U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41753253

Date: MAR. 11, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner is a "certified investment analyst" who seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree or an individual of exceptional ability in the sciences, arts, or business, 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).

Service Center Operations (SCOPS) determined that despite qualifying for the underlying EB-2 visa classification as an individual holding an advanced degree,[1] 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. Applying the three-prong analytical framework set forth in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), SCOPS concluded that the Petitioner: (1) did not establish that his endeavor has national importance,[2] (2) did not demonstrate that he is well-positioned to advance the endeavor, and (3) did not show that on balance, waiving the job offer requirement would benefit the United States. 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 because the Petitioner did not establish that his proposed endeavor has national importance and thus, he did not meet the national importance requirement of the first prong of the *Dhanasar* framework. Because the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding the two remaining *Dhanasar* prongs. *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

[1] The record contains a degree certificate and corresponding transcript showing that the Petitioner completed required coursework and was awarded a bachelor's degree in business administration from [redacted] in August 1998. The record also contains a degree certificate and corresponding transcript showing that the Petitioner was awarded a Master of Science degree in business administration from [redacted] in 2004.

[2] SCOPS determined that the Petitioner's endeavor was shown to have substantial merit.

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).

Further, we adopt and affirm SCOPS' analysis and decision regarding the national importance of the Petitioner's endeavor. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted by every other circuit that has squarely confronted the issue"); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case).

In denying the petition, SCOPS discussed the Petitioner's proposed endeavor to own and operate [redacted] a consulting firm "specializing in tech and startup market-entry, IPOs [Initial Public Offering], and M&As [Mergers & Acquisitions] between the U[.]S[.] and Korea." SCOPS addressed the Petitioner's supporting statements and business plan which highlighted his professional achievements and his goal to create a consulting firm that would serve U.S. and Korean investors and employ a staff of up to four full-time employees.[3] Despite recognizing that the Petitioner's dedication may be critical to the success of his endeavor, SCOPS found that an endeavor's success or failure is not evidence of its potential impact. SCOPS determined that the Petitioner's endeavor would have a limited effect and would not broadly impact the financial consulting industry such as through sufficiently innovative methods or techniques that are different from those of similar businesses. SCOPS also acknowledged the endeavor's potential to positively impact the economy but determined that the record lacked evidence that "the ripple effects" from the endeavor would have broader implications for the U.S. economy, such as through generation of tax revenues or increased employment at a level that is commensurate with national importance.

Further, SCOPS determined that the record lacked sufficient evidence demonstrating that "any broad impact would be attributable to the specific endeavor." Nor did SCOPS find that the endeavor would offer other substantial positive economic effects, such as economically benefiting underserved communities. And while SCOPS recognized that the individually tailored services of the Petitioner's endeavor will serve the needs of his clients, SCOPS concluded that the endeavor does not "represent broadly applicable measures that a wide range of companies can readily adopt" so as to more broadly impact the field of financial and investment consulting at a level that is commensurate with having national importance.

On appeal, the Petitioner asserts that his endeavor will offer "high-growth international opportunities that strengthen the long-term financial resilience of the U.S. investment and pension system," but he did not demonstrate that he would operate on such a scale as to create an impact at the national importance level. And while the Petitioner highlights his position as chief investment officer of a Korean company that he "seeks to lead [in a] public listing on the U.S. NYSE/NASDAQ," this position is separate from the Petitioner's proposed endeavor, which is to own and operate [redacted] a new company that the Petitioner intends to develop into a "leading advisory firm" in the United States. Evidence of the Petitioner's prior successes with another company, while

[3] The business plan shows that the Petitioner projects up to five employees in the company's fifth year of operation, which appears to include the Petitioner.

potentially useful in determining whether the Petitioner is well-positioned to advance the endeavor, does not demonstrate the national importance of that endeavor or establish that the impact of the endeavor would extend beyond the Petitioner's prospective clients.

Further, the Petitioner underscores that his endeavor "directly advances several urgent national priorities, including increasing foreign direct investment [FDI], modernizing U.S. industries through AI and cloud technology, and strengthening the U.S. position in global capital markets, among others." However, our assessment of national importance does not focus on the importance of a field or issues impacting a field in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Dhanasar*, 26 I&N Dec. at 889. Here, the Petitioner submitted an article discussing the impact of foreign direct investment on U.S. manufacturing and the "Executive Summary" section from a 2011 "IPO Task Force." However, neither the article nor the report mentions the Petitioner's specific proposed endeavor, including how his future work might impact FDI, the technology sector, or global markets more broadly.

The Petitioner also discusses his previously submitted business plan, highlighting the plan's five-year revenue projections. However, the Petitioner relies primarily on the monetary value of the transactions he intends to make as evidence of the endeavor's national importance, but he does not explain the national or global implications of the transactions or revenue projections. *See id.* In other words, the Petitioner does not elaborate as to the types of "substantial positive economic effects" his endeavor will create in the United States or provide evidence to support the claim that the endeavor has national importance. *Id.* at 890. The Petitioner also mentions "the creation of new, high-value U.S. jobs, including advisory and management positions," but it is unclear whether "high-value U.S. jobs" refers to job creation outside the Petitioner's company. If so, the record lacks evidence as to the number of jobs to be created. Further, the economic benefits that the Petitioner claims depend on numerous factors and the Petitioner did not offer a sufficiently direct evidentiary tie between the proposed endeavor's services and the claimed economic results. And as for the job projections listed in the business plan, the Petitioner has not established that a projected staff of four employees demonstrates the endeavor's "significant potential to employ U.S. workers" as contemplated in *Dhanasar*. *Id.* The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

In sum the Petitioner has not provided evidence that his endeavor meets the national importance element of the first prong of the analytical framework in *Matter of Dhanasar*. As such, the Petitioner has not overcome SCOPS' conclusion regarding this issue.

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.