U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39736963

Date: OCT. 30, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a finance specialist working in the power generation industry, 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 although the Petitioner qualifies for EB-2 classification as a member of the professions holding an advanced degree, she 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 a member of the professions holding an advanced degree 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).

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:

[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 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

SCOPS determined that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] Therefore, the sole 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 the national importance of her proposed endeavor under the first prong of the *Dhanasar* analytical framework.

The Petitioner is a financial professional who, at the time of filing, was employed as a director of business development for [redacted] a Texas-based renewable energy company.[3] Previously, from, 2018 until 2024, she was employed by [redacted] as an associate and vice president within its Power and Utilities Investment Banking Coverage Group.

In an affidavit, the Petitioner stated that her proposed endeavor is to "enhance U.S. power generation capacity through strategic mergers and acquisitions as a Power Generation Finance Specialist." She indicated she will advance her endeavor "by structuring and executing M&As to channel domestic and international financial capital into American strategically critical power generation and utility-scale battery storage projects." She further explained:

> Power generation project developers are often on the smaller side and entrepreneurial in nature, and they typically lack the money and resources to complete large scale power projects independently. This is where I come in. As a Power Generation Finance Specialist, I connect these power generation project developers to larger corporate and financial sponsors that have available capital and are seeking to deploy it. Once I make this connection, I use my experience, education, and training to structure M&A that induces those persons and organizations seeking to invest multi-millions of dollars in capital, thereby, accelerating the building, deployment, and servicing of new power generation infrastructure[.]

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[2] The Petitioner provided evidence that she received a Master of Business Administration (MBA) degree from the [redacted] in 2018. Because this evidence establishes her eligibility for EB-2 classification as an advanced degree professional, SCOPS did not evaluate her alternate claim that she qualifies as an alien of exceptional ability in business.

[3] As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for her to have a job offer from a specific employer. However, the Petitioner does not indicate that she intends to be self-employed. Therefore, in evaluating whether the proposed endeavor meets the requirements of the *Dhanasar* framework, we will consider relevant information about her position to understand the capacity in which she intends to work and carry out her proposed endeavor.

The Petitioner described the "critical activities" she would perform to further the proposed endeavor, including market analysis and opportunity identification in the power generation and utility-scale battery storage sectors, detailed due diligence and investment analysis, and negotiation and execution of strategic power generation deals.

The Petitioner's affidavit also includes a narrative "5-year career plan" indicating that initially, she intends to leverage her current role at [redacted] "to identify attractive investment opportunities, conduct financial due diligence, negotiate acquisitions and deploy capital into power generation projects across Georgia, Texas, and other key markets." The Petitioner stated that her longer-term plans (five years or beyond) include securing a senior leadership role within a leading power generation company, establishing herself as a thought leader in the financing of power generation projects, contributing to industry discussions and policy development, publishing articles and giving talks at industry conferences, and contributing her insights to research organizations. She claimed that her endeavor will enhance power grid reliability and energy security, have positive impacts in the areas of job creation and economic development, and lead to increased utilization of all energy sources to increase power generation capacity in the United States.

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.* SCOPS determined that the Petitioner established the substantial merit of her proposed endeavor. We agree.

In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. SCOPS determined the Petitioner did not establish the potential prospective impact of her proposed endeavor or show that it would have sufficiently broad impacts to meet *Dhanasar*'s national importance requirement.

On appeal, the Petitioner claims that SCOPS erred by analyzing the national importance of her occupation as a "power generation financial specialist" rather than her specific proposed endeavor "to enhance U.S. energy infrastructure by executing mergers and acquisitions (M&A) that channel domestic and international financial capital into strategically critical power generation and utility scale battery storage projects." The Petitioner also objects to SCOPS' observation that "continuing employment in one's position is not an endeavor sufficient to evaluate under this analytical framework," and emphasizes that her "employment is not her endeavor." She maintains that SCOPS similarly mischaracterized the nature of her endeavor by observing that she is seeking to be a "free agent" in the U.S. job market.

We agree that the record does not support SCOPS' determination that the Petitioner seeks a waiver of the job offer requirement for the purpose of conducting a job search. She emphasizes that, contrary to SCOPS' conclusion, she is not seeking "free agency" but, like the petitioner in *Matter of Dhanasar*, "is already employed and actively working in her endeavor currently." This statement is consistent with the Petitioner's previous assertion that she initially plans to advance her proposed endeavor

through her current role at [redacted]. Therefore, we agree that SCOPS erred in concluding that the Petitioner did not describe a proposed endeavor beyond conducting a job search for employment as a power generation finance specialist.[4] However, it remains her burden to demonstrate that her proposed endeavor has national importance.

The Petitioner further contends that, in addition to failing to properly analyze her specific proposed endeavor, SCOPS overlooked certain relevant documentation she provided, including reference letters, media and academic articles, financial documentation showing the prospective economic impact of her work, and a January 2025 presidential declaration of a national energy emergency, noting that this evidence is "illustrative of the national importance of her endeavor." We will address this and other relevant evidence below.

The submitted media articles discuss the significant power generation needs of the growing Artificial Intelligence (AI) industry, the challenges of meeting those needs with utility-scale green energy resources, and the inability of America's existing power grid to meet the country's increasing energy demands. The Petitioner also submitted industry reports addressing the global energy market, challenges affecting the U.S. energy industry's transition away from fossil fuels, and the renewable energy industry's outlook for 2025, which notes that "demand for clean energy is outpacing supply." Finally, the Petitioner submitted President Trump's January 20, 2025, Executive Order "Declaring a National Energy Emergency," which directs the heads of executive departments "to facilitate the identification, leasing, siting, production, transportation, refining and generation of domestic energy resources" and "to expedite the completion of all authorized and appropriated infrastructure, energy, environmental and natural resources projects."

The Petitioner claims that this evidence illustrates the national importance of her proposed endeavor. The determination of national importance does not focus on the importance of one's field or industry in general, but "focuses on the specific endeavor that the foreign national proposed to undertake." *Dhanasar*, 26 I&N Dec. at 889. The articles, reports and the President's Executive Order are probative of the importance of the industry in which the Petitioner works. The evidence also supports that the Petitioner's proposed endeavor generally aligns with public and private stakeholders' efforts to address the need for increased power generation capacity in the United States. However, we agree with SCOPS' determination that this evidence does not sufficiently speak to the potential prospective impact of the Petitioner's specific endeavor. When evaluating an endeavor's national importance, the issue is whether the Petitioner established that her own individual endeavor stands to have broader implications, such as for a field, a region or the public at large. The articles provide useful context regarding the broader industry in which the Petitioner works, and establish the substantial merit of her endeavor, but do not substantiate how her intended work meets the national importance element of *Dhanasar's* first prong.

On appeal, the Petitioner asserts that SCOPS erred by discounting the probative value of a 2022 academic article titled "Do Mergers and Acquisitions Improve Efficiency? Evidence from Power

[4] We also agree with the Petitioner that SCOPS' erred by referring, in at least one instance, to the Petitioner's proposed work in the "health and safety" sector. However, based on our review of the decision in its entirety, we conclude that SCOPS' error was, at most, harmless, as the decision otherwise reflects SCOPS' understanding that her proposed endeavor falls within the power generation sector. *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).

Plants," which was published by the National Bureau of Economic Research (NBER). The authors of the NBER article indicate they studied the effects of mergers and acquisitions on the efficiency of electricity-generating fossil fuel power plants in the United States during the period 2000 to 2020 and concluded that acquired plants experienced, on average, a four percent efficiency increase within eight months of acquisition. The Petitioner relies on the authors' conclusion to support her claim that her proposed endeavor, with its focus on mergers and acquisitions in the renewable energy and battery storage sector, would have a similar positive impact on efficiency in the energy industry.

The record, including evidence discussed further below, supports the proposition that mergers and acquisitions are necessary for the growth of the renewable energy industry, that M&A transactions efficiently channel capital to projects that might not otherwise reach full development, and that such transactions are common in this sector. Power generation companies like the Petitioner's current employer rely on teams of finance specialists with expertise in this sector to help them identify potential acquisition opportunities and structure attractive deals as they grow their portfolios. However, the published articles and reports in the record, including the NBER article, do not provide adequate support for the Petitioner's claim that her individual efforts to identify M&A opportunities and channel financial support to early or mid-stage renewable energy projects on behalf of her current or future employers would directly improve the efficiency of power generation activities in the United States or have other broad implications for the field that rise to the level of national importance.

The Petitioner further objects to SCOPS' conclusion that she did not provide sufficient information or evidence regarding any projected U.S. economic impact or job creation directly attributable to her future work or otherwise show that the benefits to the regional or national economy would reach the level of "substantial positive effects." The Petitioner claims that her efforts to facilitate investments into renewable energy projects directly impact the U.S. economy and infrastructure, as such projects lead directly to the creation of construction and permanent operational jobs that benefit local economies, generate tax revenues, and reinforce "economic stability and growth across the United States." On appeal, she emphasizes that her RFE response documented the economic and job creation impacts of three projects, including the [redacted] and the [redacted] projects, and asserts that SCOPS failed to properly weigh this evidence.

In her previously submitted affidavit, the Petitioner stated that the [redacted] project, a proposed [redacted] solar power generation facility in [redacted] Texas, "exemplifies the kind of project that my work as a Power Generation Financial Specialist enable[s]." She provided a report of the proposed project's "economic and fiscal contribution to [redacted] and to the State of Texas," prepared for [redacted] by Mangum Economics in December 2024.[5] The report indicates that, once operational, the project would directly support three jobs, generate $400,000 in wages and benefits, and contribute $1 million in economic output to the county, with economic "ripple effects" of nine induced and indirect jobs, $0.6 million in wages and benefits, and $1.9 million in economic output in the county. The report also includes estimates for statewide job creation, economic output, and cumulative tax revenues.

[5] She provided a similar report that Mangum Economics prepared for her employer in connection with the Oklahoma-based [redacted] project.

However, the record lacks evidence to support the Petitioner's claim that her specific work "enabled" this project and that any job creation and economic impacts resulting from her employer's decision to pursue the project are "directly attributable" to her work. The Petitioner has not explained her own role in the [redacted] projects, or provided, for example, evidence that her employer acquired these projects, or was seeking to acquire them from project developers, through M&A transactions that she had structured and presented to management. She provided a letter from S-S-, her immediate manager at [redacted] Mr. S- states that the Petitioner's background in finance and investment banking in the power generation sector made her an ideal candidate for her current position on his team. He explains that [redacted] has been growing to meet the unprecedented demand for electrical power from renewable sources, and that highly qualified professionals like the Petitioner will help the company continue its growth. He further states that she "plays a big role in the successful search for and execution of M&A opportunities," noting "M&A transactions play a huge role in the successful growth of [the] renewable energy industry," and are likewise "one of the major ways in which [redacted] grows and optimizes its pipeline of renewable development projects."

Mr. S- mentions that the Petitioner had secured one solar project acquisition and was working on additional M&A opportunities. But he does not identify any specific projects or suggest that any job creation or other economic impacts resulting from the company's continued expansion efforts can or should be attributed to the Petitioner's successful performance of her assigned duties as a director of business development on his team. Rather, he states that his team has benefited from her skillset and abilities in their efforts to meet the company's business development objectives. While the Petitioner's manager clearly values her team contributions, we note that benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual.

With respect to the [redacted] project, the record contains a letter from C-S-, a director at [redacted] who states that she oversees [redacted] investment in [redacted] Ms. S- indicates the Petitioner "played a pivotal role" in [redacted] acquisition of this energy company in 2021 by "leading rigorous due diligence and spearheading the financial valuation of the acquisition." She explains that [redacted] has since "been able to develop, build and own solar battery projects across the U.S." and provides economic and job creation figures for two [redacted] projects in Texas. Ms. S- concludes that the [redacted] success following its acquisition by [redacted] shows how the Petitioner's work "spurs significant job creation, grid diversification and environmental progress," and states that her contributions "set the stage for ongoing economic value and clean energy expansion."

An addendum to the Petitioner's curriculum vitae indicates that she was a financial advisor to [redacted] while employed as an associate at [redacted] She indicates that she "ran a complex valuation analysis involving [redacted] operating assets, O&M business, and development business" in advising her firm's client during its acquisition of the company. An industry media article about the acquisition states that the sale of [redacted] which was already a well-established solar development company, generated "tremendous interest" from equity investors like [redacted] While we do not doubt that the Petitioner's financial analysis was a contributing factor in her client's decision to acquire [redacted] the record does not show a sufficient nexus

between the continued growth of that company (and the broader implications of that growth on the energy industry and the nation's economy) and the Petitioner's individual efforts as a financial advisor to [redacted]

The record shows that the Petitioner's proposed endeavor would likely include her continued involvement in analyzing, modeling and structuring financial transactions for renewable energy projects, comparable to the two projects discussed above. However, it offers insufficient support for a conclusion that her specific endeavor will spur "significant job creation, grid diversification and environmental progress," or that her individual contributions to such transactions would, more likely than not "set the stage for ongoing economic value and clean energy expansion" at a level indicating national importance.

On appeal, the Petitioner submits an advisory opinion from Dr. J-B-, a professor of finance at the [redacted] She claims the letter "ties together the extensive evidence already submitted" and establishes that her endeavor "is directly related to an increase in the U.S. power supply." Dr. B- draws an analogy between her proposed endeavor and the role of the banking system in the American economy, noting that "[b]anks do not build factories, but without them, factories do not get built." He states that similarly, while the Petitioner's efforts "do not directly increase power generation in the U.S., create new jobs or generate new tax revenue, her endeavor is critical to facilitate these activities, and thus is of national importance." To explain his reasoning, Dr. B- provides an example of a typical utility-scale solar power generation plant, noting that such projects are usually owned, in their initial stages, by small renewable development companies that specialize in finding land parcels, obtaining permits, and otherwise making the project construction ready. He explains that the next phases of project development require capital expenditures of hundreds of millions of dollars, such that "all the economic benefits that the project might create are enabled by the current owner's ability to sell the project to another company" that possesses the expertise to construct and operate solar power plants.

Dr. B- states that the Petitioner's proposed endeavor "moves financial capital from places where it is abundant to places where it is needed to create economic impact" and notes that "these mergers and acquisitions are one of the major ways to finance power generation projects in the U.S." He opines that the Petitioner's endeavor "is a key factor to enable these transactions, thus enabling power generation projects to proceed to construction and operation." He states that "without efforts like hers many attractive power generation projects that the U.S. desperately needs may not be built." Dr. B- concludes that the endeavor "has important national impacts on the United States in terms of achieving energy security, supporting business and expanding economic benefits."

The new advisory opinion letter, like other evidence already discussed, provides useful context for understanding how early-stage renewable energy projects are developed into operational power plants and explains why merger and acquisition transactions are a standard method for financing these projects. While it may be true that project developers who are unable to find buyers may not ultimately reach the fully operational stage, the letter does not offer sufficient support for a conclusion that the Petitioner's individual proposed endeavor to structure mergers and acquisitions for companies in this sector would have a significant impact on the number of projects that are ultimately financed or that it will otherwise have broader implications commensurate with national importance. The industry reports in the record indicate that the Petitioner works in a sector that is rapidly growing and attracting large amounts of private and public investment, and that mergers and acquisitions are the most

common method of capitalizing projects to ensure they move beyond the development phase. Financial professionals such as the Petitioner contribute to the execution of these financial transactions and play a role in identifying which projects would make valuable acquisitions or investments for their employers or clients in the energy sector. However, the record does not sufficiently support the Petitioner's claim that her specific proposed endeavor will extend significantly beyond her current and future employers, such that it would have significant prospective impacts in the areas of economic growth, energy security, and environmental sustainability that rise to the level of national importance.

The record also contains recommendation letters from the Petitioner's former supervisors, colleagues, a professor, and other professional contacts which she claims substantiate the national importance of her proposed endeavor.[6] For example, a letter from a managing director at [redacted] states that the Petitioner "has already demonstrated unparalleled expertise in managing and executing complex power sector M&A and financing transactions that are crucial to the growth of American power capacity." He provides examples of deals she worked on during her tenure with the company, noting that her efforts "have not only benefited individual transactions but have also enhanced [redacted] reputation and client base in the power and utilities sector." He opines that the Petitioner's proposed work will "influence market dynamics," impact "strategic decision-making processes in the top-tier firms in the United States power industry, leading directly to increased capacity," and otherwise "make significant contributions to the field."

Another managing director at [redacted] describes the Petitioner as a "rare talent" and describes their joint work on a project that resulted in "the introduction of competitively priced foreign capital into the U.S. power industry." He states that based on her past work, he believes "she will continue to make impactful contributions to the field" in the areas of "power generation capacity, competitiveness in sectors like artificial intelligence and the U.S. national security." The Petitioner's former professor at the [redacted] explains that the power generation sector is "vital to the U.S. economy" and linked to energy security, economic stability and national infrastructure. She states that "the role of finance professionals specializing in power generation has never been more critical," briefly describes on the Petitioner's past projects, and concludes that "in this context, [the Petitioner's] work has far-reaching implications for both the U.S. energy transition and broader economic stability."

The general importance of a given field and an alien's level of skill in that field do not suffice to establish the national importance of a given proposed endeavor. The Petitioner's skills, knowledge, and prior work in her field relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the specific endeavor that she proposes to undertake has national importance under *Dhanasar's* first prong. While the letters discussed above and other letters in the record generally assert that the Petitioner's proposed work would have direct impacts on the power generation capacity of the United States and other contributions the authors deem to be "in the national interest," they do not discuss her proposed endeavor in sufficient detail to be probative of its national importance. Overall, the letters do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed work offers broader

[6] While we do not discuss each letter individually, we have reviewed and considered each one for its probative value and relevance under *Dhanasar's* first prong.

implications in her field or industry or substantial positive economic effects that rise to the level of national importance.

Finally, we acknowledge the Petitioner's assertion that she strives to establish herself as a "thought leader in the financing of power generation projects," such that she will be invited to contribute to industry discussions and policy development, publish articles, and contribute her insights to research organizations. These generalized long-term plans suggest that the Petitioner believes her work will eventually influence financial or business development practices within the power generation sector and be disseminated throughout her field. She does not offer sufficient support for her claim that her proposed endeavor will, more likely than not, result in these broader implications. The record does not, for example, indicate that she has already presented at industry conferences or published papers to date, nor does she specifically claim that she has performed original research or developed novel financial methodologies for the valuation of power generation projects. She has likewise not elaborated on her plans to disseminate her work or identified the specific policies she hopes to influence or research she intends to share. It is insufficient to claim that a proposed endeavor would have broad implications for future research and policy in a given field without providing explanations or evidence to substantiate such claims.

Considering the above conclusions, the Petitioner has not met her burden of proof to show that she satisfies the national importance element of the first prong of the *Dhanasar* framework. Detailed discussion of the remaining prongs cannot change the outcome of this appeal. Because the Petitioner has not otherwise established eligibility for the classification sought, we need not reach, and therefore reserve, the remaining *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 established the national importance of the proposed endeavor. Therefore, she has not shown eligibility for the national interest waiver, and we will dismiss the appeal 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.