U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41384889

Date: FEB. 05, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a music therapist, seeks classification as a member of the professions holding an advanced degree. *See* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this employment based second preference (EB-2) classification. *See* section 203(b)(2)(B)(i) of the Act, 8 U.S.C. § 1153(b)(2)(B)(i).

Service Center Operations (SCOPS) denied the petition, concluding although the Petitioner qualified as an advanced degree professional, she 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.

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

The Petitioner's proposed endeavor is to establish and expand music therapy services and community music programs to provide "accessible, evidence-based mental health support to children and adults across the Los Angeles area and, over time, broader U.S. communities." She explains that she plans to establish special needs choirs for children and adults with disabilities, as well as community music therapy groups for adults with post-traumatic stress disorder (PTSD) and trauma-related mental health issues.

A. EB-2 Classification

The Petitioner submitted her foreign master's degree in music therapy, along with her academic transcripts and a credential evaluation indicating she possesses the equivalent to a U.S. master's degree in music therapy. SCOPS determined the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether she qualifies for and merits a waiver of the job offer requirement in the national interest.

B. Substantial Merit and National Importance

The first *Dhanasar* 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.* SCOPS determined that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, SCOPS concluded the Petitioner did not establish that her proposed endeavor has national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "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.

[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).

On appeal, the Petitioner contends SCOPS' denial disregards the *Dhanasar* framework, ignores evidence in the record, and improperly elevates the evidentiary standard. Specifically, the Petitioner asserts that SCOPS ignored articles and reports about the increase in autism in children and PTSD in Americans, as well as the articles from The National Institutes of Health and the American Music Therapy Association recognizing that music therapy is an "effective, evidence-based intervention for autism, PTSD, dementia, Parkinson's disease, cancer, and brain injury." We reviewed the articles and reports submitted in support of the importance of the field of music therapy and its impact on the healthcare system and economy. However, merely working in an important field or profession is insufficient to establish the national importance of the proposed endeavor. *Id* at 889. Instead, when determining whether the proposed endeavor has national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id*. Thus, while we acknowledge that the field of music therapy is important, this factor alone is insufficient to establish the national importance of her proposed endeavor.

In addition, the Petitioner asserts that her "proposed models are designed for replication across the country." She highlights that her special needs choirs can be integrated into school programs and her trauma therapy groups for veterans and refugees "are aimed at systemic rehabilitation approaches." She further contends that her international research presentations at conferences demonstrate "that her methodologies are not only innovative but are being disseminated for adoption worldwide." However, she submits little explanation or evidentiary support as to how her proposed endeavor would impact the special needs community and veterans and refugees on a broader level. Likewise, the Petitioner has not sufficiently explained or provided evidence to substantiate that her implementation of music therapy services would have a potential prospective broader impact on the field in the United States. While the record includes support letters from colleagues, they do not articulate how her endeavor in musical therapy would extend beyond her employers and their clients and students to impact her field more broadly on a level indicative of national importance. For example, one letter asserts that the Petitioner's endeavor "will have significant impact both locally and beyond" but the author does not provide objective support for his conclusions. Moreover, we acknowledge the Petitioner's invitations to conferences and panels, but the Petitioner has not corroborated her assertion that her participation in these conferences and panels resulted in the dissemination of her methodologies in mental health services that rise to the level of national importance. Therefore, the Petitioner did not sufficiently substantiate that her proposed endeavor stands to result in broader implications at a level commensurate with national importance.

Finally, we also reviewed the letters of recommendation in the record. The authors praise the Petitioner's abilities and the personal attributes that make her an asset in the field of music therapy. For instance, one letter states that the Petitioner's "personal attributes of empathy, resilience, and adaptability make her an ideal candidate" and that her "proficiency in English, Armenian, and Russian enhances her ability to communicate and connect with a broader range of clients, thereby expanding the reach and inclusivity of music therapy services." Another letter states that the Petitioner "brings an insightful, intentional, and individualized approach to each session, and her ability to connect with clients and their families has been truly commendable." While the letters evidence the high regard the Petitioner's colleagues have for her and her work, they do not offer persuasive detail concerning the impact of her proposed endeavor or establish how such an impact would extend beyond her clients

and students. As such, the letters are not probative of the Petitioner's eligibility under the first prong of *Dhanasar*.

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address her eligibility under the remaining prongs, and we hereby reserve them.[2] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternate issues on appeal where an applicant is otherwise ineligible). The burden of proof is on the Petitioner to establish that she meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that she has not established eligibility for 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 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.

[2] SCOPS determined without analysis that the Petitioner established she is well-positioned to advance her proposed endeavor.