U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38892987

Date: JUL. 08, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a teacher, 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 record did not establish that a waiver of the required job offer, and thus of a 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 is an English Language Arts teacher who endeavors to study the effect of the Florida Assessment of Student Thinking (FAST), a statewide assessment test administered to students, in Florida charter schools. The Petitioner asserts her goal is "to develop an empirical model that will predict students' academic performance by examining the interplay between the utilization of FAST, teachers' instructional effectiveness, and principals' leadership efficacy."

A. Substantial Merit and National Importance

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.* In *Dhanasar*, we noted that "we look for broader implications" of the proposed endeavor and 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 asserts that SCOPS misrepresented her endeavor by erroneously and narrowly characterizing the Petitioner only as a secondary school teacher. The Petitioner contends this description does not encompass her proposed "in-depth study on the impact of the Florida Assessment of Student Thinking (FAST) in charter schools, aimed at creating evidence-based strategies to improve student outcomes, enhance instructional practices, and inform educational policy." However, in analyzing the national importance of the Petitioner's endeavor, SCOPS went beyond the Petitioner's role as a teacher in finding "it is not apparent how" her proposed study "[redacted]" would rise to the level of global or national implications for the field. Upon de novo review, we concur with SCOPS that the Petitioner has not established the national importance of her proposed endeavor.

On appeal, the Petitioner claims her proposed study has national importance as it addresses "critical national educational objectives such as closing achievement gaps, enhancing instructional quality, and supporting leadership development in schools across the state." Letters of support from [redacted] principal and former assistant principal claim the Petitioner's endeavor "aims to provide critical insights that could transform educational practices . . . across the United States," and have "a profound and lasting impact on the field." Similarly, the Petitioner claimed in response to SCOPS' request for evidence that her endeavor goes beyond identifying optimal practices for charter schools "by addressing national educational equity," placing "a strong emphasis on cultural and community engagement," and creating "a scalable model for impactful, sustainable advancement in

the U.S. educational landscape." We acknowledge the Petitioner's and the support letters authors' claims that her proposed endeavor will have wide-ranging impacts on the field of education. And while we concur with the importance of the field of education, the assessment of national importance is not focused on the importance of principles or fields in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

Here, the Petitioner submitted media articles indicating Florida implemented FAST, its statewide assessment test, in 2022. The letters of support from former and current administrators of Palm Beach Maritime Academy state that the Petitioner is employed as a sixth-grade teacher at the Florida charter school. The letters indicate that during her employment as a teacher, the Petitioner's lesson plans were impacted by her analysis of FAST data, which resulted in "higher proficiency levels" for "a majority of her students." As such, the record demonstrates the Petitioner's analysis of FAST data has resulted in favorable results to the students in her sixth-grade classroom. To complete her proposed endeavor, the Petitioner intends to gather data from 47 other charter school principals in [redacted] Florida and work with a statistician and data analysis to "address[] [charter schools'] specific needs and challenges." However, the record, including the Petitioner's study proposal, does not sufficiently explain how her analysis of charter schools in a singular county of Florida, and in the context of a state-specific assessment test, would exert broader implications in the larger field of education beyond the assessed schools.

Similarly, in response to SCOPS' request for evidence, the Petitioner claimed her proposed endeavor will create "direct economic benefits by establishing job opportunities for educators, data analyst, instructional coaches, and program managers." The Petitioner asserted the plans that results from her research would "specifically target economically depressed areas, contributing to community economic growth through educational innovation and workforce development." However, aside from these assertions, the record does not sufficiently demonstrate how the Petitioner's proposed study would result in economic growth and job creation.

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

B. Additional *Dhanasar* Prongs and Ineligibility

As our finding on this issue is dispositive of the Petitioner's appeal, we decline to reach and reserve whether the Petitioner has met the additional 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

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude the Petitioner has not demonstrated eligibility for or otherwise merits a national interest waiver as a matter of discretion.

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 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.