U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40767871

Date: FEB. 02, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a humanitarian non-profit organization, seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary 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 that while the record showed that the Beneficiary is eligible for the EB-2 classification as a professional with an advanced degree, it did not establish that he merited, as a matter of discretion, a national interest waiver of that classification's job offer requirement. 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. 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. *Id*.

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:

- 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

At the time the petition was filed, the Petitioner employed the Beneficiary as a human resources partner at its headquarters in [redacted].[2] He holds the equivalent of a United States master's degree in human resource management and has worked in the area of human resources for several years. We agree with SCOPS' conclusion that he is eligible as a member of the professions holding an advanced degree, and will therefore move on to the request for a national interest waiver.

As noted above, eligibility for a national interest waiver is conducted using a three-pronged framework. The first prong of the *Dhanasar* analytical framework, 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.*

To evaluate whether the Beneficiary's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of his work. The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the alien proposes to undertake." *Id.* at 889. In *Dhanasar*, we further 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. Here, the Petitioner does not sufficiently explain or provide adequate evidence to demonstrate that the Beneficiary's specific endeavor is likely to have an impact that will rise to the level of national importance.

The Petitioner initially described the Beneficiary's proposed endeavor as continuing in his role as a human resources partner for the Petitioner, where he would continue to ensure "the seamless operation of HR functions critical to [the Petitioner's] global humanitarian mission." In its request for evidence

[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).

[2] As with all those applying for a national interest waiver of the EB-2 classification's job offer requirement, we consider the Beneficiary's current and prospective employment in our analysis only as they illustrate the capacity in which he intends to work and pursue his proposed endeavor.

(RFE), SCOPS noted that the Petitioner had not shown how this proposed endeavor would have broader implications to the field of human resources beyond its own organization. It also reminded the Petitioner that under the first prong of the *Dhanasar* framework, it is the implications of the specific proposed endeavor that are considered as opposed to the importance of the field, industry, or profession in which the Beneficiary will work.

When responding to the RFE, the Petitioner shifted the focus of the Beneficiary's proposed endeavor from just its internal operations, stating that it "is to develop and implement scalable, data-informed human capital strategies that bolster the workforce capacity of humanitarian nonprofit organizations in the United States." It further stated that the Beneficiary would develop programs to improve retention of staff by reducing burnout and turnover, formulate strategies incorporating standby rosters, cross-training programs, and mobile response teams to handle emergency situations, and overhaul staff recruitment strategies "to emphasize cultural competence and adaptability in the workforce." The Petitioner stated that these strategies were implemented in its own organization and asserted that they "can serve as a model for the entire sector" and "can be shared through inter-agency working groups, nonprofit coalitions, and conferences," thereby helping to address the national problem of workforce shortages in nonprofit organizations in the United States.

In its decision, SCOPS noted that the many recommendation letters submitted by the Beneficiary's colleagues and supervisors did not address the broader implications of his proposed endeavor, but spoke only of his work and its impact within the Petitioner's organization. It also noted that the Petitioner had not shown how the Beneficiary's work would impact workforce shortages, and that such shortages are addressed through the labor certification process and are therefore not a justification for a waiver of that process. While SCOPS acknowledged the substantial merit of the proposed endeavor, it ultimately concluded that the Petitioner had not established its national importance, and therefore did not meet the first prong of the *Dhanasar* framework.

On appeal, the Petitioner asserts that the Beneficiary's endeavor goes beyond managing the organization's human resources tasks, and involves programs and strategies developed "with the specific intent that successful strategies can be scaled and replicated across other organizations nationally." It repeats its assertion from its RFE response that the Beneficiary's proposed endeavor includes collaborating with other nonprofit organizations and potentially disseminating his strategies through "inter-agency working groups, nonprofit coalitions, and national conferences." Further, because the Petitioner is one of the larger agencies supporting refugee resettlement in the United States, it asserts that the strategies developed by the Beneficiary to deal with its staffing issues "can be instructive and beneficial across the entire nonprofit sector." In addition, the Petitioner asserts that the Beneficiary's proposed endeavor aligns with federal humanitarian goals.

However, a large portion of the Petitioner's assertions rest upon the importance of the field in which the Beneficiary works. For example, it states on appeal that it is not reasonable to "argue that refugee resettlement and disaster response are not matters of national interest." But as SCOPS stated, our focus under the first prong of the *Dhanasar* analytical framework is the broader implications of the specific endeavor an alien proposes to undertake. While we agree that the Beneficiary's work in the field of human resources, specifically in the context of humanitarian non-profit organizations, is of substantial merit, it is the broader implications of his proposed endeavor in that specific field that we examine when considering its national importance. The examples provided in *Dhanasar* demonstrate

the focus not on the fields of manufacturing or medicine, but on the implications of specific improvements or advances within those fields. *Matter of Dhanasar*, 26 I&N Dec. at 889.

Similarly, the Petitioner's focus on the alignment of the Beneficiary's proposed endeavor with the humanitarian goals of the United States is misplaced. It asserts that the Beneficiary's proposed workforce strategies and models would also "improve[s] the return on federal investments and help[s] meet congressionally mandated program goals." However, assertions about alignment with broader national policies and goals are insufficient to show that the Beneficiary's specific proposed endeavor would have any measurable impact on the achievement of those goals.

As for the Beneficiary's intention to create solutions to address workforce issues across the humanitarian nonprofit sector, the Petitioner refers in its brief to its letter submitted in support of its initial filing. Yet this letter describes the Beneficiary's proposed endeavor only within the context of his employment with the Petitioner, and makes no mention of his or his employer's intent to craft human resource strategies applicable to other nonprofit humanitarian organizations. While the letter briefly mentions the Beneficiary's collaboration with stakeholders "to drive advancements in HR practices that benefit the humanitarian sector as a whole," it does not provide sufficient detail about the frequency, nature, or scope of these collaborations, the Beneficiary's role in any collaborations, or how any specific results of the collaborations would benefit the humanitarian sector as a whole. The impact and importance of his current and proposed work to the broader field is presented only as a function of the Petitioner's size and reach and its work with, and dependence on, the United States federal government. And although we acknowledge the evidence regarding the Petitioner's major role in providing refugee resettlement and other humanitarian services in the United States and abroad, it does not support the Petitioner's additional contention that due to these factors, other nonprofit organizations in the humanitarian sector would adopt human resources policies and strategies developed by the Beneficiary for the Petitioner.

In addition, the Petitioner's later assertions concerning the scalability and replicability of the Beneficiary's human resource strategies and models, and thus their potential for broader implications, are not sufficiently supported by evidence in the record. For example, it references for the first time on appeal a [redacted] developed by the Beneficiary to respond to emergency hiring needs, and asserts that it "could be adopted by any nonprofit facing a sudden surge in demand" and is "a product that has value beyond [the Petitioner.]" But the reference letters from several of the Beneficiary's colleagues and supervisors in the Petitioner's organization do not mention the [redacted] or any intention to share it or other models or strategies developed by him with other nonprofit humanitarian organizations. While those reference letters heap praise upon his work for the Petitioner, they do not offer detailed and concrete examples of how the Beneficiary's proposed endeavor has the potential for broad and measurable implications in the field of human resources beyond its impact on the Petitioner's workforce.

The Petitioner also highlights in its appeal brief an "employee recognition and growth pathway" developed by the Beneficiary as another example of his work that could be replicated in other nonprofit organizations. It asserts that this constitutes a "framework for HR systems reform in the humanitarian sector," and relies upon an expert opinion letter to support its assertion that this model could be adopted as a best practice across the sector. But we note that the author of this letter, whom the Petitioner mischaracterizes as "a senior executive with extensive experience in nonprofit workforce

development," does not claim expertise in either the field of human resources or the operation of humanitarian nonprofit organizations, or any experience outside of academia. USCIS may, in its discretion, use as advisory opinion statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought and may reject or give lesser evidentiary weight to expert testimony that contradicts other information or "is in any way questionable." *Id.* While we have considered this letter, its probative value is limited and insufficient to support the Petitioner's assertions.

The record shows that the Beneficiary's human resources work for the Petitioner helps it to face workforce reductions and build its capacity to respond to humanitarian emergencies, and that this was initially the focus of his proposed endeavor. But as explained above, it does not demonstrate how his continued employment with the Petitioner would have broader implications for the field of human resources. We note that the Beneficiary does not suggest that he would pursue his proposed endeavor independently of his employment with the Petitioner. Further, the Petitioner's later assertions regarding both the intent of the Beneficiary's proposed endeavor and its potential prospective impact on the broader field are not sufficiently supported in the record.

The Petitioner has not established that the Beneficiary's proposed endeavor has national importance, as required under the first prong of the Dhanasar analytical framework, and is therefore ineligible for a national interest waiver. Further analysis of the Beneficiary's eligibility under the second and third Dhanasar prongs would thus serve no meaningful purpose. Accordingly, we reserve those issues. *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

The Petitioner has established the Beneficiary's eligibility under the EB-2 visa classification as a member of the professions holding an advanced degree. But it has not established that his proposed endeavor is of national importance, and therefore that he meets the first prong of the Dhanasar analytical framework. The Petitioner thus has not established that the Beneficiary merits a national interest waiver of the EB-2 classification's job offer requirement.

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.