dhanasar*'s second prong, which seeks to determine whether a petitioner is well positioned to advance an endeavor and "shifts the focus from the proposed endeavor to the foreign national"; the focus of a first prong discussion is the endeavor itself. *See Matter of Dhanasar*, 26 I&N Dec. at 890.

Further, the Petitioner has touted her "methodology" as a means for offering "scalable workflows, staff development programs, and digital platforms" that offer a tailored approach for addressing "access limitations" in economically distressed areas issues. However, she has not adequately described her methodology or stated how she plans to implement it on a broad scale that is commensurate with national importance. Instead, in the RFE response the Petitioner discussed a five-phase plan for executing her endeavor, maintaining that the endeavor "is not confined to a single employer or location" and is "a transferable, scalable blueprint designed for national adoption across multiple sectors and regions." Despite making these claims and stressing that the underserved communities would be the beneficiaries of her endeavor, the Petitioner offered only vague information about her means for meeting her objectives and did not disclose how her work would be funded or clarify the scope or setting within which she intended to carry out her multi-phase plan. Paradoxically, the Petitioner provided a list of "my specific objectives and responsibilities" which she said she would incorporate "[a]s Branch Manager," leaving us to question the setting in which she

planned to assume this role if her endeavor is not limited to a particular employer, as claimed. The Petitioner must resolve this ambiguity in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

In sum, the Petitioner claims that the impact of her endeavor to improve "operational efficiency and workforce productivity in underserved areas" would create substantial positive economic effects or enhance societal welfare at a level that is indicative of national importance. *See id*. However, she has not adequately supported these claims with evidence or reliable information about her endeavor's prospective impact on the financial and insurance services industries or on the nation. Despite the substantial merit of the Petitioner's proposed endeavor, the record does not establish by a preponderance of the evidence that the endeavor meets the first prong of the *Dhanasar* framework related to national importance.

The documentation in the record does not establish the national importance of the Petitioner's proposed endeavor as required by the first prong of the *Dhanasar* precedent decision. Accordingly, because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve any evidence or arguments concerning the Petitioner's eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

B. Eligibility for the Underlying Classification

In addition, our review of the record shows additional deficiencies that were not discussed in the denial. Namely, despite USCIS's determination that the Petitioner qualifies for the EB-2 visa classification as an advanced-degree professional, the record as currently constituted does not support that finding.

The record includes a degree certificate showing that in 2014 [redacted] awarded the Petitioner the degree of Bachelor of Science in Business Administration. The record also contains a degree certificate and corresponding transcript listing courses that the Petitioner purportedly took in "Semester 2nd Session 2018/2019" and in "Semester 1st Session 2020/2021" towards the completion of a Master of Science degree "in Management" from [redacted] in 2022. We note, however, that the Petitioner's credential evaluation states that the length of her master's program in "Business Administration (Management)" is three semesters. Because the Petitioner provided evidence of having completed only two semesters, it does not appear that she met the stated requirements for a graduate degree in business administration.

Further, the Petitioner did not list a master's degree either in her résumé or in her Form ETA-9089, Application for Permanent Employment Certification. Rather, when listing her education credentials in the résumé and in the Form ETA-9089, the Petitioner included only her undergraduate degree,[2]

[2] While not included in the Petitioner's record of proceeding, U.S. Department of State records show that in July 2024 the Petitioner filed a nonimmigrant visa application (NIV) where she also did not include a Master's Degree when listing her education history.

thereby leading us to question whether she earned an advanced degree as claimed. *See* 8 C.F.R. § 204.5(k)(2).

It is possible to qualify for the EB-2 visa classification as an advanced-degree professional by documenting five years of progressive experience in the specialty following a bachelor's degree or its foreign equivalent. *Id.* Here however, despite providing a résumé indicating that she has the required employment experience, the Petitioner has not provided sufficient corroborating evidence to support her claims.

First, the Petitioner provided a recommendation letter from O-A-, stating that he is the Chief Financial Officer of [redacted] the latest employer listed in the Petitioner's résumé. O-A- used the present tense when stating that the Petitioner works in the position of product manager. However, according to the Petitioner's résumé, her current position is listed as branch manager while her prior position was that of product manager. Although the record also contains an employment offer letter dated August 2022 stating that [redacted] purportedly offered the Petitioner the position of "productivity manager,"[3] this too is inconsistent with the Petitioner's résumé, which states that she had assumed the position of product manager in March 2018 and had been working in that position for over four years as of the date listed on the job offer letter.

Further, according to information the Petitioner provided in an NIV application she filed in July 2024, the job duties she claimed she was performing as an employee of [redacted] included marketing and selling insurance policies and "product [sic] of the company to potential customers to increase profitability and expand business." These job duties appear to be inconsistent with those of a branch manager, which is the position the Petitioner claims to have held when she filed the instant petition.

In sum, the record does not contain independent, objective evidence resolving the inconsistencies discussed above. *See Matter of Ho*, 19 I&N Dec. at 591-92. Accordingly, because of the evidentiary deficiencies discussed above, the Petitioner offered has not established that she is an advanced-degree professional either based on having attained five years of post-baccalaureate progressive experience in a specialty or based on having earned a master's degree. *See* 8 C.F.R. § 204.5(k)(2).

While the additional deficiencies discussed above are not grounds for our dismissal of this appeal, the Petitioner will be required to address such deficiencies in any future filings, whether in further pursuit of the instant petition or with regard to any other employment-based petition where the above-listed issues are relevant to eligibility.

[3] The record contains multiple iterations of this company's name, including [redacted]. The job offer letter was printed on company letterhead, which identifies the company as [redacted], thereby indicating that the remaining versions may be unofficial iterations of the company's name.

III. CONCLUSION

As the Petitioner has not met the national importance requisite within the first prong of the *Dhanasar* analytical framework, we conclude that she has not established that she is eligible for or otherwise merits a national interest waiver. The appeal will be dismissed for the above stated reasons.

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.