U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41003637

Date: FEB. 6, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an occupational health and safety professional, 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).

SCOPS denied the petition, concluding the record did not establish the Petitioner's eligibility for the requested national interest waiver. 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:

[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. NATIONAL INTEREST WAIVER

SCOPS determined that the Petitioner qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. We agree with this determination. Therefore, the remaining issue is whether the Petitioner established eligibility for a national interest waiver under the *Dhanasar* framework.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We agree with SCOPS' conclusion that the proposed endeavor has substantial merit as it falls within the range of areas of substantial merit, namely health and education. *Id.* However, while the Petitioner has established that the proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner states that his proposed endeavor is to leverage his experience and knowledge in medicine and occupational health to provide training sessions and workshops to small and medium-sized enterprises (SMEs) in rural economically depressed areas in the United States to simulate local economies. The Petitioner indicates he would also share his knowledge at conferences and conduct research related to fostering good practices and technologies in health and safety to enhance conditions, safety, and hygiene in workplaces. The Petitioner states that the proposed endeavor would have national importance since it impacts matters identified as important by several U.S. government entities, including executive branch initiatives related to SME growth and creation, economic and poverty alleviation initiatives through the Distressed Cities and Persistent Poverty Assistance (DCTA) program, Rural Economic Development Loan and Grant Programs administered through the U.S. Department of Agriculture (USDA), and the Safety Pays Program relating to reducing occupational injuries and illnesses.

SCOPS later issued a request for evidence (RFE) acknowledging the government initiatives for underserved communities discussed by the Petitioner but indicating he did not submit evidence to demonstrate the prospective impact of his proposed endeavor. As such, SCOPS asked for additional evidence to establish the potential prospective national impact of the Petitioner's proposed endeavor including a more detailed description of his proposed endeavor and why it had national importance, and how it would have national implications within his field, the significant potential to employ U.S. workers or have substantial positive economic effects, broadly enhance societal welfare, and/or impact a matter that a government entity described as having national importance.

In response, the Petitioner reiterated his proposed endeavor, describing it as "well-wrought, succinct, and complete" and asserted that improvements in working conditions resulting from it would "have a

ripple effect, benefiting employees in the broader community by reducing healthcare costs, minimizing work-related injuries, and boosting local employment rates." He stated his endeavor would "improve business outcomes" and contribute to "the revitalization of rural economies, creating a more resilient and healthier workforce across the U.S." The Petitioner also pointed to a potential impact on the U.S. trucking industry he stated largely consisted of small companies responsible for delivering essential goods, such as food, fuel, cash and agriculture through rural transportation networks.

The Petitioner further indicated that his endeavor was nationally important because it advanced key federal priorities established by government entities, including the U.S. Department of Labor and Occupational Safety and Health Administration (OSHA), including regulations under the "Improve Tracking of Workplace Injuries and Illnesses Initiative" that would "help reduce workplace injuries and illnesses by informing prevention strategies, compliance enforcement, and employer training efforts." The Petitioner claimed his proposed endeavor would provide OSHA programming and address "critical gaps" in SME occupational health, including in the critical construction and warehousing industries. He further pointed to the alignment of his proposed endeavor with federal priorities set forth by the National Institute of Occupational Safety and Health (NIOSH) under the Total Worker Health (TWH) Program stressing physical and mental wellbeing through comprehensive strategies that integrate safety protections with broader organizational policies and practices. The Petitioner stated he would implement these principles through "community-specific virtual training, real-times safety consulting, and risk assessment services customized to the operational realities of SMEs."

The Petitioner also provided a handful of support letters, including one from Dr. M-I-, a professor of economics from [redacted], stating that the Petitioner's proposed endeavor would advance DOL, SBA, and White House efforts to prevent workplace injuries, illnesses, and death through enforcement, education, research, and collaboration. Likewise, a letter from Dr. C-L-, a professor of environmental health sciences from the [redacted], opined that the Petitioner's proposed endeavor would result in stronger local economies through the reinvestment of savings, job creation, reduction in workplace injuries and illness, promotion of worker health, and alleviating the pressure on rural healthcare systems.

In denying the petition and concluding the Petitioner did not demonstrate the national importance of his proposed endeavor, SCOPS indicated that he did not sufficiently detail how he planned to carry out his endeavor. SCOPS further determined the Petitioner did not properly demonstrate the economic impact and job creation that would result from his proposed endeavor and how it would have a substantial positive economic effect. On appeal, the Petitioner contends that SCOPS erred in determining that he did not sufficiently detail his proposed endeavor and business plans. The Petitioner largely reiterates his previously submitted assertions, and points to the evidence provided in response to the RFE contending it demonstrates the national importance of his proposed endeavor.

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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.

The Petitioner provided a wide array of vague assertions regarding the focus of his proposed endeavor leaving question as to its potential prospective national impact. For instance, the Petitioner regularly discussed many times on the record sessions and workshops he would provide to SMEs, but he does not describe them in detail or how they would be different from those provided by others in the field. He also asserted he would attend conferences and conduct research yet did not indicate the nature of these events or the research he would conduct. Likewise, the Petitioner discussed "fostering good practices and technologies in health and safety," but he did not provide specifics as to the methods and technology his proposed consulting company would implement. In addition, the Petitioner noted that his company would use "community-specific virtual training, real-time safety consulting, and risk assessment services customized to the operational realities of SMEs." However, the Petitioner again did not describe these proposed services in detail, such as the specific nature of the virtual training, consulting, and risk assessment services he would provide, and how these would be different from those provided by other similar companies in the industry in order to have a significant impact within his field and a national level impact.

In addition, the Petitioner submitted various asserted impacts on different government initiatives leaving question as to the likelihood of the actual potential prospective national impact of his endeavor. For instance, the Petitioner asserts that his consulting business would have national impacts on numerous different government initiatives, including the DCTA program, the Rural Economic Development Loan and Grant Programs administered through the USDA, the DOL's Safety Pays Program, the NIOSH TWH Program, among others. However, the Petitioner is required to demonstrate that the Beneficiary's proposed endeavor will have national or even global implications within a particular field or the significant potential to broadly enhance societal welfare. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual. The Petitioner has not sufficiently articulated and documented how his provision of locally based workplace safety services in one rural community in Indiana would have a significant impact on workplace safety amongst SMEs nationally and the numerous national level initiatives he discussed.

For example, the Petitioner emphasized that the executive branch was focused on promoting SMEs and leveling the playing field for these companies, particularly in rural areas. The Petitioner further discussed potential impacts on large industries such as trucking, agriculture, and transportation in general. The Petitioner's wide-ranging assertions as to potential prospective national impact crossing numerous societal issues and government initiatives leaves substantial question as to whether the Beneficiary's proposed workplace safety consulting company would have a significant impact on any of them. A mere potential contribution to various matters of national-level interest does not establish that a proposed endeavor is of national importance. To illustrate, on appeal, the Petitioner points to a National Safety Council study indicating that workplace injuries in 2023 cost U.S companies approximately $176.5 billion. Therefore, it is not clear how his proposed consulting business would have significant potential prospective national impact on this enormous national issue as he claims. The proposed endeavor must have broad and significant national implications. Generalized conclusory statements that do not identify a specific impact to the field have little probative value. *See e.g., 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).

As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and provided substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id.*

Here, when comparing this proposed endeavor to *Dhanasar*, the Petitioner's assertions of potential prospective national importance are non-specific and based on a wide range of potential national level impacts related to various government initiatives. There is no indication that there is specific interest from the U.S. government regarding the advancement of Petitioner's work or that his consulting company would likely contribute significantly to the nation's workplace safety problems. The Petitioner provided only vague assertions regarding the nature of his professional services and there is little indication as to how they would differ from others provided in the industry as necessary to have a potential national impact in his field. It is not clear how the Petitioner's services would have a impact beyond the immediate clients of his company or have far-reaching societal and economic impacts, particularly since the endeavor he proposed is focused only on one portion of [redacted], Indiana. The Petitioner must resolve ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

On appeal, the Petitioner again points to support letters provided by professors and others in his industry and contends these demonstrate the national importance of his proposed endeavor. For instance, the Petitioner emphasizes a letter from Dr. C-L-, a professor of environmental health sciences from the [redacted]. However, the letter from Dr. C-L- is generic and provides little detail as to the specific nature of the Petitioner's services and how they would have a national impact on U.S. citizens reinvesting their savings, job creation, a reduction in workplace injuries and illness, worker health, and the alleviation of pressure on rural healthcare systems on a national level. Similarly, the Petitioner emphasizes two support letters from colleagues in Ecuador, but these only discuss a loose relation between his proposed endeavor to large national initiatives; namely a DOL emphasis "on improving working conditions for low-wage and rural workers." Again, a mere potential contribution to a large national issue does not demonstrate national importance, as the potential prospective impact must be significant. As such, the support letters submitted by the Petitioner do little to substantiate that his proposed endeavor would have a national-level impact on workplace safety and the various other asserted societal impacts resulting from its improvement. We may, in our discretion, use advisory opinion statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. However, where an opinion is not in accord with other information or is in any way questionable, we are not required to accept or may give less weight to that evidence. *Matter of Caron Int'l*, 19 I&N Dec. 791 (Comm'r 1988).

Lastly, the record does not establish that the Petitioner's endeavor "has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area." *Dhansar* at 890. The Petitioner indicated that his proposed consulting company would employ 16 individuals and generate $54,480 in tax revenue annually by its fifth year. It is not evident how this level of economic activity would have a significant impact on job creation and empower small businesses and underserved communities. For instance, the Petitioner emphasized that he would open his business in [redacted], Indiana, indicating that 34% of its residents live in poverty. Given the breadth of this problem, the Petitioner has not established how his rather modest business would have a significant impact on poverty in [redacted], let alone a significant national economic impact. The Petitioner did not submit sufficiently specific and targeted business plans to demonstrate broad-based national level impact. Although any basic economic activity resulting from the Petitioner's work has the potential to positively impact a local economy, he has not provided sufficient explanation of the prospective national impact directly attributable to his proposed work or sufficiently established how his endeavor would significantly impact an economically depressed area.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under *Dhanasar*'s third prong. *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).

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.