U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37072552

Date: FEB. 18, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a public policy advocate and project manager, 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).

The Director of the Texas Service Center denied the petition, concluding that the record 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.

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

[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 balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner submitted copies of her academic degrees, including her Doctor of Theology from [redacted] and her Master of Arts in Peace and Development from [redacted] England. The record shows she qualifies for EB-2 classification as an advanced degree professional. The only issue on appeal is whether she qualifies for a waiver of the job offer requirement in the national interest.

In her initial letter, the Petitioner described her proposed endeavor as "developing and shaping policies that effectively address hunger, improve food security, and advance global nutritional standards." In a supplemental statement, the Petitioner stated she would focus "on launching Mobile Food Pharmacy Nutrition Pharmacies and on-the-spot hot meals, combining access to healthy food with nutrition education and healthcare services in underserved neighborhoods, and reducing food waste by recycling into the production of an alternative source of clean energy."

The Petitioner submitted recommendation letters, evidence of her honors and awards, certifications, receipt of a grant, membership in professional organizations, speaking at conferences, volunteer and advocacy activities, media mentions, and articles addressing food security. In response to the Director's request for evidence (RFE), the Petitioner submitted another statement of her proposed endeavor, additional recommendation letters, and additional articles on related issues such as Food Pharmacy, ending hunger, SNAP, and child food insufficiency.

A. 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. *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.* Although the Director did not address this issue, the record indicates that the Petitioner's proposed endeavor has substantial merit in the areas of culture and health.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. The Director determined the Petitioner did not establish that her proposed endeavor would have global or national implications in her field or have broader implications rising to the level of national importance.

On appeal, the Petitioner asserts her proposed endeavor has national importance and the Director erred by "ignoring the vast majority of the evidence, " specifically the recommendation letters submitted in

response to the RFE. We have reviewed these letters. Dr. J-N-[2] states that the Petitioner's projects, specifically Mobile Food Pharmacy Nutrition Pharmacies and on-the-spot hot meals, aim to reduce the large number of American adults grappling with chronic diseases by providing access to healthy food with nutrition, education, and healthcare services. Dr. J-N- asserts that postponing the Petitioner's projects could have several repercussions including exacerbating existing food insecurity. Dr. J-N- does not specify the scope of the Petitioner's proposed endeavor or indicate that it would have global or national implications, or broader implications in her field indicative of national importance.

A-J- also praises the Petitioner's Mobile Food Pharmacy Nutrition Services project which provides the critical services of free distribution of fruits and vegetables, free psychosocial counseling, hot meals distribution, and onsite medical services. A-J- states that by "serving as a replicable model for national health initiatives, this project ensures comprehensive support for those in need, addressing root causes of health disparities and promoting long-term wellness." A-J- does not indicate that the Petitioner's project has been replicated in other areas or has otherwise had broader implications in her field.

M-H-H- expresses her support for the Petitioner's pilot project in collaboration with the [redacted] County, Maryland Department of Health and Mental Health Agency, local food banks, and religious organizations. M-H-H- praises the Petitioner's work on the pilot project and opines that the pilot project "has immense potential to scale up within Maryland and other states in the U.S." While M-H-H- praises the Petitioner's past work on the pilot project, she does not discuss in probative detail how the Petitioner's specific proposed endeavor would have broader implications in her field in a manner commensurate with national importance.

Dr. M-A- asserts the Petitioner's project on eco-friendly, climate-resilient farming technology linked to renewable energy has national importance because it addresses food waste, offers a viable solution to reliance on fossil fuels, and creates a more efficient food system increasing food availability and accessibility for vulnerable populations. Dr. M-A- does not specify the scope of the Petitioner's project, for example, by stating whether it would be implemented in one or multiple locations, or otherwise indicate that the project would have broader implications in her field. Dr. M-A- also does not indicate that the Petitioner's use of feasibility assessment and a food waste upcycling incubator are innovative in her field or otherwise have national or even global implications. *See id.* at 889 (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

D-I-O- praises the Petitioner's past work on a sustainable farming initiative and a nutritional enhancement program and expresses confidence that her expertise, skills and technical depth "will be invaluable to the nation." D-I-O- does not, however, discuss the Petitioner's proposed endeavor. K-M-H- praises the Petitioner's work on [redacted] Indiana Senate Team, but also does not discuss the Petitioner's proposed endeavor. Dr. E-T- commends the Petitioner's past work including initiatives involving the Supplemental Nutrition Assistance Program (SNAP). Dr. E-T- asserts the Petitioners "community engagements and experiences are aligned with several critical national

[2] We use initials to protect the privacy of the referenced individuals.

priorities" and he expresses his belief that her proposed work exceeds the requirements for a national interest waiver. Dr. E-T- does not, however, discuss the Petitioner's proposed endeavor in detail.

B-G- states the Petitioner's proposed endeavor "to develop and utilize biomass fuels in the United States is of paramount national importance" because it enhances national energy security, has the potential to stimulate economic growth and job creation, promotes environmental sustainability, and provides an opportunity for technological innovation and leadership. While biomass fuels may have these benefits, B-G- does not specify how the Petitioner's specific proposed endeavor would achieve them.

In sum, the support letters submitted in response to the RFE praise the Petitioner's past work and express confidence in some of the projects encompassed by her proposed endeavor, but they do not establish that her proposed endeavor has national or even global implications or other broader implications in her field. The support letters submitted initially largely praised the Petitioner's past work but did not address her proposed endeavor. A-M- opined that the Petitioner's proposed endeavor "holds immense potential to drive positive change," and praised the Petitioner's "unique skill set that aligns with critical national priorities." A-M- did not, however, detail how the Petitioner's proposed endeavor would have broader implications in her field. Significant portions of B-O-A-O-'s letter repeat verbatim portions of A-M-'s letter which detract from its credibility. C-A- states that the Petitioner's proposed endeavor "enhances the nation's ability to maintain stable food distribution systems, thus fortifying national stability," but does not discuss in detail how the Petitioner's proposed endeavor would have such a broad implication on her field.

The articles the Petitioner submitted initially and in response to the RFE discuss the funding of food programs, the Food Pharmacy, child food insufficiency, SNAP, and food security. While these articles discuss the importance of these issues, our assessment of national importance does not focus on the importance of a field or national issues in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.*

In sum, the relevant evidence does not indicate that the Petitioner's proposed endeavor has broader implications for her field commensurate with national importance. Although several support letters praise her past work and the promise of projects within her proposed endeavor, they are insufficient to establish that the Petitioner's proposed endeavor has national or even global implications for her field.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of her specific proposed endeavor and she does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of her eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "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 alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established the national importance of her proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, she has not demonstrated that she is eligible for or merits a waiver of the job offer requirement in the national interest as a matter of discretion.

ORDER: The appeal is dismissed.