U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40794621

Date: JUN. 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 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 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

The Petitioner's proposed endeavor is to "design, implement, and optimize financial workflow processes for small and medium-sized enterprises (SMEs) to enhance financial efficiency, improve cash flow management, and enable data-driven strategic planning across the U.S. business landscape." She further explains that her work "involves leveraging modern technologies particularly Application Programming Interfaces (APIs) to integrate accounting, operational, and forecasting system." She also states that she plans to share her "insights and methodologies through presentations at industry conferences, fostering knowledge exchange and collaboration across sectors."

A. EB-2 Classification

The Petitioner submitted her foreign population studies degree and her foreign diploma in business and finance, along with the academic transcripts and an academic evaluation. Notably, the academic transcripts show that her population studies degree was awarded after three years of study and her diploma in business in finance was awarded after one year of study. Further, the academic evaluation states that "[u]pon reviewing [the Petitioner's] academic history it becomes apparent that [the Petitioner] has satisfied the coursework requirements which are substantially similar and equivalent to those required for the completion of a four-year Bachelor's Degree program at an accredited institution of higher education in the United States."

The regulation at 8 C.F.R. § 204.5(k)(2) defines an advanced degree as "any United States academic professional degree *or foreign equivalent degree* above that of a baccalaureate" (emphasis added). The regulation further provides, "A United States baccalaureate degree *or a foreign equivalent degree* followed by at least five years of progressive experience in the specialty shall be considered the equivalent of a master's degree" (emphasis added).

The regulation at 8 C.F.R. § 204.5(k)(2) contemplates a singular degree, whether a U.S. degree or a foreign degree equivalent to a U.S. degree. The regulation at 8 C.F.R. § 204.5(k)(2) does not contemplate a combination of a degree that is not equivalent to a U.S. degree with a diploma that also is not equivalent to a U.S. degree, in order to form the equivalent of a U.S. bachelor's degree.

Therefore, the Petitioner does not establish eligibility for the underlying immigrant classification, and we withdraw USCIS' determination to the contrary.

[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).

B. Substantial Merit and National Importance

We will now address whether the Petitioner has established that a waiver of the job offer requirement, and thus of the labor certification, would be in the national interest.[2] The first *Dhanasar* 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.* USCIS determined that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, USCIS concluded that the Petitioner did not establish that his proposed endeavor has national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "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.

On appeal, the Petitioner contends USCIS failed "to correctly and rightfully consider the viable, probative evidence speaking to the national importance" of the proposed endeavor. The Petitioner observes in prior cases, federal courts have noted that decisions failing to contemplate or discuss the entirety of the evidence in a filing amount to critical error in the adjudicative process. The Petitioner relies on *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994) to support her assertion that USCIS erred in failing to consider all the evidence in its totality. While we agree that an adjudicator should consider the relevant evidence in the record, we also note that U.S. district court decisions, such as the one cited by the Petitioner, are not binding precedential authority. The reasoning underlying a district judge's decision will be given due consideration when it is properly before us; however, the analysis does not have to be followed as a matter of law. *See Matter of K-S-*, 20 I&N Dec. 715, 719 (BIA 1993). More importantly, the Petitioner does not sufficiently support the claim that there was relevant evidence that USCIS did not consider. In fact, USCIS specifically discussed the Petitioner's model plan and determined that the Petitioner relies on arguments related to the importance of the field rather than the proposed endeavor's national importance.

Further, when USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the Petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir.1992); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993).

Here, the Petitioner continues to assert on appeal that her proposed endeavor has national importance because it aligns with national priorities "to enhance SMEs' capacity to compete in the economy." She emphasizes that her proposed endeavor aligns with several national initiatives promulgated

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

through the U.S. Small Business Administration, the U.S. Department of Commerce, the U.S. Department of Treasury, amongst other government entities. However, the Petitioner must demonstrate that her proposed endeavor would have a substantial national impact on these large government initiatives rather than just contribute to them in some way.

Moreover, while the Petitioner asserts that USCIS erred by requiring her endeavor to be specifically mentioned in a national initiative, USCIS did not state that this was a requirement. Instead, USCIS correctly noted that evidence showing the national importance of the industry or profession, in general, is insufficient to establish the national importance of the specific proposed endeavor. In *Dhanasar*, the relevant question is not the importance of the industry or profession in which the individual will work, but whether the specific proposed endeavor has broad enough implications to be considered of national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889. Here, because the submitted evidence did not specifically concern her endeavor, the information contained in the industry reports and articles is probative of the importance of SMEs and the financial management industry, but the information is not sufficiently probative to establish that her specific proposed endeavor is of national importance. *See Matter of Chawathe*, 25 I&N Dec. at 375.

In addition, the Petitioner contends that "[b]y fostering the financial health of SMEs, the endeavor directly supports job creation and sustained economic development across the nation." She also states that "[b]y fostering innovation, creating jobs, and driving economic resilience, the endeavor will contribute to the broader goals of promoting inclusive economic growth, enhancing the competitiveness of the U.S. marketplace, and ensuring long-term sustainability of the small business sector" in advancing the economic priorities of the United States. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. While any basic economic activity has the potential to positively affect the economy to some degree, the Petitioner has not demonstrated how the asserted potential prospective impact of her proposed endeavor stands to offer broader implications in her industry or generate substantial positive economic effects. Here, the record does not contain information or evidence regarding any projected direct economic impacts or job creation attributable to the Petitioner's future work within the context of her specific proposed endeavor. Therefore, she has not sufficiently explained how her proposed endeavor to work as an advisor or consultant in the field of financial management has the significant potential to employ U.S. workers. While the Petitioner submitted personal statements and model plans outlining the types of services she may provide to U.S. businesses, she did not provide a business plan, or any other plans or projections explaining the expected scope of her intended activities, nor did she otherwise support her general claim that her proposed endeavor would have potential positive economic effects at a level commensurate with national importance.

Further, while the Petitioner asserts her initiative will "create meaningful social impact by addressing disparities in financial access, literacy, and opportunity," as well as address the challenges SMEs face in underserved communities, she has not provided evidence that the area where she intends to operate in is economically depressed, that her proposed endeavor would employ a significant population of workers in the economically depressed areas, or that the proposed endeavor would offer the region or its population a substantial economic benefit through employment levels, business activity, or related tax revenue. While the intention is meritorious, the Petitioner has not provided corroborating evidence to support these claims. The Petitioner must support her assertions with relevant, probative, and credible evidence. *Id.* at 376.

Furthermore, the Petitioner states that while her "services are customized to address each client's unique needs, the methodologies, technologies, and staff training programs she will employ – such as Application Programming Interfaces (APIs), Advanced Scenario Modeling, Zero-Based Budgeting, and Driver-Based Planning – are designed for broad applicability and adaptability across the whole SME sector." However, the Petitioner does not sufficiently clarify how her proposed consulting company would allow her asserted professional services to disseminate beyond the scope of her company, leaving question as to its potential prospective national impact. For instance, it is not apparent how her claimed innovations, even if explained, would be made publicly available rather than maintained as proprietary information. In her model plans, the Petitioner asserted that she would disseminate her methodologies through conference presentations, cross-sector industry collaborations, and practitioner-focused publications." 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. *Matter of Dhanasar*, 26 I&N Dec. at 893. We noted 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.* at 889. Likewise, the Petitioner's intent to transfer her methodologies to others does not demonstrate an impact on the financial management industry more broadly or rise to the level of national importance as contemplated by *Dhanasar*. Moreover, while we acknowledge letters of interest from potential clients in the record, the evidence does not establish the proposed endeavor's national importance because they only highlight that the endeavor's impact is to the individual client or companies that hire the Petitioner to provide her services. Thus, the Petitioner has not shown that her proposed endeavor stands to sufficiently extend beyond her future clients to impact the field of financial management, the economy, or U.S. societal welfare more broadly at a level commensurate with national importance.

The Petitioner also highlights the expert opinion letters from two individuals. We reviewed the opinion letter from G-O-, a chief solution officer at [redacted] While G-O- discusses the proposed endeavor and its claimed benefits, his opinion is largely conclusory and does not adequately explain how the Petitioner's work would produce such nationally important impacts. For example, G-O- opines that the Petitioner's "methods have the potential to empower SMEs to achieve sustainable growth, improve profitability, and contribute to the broader economic development of the United States." But beyond these generalizations, G-O- provides little explanation or corroborating evidence directly linking the Petitioner's work to these claimed benefits, the economy's growth, industry wide impact, or other substantial positive economic or societal effects.

We also reviewed two opinion letters from S-S-, a professor at the [redacted] Although the professor speculates that the Petitioner's proposed endeavor would be nationally important, her opinion is general in nature and does not meaningfully address the details of the Petitioner's specific work and how it, in particular, would produce the nationally important impacts claimed. Rather, she makes broad generalizations, such as "[b]y improving financial performance and enabling better-decision-making, [the Petitioner's] work could help mitigate the high failure rate of SMEs, generally over 65% within ten years" and that her "initiatives could positively impact communities by preserving jobs, enhancing service continuity, and supporting economic stability in underserved regions." But she provides little explanation as to how the Petitioners endeavor, in particular, would specifically accomplish these results. She also provides little corroborating evidence directly linking the Petitioner's services to any broader impacts in the industry, region, or nation as

claimed. Because the opinion letters do not support their conclusory statements with supporting information material to the issue of whether the specific endeavor the Petitioner proposes to undertake may have the type of broader implications indicative of national importance, they do not support the conclusion that the proposed endeavor may have national importance, as contemplated by the first *Dhanasar* prong.

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 noncitizen'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).

Finally, the Petitioner has not demonstrated that the specific endeavor she proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. *Matter of Dhanasar*, 26 I&N Dec. at 890. The Petitioner claims she will create jobs and increase tax revenues. However, the Petitioner's claims are unpersuasive. Without evidence regarding any projected U.S. economic impact or job creation directly attributable to her future work, the record does not show any benefits to the U.S. regional or national economy resulting from her work would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.*

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address her eligibility under the remaining prongs, and we hereby reserve them.[3] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("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 alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to 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 375-376. The Petitioner has not done so here and, therefore, we conclude that she has not established eligibility for 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.

[3] USCIS determined without analysis that the Petitioner established she is well-positioned to advance her proposed endeavor.