U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38591919

Date: MAY 23, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an insurance company executive, 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

SCOPS 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 in mathematics and has over 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.

The Petitioner submitted a business plan for her proposed endeavor, a life insurance company. The business plan states the company's mission is "to provide comprehensive life insurance solutions to clients worldwide while encouraging investment in the United States."

On appeal, the Petitioner asserts SCOPS erred by issuing a request for evidence (RFE) regarding the third *Dhanasar* prong, but denying the petition for failure to meet all three *Dhanasar* prongs. The Petitioner claims she was deprived of the opportunity to submit additional evidence regarding her eligibility under the second and third *Dhanasar* prongs. However, issuance of an RFE before denial is discretionary and not required. *See* 8 C.F.R. § 103.2(b)(8)(ii) (prescribing that if all required initial evidence is not submitted, USCIS in its discretion may deny the benefit request or request additional evidence). Moreover, the Petitioner had the opportunity to submit additional evidence on appeal, but did not do so.

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. *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.* SCOPS determined the Petitioner's proposed endeavor has substantial merit. We agree.

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.

The Petitioner's business plan projects the company will employ three individuals in the first year, increasing to 15 individuals in the fifth year. These projections do not demonstrate that the Petitioner's company has significant potential to employ U.S. workers in an industry that the business plan states employs 6.3 million people. The business plan also predicts the company will earn a net profit of $1,518 in the second year, increasing to $83,042 in the fifth year. These predicted profits do not

establish that the Petitioner's company will have substantial positive economic effects in an industry the business plan states garners foreign direct investment (FDI) of $763 billion.

The Petitioner submitted articles on the United States as the world's top destination for FDI, FDI and employment, what makes the U.S. dollar so strong, four factors that shape market trends, the global role of the U.S. economy, Invest in America, new business models challenge old views of customer-centricity in the insurance sector, 2024 global insurance outlook, capital markets, financial markets industry overview, the economic fallout of the war in Ukraine, the impact of the Russian invasion of Ukraine on insurance markets, what a potentially wider Israel-Hamas war could mean for the U.S. economy, global insurers curb exposures as they assess Israel-Hamas war impact, and the positive economic impact of immigration. The Petitioner also submitted President Biden's Executive Order to ensure robust reviews of evolving national security risks by the Committee on FDI in the United States, and the Statement of President Biden on the United States' commitment to open investment. None of these documents discuss the Petitioner's proposed endeavor. Our assessment of national importance does not focus on the importance of an industry or issues affecting an industry in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

The Petitioner's business plan states the company will offer global life insurance coverage, U.S. market and real estate investment opportunities, currency diversification services, and personalized financial and retirement planning. The record does not indicate that any of these products or services are unique, innovative or otherwise have national or global implications for the insurance industry. *See id.* (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

The Petitioner submitted letters from professionals who praise her past accomplishments, but do not demonstrate any potential prospective impact of her proposed endeavor. B-A- commends the Petitioner's work at [redacted] and expresses confidence that her company "will excel in providing comprehensive solutions and stable investment avenues for clients worldwide," but does not indicate that the company will have national importance. F-M- also praises the Petitioner's accomplishments at [redacted] and states her company "holds significant promise for the growth and stability of the US market," but does not explain how the Petitioner's work would extend beyond her company's clients to impact the U.S. market more broadly in a manner commensurate with national importance. L-S- commends the Petitioner's academic achievement and expresses confidence in the Petitioner's ability to successfully lead her company, but does not discuss any potential prospective impact of the company. M-S- praises the Petitioner's work with the [redacted] and states her company will "encourage investment in the United States, contributing to the strength of the economy," but does not explain how the Petitioner's work would extend beyond her company's clients to impact the economy more broadly at a level indicative of national importance.

M-P- commends the Petitioner's work at [redacted] and states the Petitioner's company "empowers clients to make strategic investments in the United States" that "strengthens the US Dollar" and "contributes to global financial stability." M-P- does not articulate how the Petitioner's work would extend beyond her company's clients to impact the U.S. economy and global financial stability more broadly in a manner commensurate with national importance. M-S-P- also praises the Petitioner's work at [redacted] and states her company will have a "positive impact on the US economy through foreign investment," but also does not describe how the Petitioner's work would extend beyond her

company's clients to impact the U.S. economy more broadly at a level indicative of national importance. P-G- commends the Petitioner's academic performance and states her company "contributes to the stability and strength of the US economy," but also does not articulate how the Petitioner's work would extend beyond her company's clients to impact the US economy more broadly on a level indicative of national importance. Overall, the Petitioner's support letters attest to her past achievements, but do not establish the national importance of her 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).

In sum, the record does not establish that the Petitioner's proposed endeavor has significant potential to employ U.S. workers, has other substantial positive economic effects, has national or even global implications within her field, or has other broader implications indicating national importance. Consequently, the Petitioner has not demonstrated 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.