U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40928801

Date: JAN. 30, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a psychologist, 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 the record did not establish the Petitioner's eligibility for the requested national interest waiver. 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. An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(K)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

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. NATIONAL INTEREST WAIVER

SCOPS determined that the Petitioner qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. We agree with this determination. Therefore, the remaining issue is whether the Petitioner established eligibility for a national interest waiver under the *Dhanasar* framework.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We agree with SCOPS' conclusion that the proposed endeavor has substantial merit as it falls within the range of areas of substantial merit, namely health and education. *Id.* However, while the Petitioner has established that the proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner states that his specialized skills and expertise are in the national interest of the United States since "his presence in the country would enhance the capacity of mental health services providers to meet the needs of the U.S. population and contribute into public health, national wellness and wellbeing." The Petitioner pointed to the National Institute of Mental Health Strategic Plan and asserted he could contribute to this national initiative through the provision of "high-quality services" including therapy, social services counseling, and crucial support for people with a variety of mental diseases. He also indicated that he would serve the U.S. population and implement a variety of social programs to establish and maintain public mental health through the involvement of social and public agencies.

SCOPS later issued a request for evidence (RFE) stating that it was not apparent how the Petitioner's proposed mental health services would have global or national implications in his field beyond those he immediately served or how it would have significant potential to employ U.S. workers. As such, SCOPS asked for additional evidence to establish the potential prospective national impact of the Petitioner's proposed endeavor including a more detailed description of his proposed endeavor and why it had national importance, and how it would have national implications within his field, the significant potential to employ U.S. workers or have substantial positive economic effects, broadly enhance societal welfare, and/or impact a matter that a government entity described as having national importance.

In response, the Petitioner emphasized that the United States is facing a "mental health emergency" magnified by the COVID-19 pandemic, pointing to reports on mental health issued by the Centers for Disease Control (CDC) and the White House. The Petitioner asserted that his proposed endeavor directly responds to these priorities through his nonprofit organization focused on bridging "gaps in

trauma-informed care through community-based programming, professional training, and multilingual outreach, particularly in Health Professional Shortage Areas (HPSAs)." The Petitioner indicated his organization would provide direct counseling services to survivors of trauma and marginalized groups, with a target on Albanian and Spanish-speaking populations, "two fast growing, yet underserved, groups in boroughs like the [redacted]" He stated that his endeavor would include a training and certification program "to upskill paraprofessionals and mental health first responders." The Petitioner further explained that his organization would focus on traditional artisan crafts in the aforementioned [redacted] communities for "creative and therapeutic value" and to provide a home-based income stream for women seeking assistance from his organization.

In addition, the Petitioner indicated that his proposed endeavor would address public mental disparities, particularly amongst immigrants, refugees, and trauma survivors; economic exclusion of marginalized women (including survivors of violence and long-term unemployed individuals); and loss of cultural heritage. He claimed that his combination of trauma-informed psychological services and cultural heritage-based employment in the social enterprise model would improve community and health outcomes, foster economic and multicultural inclusion, and support children with disabilities and vulnerable youth. The Petitioner asserted that this model aligns with public health goals outlined by the U.S. Surgeon General, the CDC, and the U.S. Department of Health and Human Services (HHS) while supporting the public interest by promoting diversity, social inclusion, and "diaspora engagement."

In denying the petition and concluding the Petitioner did not demonstrate the national importance of his proposed endeavor, SCOPS indicated he submitted an entirely new proposed endeavor in response to the RFE than that articulated in support of the petition. SCOPS determined that the evidence did not demonstrate the Petitioner's services would extend beyond those to which his organization would provide services to result in a national level impact. SCOPS further stated the Petitioner did not properly establish that his proposed endeavor would have the significant potential to employ U.S. workers.

On appeal, the Petitioner contends that his organization's mental health services would expand through "the training pipeline and telehealth expansion" multiplying its reach far beyond its individual clients. The Petitioner asserts that the provided evidence demonstrates national importance based on its alignment with various government initiatives related to mental health, including those from the Surgeon General, HHS, the Health Resources and Services Administration (HRSA), and the Substance Abuse and Mental Health Administration (SAMHSA). The Petitioner contends his proposed endeavor would expand nationally through telehealth, "cross-sector integration," "paraprofessional training," and "modular pilots." The Petitioner also emphasizes the economic impact resulting from his proposed endeavor, including the jobs created during the first year and the reduced system costs resulting from early intervention on mental health issues.

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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.

The Petitioner provided a wide array of assertions regarding the focus of his proposed endeavor leaving question as to its potential prospective national impact. For instance, in support of the petition, the Petitioner provided only generic assertions as to his proposed endeavor, mostly highlighting his skills and experience and his entry into the United States as a psychologist, with little indication as to what specific services he would provide. While we recognize that the Petitioner gained experience while employed abroad, a petitioner's expertise and record of success is a consideration under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.*

In response to the RFE, the Petitioner then emphasized a non-profit organization providing direct counseling services to Albanian and Spanish-speaking populations in [redacted] NY, including "cultural heritage-based employment in the social enterprise model." Now, on appeal, the Petitioner points to the national expansion of his organization's mental health services through "the training pipeline and telehealth expansion," contending it would its reach far beyond its individual clients. Because the Petitioner was put on notice and given a reasonable opportunity to provide this evidence on the nature and impact of his proposed endeavor, we will not consider new assertions and evidence as to this issue for the first time on appeal. See Matter of Furtado, 28 I&N Dec. 794, 801-02 (BIA 2024) (declining to consider new evidence on appeal when the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it) (citing Matter of Soriano, 19 I&N Dec. 764, 766 (BIA 1988)); see also 8 C.F.R. § 103.2(b)(11) (requiring that in response to a request for evidence or notice of intent to deny, all evidence must be submitted together at one time and that submitting only some of the requested evidence will be considered a request for a decision on the record). A petitioner may not make material changes to a petition that has already been filed in an effort to make a deficient petition conform to USCIS requirements. *Matter of Izummi*, 22 I&N Dec. 169, 175 (Assoc. Comm'r 1998).

Although we acknowledge that a petitioner may expand on its assertions and provide additional evidence in response to the RFE, or even on appeal, the Petitioner here has provided a wide range of statements regarding the focus and potential prospective impact of his proposed endeavor. The Petitioner clearly stressed a more localized focus on Albanian and Spanish speaking populations in certain parts of [redacted] in response to the RFE, with an emphasis on women-based businesses creating and selling cultural arts and crafts. Given the localized focus of this endeavor, it is not apparent how this would have a significant national impact. The Petitioner is required to demonstrate that the Beneficiary's proposed endeavor will have national or even global implications within a particular field or the significant potential to broadly enhance societal welfare. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual. The Petitioner has not sufficiently articulated and documented how his provision of locally based mental health services and small business development for women would have an impact on treating mental illness nationally or impact national level problems resulting from mental illness. For example, the Petitioner questionably asserts that his local level non-profit work would have a national impact on the nation's public health and wellness, an overall "mental health emergency" in the United States, public mental disparities amongst immigrants, refugees, and trauma survivors, economic and multicultural inclusion, support for children with disabilities and vulnerable youth, among other large national issues. The Petitioner

proposed to provide services mainly to two immigrant communities in certain neighborhoods in [redacted] However, it is reasonable to conclude that there are numerous other similar immigrant communities in other major metropolitan communities in the United States. In fact, the Petitioner indicated that 3 million people in [redacted] were immigrants, or around 36% of its population, leaving uncertainty as to how his proposed endeavor in two neighborhoods with only two immigrant populations would even have a significant impact on [redacted].

The Petitioner regularly indicated that his proposed endeavor would contribute to, or be in alignment with, mental health initiatives from a variety of different government entities. However, a proposed endeavor merely contributing to a national issue that is subject to a government priority or initiative is not reflective of a potential prospective national impact. The Petitioner's wide-ranging assertions as to potential prospective national impact crossing numerous societal issues and government initiatives leaves substantial question as to whether the Beneficiary's proposed non-profit work would have a significant impact on any of them. To illustrate, the Beneficiary emphasized several times on the record that 1 in 5 U.S. adults experience mental illness each year, as well as 1 in 6 U.S. youths, a massive number of Americans, leaving question as to whether his very specialized and localized proposed endeavor would have a national level impact on this problem. A mere potential contribution to various matters of national-level interest does not establish that a proposed endeavor is of national importance. The proposed endeavor must have broad and significant national implications. Generalized conclusory statements that do not identify a specific impact to the field have little probative value. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and provided substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id.*

Here, the Petitioner's assertions of potential prospective national importance are non-specific and based on a wide range of potential national level impacts. There is also little indication that there is specific interest from the U.S. government regarding the advancement of Beneficiary's work or that his non-profit organization would contribute significantly to the nation's mental health problems. The Petitioner provided only vague assertions on appeal about the potential of expanding his mental health services through electronic means with little detail and support. The Petitioner also submitted little evidence to substantiate that the Beneficiary's non-profit services stand significantly apart from those provided by the organizations working with marginalized immigrant communities, or those advancing mental services for the public. It is not clear how the Petitioner's mental health services would have nationwide impact on immigrants and have far-reaching societal and economic impacts, particularly since the endeavor he proposed in response to the RFE was only focused on two specific communities in two parts of [redacted] The Petitioner must resolve ambiguities in the record with

independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

Lastly, the record does not establish that the Petitioner's endeavor "has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area." *Dhansar* at 890. The Petitioner vaguely indicated that his proposed endeavor would have a national level impact on economic development and have a significant impact on job creation through empowering small businesses and underserved communities. The Petitioner provided a business plan projecting that it would hire 20 individuals over a five-year period. It is not clear how this level of employment over five years would represent significant job creation or economic activity consistent with a national level impact. The Petitioner also indicated his non-profit organization would assist women to begin small enterprises using their cultural crafts, but it is not evident how this would represent significant employment or have a substantial positive economic effect. Likewise, the Petitioner emphasizes on appeal reduced system costs resulting from early intervention on mental health issues; but again, given the scale and focus of his endeavor, it appears unlikely his endeavor would have a significant national impact on the costs resulting from mental health issues in the nation. Although any basic economic activity resulting from the Petitioner's work has the potential to positively impact a local economy, he has not provided sufficient explanation of the prospective national impact directly attributable to his proposed work or established how his endeavor would significantly impact an economically depressed area.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

III. CONCLUSION

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