U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 36883770

Date: MAY 9, 2025

Appeal of Nebraska Service Center Decision

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

The Petitioner, [redacted] seeks for the Beneficiary, an assistant vice president, 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).

The Service Center Operations (SCOPS) denied the petition, concluding the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree, but 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 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] *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).

- 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 Beneficiary is an assistant vice president at [redacted] In this position, the Beneficiary endeavors to:

> [U]se advanced computing data processing and analysis techniques and advanced modeling and simulation methodologies to validate and test financial and statistical models, reporting dashboards, and model risk management and validation frameworks to support and strengthen market risk management capabilities, which in turn will decrease and manage market and increase compliance with the governing regulations that are critical to a stable financial system.

In the denial decision, SCOPS determined the Beneficiary demonstrated the substantial merit of the proposed endeavor but did not establish its national importance. Upon review of the record, we adopt and affirm SCOPS' analysis and decision regarding the national importance of the Beneficiary'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 has been "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).

On appeal, the Petitioner asserts SCOPS erroneously misapplied the appropriate legal standard and disregarded key, probative evidence. Specifically, the Petitioner contends SCOPS erred in finding the endeavor would be of most benefit to the Beneficiary's employer, as relevant policy does not state the endeavor must provide a greater benefit to the U.S. nationally rather than the Beneficiary's employer. Benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance.[2] SCOPS therefore correctly focused on whether the Petitioner demonstrated that the Beneficiary's proposed endeavor "rises to the level of national importance. . ." and determined that the evidence of record did not demonstrate that the Beneficiary's proposed endeavor would stand to sufficiently extend beyond her employer and its clients to impact the financial services industry more broadly at a level commensurate with national importance.

Similarly, the Petitioner contends SCOPS erroneously focused on the "specific occupational classification" of the Beneficiary as an assistant vice president for [redacted] The Petitioner claims this focus on her occupation led SCOPS to "discount critical evidence that very clearly demonstrated the

[2] *See* 6 USCIS Policy Manual F.5(D)(1), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5. *See also* USCIS Policy Alert, PA-2025-03, National Interest Waivers for Advanced Degree Professionals or Persons of Exceptional Ability (Jan. 15, 2025), https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250115-Employment-BasedNationalInterestWaivers.pdf.

national importance of the [B]eneficiary's proposed endeavor." However, SCOPS plainly notes in their decision that the "relevant question is not the importance of the field or profession in which the individual will work," and "focuses on the specific endeavor that the [Beneficiary] proposes to undertake." Although the Beneficiary's endeavor relates to the fields of advanced computing and artificial intelligence, merely working in an important field is insufficient to establish the national importance of a proposed endeavor. For example, classroom teaching activities in these technologies, by themselves, may have substantial merit but are not generally indicative themselves of impact on these fields more broadly and would generally not establish their national importance. Here, the Petitioner has also not shown the Beneficiary's proposed endeavor advances these critical and emerging technologies or has broader implications in the field.

In addition, the Petitioner asserts the Beneficiary's employer, [redacted] plays a significant role due to "its approximately $1.4 trillion in assets under management," so that the Beneficiary's endeavor is in the national interest "as it ensures [redacted] and the broader financial services industry. . . is able to appropriately anticipate and solve for potential sources of risk that could destabilize the U.S. economy before they occur." Despite the size of the Beneficiary's employer and the assets it manages, the Petitioner must demonstrate the Beneficiary's own endeavor rises to the level of national importance. The Petitioner has not established that the Beneficiary's endeavor alone has national implications within the field. The Petitioner also claims the Beneficiary's innovations in "using advanced computing data processing and analysis techniques and advanced modeling and simulation methodologies to strengthen market rise management capabilities" have the potential to extend beyond her own employer. However, the national importance of these claimed innovations is not detailed, including the specific nature of such innovations and how they will impact the field at the requisite level.

Moreover, the Petitioner points out that SCOPS did not discuss the reference and expert opinion letters submitted in support of national importance. The Petitioner contends that these letters "clearly state that [the Beneficiary's] contributions drive significant technological advancements that support and sustain an industry critical to maintaining the United States' position as a leader within the global economy" and "explain how this endeavor will in turn enhance societal welfare by building trust of everyday Americans in the ability of financial services institutions to properly evaluate and manage risk." While the letters provide details of the Beneficiary's proposed endeavor, they contain broad, general assertions as they do not provide specific examples or evidence that would establish that the endeavor would impact the field at the level of national importance.

Here, the Petitioner has not established that the Beneficiary's endeavor as an assistant vice president has, for example, broader implications within the field or otherwise offers substantial positive economic effects, as contemplated by *Dhanasar*.

As our finding on this issue is dispositive of the Petitioner's appeal, we decline to reach and reserve whether the Petitioner has met the additional 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). As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude the Petitioner has not demonstrated eligibility for or otherwise merits a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.