U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37881664

Date: APR. 30, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a lawyer, 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).

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. 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. Citizenship and Immigration Services (USCIS) may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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 is discretionary in nature).

II. ANALYSIS

SCOPS found, and the record supports, the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional. The remaining issue on appeal is whether the Petitioner has established that a waiver of the requirements of a job offer, and thus a labor certification, would be in the national interest. For the reasons set forth below, we agree with SCOPS that the Petitioner did not demonstrate eligibility under the *Dhanasar* framework and will dismiss the appeal.

The Petitioner initially described her proposed endeavor as "facilitating child advocacy to influence national environmental law and policy from an intergenerational equity perspective." In response to SCOPS' request for evidence, the Petitioner clarified that she intends to establish a nonprofit organization, which will implement her vision through public education with children as the primary advocates, as well as through practical training sessions with environmentalists whose works have advanced climate protection. She states her nonprofit will primarily focus on reducing reliance on single use plastics and promoting safer alternatives to single use plastic. Her work will include influencing state governments to make climate change education a significant part of K-12 school curricula. Her nonprofit's goal is "to raise a new generation of people in the United States and beyond who are conscientious of the environmental implications of their personal and business actions and decisions and demand national laws and policies that address environmental destruction and climate change."

SCOPS concluded the Petitioner's proposed endeavor has substantial merit but not national importance under *Dhanasar's* first prong.[2] On appeal, the Petitioner generally disputes SCOPS' determinations and argues they did not properly consider the record. She asserts that the evidence establishes her eligibility for a national interest waiver.[3]

Upon de novo review, we agree with SCOPS' conclusion that the Petitioner has not demonstrated her proposed endeavor's national importance and, thus, has not shown that she satisfies *Dhanasar's* first prong. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.[4]

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* 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.

[2] SCOPS also found the Petitioner met *Dhanasar's* second prong but did not satisfy the third prong.
[3] Although the Petitioner correctly notes that SCOPS used the incorrect gender and pronoun in a portion of the decision, it is clear that this was a typographical error and did not impact their conclusion.
[4] The Petitioner submitted additional evidence with her appeal, but these documents were already contained in the record.

Contrary to the Petitioner's claim on appeal, SCOPS did not deny the petition "principally on the grounds of economic benefits." Rather, the record as a whole did not demonstrate that her proposed endeavor's potential prospective impact would rise to the level of national importance.

Much of the evidence in the record and the Petitioner's arguments focus on the general importance of her field. She discusses the value of climate change education, environmental awareness, and sustainable practices, and submits various industry articles on topics including plastic pollution, the impact of pollution on the ocean and human health, child exposure to plastics, and environmental justice. She also asserts that her endeavor's alignment with U.S. governmental priorities and international commitments to combatting climate change, such as the Paris Agreement and the Declaration on Education and Climate Change, reinforces her endeavor's national, and even global, importance. While we acknowledge the value of fields related to climate change and the environment, 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." *Id.* at 889. Here, the articles and reports do not mention or discuss the Petitioner's proposed endeavor specifically, including how it might impact the field more broadly and rise to the level of national importance. Simply working in an important field is insufficient to establish the national importance of the proposed endeavor. The Petitioner must still demonstrate the endeavor's potential prospective impact in that area of national importance, which she has not done.

The Petitioner also states that "[e]ducation is the cornerstone of the endeavor" and asserts her endeavor's national importance because it will reportedly advance environmental science through education and advocacy, promote public understanding of critical environmental issues, foster intergenerational equity, and empower the next generation to act as agents of change. She further contends her endeavor will result in positive health benefits through the public dissemination of knowledge. However, in 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 also conclude that the Petitioner has not established her proposed endeavor would sufficiently extend beyond the children and individuals she teaches to impact the industry, region, or nation more broadly at a level commensurate with national importance. *Id.* at 893.

For instance, the Petitioner claims her efforts to integrate climate change education into K-12 school curricula "supports the goal of furthering human knowledge by empowering youth to understand and advocate for climate solutions" and that it "aligns with the research-based objectives of fostering environmental awareness and sustainable practices through education." She also contends that by disseminating knowledge about issues such as single use plastics and their impact on human health and ecosystems, her work will directly contribute to scientific literacy and the application of scientific principles to real-world problems. Beyond these vague assertions, however, she has provided little detail regarding how she specifically plans to accomplish such broad objectives through her endeavor including, for instance, what her curricula would entail, how she would implement it in schools, and importantly, how any impact produced from her future work would be direct and significant enough to rise to a nationally important level. General conclusory statements without a sufficiently direct evidentiary tie between the proposed endeavor and the claimed impacts are insufficient. The Petitioner must support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner also contends that her endeavor will have positive economic and societal impacts for the nation. She expresses plans to organize "ethical fundraising events," like exhibition sales of artwork by children, and to donate the funds to victims and communities impacted by extreme weather events. Beyond these generalized claims, however, she has not specifically explained, much less quantified, how any economic impact resulting from these activities would be substantial enough to rise to the level of national importance. Similarly, while she argues on appeal that her proposed endeavor "may lead" to the potential creation of jobs, this assertion alone does not establish that her future work has a "significant potential to employ U.S. workers" or have "other substantial positive economic effects." *Matter of Dhanasar*, 26 I&N Dec. at 890. While any basic economic activity has the potential to positively affect the economy and societal welfare to some degree, the Petitioner has not offered evidence of a sufficiently direct connection between her proposed endeavor and any demonstrable economic or societal welfare effects to establish her proposed endeavor's national importance.

The Petitioner's support letters likewise do not establish the proposed endeavor's national importance. While the authors praise the Petitioner's personal attributes, professional skills, past work, and achievements, they do not discuss the Petitioner's endeavor or specific impact thereof, including any potential broader implications of her work. As such, the letters are of little probative value in determining the endeavor's national importance.

The Petitioner has not established with specific, probative evidence that her proposed endeavor will have broader implications in her field, have a significant potential to employ U.S. workers, or have other substantial educational, health, economic, or societal effects beyond the children and individuals she teaches. Because the documentation in the record does not establish the proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a national interest waiver. *See Matter of Chawathe*, 25 I&N Dec. at 375-76 (stating that petitioners bear the burden of establishing their eligibility and that under this standard we consider the quality, such as relevance and probative value, of the evidence, in addition to quantity). Further analysis of the Petitioner's eligibility under the second and third *Dhanasar* prongs, therefore, would serve no meaningful purpose. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

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

ORDER: The appeal is dismissed.