U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40641634

Date: FEB. 17, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an assistant professor of Arabic languages, 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 that the Petitioner qualified for classification as a member of the professions holding an advanced degree, but that he had not established 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.

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;

[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 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

SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree. The record supports that conclusion. She has a doctoral degree in modern languages and cultures from the [redacted], England. The remaining issue to be determined on appeal is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

The Petitioner is an assistant professor who teaches Levantine-Modern Standard Arabic through a partnership between the [redacted] and the [redacted]. Her proposed endeavor is to continue her work teaching and to continue development of an Arabic-Levantine language program for use in training U.S. military special forces. She states that her work "directly supports the operational readiness of U.S. military personnel by enhancing their linguistic capabilities, which are indispensable for the success of missions in multilingual and multicultural regions." She also claims that her "efforts to mentor and professionalize language instructors have a far-reaching impact on the overall effectiveness of military language programs."

Although SCOPS determined that the proposed endeavor has substantial merit, SCOPS concluded the record did not establish that the endeavor is of national importance, that the Petitioner is well positioned to advance the endeavor, or that, on balance, it would be beneficial to the United States to waive the job offer requirement and, thus, the labor certification. On appeal, the Petitioner reiterates arguments concerning her eligibility for a national interest waiver and cites documentation previously included in the record. The Petitioner asserts that SCOPS' decision was in error because SCOPS failed to consider certain evidence in the record, inadequately analyzed evidence, and applied inappropriate evidentiary requirements in adjudicating her petition. Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of her endeavor under the first prong of the *Dhanasar* analytical framework.

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.* The relevant question is not the importance of the 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.* In *Matter of 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.

We agree with SCOPS that the Petitioner established her proposed endeavor has substantial merit. However, the record does not establish that the Petitioner's endeavor has national importance. While the Petitioner's statements reflect her intention to provide language instruction to military personnel, she has not offered sufficient information and evidence to demonstrate that the prospective impact of her proposed endeavor rises to the level of national importance.

The Petitioner submitted articles, reports, and memos containing information about foreign language capabilities in the military. She also submitted letters of recommendation discussing her work at the [redacted] in North Carolina, including letters from students commending her teaching abilities and from a personnel chief commending her translation service during a visit from a Saudi delegation. The record also includes letters from members of management within the language program lauding her dedication and expertise in creating a language learning curriculum. A letter from the director of the program states that her "work directly enhances the operational readiness of U.S. service members" and that she has "demonstrated exceptional ability in preparing military personnel for complex linguistic and cultural challenges in Arabic-speaking regions . . . ." The letter further states that she "successfully integrated cultural competency training with advanced language acquisition techniques, creating a comprehensive learning framework that serves national security objectives." A letter from the manager of the program at the university's [redacted] states that the Petitioner's language instruction and curriculum development have "made her an invaluable asset to our mission of equipping service members with critical linguistic and cultural skills essential to national security."

The record serves to demonstrate that the Petitioner is a valued member of the language program and that she has had a positive impact on students and staff. However, although letters from the program's members of management indicate that her work serves national security purposes, the record does not include evidence demonstrating that her teaching activities impact national security to a degree commensurate with national importance. While knowledge of language and culture may be important for military readiness and national security generally, it is not clear how her teaching would have an impact beyond her students and their work to benefit the military or national security. According to the program's academic manager at [redacted], although the military members the Petitioner teaches may "gain a deeper understanding of local languages and cultures, which plays a critical role in their operational success and safety," the author did not elaborate on how the benefits of the Petitioner's teaching for individual members of the military would have broader implications.

Concerning the scope of the Petitioner's work, the letter from the program's manager in [redacted] asserts that her talent is "vital to maintaining and advancing the caliber of our military training programs," stressing that "her contributions have far-reaching implications for broader fields of language education and cultural competency, benefiting not only the military but also other sectors requiring these skills." This assertion concerning the more extensive implications of the Petitioner's work was not accompanied by further explanation identifying specific contributions and their impacts on language and cultural studies. Similarly, the Petitioner has stated that her "efforts to mentor and professionalize language instructors have a far-reaching impact on the overall effectiveness of miliary language programs," but she has not explained what that impact would entail, nor has she provided evidence of

her mentorship of other language instructors for military students. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner stated that by developing a new teaching framework and instructional strategies, she is "helping to shape the future of language training within the U.S. military." She has provided recommendation letters from colleagues and students, several class ratings from students, and copies of pages from a glossary that she has written. While we do not seek to diminish the importance of language and cultural education for military readiness and the Petitioner's efforts to improve learning opportunities, general statements predicting positive and expansive outcomes are not supported by evidence.

The Petitioner also submitted a research plan for her curriculum development. She intends to develop an integrated curricula which includes "specialized courses that address the growing demand for technical and specialized translation in various sectors." The research will focus on "cross-cultural communication enhancement within academic settings" which involves "designing comprehensive programs that effectively bridge cultural gaps in both academic and professional environments." The Petitioner asserts that her research will explore "innovative methodologies for teaching cultural competency" which will be "particularly valuable in preparing students for the increasingly interconnected global academic and professional landscape."

Although the Petitioner's intention to improve educational outcomes has substantial merit, she has not offered sufficient information and evidence to demonstrate that the prospective impact of her proposed endeavor rises to the level of national importance. For example, she has not provided a cohesive proposal for how she will undertake the widespread research effort she envisions. She states that she will implement the research "through collaborative efforts with U.S. universities and colleges, fostering partnerships with professional translation organizations and integrating with existing academic programs." This statement presumes collaborations without the support of a plausible plan to construct them. The Petitioner mainly relies on the importance education and military readiness to demonstrate the importance of her specific endeavor, rather than any prospective positive impact resulting from the endeavor itself. Again, it is not the overall importance of the industry or field in which the Petitioner intends to work, but the particular endeavor on which the Petitioner intends to embark that we consider in evaluating whether it is of national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889

While an endeavor that is shown to have significant potential to broadly enhance societal welfare may be considered to have national importance,[2] here, the Petitioner has described commendable but broad ambitions without demonstrating how she would operate an educational coordination service with the far-reaching influence and level of impact she has envisioned. The Petitioner has not provided evidence of how, for example, her individual curriculum would be applied to education in the military or elsewhere, nor has she demonstrated that her services would offer benefits that extend beyond her own classes to impact the military or the field of special education more broadly at a level commensurate with national importance. In *Matter of Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. In addition, the assumption that an endeavor is nationally

[2] *See generally* 6 *USCIS Policy Manual* at F.5(D)(1), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.

important because of a purported occupational shortage is misplaced; the shortage of an occupation does not render a proposed endeavor nationally important under the *Dhanasar* framework.[3] In fact, such shortages are directly addressed by the U.S. Department of labor through the labor certification process.

The record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating 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 demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, she has not established that she is eligible for a national interest waiver as a matter of discretion. The petition will remain denied.

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.

[3] *See generally* 6 *USCIS Policy Manual, supra,* at F.5(D)(3).