U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 40765688

Date: JAN. 13, 2026

Appeal of Service Center Operations Decision

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

The Petitioner who intends to work in the field of aging services management, seeks second preference immigrant classification (EB-2) 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 EB-2 immigrant 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 the underlying EB-2 classification as a member of the professions holding an advanced degree, but 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 establish eligibility for a national interest waiver, a petitioner must first qualify for the underlying EB-2 visa classification, as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act.

If a petitioner demonstrates eligibility for the underlying EB-2 classification, they must then establish 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 in holding that USCIS' decision on 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 the proposed endeavor; and
- On balance, waiving the requirements of a job offer and a labor certification would benefit the United States.

*Id.*

## II. ANALYSIS

SCOPS found that the Petitioner qualifies for the underlying EB-2 classification as a member of the professions holding an advanced degree. We agree that the record supports that determination. The Petitioner obtained a bachelor's degree in psychology from the [redacted] in August 2023 and a master of arts degree in aging services management from the [redacted] in August 2024. The remaining issue to be determined 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.

### A. Whether the Proposed Endeavor Has Substantial Merit and National Importance

SCOPS determined that while the Petitioner demonstrated the proposed endeavor's substantial merit, she did not establish that the proposed endeavor is of national importance, as required by the first prong of the *Dhanasar* analytical framework. For the reasons discussed below, we agree with SCOPS' conclusion.

The initial filing described the proposed endeavor in vague terms: "[b]y integrating her psychology training, multimedia marketing expertise, and academic focus on aging services, [the Petitioner] is uniquely positioned to address the pressing challenges in the aging services sector." In response to the request for evidence, the Petitioner provided more details on her proposed endeavor in her career plan document, stating that her long-term goal is to establish a nonprofit organization integrating psychological services into aging care systems and "elevate the quality of elder care across diverse communities, train a new generation of care professionals and ensure that no aging individual is left behind – socially, emotionally, or psychologically."

The record includes various articles highlighting the general importance of elder care, the challenges facing the aging population, and the need for improving mental health care for older adults. The Petitioner also provided copies of her own journal articles and various recommendation letters that speak favorably about the Petitioner. We agree that the record demonstrates that the proposed endeavor has substantial merit, but the evidence is not sufficient to show its national importance. In determining national importance, we focus on "the specific endeavor that the foreign national proposes to undertake" and its "potential prospective impact." *See Dhanasar*, 26 I&N Dec. at 889.

On appeal, the Petitioner contends that SCOPS incorrectly applied *Dhanasar* by using words such as "national scale" or "influence" instead of "national importance" or "potential prospective implications." But in context, these words do not deviate from the intent of *Dhanasar*. *Dhanasar* states that an endeavor that has national or global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances, may have national importance. *Id.* In concluding that the Petitioner did not establish that "the proposed endeavor will

influence [her] field or otherwise be of importance to the nation as a whole" or that "the evidence provided does not sufficiently establish the importance of the endeavor on a national scale," SCOPS properly interpreted the language of *Dhanasar* and considered the endeavor's "potential prospective impact" based on the evidence in the record. *Id.*

The Petitioner claims on appeal that her original research and published scholarly articles "may result in broad impact" leading to "potential national implications" and that SCOPS downplayed the significance of the Petitioner's research and media report by China Press. However, upon review, we do not find that SCOPS erred in evaluating such evidence. The Petitioner authored one article entitled [redacted] published in the Journal of Humanities, Arts and Social Science. The other article is entitled [redacted] presented in the 2022 International Conference on Education Innovation, Economics Management and Social Sciences. Although the China Press article references the Petitioner's journal on improving happiness of community aged care and summarizes her educational and experiences, it does not address her proposed endeavor or its potential impact.[2] Also, one of the recommendation letters specifically mention her research, stating that the Petitioner's "publications and research contributions are particularly insightful in showcasing her ability to analyze complex issues and provide actionable insights," but it discusses only the Petitioner's article on automobile brand marketing, without elaborating how this journal article impacts the Petitioner's overall endeavor in aging adult care. Therefore, the record lacks adequate evidence showing that the Petitioner will offer new methodologies or innovations to advance the elder care management through her endeavor, or that it otherwise will have wider implications in her field.

The Petitioner lists various goals associated with her proposed endeavor, including starting a nonprofit organization, developing a user-friendly digital platform to expand her service reach and accessibility, expanding strategic partnership with local health department, federally qualified health care services, and other healthcare networks, and advancing research on virtual aging support. Despite these assertions, the Petitioner has not submitted sufficient evidence to corroborate the endeavor's broad impact or its potential implications in the field of aging services management. *See Matter of Chawathe*, 25 I&N Dec. at 375 (standing for the proposition that to determine whether a petitioner has met their burden under the preponderance standard, we consider the quality, relevance, probative value, and credibility of the evidence). As such, her contentions are not persuasive.

Additionally, an endeavor that is regionally focused may nevertheless have national importance, such as an endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area. *Dhanasar*, 26 I&N Dec. at 890. However, the Petitioner has not provided any documentation to show economic impact of her endeavor.

The Petitioner's evidence largely consists of articles and reports on the importance of aging care and various recommendation letters that generally praise her educational and experience background without specifically discussing her specific proposed endeavor and its potential impact to the field.

[2] On appeal, the Petitioner asserts that the China Press article discussed her future endeavor but has not pointed to the specific section where the article addresses the endeavor and its impact.

Merely working in an important field or profession is insufficient to establish the national importance of the proposed endeavor, as we explained in *Dhanasar*. *Id.* at 889. As such, the Petitioner's assertions without corroborating documentation of the endeavor's broad impact do not establish the endeavor's national importance. *Matter of Chawathe*, 25 I&N Dec. at 375. Accordingly, the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework.

B. Whether the Petitioner Is Well-Positioned to Advance the Proposed Endeavor

We also agree with SCOPS that the Petitioner did not sufficiently demonstrate that she is well-positioned to advance the proposed endeavor. While the first prong of the *Dhanasar* framework focuses on the proposed endeavor and whether it has substantial merit and national importance, the second prong shifts the focus to the individual petitioner and whether they are well-positioned to advance it. To determine whether an individual is well-positioned to advance the proposed endeavor, we consider factors including, but not limited to: their education, skills, knowledge, and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Dhanasar*, 26 I&N Dec. at 890.

We first consider the factors regarding the Petitioner's education, skills, knowledge, and a record of success in related or similar efforts. The Petitioner studied psychology as an undergraduate student and earned a master's degree in aging services management. The U.S. Department of Labor Form ETA-9089, Application for Permanent Employment Certification, indicates that the Petitioner's past work experience consists of working as a media intern for the [redacted] program from September 2022 to November 2022 while she was an undergraduate student and as a community engagement specialist intern for the [redacted] from May 2024 to August 2024. Since December 2024, she has been working as a care services liaison at [redacted], helping members with community resources and social benefits, offering translation services, and providing one-on-one psychosocial support. In Part 6 of the Form I-140, "Basic Information About the Proposed Employment," the Petitioner listed her job title as "aging services management" and indicated that she is "[a]n accomplished professional whose unique expertise combines psychology, multimedia marketing, and aging services management."

However, the record does not sufficiently demonstrate her skills, knowledge, and a record of success. Although the Petitioner has a master's degree in aging services management, her skills and knowledge are limited to two internships and her recent employment at the adult health care center that began a month before filing of the petition. We have also considered the statements of support submitted by the Petitioner, but these letters do not adequately explain how the Petitioner's work has been utilized in the field or otherwise constitute a record of success. The Petitioner presented her journal article on improving happiness of community aged care but does not claim that she received high number of citations for this publication, or such publication is directly tied to her innovations or solutions in the field. Additionally, the Petitioner has not sufficiently explained how her publication on automobile brand marketing relates to a record of success in the field of aging services management.

Regarding the petitioner's model or plan for future activities and any progress toward achieving the proposed endeavor, we also similarly conclude that the evidence in the record does not weigh in favor of demonstrating that the Petitioner is well-positioned to advance the endeavor. In describing the future

activity, the Petitioner indicated that her plan is to start a non-profit organization and make partnerships with local health department and other federal health care service networks. But the record lacks documentation and corroborating evidence regarding the Petitioner's plan or progress towards achieving these goals. It is unclear how much progress she has achieved on establishing the non-profit organization, how she plans to form local and federal partnerships, or how she will find time and resources to advance research on virtual aging support. The Petitioner has not provided persuasive details that would support realization of her future activities.

Additionally, the record does not demonstrate interest from potential customers, users, investors, or other relevant entities or individuals. *Dhanasar*, 26 I&N Dec. at 890. In *Dhanasar*, we noted that the petitioner submitted expert letters from individuals holding senior positions in academia, government, and industry that described the petitioner's specific area of research and had received "consistent" government funding of research projects in which he played a "significant" role, specifically that he initiated or was the primary award contact on several funded grant proposals. *Id.* at 893. Here, the Petitioner has not shown a similar level of interest from the relevant parties in the field.

Although the Petitioner has degrees in psychology and aging services management, the record does not demonstrate a sufficient record of success, progress, models or plans for her future activities, or interest in her work from relevant parties, to show that she is well-positioned to advance the proposed endeavor, which is to broadly impact the aging services management for the nation, as she claimed. We therefore conclude that the Petitioner has not met the second prong of *Dhanasar*.

## III. CONCLUSION

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