U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40861238

Date: FEB. 03, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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 that the record did not establish that the Petitioner is eligible for a national interest waiver as a matter of discretion. 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.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner is a researcher in the field of global public health policy and systems who proposes to continue his research on systemic approaches and strategies for community-driven innovations to promote mental health and psychosocial support. SCOPS determined that the Petitioner established his eligibility for the EB-2 classification as a member of the professions holding an advanced degree.[2] However, SCOPS further concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that SCOPS erred in this finding. We conclude the record does not establish the Petitioner's proposed endeavor is of national importance and therefore he is not eligible for a national interest waiver as a matter of discretion.

A. The Record Establishes the Proposed Endeavor Has Substantial Merit

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* As stated above, the Petitioner intends to continue his continue his research on systemic approaches and strategies for community-driven innovations to promote mental health and psychosocial support. He asserts that his work has the potential to support the development of a more robust and resilient mental health system. The record includes industry reports and articles about the U.S. healthcare system, the application of technologies in healthcare, and the importance of foreign workers in the science, technology, engineering and mathematics (STEM) fields in the United States. We conclude the Petitioner's proposed endeavor has substantial merit

B. The Record Does Not Establish the Proposed Endeavor is of National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* SCOPS determined that the Petitioner did not establish the broader implications of his proposed endeavor and therefore he did not establish its national importance. On appeal, the Petitioner asserts that SCOPS' decision violated USCIS policy and misapplied the legal standard set forth in *Dhanasar*. Upon review, we too conclude that the Petitioner's proposed endeavor does not meet the standard for national importance set forth in the *Dhanasar* framework.

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[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] The Petitioner submitted diplomas, transcripts, and an academic evaluation as evidence of the equivalent of a U.S. master's degree in public health and PhD in health policy from [redacted] SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

We first address the Petitioner's assertion on appeal that SCOPS "failed to fully review the evidence and apply it to the relevant law" and that the denial is "nonsubstantive" and is "lacking analysis." The section of the Policy Manual that the Petitioner references on appeal requires SCOPS to explain the reasons why it denies a benefit request. *See generally* 1 *USCIS Policy Manual* E.9(B)(3), https://www.uscis.gov/policy-manual; *see also* 8 C.F.R. § 103.3(a)(1)(i) (requiring USCIS to explain in writing the specific reasons for denying a benefit request). We have reviewed the record—including SCOPS' decision—in its entirety. We note that SCOPS acknowledged the evidence in the record and quoted the Petitioner's statements and multiple recommendation letters, in both the decision and the request for evidence (RFE). SCOPS then explained their reasons for denying the petition. The Petitioner cites *Matter of Chawathe*, stating that SCOPS failed to "examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. at 376. However, it does not follow that SCOPS must address in writing all aspects of each piece of evidence it examined in order to explain the specific reasons for denying a benefit request, as required by 8 C.F.R. § 103.3(a)(1)(i). *See, e.g., Osuchukwu v. INS,* 744 F.2d 1136, 1142-43 (5th Cir. 1984) ("[The Board of Immigration Appeals] has no duty to write an exegesis on every contention"); *see also Larita-Martinez v. INS*, 220 F.3d 1092, 1095-96 (9th Cir. 2000) (joining the Seventh Circuit and the Federal Circuit Courts of Appeals in presuming that the Board reviewed all of the evidence of record). We conclude SCOPS listed, described, and quoted the applicable evidence in the record and properly addressed relevant issues as they pertain to the *Dhanasar* framework.

The Petitioner's proposed endeavor as described above, aims to promote a "health in all policies approach. . . where disciplines and sectors such as education, health, social and cultural services, housing, the environment, economics, transport, and demographics, all contribute to building sustainable systems for addressing mental health conditions and psychosocial challenges, with proper integration into national health systems." He will also focus on improving access to mental health services by using digital technology. *Dhanasar* states that an undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner asserts his proposed endeavor will have a broad impact on his field as it will strengthen the U.S. healthcare system and have a positive impact on public health, public welfare, and "the mental health innovation ecosystem." A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the evidence in the record does not support these assertions.

The Petitioner contends that SCOPS did not take into consideration that his proposed endeavor is related to STEM fields as it involves research in how technology can be implemented to make mental health resources more accessible. The Petitioner further asserts that his proposed endeavor has applications in advancing artificial intelligence (AI), which is recognized as a critical and emerging technology (CET) by the National Science and Technology Council. He additionally includes articles and reports about the benefits of foreign STEM talent in the United States. We note that SCOPS' decision addresses this by stating, "[t]he fact that is specific proposed endeavor may be related to a STEM field does not automatically show eligibility for a national interest waiver." We agree. USCIS recognizes the importance of progress in STEM fields, especially in focused CETs and the essential role that individuals with advanced STEM degrees have in fostering such progress. 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual/. However, "in all cases, the evidence must

demonstrate that a STEM endeavor has both substantial merit and national importance." 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual/. Here, the record does not demonstrate how the Petitioner's proposed endeavor will advance AI to result in national or global implications within a particular field. *Matter of Dhanasar*, 26 I&N Dec. at 889. While we acknowledge that the Petitioner may intend to use AI, the record does not establish how his proposed endeavor will advance AI and our focus remains on his specific proposed endeavor and its prospective impact. *Id.*

On appeal the Petitioner asserts that *Dhanasar* does not require that the government have interest in the Petitioner's specific proposed endeavor in order to determine national importance and we agree. However, the Petitioner contends that his proposed endeavor is of national importance, in part, because it aligns with government initiatives. He provides evidence of the National Institute of Mental Health and their mission of research to understand and treat mental illness. He also highlights articles in the record from the Centers for Disease Control and Prevention that state that the United States is in a mental health crisis, information about health equity, and the stigmas surrounding mental health. While this evidence supports the Petitioner's statements about issues related to mental health and the importance of mental healthcare, it does not further the Petitioner's claim of his proposed endeavor's national importance. As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* These statements point to issues regarding mental health in the United States, but do not establish the proposed endeavor's impact. While we acknowledge the importance of the field and the merit of the Petitioner's work; the relevant question is not the importance of the field in which the individual will work; instead, we focus on the "the specific endeavor that the [Petitioner] proposes to undertake *Id.* Here, the Petitioner improperly relies upon the importance of the industry to further establish the national importance of his proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's broader impact in the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

The Petitioner asserts that the broad impact of his research is further supported by letters of recommendation from fellow experts in his field. However, the letters in the record focus on the impact of the Petitioner's prior work and not the prospective impact of the proposed endeavor he sets forth in the petition. The authors discuss the impact of his prior work and how his research has been cited by other researchers in his field, but this does not demonstrate the prospective impact of the Petitioner's proposed endeavor. For example, the Petitioner quotes one author who states:

> The research of [the Petitioner] is in the national interest because it has a direct effect on public health, and the public welfare. His research focuses on analyzing global health policy and systems to comprehend the complexities and various interconnected aspect[s] around digital health, public health emergencies, social and behavioral science in public health, and how they influence universal health coverage and the wellbeing of people.

Here, the author states that the Petitioner's research is in the national interest, but he is describing the Petitioner's previous work on addressing "public health emergencies like COVD-19" and not his proposed endeavor researching mental health policies. While we acknowledge the Petitioner's experience in the field; evidence of the Petitioner's past success and experience is relevant to

Dhanasar's prong two analysis, on whether the petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890.

On appeal, the Petitioner further highlights another recommendation letter in the record which states:

> His current research targets important and fundamental questions in the field of digital health innovations and how it is contributing to health systems strengthening and universal health coverage. His research on public health policy and systems strengthening is in the national interest because it supports efforts to improve health systems performance and ensuring that it serves the needs of all Americans as well as ensuring that the health system of the country is resilient to respond to future public health emergencies.

This statement is immediately followed by "[h]is current research builds upon the advanced skills and expertise he has developed through his impressive education and extensive research experience. He has indeed been successful in his past research work. . . ." While the author discusses his proposed endeavor briefly, he does not provide sufficient detail about the prospective impact of the Petitioner's proposed endeavor, and the detail the author subsequently provides is related to Petitioner's past work. As stated above, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor and is more relevant to *Dhanasar's* prong two analysis. *Id.* at 889.

Dhanasar states that an 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 submits evidence that the United States "could save about $450 billion annually by adopting a universal healthcare system." However, it is unclear how the Petitioner's proposed endeavor will impact the cost of the U.S. healthcare system, have significant potential to employ U.S. workers, or have other substantial positive economic effects. Here, evidence of the cost effectiveness of universal healthcare is not probative evidence that the Petitioner's proposed endeavor will have a substantial economic impact. Therefore, the record does not support the Petitioner's assertion of his proposed endeavor's substantial positive economic effects and therefore does not further establish the national importance of his proposed endeavor.

In reviewing the totality of the evidence, we conclude that the Petitioner did not satisfy his burden to establish, by a preponderance of the evidence, his proposed endeavor's national importance because he has not submitted sufficient evidence to support his claims of national importance. While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *Dhanasar* prongs. *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 not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence that he is eligible for or otherwise merits a national interest waiver as a matter of discretion.

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.