U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40783675

Date: JAN. 07, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner is a secondary school teacher endeavoring to implement a program advancing science, technology, engineering, and mathematics (STEM) education. She 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).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner qualified for classification as a member of the professions holding an advanced degree but that she 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:

[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. ANALYSIS

The Petitioner's initial petition[2] contained her resume, six letters of recommendation from individuals she had worked with or been subordinate to in her previous employment positions, employment verifications, reference letters, and information to document her previous and current employment experience, various documents acknowledging appreciation of her volunteer, extracurricular and other professional activities, documents describing membership and participation in professional organizations, documentation describing government initiatives encouraging educations in STEM disciplines, and documentation supporting comparative salary contentions.[3]

SCOPS concluded the initial record established the Petitioner was an advanced degree professional. But SCOPS issued a request for evidence (RFE) to provide the Petitioner with an opportunity to better articulate her proposed endeavor for an evaluation of its substantial merit and national importance, submit additional evidence of how well-positioned she was to advance her proposed endeavor, and demonstrate that on balance it would be beneficial to the United States to waive the requirements of a job offer, and thus a labor certification.

In response to the RFE, the Petitioner submitted a project description and implementation framework to further describe her proposed endeavor as a secondary school teacher endeavoring to implement a program advancing science, technology, engineering, and mathematics (STEM) education. The Petitioner stated that she intended to create "the [redacted], an Open Educational Resource" to advance "access and opportunity, partnerships and ecosystem development, and transparency and accountability." The Petitioner expressed that, in essence, [redacted] is an educational program to expand access to advanced science and mathematics courses in underserved schools, similar to the OnRamps Physics program administered under the auspices of the University of Texas at Austin. The Petitioner averred that [redacted] "addresses documented national priorities" and "directly implements the Biden-Harris Administration's November 2024 Federal

[2] The Petitioner's initial petition also contained copies of her educational degrees, certificates, and licensures as well as her and her family's immigration and nationality documentation.
[3] Whilst we may not discuss every document submitted, we have reviewed and considered each one.

Strategic Plan for Advancing STEM Education."[4] The Petitioner's response to the RFE also contained additional documentation to support her educational and teaching credentials.

SCOPS denied the petition. SCOPS concluded the Petitioner's "proposed endeavor…to enhance Science Technology Engineering and Math (STEM) education in the United States" was substantially meritorious but did not rise to a level of national importance. SCOPS also determined the Petitioner was not well positioned to advance her proposed endeavor. And SCOPS decided that, on balance of applicable factors, waiving the requirement of the labor certification, and thus a job offer, was not in the United States' national interest. The Petitioner appealed.

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.*

Although the evidentiary standard in immigration proceedings is the lowest preponderance of the evidence standard, the burden is on the Petitioner alone to provide material, relevant, and probative evidence to meet that standard. Section 291 of the Act, 8 U.S.C. § 1361. A petitioner's burden of proof comprises both the initial burden of production, as well as the ultimate burden of persuasion. *Matter of Y-B-*, 21 I&N Dec. 1136, 1142 n.3 (BIA 1998); *see also* the definition of burden of proof from *Black's Law Dictionary* (11th ed. 2019) (reflecting the burden of proof includes both the burden of production and the burden of persuasion). First, a petitioner must satisfy the burden of production. As the term suggests, this burden requires a filing party to produce evidence in the form of documents, testimony, etc. that adheres to the governing statutory, regulatory, and policy provisions sufficient to have the issue decided on the merits.

The Petitioner stated her development and implementation of [redacted] improves "access and opportunity, partnerships and ecosystem development, and transparency and accountability…expanding advanced STEM coursework." The Petitioner highlighted [redacted] "[d]irect alignment with Federal Strategic Priorities" and its "[a]dressing [of] Critical National Educational Imperatives" whilst also "[a]dressing

[4] The Petitioner submitted other fact sheets supporting initiatives championed by the Biden Administration. The record also contains a copy of Executive Order 14050, White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans, Exec. Order No. 14050, 3 C.F.R. 1949 (2021), signed by President Joseph R. Biden on October 19, 2021, and an Equity Action Plan Summary issued by the Department of Energy, Dept. of Energy, *2023 Equity Action Plan Summary*, (2023) (https://bidenwhitehouse.archives.gov/wp-content/uploads/2024/02/DOE-2023-EAP-Summary.pdf) pursuant to Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Exec. Order No. 13985, 3 C.F.R. 7009 (2021), signed by President Joseph R. Biden on January 20, 2021. We note that the Biden Administration ended with the inauguration of President Donald Jon Trump at noon on January 20, 2025, a week before the Petitioner filed the instant petition on January 27, 2025. Both Executive Order 14050 and 13985 were revoked by President Trump before the filing of the instant petition pursuant to Executive Order 14148, Initial Rescissions of Harmful Executive Orders and Actions, Exec. Order No. 14148, 3 C.F.R. 8237 (2025), on January 20, 2025. Moreover, all diversity, equity, inclusion, and accessibility (DEIA) mandates, policies, programs, preferences, and activities in the Federal Government under whatever name they appear, such as the relevant parts of the Biden-Harris Administration's November 2024 Federal Strategic Plan for Advancing STEM Education, were terminated prior to the filing of the instant petition pursuant to Executive Order 14151, Ending Radical and Wasteful Government DEI Programs and Preferencing, Exec. Order No. 14151, 3 C.F.R. 8339 (2025), signed by President Trump on January 20, 2025.

documented national shortages and gaps" in STEM education. And the Petitioner emphasized [redacted] "scalability" and potential for replication as demonstrative of the broader implications it can exert on its field. On appeal, the Petitioner contends that SCOPS mischaracterized her proposed endeavor and misapplied the "National Importance Standard" contained in *Matter of Dhanasar*.

The evidence and assertions the Petitioner introduced into the record do not help her carry her burden of production and persuasion. The mere "alignment with Federal Strategic Priorities" is not sufficient to demonstrate the national importance of the Petitioner's proposed endeavor because the relevant question when evaluating national importance under *Dhanasar* is not the importance of the field, industry, or profession in which the individual will work, how successful the proposed endeavor could be, how much market share it could claim, or the level of market interest in adoption or licensing; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889. The impact of a proposed endeavor on a geographical "national or regional level" is not required if a petitioner demonstrates broader implications rising to a level of national importance. And broader implications of the proposed endeavor, national and/or international, can inform us of the proposed endeavor's national importance. That is not to say that the implications are viewed solely through a geographical lens. Broader implications can reach beyond a particular proposed endeavor's geographical locus and focus. The relevant inquiry is whether the broader implications apply beyond just narrowly conferring the proposed endeavor's benefit.

The evidence in the record does not sufficiently describe how the Petitioner's specific endeavor, the implementation of [redacted] to expand advanced STEM coursework, has national, or even global, impact to its field or other broader implications rising to a level of national importance because it does not demonstrate that the endeavor's benefit is conferred beyond the schools or other entities participating in it. The Petitioner stated that expected outcomes of the implementation of [redacted] are a 25% or higher increase in advanced STEM course enrollment across participating schools, a 15% improvement in standardized STEM test scores, a 20% or higher increase in STEM-related college applications and an 80% to 90% teacher retention rate through program completion. But it is not sufficiently evident from the evidence in the record how the realization of these aspirational benefits, at the Petitioner's school or others, would nationally, or even globally, impact the field of STEM education or exert broader implications in a manner rising to the level of national importance beyond just the participating schools or other entities. Or, in other words, the Petitioner's evidence does not preponderantly demonstrate that implementation of [redacted] and its potential benefits as identified by the Petitioner would extend beyond the immediate sphere of the schools or entities participating in the program. For example, the evidence in the record does not sufficiently describe how a 25% increase in STEM enrollment at schools participating in [redacted] would impact accessibility to STEM education in a national, or even global, manner. Nor does the evidence identify that a 25% increase in STEM enrollment at the participating schools or other entities would grow beyond that and exert broader implications rising to a level of national importance. And the same rationale applies with equal force to the other prospective benefits of the proposed endeavor identified by the Petitioner.

Moreover, the Petitioner states that the proposed endeavors "scalability" and consequent possibility of replication demonstrates a potential prospective impact rising to a level of national importance due to the broader implications stemming from wider adoption. But even if implemented in a number of schools irrespective of geography, it is not apparent from the evidence in the record how the realization of the potential benefits the Petitioner identified stemming from the endeavor would have national or

even global impact, or broader implications beyond the improved availability of STEM course offerings, and ameliorated individual student achievement metrics for the students at those specific schools participating in [redacted] such that the proposed endeavor could exhibit a rise to a level of national importance.

Put simply, it is not sufficiently evident from the evidence in the record that the implementation of [redacted] by the Petitioner would nationally or even globally impact the field or broadly implicate matters rising to a level of national importance because the potential benefits as described by the Petitioner are narrowly constrained to the program's participants. In *Dhanasar* we discussed how teaching would not impact the field of education broadly in a manner rising to national importance. *Dhanasar* at 893. We note that the Petitioner's endeavor is not exclusively teaching but also incorporates the implementation of [redacted] with a view to realize the potential aspirational objectives we note the Petitioner has identified. But, like the impact from teaching, the Petitioner's impact from her proposed endeavor only benefits a small subset, namely the participating schools and students at those participating schools taking advantage of STEM education opportunities that [redacted] can potentially provide. And the evidence in the record does not preponderantly or persuasively establish that the implementation of [redacted] at participating schools and students at those participating schools taking advantage of STEM education opportunities that [redacted] can potentially provide has national or global impact on the field or broader implications that rise to a level of national importance.

So, we conclude that the Petitioner has not established that her proposed endeavor is of national importance. And because the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong, she is not eligible for a national interest waiver. We reserve our opinion regarding the second and third *Dhanasar* prong. *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 alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that she does not merit a favorable exercise of discretion to waive the requirement of a job offer, and therefore a labor certification.

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.