U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37766549

Date: APR. 28, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, an assistant professor of criminology, 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 the Petitioner's eligibility for the requested national interest waiver. 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. 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).

Once 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[1], 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 first *Dhanasar* 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. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In the instant matter, we agree with the Director's conclusion that the Petitioner's proposed endeavor, identifying practical strategies to enable law enforcement to combat human trafficking, has substantial merit. However, while the Petitioner established that the proposed endeavor has substantial merit, the record does not show it has national importance.

The Petitioner intends to work as an assistant professor in criminology, or another similar position, in the United States. He proposes to conduct research and identify practical strategies to enable law enforcement to combat human trafficking to address national security and justice issues. Specifically, the Petitioner plans to "explore challenges facing current law enforcement in combating human trafficking, develop effective countertrafficking strategies in a digital age, assess the response of the criminal system in combatting the trafficking of African women and children to the United States, and explore how the dark web and cryptocurrency impact the trafficking of marginalized groups." He proposes to "quantify the impact that procedural justice has in law enforcement responses to human trafficking" and will "publish original policing research in peer-reviewed journals and conferences."

In addition to the Petitioner's explanation of the endeavor, the record also contains recommendation letters attesting to the Petitioner's expertise in research in the field of policing, publications, and evidence that the Petitioner's work has been cited 265 times, among other documents. The Director concluded that the record did not establish the national importance of the Petitioner's endeavor as he did not demonstrate the endeavor's broader implications. Moreover, the Director determined the record did not establish that the Petitioner's endeavor would result in substantial positive economic effects, or otherwise broadly enhance societal welfare.

The standard of proof in this proceeding is preponderance of the evidence, meaning that a petitioner must show that what is claimed is "more likely than not" or "probably" true. *Matter of Chawathe*, 25 I&N Dec. at 375-76. To determine whether a petitioner has met the burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.*; *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). Upon

[1] *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 to be discretionary in nature).

de novo review of the record, we agree with the Director's evaluation of the evidence, and conclude it does not establish, by a preponderance of the evidence, that the Petitioner's proposed endeavor has national importance as contemplated under the *Dhanasar* framework.

On appeal, the Petitioner asserts the Director conflated the Petitioner's proposed endeavor with the details of the proposed employment and that the Director's conclusion that the endeavor is not specific and is inconsistent was flawed. The Petitioner contends that the record contains sufficient information and documentation and clearly establishes that he intends to "identify practical strategies to enable law enforcement to combat human trafficking and support outreach to immigration populations in order to address national security and justice issues." The Petitioner reiterates the plans for the proposed endeavor and clarifies important details, but notably does not explain how it overcomes the conclusions regarding the correlation between the Petitioner's proposed work and the impact of the endeavor. Unsupported assertions and speculation have no evidentiary value and are insufficient to establish a filing party has satisfied their burden of proof. *See Matter of Mariscal-Hernandez*, 28 I&N Dec. 666, 673 (BIA 2022).

The Petitioner's contention that the analysis in the denial regarding the specific job versus an endeavor is an abuse of discretion because the endeavor is not constrained by a particular job is misapplied. The descriptions of the endeavor clearly reflect the Petitioner's intention to support outreach to immigrant populations to address security and to research practical strategies to enable law enforcement to combat human trafficking. As the Petitioner asserts, the endeavor is comprehensible and does not require that he has a specific job offer, however, there is insufficient evidence to demonstrate that the impact of his proposed endeavor rises to the level of national importance. For example, in the appeal, the Petitioner maintains that his research will improve the national response to human trafficking, an intense federal concern, but does not provide further explanation of how his research will be used in the national response to human trafficking such that it can be considered to extend to the level of national importance.

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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 asserts that his endeavor is nationally important because it "improves American law enforcement's ability to successfully crack down on human trafficking and protect communities of migrants, foreign nationals, and immigrants." Yet, the Petitioner does not provide support to demonstrate specifically how his work will achieve these outcomes, and the Petitioner relies on the importance of law enforcement work in general. The Petitioner contends that his work "helps policymakers formulate strategies that strengthen national security and improve the legitimacy of law-enforcement agencies in the eyes of the public." He also explains that the endeavor involves research on improving law enforcement's response to human trafficking and that his research will lead to developing an Enhanced Collaborative Model (ECM), consistent with international best practices.

However, the record lacks a clear connection between the Petitioner's endeavor and how it will decrease human trafficking. As previously discussed, 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." *See Dhanasar*, 26 I&N Dec. at 889.

The Petitioner presented an expert opinion letter from a full professor at [redacted] who found his proposed endeavor to have national importance. While the letter opines on the potential benefits of the Petitioner's research, the letter does not explain how the research would have broader implications for our country. Another recommendation letter from an associate professor at [redacted] explains that the Petitioner's "innovative work has addressed key challenges related to public perception and trust in police and enabled the attainment of improved collaborative relationships between police and community members." Here, the recommendation letters repeat the arguments addressed above pertaining to the Petitioner's research and efforts in combating human trafficking without showing that it was the Petitioner's research and efforts that improved the outcome or showing the wider impact of the Petitioner's particular proposed endeavor.

Although the Petitioner contends that the endeavor advances an important initiative and that human trafficking is a focus in a national plan titled, [redacted] the matter here is not whether this initiative is nationally important. Rather, the Petitioner must demonstrate the national importance of his specific, proposed endeavor in combating human trafficking is nationally important.

Because the documentation in the record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of the Petitioner's eligibility under the second and third prongs outlined in *Dhanasar*, therefore, would serve no meaningful purpose.[2]

II. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude the Petitioner has not demonstrated eligibility for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

ORDER: The appeal is dismissed.

[2] *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 alternate issues on appeal where applicants do not otherwise meet their burden of proof).