U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 34868240

Date: NOV. 18, 2024

Appeal of Texas Service Center Decision

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

The Petitioner, a risk management professional, 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 Director of the Texas Service Center denied the petition, concluding that the record did not establish that the Applicant warranted a waiver of the job offer and labor certification requirements for EB-2 classification. 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. While neither the statute nor the pertinent regulations define the term "national interest," *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v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).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 Petitioner's proposed endeavor is to "develop market risk models and engage in market risk analytics to quantify market risks and safeguard assets in a regulatory framework." The Petitioner argues that his endeavor is of substantial merit and national importance because it will aid the U.S. economy in avoiding an unspecified financial collapse. He argues that he is well-positioned to advance his proposed endeavor based on his combination of education and published works. In his personal statement to the Director, the Petitioner claimed that his current employment with [redacted] allows him to further his proposed endeavor but that he need not be employed by [redacted] to achieve a significant impact on the U.S. economy.

The Director determined that the Petitioner established that his proposed endeavor had substantial merit but lacked sufficient evidence to establish national importance. The Director further determined that the Petitioner's academic credentials and published works were not sufficient to establish that he was well-positioned to advance his proposed endeavor or that, on balance, it was in the best interest of the United States to waive the job offer and labor certification requirements for EB-2 classification.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889.

In regard to national importance, the Director stated that the Petitioner's current employment with [redacted] and his work in risk management for that organization did not appear to benefit anyone other than his employer and their clients. Moreover, the evidence in the record did not establish the scope of the Petitioner's work, how it would extend beyond his employer, the time he would devote to research outside of his employment with [redacted] or how his work on risk modeling would affect the field as a whole.

On appeal, the Petitioner argues that his employment with [redacted] is not material to his proposed endeavor and that the Director's analysis of the Petitioner's current employment was inappropriate. He states that his "proposed endeavor does not involve [redacted] in any particular way." He goes on to say that [redacted] is merely providing him with the opportunity to continue pursuit of his proposed endeavor." The Petitioner further argues that the Director ignored evidence of the national importance of his work by not giving due consideration to the letters of support he provided or considering the effects that prior economic collapses have had on the economy as a whole. Even though the Petitioner states that his proposed endeavor's national importance is not tied to his current employment, he goes on to state that the collapse of a financial institution like his current employer, [redacted] would be

devastating to the economy and therefore his role in developing risk management models for [redacted] has a substantial positive economic impact.

The Petitioner has not provided sufficient evidence to establish that his proposed endeavor would affect the economy or the field of risk management more broadly. To the extent that the Petitioner argues that he need not be employed by [redacted] to achieve his proposed endeavor, we analyze the available evidence for indications that the Petitioner's claimed endeavor has the potential to affect the national economy or the field of risk management. To establish that his proposed endeavor has national importance, the Petitioner must clearly define the scope and impact of his work. In his initial statement to the Director, the Petitioner stated that he plans to utilize his experience in analytical modeling to develop risk management models and present his findings in publications, conferences, and technical documentation within global financial institutions. In his second letter to the Director, the Petitioner states that he plans to leverage existing risk management models already in use by the industry, such as Value at Risk models and Historical Value at Risk models and enhance them with methods gleaned from his research experience to develop new ways to source historical data and improve model performance. The remainder of the letter discusses the history of risk management models and shifts in global risk management strategy, risk management regulations, and the Petitioner's continued employment with [redacted]

The Petitioner has not adequately described how he would advance his proposed endeavor outside of his employment with [redacted] He has not identified any specific areas of research in risk management, sources of funding for his research, whether he will seek to employ additional individuals to assist in his research and development of models or how he intends to bring his ideas to market beyond generally stating he plans to publish his work and attend conferences. The Petitioner does not provide any projections for the economic benefit of implementing his model either for his organization or the industry at large. The vague and general statements related to the Petitioner's proposed endeavor are not sufficient to establish that his work rises to the level of national importance.

The Petitioner additionally provided several articles related to risk management and various historical economic events and how the lack of appropriate risk management models contributed to those events. While we do not question the importance of risk management, either as a legal requirement under relevant federal laws and regulations or as a sound business strategy, the articles do not specifically refer to the Petitioner or the importance of the Petitioner's specific work within the industry. In determining national importance, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, we focus on the "specific endeavor that the foreign national proposes to undertake." *Id* at 889. We further indicated 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.

As explained by the Director, 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. *Id.* at 893. Similarly, the record here does not establish that the Petitioner's research into risk management analytics will benefit the field more broadly. While he claims he would contribute to the

field of risk management modeling through research and dissemination of the models he develops, he has not identified any specific impact that his models would have on the industry at large.

Even though he claims on appeal that the national importance of his proposed endeavor is not tied to his current employment, the personal statement provided to the Director in response to the request for evidence highlights how he believes his work in managing risk for [redacted] is nationally important and provides evidence of the importance of [redacted] to the financial health of the United States. Accordingly, we also examine the Petitioner's claim that his current employment with [redacted] rises to the level of national importance.

As an initial matter, we note that even though the Petitioner claims to be employed as an assistant vice president for [redacted] he has not provided evidence of his employment or current area of responsibility. In his second personal statement to the director, the Petitioner stated he is employed as a Model/Analysis Validation Senior Analyst (assistant vice president) in Market and Counterparty Credit Risk Analytics. He states that in this role he supports market risk analytics projects, develops market risk models to quantify the market risk exposure in [redacted] trading book, calibrates market risk model parameters through variance analysis, engages with market risk managers, develops technical documentation and supports various tasks in response to regulatory and internal risk management requirements.

The Petitioner maintains that his role at [redacted] will keep the United States from falling into another financial crisis. However, he has not sufficiently established that his position and duties with [redacted] affects the entirety of the corporation. The Petitioner has provided no evidence of the size of the portfolio he manages or the sector in which he operates. Simply asserting that his work will assist in avoiding an economic collapse is not sufficient to establish national importance. Generalized conclusory statements that do not identify a specific impact in the field have little probative value. *See 1756, Inc. v. US. 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). Here the record lacks specific, detailed evidence of the potential or actual effects of the Petitioner's work for [redacted] or its impact on the risk management sector on a national level.

The determination of whether the Petitioner's work would help to stop an economic collapse hinges on an assessment of the broader societal or economic implications of the Petitioner's contributions, requiring he demonstrate broader benefits that extend beyond the confines of a local industry. *See Dhanasar*, 26 I&N Dec. at 893. While ripple effects may signify positive developments within a narrow area, they alone may not suffice to establish the requisite level of national importance. *Id.* at 890, 892. Thus, it remains incumbent upon the Petitioner to present compelling evidence of his capacity to significantly benefit the industry or field as a whole, in accordance with the prevailing legal standards.

The Petitioner does not offer sufficient evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. Furthermore, the Petitioner has not demonstrated that the specific endeavor he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for the nation. Without evidence regarding any projected U.S. economic impact or job creation directly attributable to his future work, the record does not show that benefits to the regional or national economy resulting from

the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

For these reasons, the Petitioner has not established the national importance of her proposed endeavor. Because the identified basis for dismissal is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under 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 *Dhanasar* analytical framework's requisite first prong, we conclude that he has not established that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

ORDER: The appeal is dismissed.