U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40787282

Date: JAN. 7, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a drug addiction treatment center, seeks employment-based second preference (EB-2) immigrant classification as an individual of exceptional ability, 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 Beneficiary qualifies as an individual of exceptional ability. SCOPS also concluded that the Petitioner 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

The issue to be addressed on appeal is whether the Petitioner has demonstrated that the Beneficiary merits a discretionary waiver of the job offer requirement by having satisfied the requirements of the *Dhanasar* framework. Namely, we will address SCOPS' conclusion that the Petitioner did not establish that the proposed endeavor is of national importance, as required by *Dhanasar's* first prong.[2]

As previously indicated, the first prong is comprised of two elements – substantial merit and national importance – and focuses on the specific endeavor 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.*

Here, the Petitioner stated that the proposed endeavor is for the Beneficiary "to continue his work in the United States in order to pursue his outstanding contribution to [the Petitioner] as the IT Operations Manager." In the denial, SCOPS pointed out that the proposed endeavor, rather than the Petitioner – a drug addiction treatment facility – must be shown to have national importance, noting that the importance of a field, industry, or profession in which the Beneficiary will work does not establish that the proposed endeavor itself has national importance. SCOPS clarified that an endeavor that has national or global implications in a particular field or one that offers substantive economic benefits, such as having significant potential to impact U.S. workers, may have national importance. SCOPS determined, however, that the record lacks sufficient evidence that the impact of the proposed endeavor is national or global in scope or that it extends beyond the Beneficiary's employer and its clients.

On appeal, the Petitioner points to evidence showing that its treatment center has earned a "first-place industry ranking." It also asserts that "innovations attributed to the Beneficiary have had a nationwide impact on patient-data security" and that the Beneficiary's security measures have been used "across multiple healthcare networks." The record, however, does not support these claims.

As SCOPS stated in the denial, the recommendation letters that the Petitioner submitted to demonstrate the proposed endeavor's national importance primarily focus on the Beneficiary's background and qualifications, but they do not offer insight as to how the endeavor will broadly impact an industry or a profession. While the Petitioner provided seven recommendation letters from individuals holding top executive positions within its organization, the letters only discuss the Beneficiary's work with this employer and only explain how the Beneficiary's input has impacted this organization and its

[2] Although SCOPS did not make a determination regarding the substantial merit of the proposed endeavor, the record supports a favorable finding concerning this element of the first prong.

clients by, for instance, providing safeguards to protect patient records through "critical cybersecurity protocols" and "permanently improv[ing] access to the valuable services offered by [the Petitioner]." Although the Petitioner has highlighted the value of its "transformative care to more than 20,000 patients" and its top ranking as an addiction recovery center, the recommendation letters it submitted do not explain how the *specific* endeavor – the Beneficiary's work as an IT Operations Manager for the petitioning organization – would impact an industry or offer a benefit on a national level. *See id.*

Thus, while the Petitioner has provided evidence that underscores the Beneficiary's skills and contributions to the petitioning organization, the evidence consists primarily of recommendation letters that do not focus on the proposed endeavor or discuss the endeavor's "potential prospective impact." S*ee Matter of Dhanasar*, 26 I&N Dec. at 889. Thus, while the letters mention the Beneficiary's "contribution to the company and to the national interest," they do not demonstrate the national importance of the proposed endeavor. We will therefore affirm the petition's denial.

III. CONCLUSION

Because the documentation in the record does not sufficiently establish that the Petitioner satisfied the first prong of the *Dhanasar* precedent decision, it has not demonstrated eligibility for a national interest waiver. This identified basis for dismissal is dispositive of the Petitioner's appeal, and therefore we decline to reach and hereby reserve the Petitioner's appellate arguments and eligibility under the second and third prongs of *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting 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). Likewise, we reserve any appellate arguments regarding whether the Beneficiary qualifies for the EB-2 immigrant classification as an individual of exceptional ability. *See id.*

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.