U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42911185

Date: JULY 29, 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 commercial manager in the banking and finance field, 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 the record 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. 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) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

II. ANALYSIS

The Petitioner is a commercial manager at a bank and states he has over 30 years of experience in the banking industry. His past positions include roles as a bank agency manager, head of banking agency operations, sales and banking products executive, and bank agency cashier.

The Petitioner stated:

> My proposed endeavor is to develop and implement specialized financial services tailored to individuals and small businesses within the Latin American community residing in the United States in order to contribute to the United States economy by motivating them to keep their resources within the United States financial system instead of transferring them to their countries of origin. I will do so by leveraging my extensive experience in banking, particularly in advising on economic resource management and cash flow optimization, to address the challenge of funds migrating from the U.S. to other economies. Through liaison services, financial advice, and training on banking products and platforms, my initiative will empower local investment and financing, thereby reducing the outflow of funds from the United States. Additionally, I will establish strategic partnerships with U.S. banks and provide legal and logistical support to facilitate business operations. Ultimately, my initiative seeks to promote economic development within the Latin American communities while enhancing cash liquidity within the U.S. banking system.

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that he did not establish his eligibility under the *Dhanasar* analytical framework. Specifically, although SCOPS found substantial merit in the proposed endeavor, they concluded the Petitioner did not establish that his proposed endeavor has national importance, that he is well positioned to advance the proposed endeavor, and that, on balance, waiving the job offer requirement would be beneficial to the United States. For the reasons discussed below, we agree with SCOPS that the Petitioner has not shown his endeavor's national importance under *Dhanasar's* first prong and, therefore, is not eligible for a national interest waiver.[2] Accordingly, we will dismiss the appeal.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS found that the Petitioner did not present sufficient information and evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. They concluded that the evidence did not show, for instance, that the endeavor would have broader implications, such as a significant potential to employ U.S. workers or other substantial positive economic effects, that it would offer original innovations, or that it would otherwise broadly enhance societal welfare. Rather, SCOPS found the evidence demonstrated that the benefits of the endeavor were localized and would not have a broader impact on the field outside of his company, employees, business partners, alliances, and/or clients.

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

On appeal, the Petitioner asserts, among other things, that SCOPS applied an incorrect standard and imposed requirements outside of controlling precedent and regulations. He also argues, citing *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994), that SCOPS did not adequately consider or discuss the totality of the evidence and so abused their discretion. The Petitioner maintains that he submitted "ample evidence" of his endeavor's national importance.

As an initial matter, we are not persuaded by the Petitioner's argument that SCOPS abused their discretion. The court in *Buletini*, did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor does it suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *aff'd Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); *Kazemzadeh v. U.S. Att'y. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *see also United States v. Teixeira*, 62 F.4th 10, 25 (1st Cir. 2023) (concluding a trier of fact "need not articulate its conclusions as to every jot and tittle of evidence in making a determination"). Here, SCOPS' decision reflects consideration of the evidence in the totality even though SCOPS did not address each piece of evidence individually. Based on the record, SCOPS concluded, and we agree, that the evidence does not sufficiently demonstrate the endeavor's potential prospective impact to establish its national importance.

Turning to the *Dhanasar* framework, the first prong, substantial merit and national importance, focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* 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." *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.

In this case, the Petitioner has not met his burden to demonstrate that his proposed endeavor's prospective impact rises to the level of national importance. In particular , the record does not illustrate how his specific endeavor would sufficiently extend beyond his company, clients, and the individuals he trains to impact the field more broadly.

The Petitioner argues that SCOPS improperly conflated his proposed endeavor with his proposed employment as the owner of his company, [redacted] While the Petitioner contends that his proposed endeavor should be viewed as distinct from his proposed employment and his associated job duties and responsibilities there, SCOPS properly considered the potential prospective impact of his proposed endeavor though his company where, as here, the Petitioner expressed that his company will be the "vehicle" through which he will further his endeavor. In other words, because the Petitioner plans to implement his endeavor through his company, his company's impact, as well as his activities there, are relevant to the issue of whether his proposed endeavor has the necessary potential prospective impact rising to the level of national importance.

The Petitioner claims that his proposed endeavor has national importance because it will foster economic growth and resilience, generate job opportunities, bolster the liquidity of the U.S. financial system by retaining economic assets within the country, empower individuals and communities through improved financial literacy, and align with U.S. government initiatives. Specifically, the Petitioner claims that, "[b]y encouraging individuals and small businesses within this community to retain their financial resources within the U.S. banking system, his initiative addresses a critical economic challenge: the outflow of funds to other economies. This retention of capital will not only enhance the liquidity of the U.S. banking system but also stimulate local investment and economic growth." The Petitioner also claims that his endeavor aligns with the U.S. government's focus on supporting Hispanic entrepreneurs and small businesses, as well as their efforts to enhance access to capital, provide support services, and empower underserved communities.

In support of his claims, the Petitioner submits various industry articles on topics including Hispanic households and banking, U.S. liquidity problems, remittances to Central America and Mexico, and the importance of financial literacy. He also provides various governmental reports and fact sheets on topics such as Hispanic outreach, investments in the economic future of Latino communities, and Hispanic-owned businesses. In claiming his endeavor's national importance, however, the Petitioner relies heavily on the value of the financial services and banking fields generally. But a petitioner's work in an important industry, even one that is the subject of federal priorities, is not sufficient, in and of itself, to establish the national importance of the proposed endeavor. *See id.* at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes to undertake"). The Petitioner must still demonstrate his proposed endeavor's potential prospective impact in that area of national importance. In this case, while the documents provide helpful background information and support the substantial merit of the proposed endeavor, they do not sufficiently demonstrate with specificity how the Petitioner's work would impact these areas to show its national importance. And while we acknowledge the Petitioner's contention that there is no requirement that the industry articles and reports specifically mention the endeavor by name, the evidence must still show how the proposed endeavor would specifically and directly produce the broader, nationally important impacts asserted.

The record also does not support the substantial economic benefits the Petitioner claims. The Petitioner contends that his endeavor will contribute to job creation and economic stability in underserved areas, including economically distressed regions in Texas, where he will operate. He asserts that his endeavor will, therefore, contribute to the broader economic stability and growth of the United States. According to his business plan, the Petitioner expects his company will employ six individuals with sales of $540,000 in the first year. By the fifth year, he expects to employ 16 individuals with sales of $1,422,000. He also estimates that his company will generate 33 indirect jobs and pay $203,228 in taxes by year five. The record, however, does not provide sufficient details regarding the basis for these projections or evidence to support the business plan's financial projections.

Nevertheless, even if these projections were accurate, we would still conclude that the Petitioner has not adequately demonstrated how the proposed endeavor would generate such significant economic activity that it rises to the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890. For example, although his company is projected to have sales of $540,000 during the first year of operation, increasing to$1,422,000 by the fifth year,

the record does not reflect the impact these figures would have to the regional or national economy and does not show that any potential benefits would reach the level of "substantial positive economic effects." He also has not explained how employing 16 employees by year five shows that his future staffing levels would provide substantial economic benefits to [redacted], Texas, where the company will operate, or the U.S. economy more broadly at a level commensurate with national importance. And while the Petitioner contends that neither *Matter of Dhanasar* nor USCIS policy requires petitioners to show that job creation reach a specific numerical threshold to show national importance, it is, nevertheless, still the Petitioner's burden to demonstrate that the potential positive economic effects of his specific endeavor will be "substantial." *Id.* As discussed above, the Petitioner did not show how the evidence demonstrates that his projected staffing numbers, even in an economically depressed area, would establish a significant potential to employ U.S. workers in the region or nation, or otherwise have other substantial positive economic effects.[3] *Id.* at 890.

The other evidence in the record also does not demonstrate that the Petitioner's proposed endeavor would have broader implications extending beyond his company and clients to produce the nationally important impacts claimed.[4] For instance, the Petitioner states that his consulting company's services would include financial advisory services, bank liaison services, training and education, and legal and logistics support. In particular, he claims that his consulting company will provide "personalized financial advisory services designed to meet the unique needs and goals of individuals and small businesses within the Latin American community." But the record does not illustrate how the benefits from these specific activities providing "personalized" financial services would extend beyond the individuals and businesses utilizing his services to have a broader impact. Rather, the primary benefits appear to be localized to those small subsets of individuals and businesses. The record does not reveal how this future work will produce the claimed impacts rising to the level of national importance. Although the Petitioner argues that "[b]y equipping clients with the knowledge and tools necessary to make sound financial decisions, the Petitioner's endeavor will foster economic resilience and growth within this demographic, which in turn will contribute to the broader economic stability of the United States," the record does not establish how his endeavor would play more than an indirect, tangential role in producing such claimed economic benefits. Any basic economic activity has the potential to positively impact the economy and social welfare; however, the Petitioner has not offered a sufficiently direct connection between his proposed endeavor activities and any demonstratable societal welfare or substantial economic activities.

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[3] On appeal, the Petitioner states that he does not intend to participate as a small business under government initiatives such as the HUBZone program. Rather he contends that he is "focused on contributing to the retention of economic resources within the U.S. financial system and the empowerment of small businesses, particularly those located in economically distressed areas such as opportunity zones and HUBZones. While we acknowledge the Petitioner's contention, as discussed above, the evidence does not establish that his endeavor would, for instance, employ a significant population of workers in those areas, or that his endeavor would offer a region or its population a substantial economic benefit through employment levels or business activity.

[4] Contrary to the Petitioner's claim on appeal, SCOPS did not require him to demonstrate that his work "has offered novel insights" or that the particular work he proposes to undertake offers "original innovations." Rather, they noted that the evidence was insufficient to show the endeavor would have broader, national implications through, for example, original innovations that contribute to advancements in the industry. *See id.* at 889 (providing that an endeavor may have national importance because it has national or global implications in a field, such as those resulting from certain improved manufacturing processes or medical advances).

The Petitioner also states he will offer workshops and training sessions to educate clients on the portfolio of products and services offered by North American banks, as well as on digital and physical banking platforms. But, in the same way that *Dhanasar* finds that a classroom teacher's proposed endeavor is not nationally important because it will not impact the field more broadly, we also conclude that the Petitioner has not shown these activities would sufficiently extend beyond the individuals and businesses he trains to affect the field more broadly at level commensurate with national importance.

The Petitioner also submitted numerous support letters, but they likewise do not establish the endeavor's national importance. Insofar as these letters, the Petitioner, and other evidence in the record highlight the Petitioner's skills, personal attributes, and past accomplishments, these are considerations under *Dhanasar's* second prong. *See Matter of Dhanasar*, 26 I&N Dec. at 890. When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Id.* at 889.

Although some of the letters broadly state that the Petitioner's endeavor will benefit the United States, they lack specific details and corroborating evidence to substantiate their claims. For example, the Petitioner submitted an expert opinion letter written by [redacted], a professor at [redacted] While the professor comments on the proposed endeavor and its claimed benefits, his opinion is largely conclusory and does not adequately explain how the Petitioner's work, in particular, would produce such nationally important impacts. Among other things, the professor claims that "[b]y providing tailored financial support and resources to Latin entrepreneurs and businesses, [the Petitioner's] initiative stimulates economic growth not only within these communities but also across the nation." He also contends that "[the Petitioner's] commitment to supporting minority-owned businesses through tailored consultancy services will contribute to overall competitiveness within the United States, while also enhancing diversity and fostering economic progress within cultural minority communities across the nation." But beyond these generalizations, the professor provides little explanation or supporting evidence directly linking the Petitioner's endeavor to these claimed benefits, the economy's growth, industry wide impact, or other substantial positive economic or societal effects. Instead, the professor's observations rely more on generalizations about the results of typical business activity, rather than providing probative information about how the Petitioner's particular endeavor would specifically accomplish these results and how any impact would sufficiently extend beyond the direct clients that the Petitioner will serve to rise to the level of national importance.

The Petitioner also submitted letters from potential clients interested in his services, but they also do not provide sufficient information to demonstrate the endeavor would have the significant economic or broader impacts claimed. While they may demonstrate some client interest and that the Petitioner's services may provide some benefits to his potential clients, the record as it stands does not adequately demonstrate how his proposed endeavor would produce such broader impacts to the field such that it would rise to the level of national importance.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the record does not establish his proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and

arguments concerning whether he has established eligibility under the remaining two *Dhanasar* 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, he has not established that he 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.