U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42784737

Date: JUL. 08, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a hospital, seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary, a social worker, 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 that the record did not establish 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. 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 that the beneficiary is 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

SCOPS determined that the Beneficiary qualifies as a professional holding an advanced degree. The record supports that determination; she has a master's degree in social work from [redacted] The remaining issue to be determined on appeal is whether the Petitioner has established that a waiver of the requirement of a job offer for the Beneficiary, and thus a labor certification, would be in the national interest.

The Beneficiary is a clinical social worker specializing in pediatric social work for marginalized populations. The Beneficiary's endeavor is to continue her work with the Petitioner, [redacted] at a hospital in Washington. According to the Petitioner, the Beneficiary is developing practices, policies, and programs to reach underserved communities.

Although SCOPS determined that the Petitioner established the substantial merit of the proposed endeavor, SCOPS concluded that the Petitioner did not establish the endeavor's national importance, that the Beneficiary is well positioned to advance the endeavor, or that, on balance, it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner asserts that SCOPS failed to engage with the evidence, ignored aspects of the Beneficiary's work, and reached conclusions that contradict the record. The Petitioner maintains that the record establishes the Beneficiary's eligibility for a national interest waiver.

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.* The relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* In *Matter of Dhanasar*, we further 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.

On appeal, the Petitioner asserts that the Beneficiary's endeavor to continue her work has national importance because it directly addresses nationally documented deficiencies in pediatric behavioral health systems, child welfare coordination, and involves the implementation of federally mandated frameworks. The Petitioner also asserts that SCOPS failed to consider that the Beneficiary's work "produces systemic benefits that extend beyond any single employer" and that SCOPS did not meaningfully evaluate opinion letters that confirm the Beneficiary's "national relevance" because the

letters provide "detailed, field-specific analysis demonstrating that her work addresses systemic national gaps and that her frameworks are clinically sophisticated and scalable." As discussed below, these assertions concerning the significance of the Beneficiary's work are not supported by the evidence of record.

To provide context for the proposed endeavor, the Petitioner submitted documentation concerning the role of social work in public health, child welfare systems and prevention programs, behavioral health diagnoses and treatment services for children and youth, and trauma-informed care in child health systems. Included with this documentation is information about Plans of Safe Care (POSC), a component of the Child Abuse Prevention and Treatment Act. According to documentation from a National Governors' Association meeting, the POSC component requires various entities, including delivery hospitals, to collaborate, develop, update, implement, and monitor recovery and care plans for infants and family members affected by substance use disorder during pregnancy.

A letter from a social services specialist supervisor with the [redacted] states that, "[i]n partnership" with social workers like the Beneficiary, the [redacted] establishes POSC programs with hospitals in the state, and they worked with the Beneficiary to develop a POSC for the Petitioner. This hospital-based system, the letter states, was created within the POSC framework by the Beneficiary in collaboration with medical staff. The letter adds that the Petitioner was one of the first hospitals in Washington to implement a POSC and that the system "is the model for hospitals around the state." The letter adds that the "program was featured by the BUILD Initiative as a successful community-based model to better serve infants and families in moving away from family separation." The letter also adds that "[the Beneficiary's] program was promoted on a national webinar hosted by Casey Family Programs." According to the Petitioner, these organizations are widely recognized for setting evidence-based standards, informing federal and state policy, and advancing innovation in child welfare and early childhood systems. The letter states that the fact that the Beneficiary was "featured" by these organizations "is a strong indicator of her national thought leadership in child and family well-being." On appeal, the Petitioner reiterates that the Beneficiary's "model was highlighted in national presentations . . . ."

But the Petitioner's claims are not corroborated by the evidence of record. The record includes slides from a webinar series hosted by the BUILD Initiative and a brief from Casey Family Programs about how POSCs can help infants and families affected by prenatal substance exposure, which provides examples of how POSC programs have been implemented in various states. The documentation, however, does not identify the Beneficiary or explain any role she played in the POSC development for the Petitioner, nor does the record contain information from other sources to clarify how recognition of a POSC program from the BUILD Initiative or Casey Family Programs establish the significance of the Beneficiary's specific contributions to developing the program.

In fact, the record does not include details concerning the Beneficiary's contributions beyond reference in the letter from the [redacted] specialist regarding her role as a subject matter expert for the hospital's POSC system. Further, the record does not contain objective documentation to establish that the Petitioner's POSC served as a model for other hospitals in Washington or any other states. Critically, the record does not offer objective evidence of what specific impacts the Petitioner's POSC has had, nor does the record include documentation detailing broader impacts tied directly to the Beneficiary's work to demonstrate that it rises to a level commensurate with national importance. A petitioner must

support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The record includes several letters from individuals familiar with the Beneficiary's work. While these letters provide an overview of some of the Beneficiary's contributions to her employer, they do not provide insight into the potential prospective impact of her proposed endeavor. For instance, a letter from the medical director at [redacted] describes the Beneficiary's role leading the development of a coordination tool titled Pathway for Placing Pediatric Patients, a guide for emergency staff to secure the best available inpatient and outpatient placement while also equipping families with resources and support during extended waiting periods. The letter asserts that the Beneficiary's "efforts to improve children's mental and behavioral health through this Pathway create scalable models that inform national best practices" and that, "[o]ver time, these community-based advancements contribute to nationwide improvements in equity, access, and quality of care for youth."

The record, however, does not include sufficient evidence to support the author's assertions. We note that the author also refers to the Pathway tool as an "escalation protocol . . . created within the broader multi-state [redacted] that the Beneficiary was involved in designing, and the record includes a five-page document entitled "Pediatric Behavioral Health Patient Workflow." It is not clear whether or to what degree this document is attributable to the Beneficiary, nor does the record include evidence of whether or how the use of the protocol has or will result in effects demonstrating the potential prospective impact of her work.

The letter also mentions the Beneficiary's involvement with the [redacted] a coalition of healthcare and emergency response partners focused on planning coordinated regional responses to healthcare emergencies. The letter adds that she is also involved in a working group within the [redacted] that meets to coordinate best practices, share resources, and address gaps in pediatric behavioral health care in Washington. Although the letter states that the Beneficiary "plays a critical role in shaping statewide strategies to improve mental health services for youth," the letter is not accompanied by evidence of what, specifically, she has contributed or will contribute through her involvement in these groups to demonstrate the broader impacts of her work. While the author lauds the Beneficiary as an innovative and compassionate leader, the author's assertions that her work creates scalable models informing national best practices and contributing to nationwide improvements in youth healthcare are not sufficiently supported by the evidence of record.

Additional letters are present in the record, including a letter from a regional director with the Beneficiary's former employer, [redacted] The letter states that she served on a transitions-of-care taskforce, contributing to the establishment of a regional standard of care, the enhancement of electronic communication among safety-net providers, and the reduction of service duplication. A letter from the chief of [redacted] family medicine department explains how the Petitioner developed the "Role Clarity Framework" to delegate clear responsibilities for the roles of social workers and substance use disorder professional counselors. An opinion letter from the manager of the [redacted] states that when clinicians have access to tools like those developed by the Beneficiary, "improvements ripple across systems, shaping outcomes for thousands of vulnerable children nationwide." A second opinion letter from a court officer and child welfare supervisor for [redacted] California, states that the Beneficiary's assessment tools improve the consistency and safety of hospital referrals to child

protective services. A letter from a pediatrician with the [redacted] states that the Beneficiary's creation of the Pathway for Placing Pediatric Patients "represents a meaningful, measurable advancement in pediatric behavioral health."

Although these letters express admiration for the Beneficiary's work to aid in the provision of health and welfare services for children and families, the record does not establish how her work, specifically, will have broader implications for the field. For example, the aforementioned letter from the [redacted] states that her Role Clarity Framework has been "adopted across multiple clinical units" and has "resolv[ed] the ambiguity of responsibility across disciplines and agencies." The record, however, does not include supporting documentation to demonstrate the framework's adoption or its impact. These letters also use vague and generalized terms to characterize the Beneficiary's work, such as stating that she has shaped statewide strategies, identified service gaps, and proposed scalable solutions, but they do not identify specific outcomes or offer evidence-based explanations of the potential impacts of her work.

Under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 376; *see also Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). Here, much of the evidence concerning the purported national importance of the Beneficiary's proposed endeavor consists of uncorroborated assertions. Again, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. In *Matter of 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." *Matter of Dhanasar*, 26 I&N Dec. at 889. Here, the Petitioner has not provided sufficient evidence to demonstrate that the potential prospective impact of the Beneficiary's proposed endeavor rises to the level of national importance. *Id.*

The Petitioner also submitted information concerning social worker and behavioral healthcare workforce shortages to demonstrate the importance of the Beneficiary's endeavor, including the aforementioned letter from the [redacted] The letter states that the Beneficiary is "actively addressing the national behavioral health workforce shortage through her mentorship of Master of Social Work students from universities in Washington and Missouri. By training the next generation of trauma-informed clinicians, she is helping to build a more resilient and responsive behavioral health infrastructure for children and families across the country." The record, however, does not contain documentation explaining how her student mentorship will have an impact to the degree that it would affect any national shortages. Further, such shortages are directly addressed by the U.S. Department of Labor through the labor certification process. In *Matter of Dhanasar* we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. Here, it is not evident that the Beneficiary's mentorship would extend beyond benefits to individual students to have an impact of national importance.

The record does not establish the national importance of the Beneficiary's proposed endeavor as required by the first prong of *Matter of Dhanasar*. Therefore, the Petitioner has not demonstrated the Beneficiary's eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments

concerning eligibility under the *Dhanasar* framework. *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

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, they have not established that the Beneficiary is eligible for or otherwise merits a national interest waiver as a matter of discretion. The petition will remain denied.

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.