U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37694121

Date: MAY 16, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a financial analyst, accountant and auditor, 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).

Service Center Operations (SCOPS) denied the petition, concluding that 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:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance their proposed endeavor; and

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Director determined the Petitioner qualified for EB-2 classification as an advanced degree professional because she submitted evidence she holds the foreign equivalent of a U.S. baccalaureate degree and has five years of progressive experience in her specialty. We agree. The only issue on appeal is whether she qualifies for and merits a waiver of the job offer requirement in the national interest.

In her initial statement, the Petitioner explained she planned to establish a "company offering accounting and software consulting services, helping businesses optimize their financial operations and implement automation process." In response to SCOPS' request for evidence (RFE), the Petitioner submitted a business plan for her company, a financial services provider and consultancy. The business plan states the company will be located in [redacted] New York.

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* SCOPS determined the evidence was insufficient to establish the substantial merit of the Petitioner's proposed endeavor. On appeal, the Petitioner asserts her proposed endeavor has substantial merit in business and entrepreneurialism. The Petitioner's business plan and articles on the need for accounting and financial services in the United States establish the substantial merit of the Petitioner's proposed endeavor in business.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or other broader implications indicating national importance. *Id.* at 889-90. SCOPS determined the Petitioner did not establish the national importance of her proposed endeavor under these factors. On appeal, the Petitioner asserts SCOPS erred and did not adequately consider her evidence.

The Petitioner claims her company's operations in [redacted] New York, an economically distressed area, will generate employment opportunities and have a "broader economic impact" because "improved financial stability among SMEs [small and medium sized enterprises] leads to increased business longevity, greater capital reinvestment, and secondary job creation in the business community." The record does not support this claim. The Petitioner's business plan projects the company will employ nine individuals in the fifth year and its payroll will increase from $219,040 in the first year to $591,687 in the fifth year. These projections do not indicate the Petitioner's company has significant potential to employ U.S. workers, even in an economically depressed area, or will otherwise have substantial positive economic effects commensurate with national importance.

The Petitioner further asserts her company has national importance because it "is designed not only to support individual clients but also to contribute to a broader economic framework that enhances financial stability and efficiency across the SME sector." The record does not demonstrate, however, that the Petitioner's work would extend beyond her company's clients to impact her field more broadly on a level indicative of national importance. *See id.* at 889 (explaining "we look for broader implications").

The Petitioner also claims her company "directly supports national economic stability, a factor recognized as essential by multiple government entities." The Petitioner does not identify any specific government entities whose prioritization of economic stability her company would support. The Petitioner submitted articles on the accountant shortage, in-demand finance and accounting careers, the financial advisor shortage, financial services industry facing a hiring crisis, talent shortage in accounting and finance, talent shortage in the financial services industry, companies broaden CFOs' responsibilities to retain them in a strong job market, increased immigration could help fix the U.S. labor gap, interim national security strategic guidance, global STEM talent, effective environmental management system, and bridging the digital divide in accounting in public and private sectors. These articles do not discuss the Petitioner's company or establish its potential prospective impact. Our assessment of national importance does not focus on the importance of issues to an industry or occupation in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.*

The Petitioner submitted letters from professionals who praise her past work and accomplishments but do not address any potential prospective impact of her proposed endeavor. L-H-[2] commends the Petitioner's work for his company in Azerbaijan and states she will "make significant contributions to the field of finance in the United States," but does not discuss her proposed endeavor. S-C- praises the Petitioner's work as finance manager at Mothers and Babies Perinatal Network and expresses confidence that she will "excel in any endeavor she undertakes," but does not address the Petitioner's proposed endeavor. R-K- commends the Petitioner's work as senior accountant at [redacted] LLC and recommends her "for any accounting position or professional opportunity she may pursue," but does not discuss her proposed endeavor. V-B- recommends the Petitioner based on her outstanding performance as an accounting and payroll service provider at Jhonny Salomon Spa LLC, but does not address her proposed endeavor. N-G-, N-M-, and S-S- also praise the Petitioner's skills and past accomplishments, but do not demonstrate any potential prospective impact of the Petitioner's proposed endeavor. *Cf. id.* at 892 (stating Dhanasar submitted probative expert letters describing the importance of his specific research as it related to U.S. strategic interests).

The Petitioner claims her company has national importance because it is 'not limited to standard financial services but introduces technology-driven financial solutions designed to enhance efficiency, compliance, and sustainability for a sector that forms the backbone of the U.S. economy." The Petitioner cites no evidence to support this claim. The Petitioner's business plan states her company will offer services in accounting and bookkeeping, restoration of accounting records, tax and payroll accounting, financial and tax consultation, and software development and process automation. The record does not indicate that any of these services are unique, innovative, or otherwise have national or global implications in the accounting and financial services industries. *See id.* at 889. (discussing

[2] We use initials to protect the privacy of the referenced individuals.

improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

In sum, the record does not establish that the Petitioner's proposed endeavor has significant potential to employ U.S. workers (even in an economically depressed area), has other substantial positive economic effects, has national or even global implications within her field, or has other broader implications. Consequently, the Petitioner has not established that her proposed endeavor has national importance.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of her specific proposed endeavor and does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of her eligibility under the second and third 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").

III. CONCLUSION

The Petitioner has not established the national importance of her proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that she is eligible for and merits a waiver of the job offer requirement in the national interest.

ORDER: The appeal is dismissed.