



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

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

In Re: 31077684

Date: JUL. 12, 2024

Appeal of Texas Service Center Decision

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

The Petitioner, a finance and insurance 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 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 record did not establish that the proposed endeavor was of national importance or that it would be beneficial to waive the requirements of a job offer. 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

An advanced degree is any United States academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. A United States bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree.

If a petitioner demonstrates eligibility for the underlying EB-2 classification, 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:

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<sup>1</sup> *See also Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS' decision to grant or deny a national interest waiver to be discretionary in nature).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.

## 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, following a *de novo* review, we agree with the Director that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework.

### A. Substantial Merit and National Importance

The first prong, substantial merit and national importance, focuses on the specific endeavor that 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.

Regarding his claim of eligibility under *Dhanasar*'s first prong, the Petitioner wrote in his professional plan that his proposed endeavor is "to continue [his] career as a Financial and Insurance Manager, helping several companies in the United States implement process improvement and financial management standards with the goal of helping them achieve corporate goals and revenue growth, also creating mechanisms to allow intelligent decision-making on how and where to invest."

As a preliminary matter, the Petitioner asserts on appeal that in denying the petition, the Director did not consider all the evidence and did not apply the preponderance of evidence standard as required. A decision is not required to discuss every piece of evidence, so long as the decision gives reasoned consideration to the evidence submitted. *See Morales v. INS*, 208 F.3d 323, 328 (11th Cir. 2000). The Director's decision, as well as the request for evidence (RFE), and notice of intent to deny (NOID), noted and analyzed much of the documentary evidence in the record. Moreover, 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). Although the Petitioner avers that he has provided evidence sufficient to demonstrate his eligibility for a national interest waiver, he does not specify, as required, how the Director erred or what factors in the decision were erroneous.

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 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.

The Petitioner argues on appeal that his proposed work is nationally important because it has the “potential to generate substantial economic impact in the United States, fomenting economic activity, creating hundreds of jobs, increasing wages, as well as tax revenue for the federal, state and local governments, besides transforming business to compete in national and international markets.”

According to the RFE response, the Petitioner does not intend to open a business, his plan is to “provide his services to an employer.” In his second professional statement, submitted in response to the RFE, the Petitioner stated that he intends to help “several companies.” He further elaborated that he plans to do this by optimizing and supervising companies’ financial operations, “[d]eveloping and implementing financial automation processes,” “[p]roviding overall financial management,” working as an “insurance manager,” “[d]eveloping new research and studies on business and market trends,” providing “professional training, events, and classes,” and acting as a consultant for companies. The Petitioner has not explained logistically how he would act in these various and wide-ranging capacities at the same time. Anyone seeking this waiver must identify “the specific endeavor” that they propose to undertake. *Id.* at 889; *see generally* 6 USCIS Policy Manual F.5(D)(1), <https://www.uscis.gov/policymanual> (“The term ‘endeavor’ is more specific than the general occupation; a petitioner should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation.”).

The evidence presented also does not demonstrate that the endeavor as proposed rises the level of national importance. 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. 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. 26 I&N Dec. at 893.

Here, the Petitioner has not described how his employment as a financial and insurance manager will have a broader impact on the field beyond the individual companies he intends to partner with. The appeal brief argues that his specific endeavor will help “to maintain economic stability in the country,” stimulate “economic development,” and is “fundamental to the nation’s financial health and its citizens’ well-being.” Nonetheless, the appeal brief rests its arguments on examples of the Petitioner’s past performance and these blanket statements, without explaining how the specific endeavor’s impact will extend beyond his partner companies to the broader financial and insurance spheres. The record presented does not provide sufficient support for his arguments either.<sup>2</sup> The Petitioner submitted articles and reports on finance, insurance, and U.S. government web pages concerning healthcare, retirement, and workplace environments. Nevertheless, these reports do not address the Petitioner’s specific proposed endeavor or how it would have broad implications in the finance and insurance fields

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<sup>2</sup> While we may not discuss every document submitted, we have reviewed and considered each one. We note that some of the recommendation letters originated after the petition’s filing date and are unclear as to when the circumstances described within occurred. Additionally, several of the articles submitted were published after petition’s filing. A petitioner must meet all the eligibility requirements of the petition at the time of filing. 8 C.F.R. § 103.2(b)(1), (12).

in a way that implicates national importance.<sup>3</sup> He also presented letters of recommendations from past co-workers. These letters discussed the importance of the finance and insurance fields and declare that the Petitioner's abilities will greatly enhance those fields. However, the letters neglect to illustrate how working for individual companies will have a nationally important impact on the fields as claimed.

The Petitioner also provided a letter from Dr. [REDACTED] a professor in finance at [REDACTED] [REDACTED]. As a matter of discretion, we may use opinion statements submitted by a petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). Nonetheless, 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.* We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.* Here the advisory opinion is of little probative value as Dr. [REDACTED] evaluation of national importance discusses the importance of the finance and insurance fields, that individuals with the Petitioner's skills are in-demand, and that someone with the Petitioner's skills will help U.S. businesses. From this information, he makes the finding that the Petitioner's specific endeavor is nationally important. Yet, he neglects to explain how the proposed endeavor impacts the finance and insurance fields beyond the individual corporations the Petitioner would work for or how his endeavor would have an economic impact on par with national importance. *See Dhanasar*, 26 I&N Dec. at 889 (noting that the focus of prong one is not the importance of the field, industry, or profession but the specific endeavor the noncitizen proposes to undertake). From the evidence provided, the Petitioner has not established that his proposed endeavor will have a national impact on the U.S. finance and insurance fields.

Furthermore, the Petitioner has not demonstrated that his endeavor has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. An endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, may have national importance. *Dhanasar*, 26 I&N Dec. at 890. Here, however, the professional plan does not adequately support its projections of job and revenue creation.

The amended professional plan submitted in response to the NOID makes hypothetical projections of the revenue, job creation, profitability, individuals benefited by the product, and indirect job creation. The chart anticipates that the Petitioner will be responsible for the creation of 104 direct jobs and 217 indirect jobs<sup>4</sup> by year five. He also projected generating \$5,690,828 in revenue in year one, increasing to \$9,371,741 in year five. Nevertheless, the plan does not explain how these forecasts were calculated, except to state that "the projections are based on [his] past success and expertise." Moreover, he did not adequately clarify how these projections will be realized, nor does the record contain evidence to support the plan's projections. The preponderance of the evidence standard requires that the evidence demonstrate that the petitioner's claim is probably true, where the determination of truth is made based on the factual circumstances of each individual case. *Matter of*

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<sup>3</sup> The Petitioner additionally submitted evidence of his membership in organizations and various examples of his work product for past employers. However, the Petitioner does not explain how this evidence is relevant to national importance as it points to the Petitioner's past accomplishments and experiences, not the specific endeavor's potential impact in finance and insurance.

<sup>4</sup> The plan explains that indirect jobs are ones that occur outside a company because of the company's growth.

*Chawathe*, 25 I&N Dec. at 376. In evaluating the evidence, truth is to be determined not by the quantity of evidence alone but by its quality. *See id.* Here, the lack of supporting details detracts from the credibility and probative value of the professional plan.

Furthermore, even if we assumed all the projections in the amended professional plan were accurate, the record lacks evidence demonstrating that its impact would be nationally important. The Petitioner’s appeal brief states that the proposed endeavor “is fundamental to the nation’s financial health and its citizens’ well-being.” Yet the Petitioner did not provide documentation to support these statements that his work will result in substantial economic growth on the level of national importance. The record does not illustrate how creating 104 direct jobs, 217 indirect jobs, and generating \$9,371,741 in revenue by year five, as projected in the professional plan, would have substantial positive economic effects on the level of national importance. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. The Petitioner has therefore not provided sufficient information and evidence to demonstrate the prospective impact of his proposed endeavor rises to the level of national importance.

Accordingly, for the reasons given above, we conclude that the Petitioner has not established the national importance of the proposed endeavor, and therefore does not meet the first prong of the *Dhanasar* analytical framework. In the same way that *Dhanasar* finds that a classroom teacher’s proposed endeavor is not nationally important because it will not impact the field more broadly, we find that the record does not establish that his proposed endeavor will sufficiently extend beyond his clients to affect the region or nation more broadly. 26 I&N Dec. at 893. The Petitioner has also not shown that benefits to the regional or national economy resulting from his undertaking would reach the level of “substantial positive economic effects” contemplated by *Dhanasar*. *Id.* at 890. Thus, the Petitioner’s proposed work does not meet the first prong of the *Dhanasar* framework.

As 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).

### III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we find that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion.

**ORDER:** The appeal is dismissed.