



**U.S. Citizenship  
and Immigration  
Services**

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

In Re: 26378556

Date: APR. 27, 2023

Appeal of Texas Service Center Decision

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

The Petitioner, a financial manager, 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 EB-2 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 Petitioner qualified for classification as a member of the professions holding an advanced degree, but that he had not established 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.

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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification, as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act. Once a petitioner demonstrates eligibility as either a member of the professions holding an advanced degree or an individual of exceptional ability, they must then establish 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<sup>1</sup>, grant a national interest waiver if the petitioner demonstrates that:

- The proposed endeavor has both substantial merit and national importance;

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<sup>1</sup> *See also Poursina v. USCIS*, 936 F.3d 868 (9th Cir. 2019) (finding USCIS’ decision to grant or deny a national interest waiver to be discretionary in nature).

- The individual is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

## II. ANALYSIS

The Director found that the Petitioner qualifies as a member of the professions holding an advanced degree. The remaining 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 his proposed endeavor under the first prong of the *Dhanasar* analytical framework.

With respect to his proposed endeavor, the Petitioner initially indicated that he intends to pursue a “career in financial management in the United States.” He stated that his proposed work as a Financial Manager will entail the following:

- Working with clients to develop individualized financial plans for savings, retirement, investments and insurance. I will thoroughly assess their financial positions to understand their objectives and evaluate the most effective means to achieve their diverse goals.
- Providing organization and efficiency consulting services based on assessment of clients’ current business operations and organizational structure, as well as analysis of available resources and their use.
- Developing investment strategies for a wide variety of industry operators, developing comprehensive plans and accurate financial projections to enable business growth and expansion into new markets.
- Providing financial advice and developing plans to achieve clients’ financial growth objectives. I will create financial plans to help clients reduce expenses, increase profits, and maintain optimal cash flow levels.
- Developing and implementing company-wide financial strategies for small, medium, and large-sized businesses that will boost revenue and cut overhead costs.
- Conducting research into past, present, and future national and international economic conditions, and market demands, identifying lucrative investment opportunities for clients.
- Help entrepreneurs in seeking financing for their projects.

In response to the Director’s request for evidence (RFE), the Petitioner asserted that he has “begun helping the company B-S- LLC, a facility maintenance company, to structure its new business in America that is focused on medium-size maintenance services for commercial stores . . . . My duties in this company are to use my network and know-how to captivate money from Brazil and invest in the company.” He further indicated that he “structured the financial part of the business, building a financial model and presenting the capital needed to Brazilian investors to improve productivity of the company as a whole.” In addition, the Petitioner stated that his plan of action is “to take companies that have a real potential like B-S- LLC and structure it in a way where it is attractive for international investors to come in and invest in these startups and small businesses.”

The record includes information about the benefits of foreign direct investment to the U.S. economy, small businesses as creators of U.S. economic activity, financial manager skills and responsibilities, retirement and hiring trends in the financial planning industry, the value of financial management for

non-governmental organizations, the critical role of financial management in small private companies, the value of financial planning, and the economic contributions of immigrant scientists and engineers. In addition, the Petitioner provided articles discussing financial advisors' responsibility to keep investors safe during the coronavirus pandemic, the industry outlook for finance and insurance in the United States, issues facing financial managers, financial management challenges in small and medium-sized enterprises, the role founding teams' financial management competencies play for firm growth, and U.S. states with the most financial advisors per capita. He also submitted information about small businesses and their role in the U.S. economy, the occupational outlook for financial managers, recruitment of the next generation of financial advisors, the shrinking talent pool for financial services positions, the value of financial education, the impact of finance on business growth, financial management approaches for a growing business, and the benefits of finance in business. The record therefore supports the Director's determination that the Petitioner's proposed endeavor has substantial merit.

Furthermore, the Petitioner provided recommendation letters from three former colleagues at B-T-G-P- who discuss his finance and business management skills, knowledge in derivatives contracts, and financial activities. The Petitioner's skills, knowledge, and prior work in his field, however, 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 he proposes to undertake has national importance under *Dhanasar*'s first prong.

The Petitioner also submitted a "Written Advisory Opinion" from both Dr. A-W-, an associate professor of finance at [redacted] University, and Dr. M-I-, a professor of economics at [redacted] University, in support of his national interest waiver. Both Dr. A-W- and Dr. M-I- contend that the Petitioner's proposed work is of national importance because his generic occupation of financial manager and the industry in which he works stand to broadly enhance society welfare, offer significant potential to employ U.S. workers, provide substantial positive economic effects, have national or even global implications in the field, and impact national initiatives. The issue here, however, is not the national 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.* at 889. The letters from Dr. A-W- and Dr. M-I- do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed work in financial management offers broader implications in his field or substantial positive economic effects for our nation that rise to the level of national importance.

In the decision denying the petition, the Director determined that the Petitioner had not established the national importance of his proposed endeavor. The Director stated that the Petitioner had not demonstrated that his undertaking "will have a broader impact on the field outside of his prospective company and/or clients." The Director also indicated that the Petitioner had not shown his proposed work has broader implications in the field, significant potential to employ U.S. workers, or other substantial positive economic effects.

On appeal, the Petitioner contends that "his role as a financial manager is critical in driving American companies' growth, margins, and revenue." He further asserts that his undertaking has "national implications for economic growth and employment throughout the United States" and "significant potential to employ U.S. workers."

In determining 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.” *See Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we further noted 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.

To evaluate whether the Petitioner’s proposed endeavor satisfies the national importance requirement we look to evidence documenting the “potential prospective impact” of his work. While the Petitioner’s statements reflect his intention to provide valuable financial management services for his clients, he has not offered sufficient information and evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. 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. Here, we conclude the Petitioner has not shown that his proposed endeavor stands to sufficiently extend beyond his clientele to impact the financial management field, the financial services industry, or the U.S. economy more broadly at a level commensurate with 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 our nation. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to his future work, the record does not show that benefits to the regional or national economy resulting from the Petitioner’s financial management projects would reach the level of “substantial positive economic effects” contemplated by *Dhanasar*. *Id.* at 890. Accordingly, the Petitioner’s proposed work does not meet the first prong of the *Dhanasar* framework.

Because the documentation in the record does not establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of his eligibility under the second and third prongs outlined in *Dhanasar*, therefore, would serve no meaningful purpose.

### III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established 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, with each considered as an independent and alternate basis for the decision.

**ORDER:** The appeal is dismissed.