U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37174838

Date: MAR. 25, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, an accountant and financial analyst, seeks second preference 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 EB-2 immigrant classification. See Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Texas Service Center denied the petition, concluding that the Petitioner qualified for the EB-2 classification as a member of the professions holding an advanced degree, but the Petitioner 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. 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification, as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act.

If a petitioner demonstrates eligibility as either a member of the professions holding an advanced degree or an individual of exceptional ability, they must then establish 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 (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, 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 the proposed endeavor; and

- On balance, waiving the requirements of a job offer and a labor certification would benefit the United States.

II. ANALYSIS

The Director found that the Petitioner qualifies as a member of the professions holding an advanced degree. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

The Petitioner described herself as an expert in the connection between business administration and management as it relates to financial reporting, audit, and regulatory compliance. She has experience in financial statement audits, financial due diligence advisory, internal control and compliance reviews, and business advisory services. She stated that her long-term goal is to play a key role in strategic decision-making within the business environment and corporate responsibility space to foster economic strength and smooth flow of business activities.

In her May 2024 statement, the Petitioner explained that her proposed endeavor is to advance work on efficient financial reporting regime, which will support small, medium, and large businesses in making sound business decisions, boost investors' confidence in the capital market, ensure regulatory compliance, and aid the country's revenue generation, thereby resulting in financial accountability and economic prosperity.

In response to the Director's request for evidence (RFE), the Petitioner provided an updated personal statement dated August 2024 which stated that she will contribute to the nation's fiscal health and growth of businesses through adequate financial due diligence, financial reporting, auditing, and regulatory compliance. She said she will collaborate with relevant governmental agencies, businesses, and other key stakeholders in the private sector, to advance research and development, aimed at developing new and innovative business solutions that will facilitate optimal investment and financial decisions within governmental and businesses spaces. The Petitioner's statement contained a few examples of long-term goals including establishing a financial services consulting firm 4-6 years after obtaining permanent residency. With her RFE, the Petitioner also submitted:[1]

- May 2023 speech by the Governor of the Federal Reserve Board which the Petitioner claims establishes a link between financial services, businesses, households, "and even the United States government";
- October 2021 statement of Security and Exchange Commission (SEC) Paul Munter, Acting Chief Accountant on "The Importance of High Quality Independent Audits and Effective Audit Committee Oversight to High Quality Financial Reporting to Investors";
- Certification of training in Alteryx data analytics software;
- December 2016 speech by Security and Exchange Commission (SEC) Wesley Bricker, Chief Accountant in which he talked about the vital interest in the strength of U.S. public capital markets and that auditors are the key gatekeepers;
- A Government Accounting Office (GAO) publication on understanding the financial report of the United States government;

[1] While we may not discuss every document submitted, we have reviewed and considered each one.

- Letters from national and international experts not previously provided as well as supplement letters from persons who had provided letters submitted with the Petitioner's initial filing.

The Director concluded that the Petitioner's endeavor has substantial merit but not national importance under the first prong of Dhanasar. In denying the petition, the Director found insufficient evidence regarding any projected U.S. economic impact or job creation attributable to the Petitioner's specific proposed endeavor. The Director found that the record did not reflect the 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, and that merely working in an important field is insufficient to establish the national importance of a proposed endeavor. Id. at 890. The Director noted that skills and experience do not take on national importance merely because they may be useful to a client and remarked that the Petitioner intends to contribute to the nation's "diversity and cultural enrichment." The Director concluded that the Petitioner had not shown that her undertaking has significant potential to employ U.S. workers or offer substantial positive economic effects for the nation, or that it would broadly impact the financial services field either nationally or on a global scale.

On appeal, the Petitioner claims that the Director did not fairly consider her filing because, although she mentioned the value of diversity, she never discussed cultural enrichment. The Petitioner claims the Director's mention of cultural enrichment taints the Director's entire analysis. In addition, the Petitioner claims that the Director's decision was arbitrary and capricious because it was based on erroneous assertions at variance with the record, case law, and USCIS policy. The Petitioner notes her proposed endeavor is supported by U.S. government agencies and key stakeholders including the Office of the United States Trade Representative of the Executive Office of the President, the United Nations Conference on Trade and Development, the Security and Exchange Commission, and GAO. The Petitioner also challenges the Director's findings regarding errors regarding whether the Petitioner is well-positioned for her proposed endeavor and whether on balance it would be beneficial to the United States to waive the requirement of a job offer.

We acknowledge that the Petitioner did not assert her proposed endeavor will foster cultural enrichment. Nevertheless, upon de novo review of the record, we agree with the Director's conclusion that the Petitioner has not established national importance of her proposed endeavor. Therefore, we find it unnecessary to discuss all of the Petitioner's arguments on appeal regarding deficiencies in the Director's decision and instead, we will offer substantive analysis as to why the Petitioner's endeavor does not meet the national importance element of the Dhanasar's first prong.

Although we recognize the value of sound accounting practice and efficient financial reporting supporting small, medium and large businesses, merely working in an important field is insufficient to establish the national importance of the proposed endeavor. Instead, we focus on the "the specific endeavor that the foreign national proposes to undertake" and consider the endeavor's "potential prospective impact." See Dhanasar, 26 I&N Dec. at 889.

In response to the RFE, instead of submitting independent and corroborating evidence of the Petitioner's specific endeavor's "potential prospective impact," the Petitioner offered additional and updated statements from experts describing the Petitioner's past achievements and describing general benefits of sound financial reporting. The Petitioner also submitted articles and speeches from the SEC, GAO, U.S. Trade Representative, Federal Reserve head, and United Nations Conference on

Trade and Development discussing the importance of high-quality accounting, among other things, to support capital markets, boost investor confidence, ensure regulatory compliance, promote financial accountability, and promote economic prosperity. The Petitioner continued to claim the endeavor's national importance based on the importance of the field even though the Director requested that the Petitioner submit documentary evidence that supports the Petitioner's statement and establishes the proposed endeavor's national importance.

The Petitioner has not provided any new evidence or compelling arguments that overcome the Director's determination. 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). The submission of reference letters supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters so as to determine whether they support the petitioner's eligibility. Id.; see also Matter of V-K-, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). We find that the letters primarily discuss the Petitioner's experience and qualifications and that discussion of the proposed endeavor's impact is generalized and speculative, and therefore not probative of the Petitioner's eligibility under the first prong of Dhanasar.

The Petitioner has not suggested that her methodologies in accounting and financial services differ from or improve upon those already available and in use in the United States, 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 improved manufacturing processes or medical advances." Id. at 889. The record is insufficient to show that her endeavor's specific impact will extend beyond herself and her clients to impact the field nationally.

In Dhanasar, we also noted 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 claims that the Director unduly focused on employment and payroll numbers and that economic effects are not the only gauge for determining national importance of an endeavor. However, economic impact is one of the factors provided by Dhanasar to evaluate the endeavor's national importance, especially when the Petitioner has not established, as discussed above, that her endeavor will have a broad impact in the industry or field.

Here, the record does not support that her proposed endeavor will have "substantial positive economic effects" as contemplated by Dhanasar. Id. The Petitioner has not provided persuasive details concerning how she intends to grow her proposed endeavor. The Petitioner did not proffer a business plan or employment or financial projections. The Petitioner's long-term goals are speculative, including starting a financial services consulting firm 4-6 years after obtaining permanent residency. Other long-term goals were denoted on a timeline as "to be determined," including: stakeholder mapping, needs assessment, collaborating and conducting feasibility studies, collaborating and conducting consultations and peer reviews, continuing advanced learning, and presenting to governmental and policy makers "as well as healthcare system stakeholders."

We acknowledge that any offer of goods or services has the potential to impact the economy; however, the record does not support the Petitioner's proposed endeavor would operate on such a large scale that would benefit the U.S. economy rising to the level of national importance. In addition, the record does not demonstrate that the Petitioner's proposed endeavor will provide substantial impact to any economically depressed areas. The Petitioner must support their assertions with relevant, probative, and credible evidence. See Matter of Chawathe, 25 I&N Dec. at 376.

Therefore, we are not persuaded by the Petitioner's claims on appeal that the Director overlooked relevant evidence in the record. To determine whether a petitioner has met her burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. Matter of Chawathe, 25 I&N Dec. at 376; Matter of E-M-, 20 I&N Dec. 77, 79-80 (Comm'r 1989). We agree with the Director that the Petitioner has not provided evidence to support that her proposed endeavor would have broader implications beyond her clients to impact the industry or the U.S. economy more broadly at a level commensurate with national importance. As the petition will remain denied for this reason, further analysis of the Petitioner's eligibility under the second and third prongs outlined in Dhanasar would serve no meaningful purpose. 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); 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).

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. The appeal will be dismissed for the above stated reasons.

ORDER: The appeal is dismissed.