



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

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

In Re: 23071624

Date: FEB. 24, 2023

Appeal of Texas Service Center Decision

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

The Petitioner, a financial advisor, seeks second preference 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. 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. Specifically, while the Director determined that the Petitioner qualifies as a member of the professions holding an advanced degree, and further acknowledged the substantial merit of the proposed endeavor, the Director concluded that the Petitioner did not establish the national importance aspect under the first prong of the analytical framework. *See Matter of Dhanasar*, 26 I&N Dec. 884, 889-90 (AAO 2016). The matter is now before us on appeal. 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.

On appeal, the Petitioner asserts that her proposed endeavor of offering her services as a financial advisor will “generate substantial ripple effects upon key commercial and business activities on behalf of the United States” and will “contribute to the United States’ gross domestic product.” In addition, the Petitioner emphasizes her “vast experience in significant business markets.” For consideration on appeal, the Petitioner offers previously submitted documentation and updated evidence relating to her business.

We adopt and affirm the Director’s decision. *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 has been “universally accepted by every other circuit that has squarely confronted this issue”); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight U.S. Court of Appeals in holding the appellate adjudicators may adopt and affirm the decision below as long as they give “individualized consideration” to the case). The Director thoroughly reviewed, discussed, and analyzed the Petitioner’s national importance claims under the first prong of *Dhanasar*, including her

submission of industry reports and articles relating to the value of financial workers in the United States, her job experience and skills, and her ownership of a company located in  Florida.

As addressed by the Director, the Petitioner's experience and abilities 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. Moreover, the relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Further, "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.*

Upon review of the record, we agree with the Director that the Petitioner has not established that her proposed endeavor, including operating her own business, sufficiently extends beyond her company and its clientele to impact the industry or the field more broadly, at a level commensurate with 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. Furthermore, the Petitioner has not demonstrated that the specific endeavor she proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. *Id.* at 890. The petition will remain denied.

**ORDER:** The appeal is dismissed.