U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40375696

Date: DEC. 01, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an art curator, seeks employment-based second preference (EB-2) immigrant classification as an individual of exceptional ability, 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 that although the Petitioner qualified for classification as an individual of exceptional ability and her endeavor has substantial merit, the Petitioner had not established the endeavor is of national importance, or that, on balance, 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] *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).

- 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 proposed endeavor is to establish the [redacted], a nonprofit platform focused on exhibitions, oral history collection, digital archiving, publications, and education programming in collaboration with U.S. institutions. According to the Petitioner, the center aims to "document, preserve, and promote the cultural heritage and contemporary history of the Persian community in the United States," and will gradually expand these efforts to include additional immigrant and minority communities.

Although SCOPS determined that the proposed endeavor had substantial merit, SCOPS concluded the record did not establish that the endeavor is of national importance. Upon review, for the reasons discussed below, we agree that the Petitioner has not sufficiently demonstrated the national importance of the proposed endeavor in order to establish eligibility under the first prong of the *Dhanasar* analytical framework.

On appeal, the Petitioner reiterates arguments concerning the purported national importance of the proposed endeavor. The Petitioner briefly contends that SCOPS applied the incorrect standard of review, did not consider material evidence, and failed to provide an adequate explanation for the decision.

The Petitioner alleges that SCOPS applied an incorrect standard of review in this case. Except where a different standard is specified by law, the "preponderance of the evidence" is the standard of proof governing immigration benefit requests. *See Matter of Chawathe*, 25 I&N Dec. at 375. However, the Petitioner does not further explain or identify a specific instance in which SCOPS applied a standard of proof other than the preponderance of evidence in denying the petition.

To evaluate whether the proposed endeavor satisfies the national importance requirement we focus on the specific endeavor that the individual proposes to undertake and look to evidence documenting its "potential prospective impact." *Matter of 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.

On appeal, the Petitioner submits new documentation regarding her employment as a project manager at [redacted]. The Petitioner asserts that this evidence is relevant to the first prong because it "demonstrates that the Petitioner's specialized skills are already being applied in a nationally relevant U.S. institution whose work aligns with her proposed endeavor." On appeal, the Petitioner submits a copy of a document entitled, "[redacted] Values Document" but did not provide any evidence that the Petitioner was employed by the company. While the Petitioner stresses her credentials and work experience, such evidence addresses the Petitioner's knowledge, skills,

education, and experience; these are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar,* 26 I&N Dec. at 890. Further, the Petitioner's current employment does not provide evidence to establish the national importance of the proposed endeavor to establish a completely new center.

Regarding, national importance, the Petitioner contends that establishing the [redacted] "represents a significant cultural and artistic initiative with profound national importance for the United States and is poised to enrich the cultural and artistic tapestry of the U.S. through innovative and inclusive approaches to cultural preservation and public engagement." The Petitioner stated that as a curator, she enhances societal welfare by providing the "American public with new perspectives on Persian culture and history," that fosters "cross-cultural dialogue and appreciation." However, the Petitioner does not provide sufficient evidence to establish that her endeavor will directly result in broader implications to the field or provide sufficient contributions to these efforts beyond benefits to her prospective clients or society in general. Generalized conclusory statements that do not identify a specific impact in the field have little probative value. *See 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

Although the Petitioner asserts that her proposed endeavor will "broadly enhance the artistic and cultural landscape of the United States" and address a "gap in cultural representation" affecting the Iranian American community, such generalized statements do not, without more, demonstrate that the proposed endeavor will have a national or regionally significant impact. The record does not establish the Petitioner has plans to introduce novel methodologies or techniques that may be disseminated to or adopted by others operating in the field or industry or otherwise articulate how she will contribute to development of the art field as a whole. Here, the record does not show through supporting documentation how her specific proposed endeavor stands to sufficiently extend beyond her prospective clients, community, or organization to impact the industry or the U.S. economy more broadly at a level commensurate with national importance.

Then Petitioner also submitted a letter of intent from the [redacted], which sets forth a proposed collaborative relationship with the Petitioner focused on curated exhibitions, oral history projects, and educational programming. While the [redacted] expresses interest in future collaboration and describes potential benefits such as enhancing cultural inclusivity, strengthening cultural preservation, and broadening educational access, these statements do not provide sufficient information about the collaboration. For example, the letter does not identify concrete initiatives, specifical institutional partners, funding commitments, or evidence that demonstrates that the proposed activities will materially influence the artistic programming field that could rise to national importance. Expressions of intent to collaborate do not establish the scale, scope or broader impact of the endeavor.

Further, the submitted testimony letters praise the Petitioner's prior work; however, those statements describe past accomplishments. Some letters generally state that the Petitioner's proposed work in the United States will be nationally important but they do not sufficiently demonstrate how the proposed endeavor will rise to the level of national importance. General letters praising the Petitioner's skills as a curator, without establishing how her activities will impact the nation or a broader regional population, are not probative for this prong.

On appeal, the Petitioner noted SCOPS did not thoroughly discuss the letters submitted from [redacted] and Director of [redacted], and [redacted], Curator, [redacted] and lecturer at the [redacted]. [redacted] indicated in the letter of support that the Petitioner's proposed endeavor stands as a "testament to the universal value of Persian contributions to global knowledge, art, and philosophy," and that she is confident that the Petitioner will receive full backing through fundraising and community engagement. The letter from [redacted] noted that the Petitioner's proposed endeavor to open the center will foster "intercultural understanding" and support the "broader goals of cultural inclusivity," which will strengthen "social cohesion and unity across our country." Upon review of these letters, we again note that the authors make sweeping claims that the Petitioner's endeavor would have positive outcomes when she opens the center but do not provide sufficient information regarding the national impact of her endeavor. The letters do not offer specific details on how the Petitioner's endeavor would accomplish these goals or how any impact would have broader implications. Without more, opinions and support letters provide little probative evidence of the Petitioner's eligibility under *Dhanasar's* first prong.

On appeal, the Petitioner has not submitted additional evidence demonstrating that the proposed [redacted] will have significant broader implications for U.S. cultural, educational, or social systems, or that the endeavor is expected to generate impact extending beyond the immediate Iranian American community or beyond local or community-based programming.

Finally, the Petitioner has not established that the endeavor would have a "a significant potential to employ U.S. workers" or otherwise reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. The Petitioner did not submit any documentation regarding the economic impact of the proposed center. The record contains no evidence of projected budgets, financial models, funding commitments, operational plans or analysis estimating economic output, nor does it include documentation showing the anticipated number, type, or sustainability of any jobs the venture may create. While social inclusion and equity are commendable goals, there is no indication that the proposed endeavor will produce commercially viable outputs, stimulate industry growth or yield economic benefits of national scope. Her statements about long-term societal impact do not, without substantiating evidence, satisfy the requirement that the proposed endeavor has a national impact. Without adequate evidence demonstrating any specific U.S. economic impact, job creation, or other significant economic activity directly attributable to her future work, the claims that the endeavor will provide substantial, direct positive economic effects is unpersuasive. The Petitioner must support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, she is not eligible for a national interest waiver. We acknowledge the Petitioner's arguments on appeal as to the second and third prongs of *Dhanasar* but, having found that the evidence does not establish the Petitioner's eligibility as to national importance, we reserve our opinion regarding whether the record establishes the remaining *Dhanasar* prongs. *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 is otherwise ineligible).

III. CONCLUSION

As the Petitioner has not met the *Dhanasar* analytical framework's requisite first prong, we conclude that she has not established that she is eligible 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.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.