



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 26400361

Date: APR. 12, 2023

Appeal of Texas Service Center Decision

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

The Petitioner, a personal financial advisor, 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 the Petitioner did not establish eligibility for a national interest waiver under the analytical framework identified in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (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 relies upon evidence already provided and asserts his endeavor has national importance because it: (1) impacts a matter that a government entity has described as having national importance or is the subject of national initiatives; (2) has national and even broader implications within a particular field; and (3) has substantial positive economic effects.

We adopt and affirm the national importance portion of 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 the issue"); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case).

On appeal, the Petitioner repeats various factors that may show how an endeavor has national importance, but he does not meaningfully analyze how his endeavor meets these factors. For instance, he states that he will attract and incentivize individuals to invest in the U.S. markets, activities which he asserts are a matter that a government entity has described as having national importance. We

recognize the importance of attracting foreign direct investment into the United States; however, the Petitioner has not explained how either his methods of attracting investment or his investment opportunities differ from those already available. Therefore, it is unclear how his endeavor would impact the field or the nation. Additionally, he has not explained how he will attract and process investments on a scale rising to the level of national importance. Likewise, the Petitioner's proposed work as a personal financial advisor supports a finding that he will impact his employer and individual clients, but the record does not reflect how this work will impact the field or the nation or generate substantial positive economic effects commensurate with national importance. The Petitioner offers generalized claims about the endeavor's national importance without providing sufficient independent and objective evidence to substantiate his claims. Accordingly, the record does not establish the national importance of the proposed endeavor. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver under the first Dhanasar prong. Further analysis of his eligibility under the remaining prongs 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).

ORDER: The appeal is dismissed.