U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39416619

Date: OCT. 1, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a quantitative finance 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).

SCOPS denied the petition, concluding that although the Petitioner qualifies as an advanced degree professional, the record did not establish that a waiver of the job offer requirement is 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 found that the Petitioner qualifies for the EB-2 classification as an advanced degree professional. The record shows that the Petitioner possesses a master of science degree in quantitative and computational finance from the [redacted] in [redacted] Georgia. SCOPS also found that the proposed endeavor has substantial merit. However, SCOPS denied the petition, finding that the Petitioner did not establish the national importance of the proposed endeavor, that she is well-positioned to advance it, or that, on balance, a waiver of the job offer requirement is in the national interest.

The Petitioner states that her proposed endeavor is to develop robust financial risk models and effective risk management frameworks for financial institutions by utilizing advanced quantitative techniques and leveraging cutting-edge artificial intelligence (AI). On appeal, the Petitioner claims that SCOPS' findings were erroneous and based on mischaracterizations of the evidence in the record and the applicable case law. The Petitioner points to specific language in SCOPS' decision as being in error, such as stating that the proposed endeavor involves logistics services and using an incorrect name for the Petitioner. Additionally, the Petitioner asserts that SCOPS did not accord sufficient weight to the opinion letters submitted and that they were arbitrarily disregarded. Finally, the Petitioner claims that the opinions from governmental bodies and other organizations, such as the International Monetary Fund (IMF) and the Federal Reserve Bank of Cleveland, describe the national importance of the proposed endeavor.

As to the Petitioner's claims regarding errors by SCOPS in the decision, we acknowledge that although SCOPS found that the Petitioner did not establish the second *Dhanasar* prong, there is one instance in the second prong discussion in which the decision states that "USCIS does find" that the Petitioner is well-positioned to advance the endeavor. The Petitioner claims that this creates confusion and calls into question whether the Petitioner received a fair review. We understand that this error could create confusion; however, we conclude that in the context of the decision it is clear that this single instance is a typographical error. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless or scrivener's errors). There are at least three other instances in the decision in which SCOPS states either that the Petitioner did not establish eligibility for the second prong or did not establish that she is well-positioned to advance the endeavor. Additionally, SCOPS' overall analysis of the evidence is clear in that it is an explanation of how the evidence is insufficient. Therefore, we conclude that this typographical error is harmless. *See id.*

Additionally, we recognize that the decision contains brief references to a different proposed endeavor and, in one instance, states a petitioner name that is not the Petitioner's. We agree with the Petitioner that these statements are clearly in error, and we withdraw the portion of SCOPS' decision that contains these references. However, following review, we conclude that the decision overall is sufficient to provide the Petitioner with a fair opportunity to contest the decision and us an opportunity for meaningful appellate review. *See* 8 C.F.R. § 103.3(a)(i); *see also Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that a decision must fully explain the reasons for denying a motion to allow

the respondent a meaningful opportunity to challenge the determination on appeal). Moreover, we conduct a de novo review and have considered the evidence in the record in full. While we may not discuss each piece of evidence in the record in our decision, we have reviewed and considered each one.

We turn now to the Petitioner's specific claims of eligibility under the requisite *Dhanasar* prongs, beginning with whether the Petitioner has established the national importance of the proposed endeavor. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. An endeavor that has national or global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances, may have national importance. *Id.* Additionally, an endeavor that is regionally focused may nevertheless have national importance, such as an endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area. *Id.* at 890.

As stated above, the Petitioner's proposed endeavor involves developing financial risk models and risk management frameworks for financial institutions. The Petitioner states that in addition to risk management frameworks and risk models, she will focus on developing stress testing tools, monitoring and reporting for potential crises, and ensuring regulatory compliance. In describing how she intends to pursue this endeavor, the Petitioner stated that her short-term goals include developing machine learning tools, continuing her professional development and education, and engaging in policy advocacy. Of her long-term goals, she stated that she plans to establish a risk consulting advisory firm to provide advisory services to organizations.

The Petitioner asserts on appeal that the evidence, particularly the publications, reports, and expert opinions, establishes the national importance of the proposed endeavor. Regarding the various publications and reports in the record, the record includes information from the U.S. Government Accountability Office on the Troubled Assets Relief Fund; reports from the Federal Deposit Insurance Corporation on the supervision of Signature Bank, published April 2023, and First Republic Bank, published September 2023; a report on the U.S. financial services industry from an industry trade group; the Final Report of the National Commission on the Causes of the Financial and Economic Crisis in the United States; and publications on financial risk modeling and risk management from the IMF and other financial journals.

We agree with the Petitioner that these reports help establish the size of the U.S. financial services industry, its effect on and importance to the U.S. economy, and the potential consequences of poor risk management to the United States. However, this evidence relates only to the financial services industry and risk management in general and not to the Petitioner's specific proposed endeavor. In determining whether a proposed endeavor has national importance, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on the "specific endeavor that the foreign national proposes to undertake." *See id.* at 889. The reports and publications do not discuss the Petitioner's specific proposed endeavor, do not provide support for the Petitioner's claim that her specific work on developing financial risk models and frameworks will contribute to the overall stability and strength of the U.S. financial system, and do not otherwise demonstrate the national importance of the endeavor.

We also do not find sufficient support for the national importance of the proposed endeavor based on the opinion letters submitted. The Petitioner asserts that these letters "clearly corroborate the national importance of the Petitioner's proposed endeavor, citing specific examples of its national and global implications." However, the letters do not provide a sufficient, specific explanation of the endeavor's national importance. Primarily, the letters describe the Petitioner's background and qualifications, rather than describing the proposed endeavor and its potential prospective impact.

For example, one of the letters, from [redacted] Associate Vice President of Operational & Market Risk Management at [redacted] describes applying a method used by the Petitioner in her thesis in developing a risk management approach for [redacted]. While this does provide an example of the Petitioner's risk management model being useful in this instance, the letter does not provide sufficient information to determine the potential prospective impact of either the use of this model here or her proposed endeavor in general. We acknowledge that the Petitioner has a background in developing financial risk models and management, and that the tools she develops may be useful to her future clients. Nevertheless, the record is not sufficient to establish that the Petitioner's continued work in developing financial risk models has the potential to impact the field at a level commensurate with national importance.

The Petitioner also provided a recommendation letter from [redacted] who stated that they are a mathematician and data scientist and a senior consultant at [redacted] Dr. [redacted] writes that there is a high demand for individuals with the Petitioner's background and training and that she has talent that is rare in the U.S. labor market. Dr. [redacted] also claims that the Petitioner has made "invaluable contributions" to financial risk modeling, that the proposed endeavor "addresses complex and emerging challenges" in financial risk management, and that "her continued contributions will have a lasting impact" on the industry. But these broad, general assertions are made without sufficient support that would help establish the potential impact of the Petitioner's endeavor.

As a matter of discretion, we may use opinion statements submitted by the Petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we will reject an opinion or give it less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.* We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.* Here, the opinion letters are of little probative value as they primarily discuss the Petitioner's background or repeat the Petitioner's claims about the importance of financial risk management in general, rather than credibly describing the potential prospective impact of the Petitioner's proposed endeavor.

Because the Petitioner has not established the national importance of her proposed endeavor as required by the first prong of the *Dhanasar* framework, she has not demonstrated eligibility for a national interest waiver. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve our opinion regarding whether the record satisfies the second or third *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

The Petitioner has not met the national importance requirement of the first prong of *Dhanasar*. We therefore conclude that the Petitioner has not established that she is eligible for or otherwise merits 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 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.