U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40716236

Date: DEC. 17, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner is a conflict resolution consultant who 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 (NIW) 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).

SCOPS denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding that the record established that the Petitioner qualified for the underlying visa classification, but she did not merit a discretionary waiver of the job offer requirement in the national interest. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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, 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. USCIS' decision to grant or deny an NIW is discretionary in nature. *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the First, Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals).

II. ANALYSIS

SCOPS determined that the Petitioner was eligible for the EB-2 classification as a member of the professions holding an advanced degree based upon her master's degree in global development and peace. Accordingly, the sole issue on appeal is whether the Petitioner merits an NIW of the EB-2 classification's job offer requirement as a matter of discretion. We agree with SCOPS conclusion that she does not.

The Petitioner initially claimed that her proposed endeavor consists of the following:

> [T]o found and operate a private consultancy designed to provide advisory services to relevant U.S. government agencies, quasi-governmental entities, and private companies that directly service U.S. interests and that operate within the sphere of international conflict management. The product of these efforts will be analysis, trainings, and other advisory services to enhance internal operations as well as to advise such organizations on methods to approach international and domestic conflict situations.

In her response to SCOPS' request for evidence (RFE), she shifted her primary focus from the benefits resulting from her endeavor from primarily focusing on international conflict resolution to cost and other savings in the private sector.

A. Substantial Merit and National Importance (Collectively *Dhanasar's* First Prong)

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. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* When we evaluate national importance, the relevant question is not the importance of the industry or profession in which the alien will work. Rather, we focus on the "the specific endeavor that the alien proposes to undertake" and we look to evidence illustrating the "potential prospective impact" of their actual proposed work. *Id.* A petitioner must demonstrate the proposed endeavor will "impact the field . . . more broadly" (*Id.* at 893) and that it has "broader implications" (*Id.* at 889). Such endeavors may have "national or even global implications within a particular field" (*Id.* at 889), "significant potential to employ U.S. workers or [have] other substantial positive economic effects, particularly in an economically depressed area, for instance" (*Id.* at 890), or has the potential to widely advance and broadly affect U.S. strategic interests (*Id.* at 892).

USCIS policy also provides that "if the evidence of record demonstrates that the person's proposed endeavor has the significant potential to broadly enhance societal welfare or cultural or artistic

enrichment, or to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance." *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual (citing *Matter of Dhanasar*, 26 I&N Dec. at 889–90, 892).

SCOPS concluded that her endeavor has substantial merit, but she did not demonstrate it was nationally important under the *Dhanasar* requirements. The Petitioner's appellate claims fall within two themes, that her proposed endeavor (1) has the potential for national and global impacts, and (2) will have economic benefits and promote societal welfare.

We begin with her claims that the endeavor has the potential for national and global impacts. The Petitioner states that the supporting materials don't have to reflect the proposed endeavor is operational and "well known enough to have gained attention and publicity." But that is not what SCOPS conveyed in the denial when they mentioned the Petitioner's supporting materials in the form of articles and the biography of a blog post author she offered for the record. While the endeavor is prospective in nature, what SCOPS attempted to convey was the Petitioner did not provide adequate materials to establish her proposed work will impact the field more broadly and that it has broader implications within the field.

The Petitioner identifies unpublished decisions from this office in support of her claims under this prong. The regulation at 8 C.F.R. § 103.3(c) provides that this office's precedent decisions are binding on all USCIS employees in the administration of the Act. But for much the same reasons federal courts recognize the Board of Immigration Appeals' unpublished decisions carry no precedential value —*see, e.g.*, *Charles v. Garland*, 113 F.4th 20, 24 (1st Cir. 2024)—our unpublished decisions are not binding on us or on agency officers. Deciding in one manner in one case—or in a presented set of cases—does not limit our discretion to decide in an alternative manner in a similar case. Another factor to weigh is each eligibility determination on a benefit request will be based on information contained in the record of proceeding before us. 8 C.F.R. §§ 103.2(b)(10), (11), (14), (16)(i)–(ii). Each case must be decided on its own facts with regard to the sufficiency of the claims and evidence presented. *See, e.g.*, *Matter of H-C-R-C-*, 28 I&N Dec. 809, 812 (BIA 2024). We do not have the records before us of any of the referenced cases.

Next, the Petitioner states her endeavor has the potential to have effects across the field of conflict resolution, both within domestic businesses and organizations and in the broader field of global conflict resolution. It appears the Petitioner misunderstands the national importance standard in the *Dhanasar* decision. It requires more than simply having the potential to result in effects in the field.

The *Dhanasar* decision provides examples illustrating that—when it comes to national importance—USCIS' analysis of an endeavor's impacts can properly include aspects that have "*national* or even *global* implications within a particular field" or have "*significant* potential to employ U.S. workers or has other *substantial* positive economic effects." *Matter of Dhanasar*, 26 I&N Dec. at 889–90. (Emphasis added). These examples place a qualifier on the level of significance or importance in a field, as well as the level of potential and the amount of positive economic effects, respectively to corroborate that a proposed endeavor should "impact the field . . . more broadly" (*Id.* at 893) and that the endeavor has "broader implications" (*Id.* at 889).

USCIS policy offers additional examples incorporating a qualitative analysis applied to the degree of potential when it states that "if the evidence of record demonstrates that the person's proposed endeavor has the *significant* potential to broadly enhance societal welfare or cultural or artistic enrichment, or to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance." *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3) (citing *Matter of Dhanasar*, 26 I&N Dec. at 889–90, 892). (Emphasis added). We view the foregoing applications of a qualitative nature to be appropriate and supported by agency precedent and policy.

Ultimately, the question petitioners should answer for prong one's national importance requirement is not whether an endeavor could touch the broader field in some limited way, but whether it could impact the field in ways that carry national importance. Routine or incremental contributions that merely add knowledge or other improvements to the field without broader implications are generally insufficient to satisfy *Dhanasar's* prong one requirements. *See Matter of Dhanasar*, 26 I&N Dec. at 889–90, 893 (concluding through its descriptive language that an endeavor's impact in a field should be wide or extensive and should not be limited (e.g., "broader implications," "significant potential," "substantial positive economic effects," and "more broadly")).

The *Dhanasar* decision provides examples illustrating that—when it comes to national importance—a qualifying endeavor cannot rest on minimal effects. The decision does not provide that we only consider whether an endeavor has the potential to have *any* prospective impact in the field. Interpreting the requirements in that manner would effectively nullify the stature requirement under prong one that the endeavor must be of national importance. Instead, it should include qualitative aspects and have "national or even global implications within a particular field" or have "significant potential to employ U.S. workers or has other substantial positive economic effects." *Id.* at 889–90. (Emphasis added).

We implemented that concept in the *Dhanasar* decision itself when we drew the distinction between his two claimed endeavors: one to continue research into propulsion systems for nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and another endeavor to continue teaching aerospace engineering at the university level. The potential level of impact of Dr. Dhanasar's future research was a key factor in demonstrating that his work met the criteria of being nationally important under the first prong. What makes this apparent was his future efforts in teaching did not have a sufficient level of impact in the broader field and therefore, did not meet the national importance requirements under prong one. Dr. Dhanasar did not show that he "would be engaged in activities that would impact the field of STEM education more broadly."

Contrasting Dr. Dhansar's two endeavors corroborates that it is proper for USCIS to analyze whether a proposed endeavor includes a qualitative aspect in our national importance evaluation, and that we may evaluate how impactful the endeavor is likely to be within the field. A proposed endeavor should demonstrate qualitative contributions—such as adequately advancing knowledge, improving practices, or creating conditions with national or even global implications—rather than relying on vague or incremental effects.

Moving to her claims that her proposed endeavor will have economic benefits and promote societal welfare, she cites the figure of "$359 billion in lost time and productivity due to conflict in the

workplace." She then calls upon language from the RFE that SCOPS did not include in the denial decision "that the benefits of [her] work will not go beyond her own business clients." She repeats this later in the appeal brief when she states "the potential impact of a private consultancy in the area of conflict resolution is not limited to the benefits enjoyed by individual clients." SCOPS made no mention of her services being limited to individual clients in the denial decision and she has not explained why she raised this as an issue in the appeal. The Petitioner should show more than simply having nominal economic effects and promoting societal welfare, as the USCIS Policy Manual provides the proposed endeavor should have "the *significant* potential to *broadly* enhance societal welfare" capturing the qualitative nature of the proposed endeavor's impact as we detailed above. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3).

The Petitioner further discusses her RFE response materials in which her organization would serve internal workplace disputes and nonprofit organizations or governmental agencies handling international peace efforts. She characterizes this as being atypical in her field. But simply because her proposed methodology may possibly differ from the efforts that currently exist, that does not mean she has demonstrated this "has the significant potential to broadly enhance societal welfare" as outlined in USCIS policy. *Id.* And even though the letters the Petitioner submitted for the record make broad and vague claims that appear beneficial at first glance, they do not explain what differentiates the Petitioner's proposed plans from what currently exists within others' conflict resolution efforts.

For instance, a professor from the institution where the Petitioner is seeking a doctoral degree asserts that the Petitioner's "research may transform our field by shifting how we engage with faith-based institutions and their potential to build an approach that sees and treats migrants as equals and not just humanitarian cases." The professor continues stating the Petitioner "incorporates complex methodologies that enhance the credibility and validity of findings, and she emphasizes how research can offer predictive or generalizable insights, which is critical to help have [sic] a strong evidence base with funders." But these unspecific statements do not explain exactly what the Petitioner would do that could "transform our field," nor do they inform us of what "complex methodologies" she incorporates. The letters offer rhetorical flourish but lack details that might anchor the lofty language in the terra firma of what's new that the Petitioner would bring to the field, or the key differentiators setting her efforts apart from existing methodologies.

Uniqueness is another aspect the Petitioner raises. She claims that her service would be unique and that no comparable U.S. firm currently bridges the two sectors of internal workplace disputes with nonprofit organizations or governmental agencies that handle international peace efforts. However, she did not provide any objective evidence to corroborate that claim. It is insufficient to allege eligibility through conclusory assertions that are not supported by sufficient evidence, which proves the allegation. *Matter of Ho,* 22 I&N Dec. 206, 213 (Assoc. Comm'r 1998); *Fogo De Chao, Inc. v. U.S. Dep't of Homeland Sec.*, 769 F.3d 1127, 1143–44 (D.C. Cir. 2014) (finding a petitioner's assertions in the appeal carried no merit because they did not offer evidence to corroborate the claim); *Fano v. O'Neill*, 806 F.2d 1262, 1266 (5th Cir. 1987); *Coliseum Square Ass'n, Inc. v. Jackson*, 465 F.3d 215, 238 (5th Cir. 2006).

But a simple internet search revealed that at least one prominent organization offers services in both sectors. Mediators Beyond Borders International appears to do the same type of work the Petitioner

proposes as they offer services to governments and international organizations as well as their consulting arm that offers alternative dispute resolution down to the business and individual level. They operate from Washington, DC and offer approaches that "are customizable for organizations, governments, and societies, and can prevent conflicts before they arise or manage and transform conflicts as they emerge."[1] This illustrates how the Petitioner did not provide sufficient evidence to corroborate her claim that her method would be new, distinctly unique, or innovative in the field.

Substantial meritorious work may make incremental improvements in a respective field, but it does not follow that everyone performing that work will "impact the field . . . more broadly" or that their efforts will have "broader implications" in the field. *Matter of Dhanasar*, 26 I&N Dec. at 893, 889. To demonstrate that the Petitioner has met this prong's national importance requirements, she should offer adequate evidence that her efforts more likely than not will result in that qualitative-level impact in the field. Here, the Petitioner has not submitted such evidence.

Because the Petitioner has not sufficiently established the national importance of her proposed endeavor as required by *Dhanasar's* first prong, she has not demonstrated eligibility for an NIW of the job offer requirement.

B. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. To determine whether they are well positioned to advance the proposed endeavor, we consider factors including, but not limited to: (1) their education, skills, knowledge and record of success in related or similar efforts; (2) a model or plan for future activities; (3) any progress towards achieving the proposed endeavor; and (4) the interest of potential customers, users, investors, or other relevant entities or individuals. *Id.* at 890.

Because the Petitioner has not satisfied *Dhanasar's* first prong, it is unnecessary that we address prong two. We do, however, observe that SCOPS determined that the Petitioner satisfied the second prong without offering any analysis. But we do not agree that she has shown she is well positioned to advance her endeavor. While she may possess the education and some skills and knowledge in the relevant area, she did not demonstrate a record of success in related or similar efforts of founding a consultancy service, nor did she offer a detailed plan or what steps she has taken to establish the consultancy service to include securing "[f]unding for my work . . . via the standard Request for Proposal (RFP) process or direct proposed services."

Based on this absence of probative material to support her second prong claims that she is well positioned to advance the endeavor, we withdraw SCOPS' favorable determination under prong two of the *Dhanasar* framework.

[1] *MBB Consulting*, Mediators Beyond Borders International (Dec. 17, 2025), https://mediatorsbeyondborders.org/consulting/.

C. We Reserve *Dhanasar's* Remaining Third Prong

On appeal, the Petitioner asserts she meets additional eligibility requirements under the *Dhanasar* analytical framework, but she has not satisfied *Dhanasar's* necessary first prong. Because this shortcoming is dispositive of the appeal, we reserve our opinion regarding the remaining issues. Where a case warrants a denial regardless of other eligibility considerations, it is unnecessary that we address those other considerations. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)); *see also Matter of Lema Mizhirumbay*, 29 I&N Dec. 351, 353 n.2 (BIA 2025) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The appeal will be dismissed for the above stated reasons, with each considered an independent and alternative basis for the decision. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden.

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.