U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37622387

Date: APR. 21, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a mathematics teacher, 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 although the Petitioner established that she qualifies for the underlying EB-2 visa classification as an advanced degree professional, she did not establish that a waiver of the required job offer, and thus of the labor certification, would be in the national interest.[1] The matter is now before us on appeal pursuant to 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 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.

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. *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.

[1] 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. 8 C.F.R. § 204.5(k)(2).

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 Petitioner's proposed endeavor is to continue working as a mathematics teacher at a charter school in Florida. The Petitioner stated that she "will use her experience as a mathematics professor and her knowledge of educational management to enhance the quality of education in the U.S., thereby positively impacting the national economy and the overall welfare of society" and will "empower students with the essential skills and knowledge, laying the foundation for their future."

The Director determined that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, the Director concluded the Petitioner did not establish that her proposed endeavor has national importance.

On appeal, the Petitioner claims she submitted relevant, credible, and probative evidence demonstrating national importance and contends the Director overlooked this evidence, specifically her statements, "probative research," expert opinion letters, and recommendation letters.[3] She asserts she has demonstrated the national importance of her proposed endeavor consistent with the first prong of the *Dhanasar* framework.

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 specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889. Although the Petitioner contends that the role of a mathematics teacher is nationally important, the issue here is not whether the general position of mathematics teacher is nationally important. Rather, the Petitioner must demonstrate the national importance of her specific, proposed endeavor of providing her services as a mathematics teacher through her employment in the Florida area. Likewise, her submission of "probative research" covers a wide range of topics, such as high school dropout rates, a shortage of science, technology, engineering, and mathematics (STEM) teachers, and STEM education, rather than establishing the national importance of her particular endeavor.

[2] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

[3] Notably, the opinion letter from [redacted] states that the Petitioner "proposes to employ her expertise in Math as a tutor through her company, [redacted] However, this is inconsistent with the Petitioner's statements that she intends to continue working as a mathematics teacher for a charter school in Florida. As this letter addresses a different proposed endeavor, we will not discuss further.

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.* 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.

Upon review of the Petitioner's statements, we observe that she stresses her academic credentials, professional knowledge and experience in her field to show her contributions to and influence on education. However, the Petitioner's knowledge, skills and experience are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 889. The issue here is whether the Petitioner has demonstrated, by a preponderance of the evidence, the national importance of her proposed endeavor.

The Petitioner asserts her work as a mathematics teacher "has a positive impact on the economy, society, and supports important national priorities." Specifically, she states that her endeavor will support "students in succeeding in mathematics, thereby contributing to a better-educated workforce and positively impacting the national economy." The Petitioner, however, has not provided evidence demonstrating that her proposed endeavor would operate on such a scale as to rise to a level of national importance. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. Furthermore, while any basic economic activity has the potential to positively affect the economy to some degree, the Petitioner has not demonstrated how the asserted potential prospective impact of her proposed endeavor stands to offer broader implications in her industry or to generate substantial positive economic effects. 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. Here, we similarly conclude the Petitioner has not shown that her proposed teaching activities stand to sufficiently extend beyond her students and employer to impact her field of education, the economy, or U.S. societal welfare more broadly at a level commensurate with national importance.

The Petitioner also highlights that her endeavor will address the shortage of mathematics teachers. However, the national shortage of mathematics teachers is not, in and of itself, sufficient to establish the national importance of the Petitioner's endeavor.[4] Further, the Department of Labor directly addresses U.S. worker shortages through the labor certification process.

We acknowledge the Petitioner provided an expert opinion letter from a professor emeritus of statistics at [redacted]. In the letter, the author describes the mathematics education system in the United States, asserts a shortage of qualified professionals in the STEM fields, and highlights national initiatives. These are broad and general issues, well beyond the scope of the Petitioner's proposed endeavor to work as a mathematics teacher at a charter school in Florida. As previously noted, the Petitioner must establish the national importance of *her* specific proposed endeavor. Assertions about the industry do not establish the national importance of the specific

[4] 6 USCIS Policy Manual F.5(D)(2), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5. *See also* USCIS Policy Alert, P A-2025-03, National Interest Waivers for Advanced Degree Professionals or Persons of Exceptional Ability (Jan. 15, 2025), https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250115-Employment-BasedNationalInterestWaivers.pdf.

proposed endeavor within that industry. The author of the letter did not explain how the Petitioner's employment as a mathematics teacher would alleviate the STEM teacher shortage or otherwise broadly impact the education system in the United States at a nationally important level.

In addition, we reviewed an expert opinion letter from an adjunct associate professor at [redacted] In addressing national importance, the author focuses on the Petitioner's expertise and knowledge in her field to show her endeavor is of national importance. For instance, the author states the Petitioner's "expertise in mathematics will create a ripple effect in distributing knowledge, enhancing skills, and preparing students and professionals to embark in other disciplines and industries" and her "teaching mathematics will inspire students to make an impact in their professional industry on a national, and possibly global scale." However, the author speculates on positive benefits that may arise from the Petitioner's proposed endeavor, instead of detailing how the endeavor would specifically accomplish the goals of strengthening the educational industry. The author does not provide insight into how the Petitioner's particular endeavor would have a potential prospective impact.

Finally, we reviewed the Petitioner's letters of recommendation. The authors praise the Petitioner's abilities and the personal attributes that make her an asset in the educational industry. While they evidence the high regard the Petitioner's colleagues have for her and her work, they do not offer persuasive detail concerning the impact of her proposed endeavor or establish how such impact would extend beyond her students and employer. As such, the letters are not probative of the Petitioner's eligibility under the first prong of *Dhanasar*.

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address her eligibility under the remaining prongs, and we hereby reserve them.[5] The burden of proof is on the Petitioner to establish that she meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that she has not established eligibility for a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.

[5] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("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 alternate issues on appeal where an applicant is otherwise ineligible).