



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

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

In Re: 33403487

Date: SEP. 18, 2024

Appeal of Texas Service Center Decision

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

The Petitioner, an economist, 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 Petitioner's proposed endeavor in the United States was of national importance. 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 qualify for the underlying EB-2 visa classification, a petitioner must establish they are an advanced degree professional 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. A U.S. 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.

Profession is defined as one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a U.S. baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation.¹ 8 C.F.R. § 204.5(k)(2).

¹ Profession shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

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. 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,² grant a national interest waiver if the petitioner demonstrates that:

- 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

The Director concluded that the Petitioner qualifies as a member of the professions holding an advanced degree, but did not sufficiently satisfy that it was of national importance under the first prong of the *Dhanasar* framework. *Id.* Based on our de novo review of the record, we agree that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong.

On the Form I-140, Immigrant Petition for Alien Workers, the Petitioner stated that his occupation was an economist, his job title was “advisor to executive Director,” and provided the following nontechnical job description: “providing advice to countries on their fiscal, monetary, financial sector, and structural policies.” He further detailed in an accompanying statement that that his current position was at the headquarters of the [REDACTED] and has advised more than 60 countries on “fiscal, monetary, financial sector, and structural policies”. He contended that he provided counsel to these countries similar to the approach of the U.S. Federal Reserve during the COVID-19 pandemic. In support of an assertion that he would have a sustainable and long-term career in the United States, the Petitioner also stated that he has received other job offers in the United States in financial management and investment planning. Before the Director, the Petitioner submitted personal statements regarding his educational and professional experience and the proposed endeavor; academic records; employment verification letters; correspondence from employment recruiters; support letters from friends and associates; a letter regarding his membership in an employee resource group for lesbian, gay, bisexual, and transgender (LGBT) staff; materials from a professional conference in which he participated materials about the IMF and digital currency; and publications authored by the Petitioner about the economic status of various countries.

In response to a request for evidence (RFE) by the Director, the Petitioner further described his proposed endeavor as empowering economic growth in developing countries engaging with civil society groups, think tanks, international organizations, and the U.S. government. He stated that this

² See *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 is discretionary in nature).

endeavor aligned with U.S. interests given that the U.S. government already pursues similar objectives through diplomatic efforts. The Petitioner went on to state that his endeavor promoted U.S. interests and contributed to economic growth in the United States by fostering stable markets for U.S. companies and supporting the growth of U.S. commercial and investment activities.

The Director denied the petition, concluding that the record did not establish that the Petitioner qualifies for a national interest waiver. Regarding prong one, the Director concluded that the record did not demonstrate the Petitioner's proposed endeavor has substantial merit or national importance, as his professional plan only described the work of an economist but did not quantify the benefit of his individual work in terms of national importance beyond his employer.

On appeal, the Petitioner submits a brief and copies of previously-submitted evidence. He generally asserts that the Director erred in the conclusion that he is not eligible for the requested national interest waiver. The Petitioner argues that the Director's decision ignores "the most significant evidence" related to his endeavor, which he contends was a letter from his employer describing his current role. He describes the [redacted] capacity and his own position as having responsibility for preparing, formulating, and presenting complex fiscal, monetary, and financial analysis. The Petitioner claims that the Director failed to consider his work and the global importance of the [redacted], including the evidence he previously submitted of his membership in an employee LGBT initiative and statements from the [redacted] Executive Board regarding several countries and their economic health. He states that he has demonstrated that his work has both substantial merit and national importance given its relationship between the United States and the [redacted] member states.

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. 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. *See generally 6 USCIS Policy Manual F.5(D)(1)*, <https://www.uscis.gov/policy-manual>. Simply being employed in an occupation does not constitute an endeavor for the purposes of these proceedings. *Id.*

In the instant case, the Petitioner's proposed endeavor appears to be limited to the confines of his existing employment. The Petitioner indicates on appeal that he intends to continue his current work as an economic policy advisor to the [redacted] as he claimed before the Director. The record does not indicate, nor does the Petitioner claim, that he would engage in this work in additional capacities.³ We recognize the mission of the [redacted]. We additionally acknowledge the Petitioner's expertise and the documentation the Petitioner has provided regarding his contributions to his current position. However, we find that the Petitioner's reliance on the importance of the goals his endeavor seeks to address is misplaced. The issue here is not the broader implications of the [redacted] but rather the potential prospective impact of the Petitioner's specific proposed work as an economic

³ The record before the Director includes two pieces of correspondence the Petitioner received from recruiters. While the Petitioner's personal statements and the Director's decision refer to these as "job offers", we note that they do not indicate that the Petitioner applied for or received offers of employment from these companies.

policy advisor. The overall importance of an employer does not by itself establish the national importance of a petitioner's endeavor.

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.” *See Dhanasar*, 26 I&N Dec. at 889. 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. Such effects need not be national in scale but must demonstrate a potential prospective impact that is “substantial” to a particular area, region, or industry.

To the extent that the Petitioner's current position as an economic policy advisor constitutes an endeavor, the record does not contain sufficient evidence to conclude that the effects of his endeavor will rise to the level of national importance. While the Petitioner claims that his endeavor promotes U.S. interests, he has not submitted documentary evidence to corroborate this claim. The testimonial evidence in the record, such as the recommendation letters and the reports he has published regrading [] member countries, do not offer evidence of how his work has impacted his field more broadly such that it would rise to the level of national importance. Instead, they outline the contributions he has made to his current employer and his academic and professional background. Furthermore, the letter the Petitioner emphasizes on appeal as the most significant piece of evidence describes his work as representing nine countries on the Executive Board of the []. This letter also notes that the Petitioner maintains contacts with and closely monitors development in his home country. However, the letter does not describe how the Petitioner's endeavor promotes U.S. interests as he claims, nor does it detail the impact of his endeavor beyond his current employer and its stakeholders, nor does it offer additional insight regarding the national impact of his proposed endeavor. Finally, while we do not seek to diminish the value of the Petitioner's involvement in the LGBT community, the submitted evidence does not establish that his activities or the scope of the groups in which he participates have national reach.

It is the Petitioner's burden to prove by a preponderance of evidence that he is qualified for the benefit sought. *Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). The Petitioner must also support his assertions with relevant, probative, and credible evidence. *Id.* at 376. As the Petitioner has not done so here, he has not sufficiently established that his proposed endeavor in the United States will have national importance under the first *Dhanasar* prong.

Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the remaining eligibility requirements for the requested national interest waiver. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make “purely advisory findings” on issues that are unnecessary to the ultimate decision); *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 the applicant did not otherwise meet their burden of proof).

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.

ORDER: The appeal is dismissed.