U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39460393

Date: NOV. 04, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an investment advisor, seeks employment-based second preference (EB-2) immigrant classification as either a member of the professions holding an advanced degree or an individual of exceptional ability, 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).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the required job offer, and thus of a 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;

[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 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 Petitioner seeks employment in an investment trust management field. SCOPS found the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional. 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. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated her proposed endeavor's national importance under the first prong of the *Dhanasar* analytical framework. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

In denying the petition, SCOPS determined that the Petitioner's proposed endeavor has substantial merit and that she is well positioned to advance it. SCOPS determined, however, that the Petitioner did not establish the proposed endeavor's national importance, and that, on balance, it would benefit the United States to waive the job offer requirement. On appeal, the Petitioner argues that SCOPS "did not properly consider the evidence provided which establishes my eligibility." She further argues that SCOPS issued the decision without "fully and properly evaluating" the submitted evidence.

The first 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.*

As a preliminary matter, the Petitioner stated that she is seeking employment as an investment trust manager. She explained that she intends to work as an investment advisor in the United States and to continue "to increase the number of customers both in Colombia and in the United States." The Petitioner further indicated that she has received a job offer from [redacted] for the position of an investment trust manager, which will become effective upon approval of her petition. The position is full-time job and was originally scheduled to start on September 30, 2023. According to the offer letter, the Petitioner would be "responsible for developing strategies to manage a large portfolio of investments."

In addition, the Petitioner stated that she seeks to offer consulting services as a financial advisor through her own business, [redacted] She explained that the primary purpose of this consultancy is to provide advisory services related to commercial property investments, with the aim of minimizing and preventing risks for investors.

With respect to the first *Dhanasar* prong analysis, SCOPS concluded that the Petitioner has not demonstrated that the specific endeavor she proposes to undertake has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for the country. SCOPS further determined that the Petitioner has not shown that the proposed U.S. company's future staffing levels and business activity stand to provide substantial economic benefits in Florida or the United States. SCOPS

also found that while the Petitioner's company has growth potential, it does not demonstrate that the benefits to the regional or national economy resulting from the Petitioner's undertaking would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. On appeal, the Petitioner asserts that her business is "designed to provide specialized financial advisory services to employees, retirees, capital investors, and small to mid-sized businesses—especially those in underserved communities." The Petitioner further maintains that her work will support financial literacy and contribute to the U.S. economy.

However, the record reflects inconsistencies in the Petitioner's description of her proposed endeavor. A petitioner must identify the specific endeavor they propose to undertake. *See Matter of Dhanasar*, 26 I&N Dec. at 889. The *Dhanasar* framework cannot be applied to two dueling proposed endeavors. Moreover, the Petitioner must establish eligibility at the time of filing. 8 C.F.R. § 103.2(b)(12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm'r 1971). In this case, it remains unclear whether the Petitioner seeks to work for [redacted] or offer consulting services independently through her own business. The absence of a clearly defined proposed endeavor prevents us from meaningfully assessing the endeavor's significance under the *Dhanasar* framework.

For purposes of this decision, we will proceed on the basis of the initial proposed endeavor—seeking employment as an investment trust manager. To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of the Petitioner's work. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *See Dhanasar*, 26 I&N Dec. at 893. Here, the Petitioner has not shown that her proposed endeavor of working as an investment trust manager for [redacted] would extend beyond her employer to impact her field more broadly on a level indicative of national importance.

In *Dhanasar*, we noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated 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. In this case, the Petitioner's evidence does not establish that working as an investment trust manager will have broader implications or influence in the field that will rise to the level of national importance. While we acknowledge that the Petitioner could help [redacted] or other employers generate substantial revenue, the Petitioner has not sufficiently explained or demonstrated how her employment would independently lead to economic growth or job creation nationwide.

Furthermore, even if we were to consider her alternative proposal of operating a financial consulting business, the Petitioner has not sufficiently demonstrated the national importance of this proposed endeavor under the first prong of the *Dhanasar* analytical framework. The Petitioner asserts that her work is "aligned with the national interest of the United States" because "financial literacy is a fundamental pillar for strengthening the economy, preventing personal financial crises, and fostering the growth of new businesses, especially among young people and entrepreneurs." She further states that her business will address "the national demand for professional financial services" and that her "plan is scalable and replicable" and can be "expanded throughout Florida and beyond." However, merely

working in an important field and the endeavor's alignment with government initiatives alone is insufficient for national importance.

Additionally, the Petitioner states that she will contribute to the local economy and her community through her "volunteer work and leadership in financial education." Although the Petitioner's entrepreneurship endeavor may lead to some job creations, the record as a whole remains insufficient to demonstrate that her proposed endeavor will extend beyond her company and its prospective clientele, such that it may impact her field more broadly and rise to the level of national importance. Moreover, the Petitioner has not sufficiently explained how she will positively impact the U.S. economy and create direct and indirect jobs to move the U.S. economy on a broad scale rising to the level of national importance. The Petitioner must support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to her future work, the record does not indicate that the benefits to the regional or national economy resulting from the Petitioner's proposed endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See Dhanasar*, 26 I&N Dec. at 890. Here, the record does not include adequate corroborating evidence, to show that the Petitioner's specific proposed endeavor of working as an investment trust manager or offering financial consulting services through her own business offers broader implications in her field, enhancements to U.S. societal welfare, or substantial positive economic effects for the country that rise to the level of national importance.

For the aforementioned reasons, the Petitioner's proposed endeavor does not meet the first prong of the *Dhanasar* framework. Because the documentation in the record does not establish the national importance of her proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding her eligibility under the second and third prongs outlined in *Dhanasar*. *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 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).

III. CONCLUSION

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

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.