U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40003993

Date: NOV. 12, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a financial analyst, 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).

The Service Center Operations (SCOPS) denied the petition, concluding that although the Petitioner qualified as an advanced degree professional, he 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(K)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

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

Id.

II. ANALYSIS

The Petitioner's proposed endeavor is to continue working as a financial analyst. He explains that he "seeks to enhance the stability, efficiency, and technological integration of the financial sector through advanced financial analysis and innovation."

A. EB-2 Classification

The Petitioner submitted his Master of Science in finance degree and transcripts from [redacted]. SCOPS determined that the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether he qualifies for and merits a waiver of the job offer requirement in the national interest.

B. 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 that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, SCOPS concluded the Petitioner did not establish that his proposed endeavor has national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "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.

On appeal, the Petitioner contends SCOPS misapplied the legal standard established in *Dhanasar*, disregarded relevant policy guidance, and overlooked substantial evidence supporting all three prongs of the *Dhanasar* framework. Notably, however, the Petitioner does not point to specific examples of

[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).

how SCOPS erred in their analysis of the evidence. By presenting only general disagreement with SCOPS' decision, without identifying the specific aspects of the denial he considers to be incorrect, the Petitioner does not sufficiently identify the basis for his appeal.[2] Nevertheless, we have reviewed the record in its entirety and we will explain why the Petitioner has not established the national importance of his endeavor under the first prong of the *Dhanasar* framework.

On appeal, the Petitioner highlights his employment with [redacted] and states that he has "designed predictive liquidity models, implemented automated regulatory compliance tools, and led foreign exchange optimization initiatives with measurable impact on institutional stability and resilience." He also claims that his endeavor has national importance because it "[s]upports national economic resilience through AI-powered liquidity and foreign exchange models" and his "predictive analytics models are scalable across financial institutions and improve operational efficiency, transparency, and financial security." However, the Petitioner does not explain how the services he provides to his current employer or customers would result in broader implications to his field. Moreover, he does not provide details or evidence regarding these "predictive analytics models" or explain whether these models would lead to national or global implications within his field commensurate with national importance. *See Matter of Dhanasar* at 889. Generalized conclusory statements that do not identify a specific impact in the field have little probative value. *See e.g., 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). 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. *Matter of Dhanasar* at 893. Here too, the record does not show that the Petitioner's proposed endeavor stands to sufficiently extend beyond his current employer or customers to impact his field more broadly at a level commensurate with national importance.

In addition, the Petitioner asserts that his proposed endeavor has national importance since it "[a]ligns with Federal Reserve and Treasury Department priorities in systematic risk mitigation and regulatory compliance." However, merely working in an important field or profession is insufficient to establish the national importance of the proposed endeavor. *Id.* at 889. Instead, when determining whether the proposed endeavor has national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* Thus, while we acknowledge that the financial industry is important, this fact is insufficient to establish the national importance of his proposed endeavor.

The Petitioner also asserts that the proposed endeavor is of national importance as it falls under domains recognized in the 2023 Critical and Emerging Technologies List Update report of the National Science and Technology Council. The Petitioner references the *USCIS Policy Manual* and states that it "emphasizes that endeavors promoting U.S. competitiveness in CET and STEM fields qualify as nationally important." USCIS recognizes the importance of progress in STEM fields, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security.[3] A STEM area may be important to competitiveness or security in a variety of circumstances, if, for example, evidence shows that the proposed endeavor will help

[2] 8 C.F.R. § 103.3(a)(1)(v); *Matter of Valencia*, 19 I&N Dec. 354, 354–55 (BIA 1986).
[3] *See generally 6 USCIS Policy Manual* F.5(D)(3), http://www.uscis.gov/policymanual.

the United States to remain ahead of strategic competitors or current and potential adversaries, or how it relates to a field, including those that are research and development-intensive industries, where appropriate activity and investment, both early and later in the development cycle, may contribute to the United States achieving or maintaining technology leadership or peer status among allies and partners.[4] However, the Petitioner does not offer evidence sufficient to explain or otherwise demonstrate the proposed endeavor's importance to U.S. competitiveness and national security in a manner that may reflect its national importance.

Moreover, the Petitioner submits on appeal an unpublished AAO decision regarding a researcher specializing in cancer therapeutics. However, this decision was not published as a precedent; therefore, it does not bind USCIS officers in future adjudications. *See* 8 C.F.R. § 103.3(c). Furthermore, as previously noted, the Petitioner asserts that he intends to work as a financial analyst, not as a researcher. While both are in STEM fields, the Petitioner does not sufficiently explain the relevance of the AAO decision to the current case. Therefore, our unpublished decision bears limited instructive or persuasive value for the issues in the Petitioner's benefit request.

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address his eligibility under the remaining prongs, and we hereby reserve them. *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 alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to establish that he meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that he has not established eligibility for a national interest waiver 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 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.

[4] *Id.*