U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 40106659

Date: OCT. 28, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a business and finance 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).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner established that she is an advanced degree professional, but did not demonstrate 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.

The Petitioner's endeavor is to work for a bank or financial institution in the United States as an anti-money laundering and counter-terrorism financing compliance specialist and eventually open her own consulting firm. SCOPS determined that the endeavor has substantial merit but not national importance per *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016). *Dhanasar* provides the framework for adjudicating national interest waiver petitions and 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) the proposed endeavor has both substantial merit and national importance; 2) the individual is well positioned to advance the proposed endeavor; and 3) on balance, waiving the requirements of a job offer and a labor certification would benefit the United States. *Id.* at 889.

On appeal, the Petitioner contends that her endeavor has national importance because of its "clear alignment with established U.S. legislative priorities, federal agency mandates, and public-private

[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).

financial crimes prevention initiatives."[2] However, the Petitioner does not offer any additional evidence or elaborate how the evidence in the record establishes her eligibility. Further, the Petitioner does not explain specific deficiencies in SCOPS' decision or offer persuasive arguments to overcome SCOPS' determination. An appeal must specifically identify any erroneous conclusion of law or statement of fact in the unfavorable decision. *See* 8 C.F.R. § 103.3(a)(1)(v).

In the denial, SCOPS already analyzed various industry reports and government initiatives in the record and concluded that such evidence highlights the importance of the field or profession but does not establish that the Petitioner's specific endeavor would have national or even global implications beyond her employer or her consulting firm such that it rises to the level of national importance. Accordingly, we adopt and affirm SCOPS' analysis and decision regarding the national importance of the proposed endeavor under the first prong of *Dhanasar*'s analytical framework. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted by every other circuit that has squarely confronted the issue").

As we agree with SCOPS that the submitted evidence does not establish the national importance of the Petitioner's proposed endeavor and the identified basis for denial is dispositive of the appeal, we decline to reach and hereby reserve the remaining eligibility requirements for the requested national interest waiver.[3] *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).

**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.

[2] *See* Form I-290B, Notice of Appeal or Motion, Part 3 (Basis for the Appeal or Motion). Although the Petitioner indicated in Part 2 of Form I-290B that she will submit a brief and/or additional evidence within 30 days of filing the appeal, we have not received the brief or additional evidence to date.

[3] SCOPS also concluded that the Petitioner is not well-positioned to advance her endeavor and on balance, the endeavor would not benefit the United States under the second and third prongs of *Dhanasar*.