



U.S. Citizenship
and Immigration
Services

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 27466899

Date: SEP. 08, 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 and an individual of exceptional ability, 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).

The Director of the Texas Service Center denied the petition, concluding the record did not establish the Petitioner qualifies for a national interest waiver under the Dhanasar framework. 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.

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 discretion¹, grant a national interest waiver if the petitioner demonstrates that:

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

¹ 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 determined the Petitioner qualifies for the underlying EB-2 classification. Therefore, the remaining issue is whether the Petitioner has established eligibility for a national interest waiver under the Dhanasar framework. While we do not discuss each piece of evidence, we have reviewed and considered each one.

The Petitioner stated that he “intends to advance his career as a Financial Manager [and] will make his services available to small and large businesses belonging to both the private and public sector in the United States. [H]e is determined to use his expertise as a means to complement and enhance businesses in the U.S. and to be a contributing member of American society.” His services as a financial manager include accounting; controllership; business restructuring and management; internal auditing; and coordinating business activities between the United States and Latin America. While we do not list every activity the Petitioner will engage in to provide these services, among them are “[c]reate, develop, and implement innovative solutions . . . Offer intelligent and innovative techniques . . . Develop financial strategies . . . developing businesses that allow the allocation of more investments in different sectors in Latin America . . . [and] [m]aximize the efficiency and productivity of U.S. businesses”

The first prong, substantial merit and national importance, focuses on the specific endeavor the individual proposes to undertake. The endeavor’s merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. Dhanasar, 26 I&N Dec. at 889. In Dhanasar, we 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. To illustrate, “[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.

The Petitioner offered numerous explanations for how his proposed endeavor is nationally important and will have a broad impact. He highlighted the importance of the finance and business industry as a major economic and employment contributor in the United States. In support, he offered an overview of the financial services industry with statistics on its size and economic value. He contends that his services will help U.S. businesses reach financial strength in competitive markets and that his “contributions to the finance industry in the United States will have broader implications on a variety of industries, considering the financial health of businesses impacts the local economy and the social welfare of the American people.”

The Petitioner stated that his endeavor would help to address a talent shortage in the industry as well as create an economic ripple effect. By ensuring that businesses optimize their resources and perform well, the Petitioner expects his endeavor will increase professional demand in the economy, generate revenue, increase productivity, and reduce costs. As such, the specific economic benefits the Petitioner

envisions include stimulating the economy; increasing tax revenues; creating employment opportunities; promoting social welfare and the standard of living; advancing the industry; and equipping and expanding the workforce. He also expects that his work with U.S. businesses seeking to expand their operations into Latin America will increase trade and reinforce bilateral relations.

We agree that the Petitioner's endeavor operates in an important industry. However, in determining national importance, the relevant question is not the importance of the 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 *id.* at 889. We further acknowledge and understand the basic effects of supply and demand, as any offer of goods or services has the potential to impact the economy. Nevertheless, this fact alone is insufficient to establish that the services the Petitioner plans to offer will benefit the U.S. economy, labor market, or financial industry on such a scale as to rise to the level of national importance. For instance, he has not provided evidence of how the ripple effects of his proposed endeavor would be substantial enough to affect tax revenues or bilateral trade agreements.

Although having a job or a job offer is not an eligibility requirement for a national interest waiver, we conclude that the Petitioner has not offered sufficient evidence of the viability of his proposed work such that he has substantiated his claims about its prospective impact. The Petitioner has not offered the names of any specific organizations that he will work with or how he will provide his financial services to U.S. companies. Although the Petitioner provided copies of his e-mail correspondence with various recruiters about job prospects, the referenced positions do not appear to involve activities such as cross-border transactions with Latin America. The Petitioner has not identified which U.S. companies seek to expand their business into Brazil or Latin America or how this would function in the financial service contexts of the job offers he received. Further, the Petitioner has not demonstrated, for example, how many clients he would need to serve, the size of them, and for what duration he would need to serve them in order to reach a substantial positive economic impact. Moreover, the Petitioner has not demonstrated how the companies the Petitioner plans to work with are currently managed and whether such companies already implement the financial methods the Petitioner intends to offer. Such details are significant, as it is not apparent which companies, if any, have the need for the Petitioner's financial services or how specifically the Petitioner intends to carry out his proposed endeavor. In *Dhanasar*, we held that a petitioner must identify "the specific endeavor that the foreign national proposes to undertake." *Id.* Without more, we conclude that while the Petitioner's financial services may be useful, the impact of such services is unsubstantiated and difficult to ascertain.

The Petitioner highlighted his past achievements to illustrate how his proposed endeavor might achieve a similar impact. He provided recommendation letters from former colleagues who offer praise of the Petitioner's personal and professional qualities but do not demonstrate knowledge of the Petitioner's proposed endeavor. We examined the letters initially submitted and the additional letters submitted in the Petitioner's response to the Director's request for evidence (RFE). Although the authors of the letters highlight the Petitioner's past achievements, there is little indication from the letters that his achievements impacted the field of financial management as a whole. Further, the authors' examples of the Petitioner's past success do not suggest that the Petitioner's impact extended beyond the businesses he worked with and the specific individuals they served.

The letters from [redacted] describe how the Petitioner's services and actions resulted in increased soybean exports, favorable banking terms and lines of credit, and a church's financial stability, respectively. However, none of the authors provides specific examples or objective evidence of how the Petitioner's involvement resulted in "contributions to the finance industry" or impacted "the local economy and the social welfare." Furthermore, some of the letters provide insufficiently detailed examples of the Petitioner's work and the results he achieved. To illustrate, both [redacted] mention the Petitioner's general success in business transactions, but neither of them corroborate their claims with specific facts or supporting details. Although the authors hold the Petitioner in high regard, we conclude that generalized conclusory statements that do not identify a specific impact in the field have little probative value. See *1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications). The submission of reference letters supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters to determine whether they support the petitioner's eligibility. *Id.* See also *Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact").

The Petitioner provided two advisory opinions, one from evaluator [redacted] University, and the other from [redacted] University. [redacted] begins with an overview of the proposed endeavor, emphasizing that the Petitioner will use "unique strategies" and improve the "performance and efficiency of organizations of all sizes." In the portion of [redacted] opinion that addresses the endeavor's national importance, he provides statistics on the economy and small businesses, background on the financial services industry, and comments on national initiatives, such as bilateral trade. However, the opinion letter does not provide specific details about the proposed endeavor's impact and how it would extend beyond the clients who hire the Petitioner for his services. Likewise, [redacted] also provides an overview of the financial services industry and the Petitioner's work history, repeats information about the proposed endeavor, and cites global trade data. [redacted] does not explain how the Petitioner's endeavor will produce benefits extending beyond those who engage the Petitioner for his services. While we acknowledge the evaluators' belief that the effects of the proposed endeavor will benefit the U.S. economy and job market, we conclude that their evaluations do not sufficiently support a finding that the proposed endeavor will have an impact broader than that which basic economic activity already has in general. 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.* Here, the evaluators' opinions are of little probative value as they have not offered sufficient evidence to substantiate them.

Documents in the record reference the Petitioner's "unique" methods, techniques, and routines, "innovative techniques," as well as his "unique services" and "unique financial strategies." On appeal, he emphasizes his "modern strategies and techniques," "innovative and unique business development solutions," and "modern and refined techniques." While we acknowledge these phrases, we conclude they are not substantiated with evidence. Although the record and information on appeal includes his proposed endeavor activities and services, there is little explanation of any unique or innovative solutions the Petitioner developed or any demonstration of how his strategies and techniques are modern when compared with others. The Petitioner must support his assertions with relevant, probative, and credible evidence. See *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). As

the explanations of these services appear to involve straightforward business and financial management concepts, we conclude that such adjectives as “unique,” “innovative,” and “modern” add little value to his assertion that the proposed endeavor would impact the industry more broadly. Even if we were to accept that his methods are unique and innovative, the Petitioner has not explained how such methods would be available to the industry as a whole, as opposed to only the businesses that hire him.

On appeal, the Petitioner largely reiterates assertions about his proposed endeavor’s impact to the economy. He states that his business solutions “have the purpose of not only contributing toward improving the U.S. economy and well-being of citizens and residents but also using finance services to help U.S. companies and U.S. workers to have better performances and results, thereby contributing to increased revenues and business growth in the country.” In addition, he states that his endeavor “has significant potential to maintain the U.S. workforce production at a fast pace, which will translate into economic benefits for U.S. companies along with the increase in productivity, competitiveness, generation of revenue, creation and support of U.S. jobs, as well as impacting the entire nation in several layers of the society.” To reinforce these assertions, the Petitioner summarizes his past accomplishments, explains how he plans to improve access to financial solutions, and emphasizes the size of the Brazilian economy and the importance of trade. However, as explained, the Petitioner has not offered sufficient evidence to substantiate his assertions. 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 U.S. regional or national economy resulting from the Petitioner’s projects would reach the level of “substantial positive economic effects” contemplated by Dhanasar. See Dhanasar, 26 I&N Dec. at 890. While the Petitioner’s proposed endeavor may confer benefits to the parties he serves, the Petitioner has not established how his services would impact the U.S. economy or financial industry at a level commensurate with national importance.

III. CONCLUSION

The record does not establish the national importance of the proposed endeavor as required by the first prong of the Dhanasar precedent decision. Therefore, 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 would serve no meaningful purpose. Because the identified reasons for dismissal are dispositive of the Petitioner’s appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the Dhanasar framework. See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that “courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach”); see also *Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

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. The appeal will be dismissed for the above stated reasons.

ORDER: The appeal is dismissed.