U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 31491314

Date: JULY 16, 2024

Appeal of Texas Service Center Decision

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

The Petitioner, an industrial and organizational 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).

The Director of the Texas Service Center denied the petition, concluding the Petitioner qualified for 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

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. While neither the statute nor the pertinent regulations define the term "national interest," *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v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).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 submitted evidence of her United States master's degree in organizational psychology. The Director determined that the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether she qualifies for and merits a waiver of the job offer requirement in the national interest.

In her professional plan, the Petitioner states she will continue working in the field of industrial and organizational psychology as a human resources representative at a large human resources consulting company providing services to small- and medium-sized businesses across the United States. The Petitioner explains she will advise clients on minimizing workplace burnout, stress, and turnover to optimize their operations and productivity.

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* The Director determined the Petitioner's proposed endeavor has substantial merit. We agree.

The Director concluded, however, that the Petitioner did not establish the national importance of her proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. The Director determined the Petitioner did not establish that her proposed endeavor would have national or global implications within her field, would have significant potential to employ U.S. workers, would broadly enhance societal welfare, or would impact a matter that the government has deemed to have national importance.

On appeal, the Petitioner asserts she established her eligibility by a preponderance of the evidence, but the Director denied her petition without discussing her arguments and supporting evidence. Although the Director did not discuss all of the Petitioner's claims and evidence in detail, the Director listed the evidence submitted initially and in response to their request for evidence (RFE) and explained why the evidence was insufficient to establish the national importance of the Petitioner's proposed endeavor. When USCIS provides a reasoned consideration of the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *aff'd Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); and

Kazemzadeh v. U.S. Atty. Gen., 577 F.3d 1341, 1351 (11th Cir. 2009). De novo review of the record shows no error in the Director's determination.

The Petitioner asserts her proposed endeavor has national importance because "human capital is positively correlated to economic growth." The Petitioner claims substantial positive economic effects would result from her work with companies to reduce burnout, absenteeism, poor engagement and turnover, which would result in substantial cost savings to small and medium businesses, and the U.S. economy as a whole. The Petitioner submitted articles discussing these issues, including industrial-organizational psychology, the costs of worker illness and injury to employers, calculating and using absenteeism rates, the need for a skilled workforce for a competitive economy, how bad management holds back growth, the relationship between human capital and economic growth, engagement and wellbeing in the workplace, how human resources can establish profitable relationships, employee engagement statistics, employee coaching, workplace stress, employee turnover, employee mental health, and employee wellbeing as key to workplace productivity. These articles address issues important to industrial and organizational psychology as applied to the workplace, but they do not mention the Petitioner or her specific proposed endeavor. Our assessment of national importance does not focus on the importance of issues to the field in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Dhanasar*, 26 I&N Dec. at 889.

The Petitioner also claims her proposed endeavor will "benefit the United States at a macroeconomic level by improving business conditions and, consequently, growing economic activity." The Petitioner further asserts her proposed endeavor has the potential to broadly enhance societal welfare by addressing work-related mental health conditions. In her business plan and personal statements, the Petitioner indicated that she would work in human resources for companies in the United States. The Petitioner does not establish that her work would extend beyond individual companies to impact employee mental health or the economy more broadly on a level commensurate with national importance. *See id.* (explaining "we look for broader implications").

The Petitioner also claims her proposed endeavor has national importance because she will create "cutting-edge HR solutions to support companies to adapt to this new era of employees and remain competitive." In her personal statement submitted in response to the RFE, the Petitioner stated she would develop and manage interventions such as team effectiveness, mindfulness and coaching techniques, establish conducive work environments, contribute to work-life balance culture and organizational career development systems, and implement assessments such as the Myers-Briggs Type indicator. The Petitioner did not indicate that she developed any of these interventions, techniques, systems or assessments, or that her specific work would otherwise have national or even global implications for the field of industrial and organizational psychology. *See id.* at 889 (citing improved manufacturing processes or medical advances as examples of national or global implications within a particular field).

The Petitioner submitted a letter from N-Y-[2], Associate Professor of Psychology at [redacted] expressing her opinion that the Petitioner qualifies for a national interest waiver. On appeal, the Petitioner asserts Professor Y- explains how the Petitioner's proposed endeavor has national importance. Professor Y- discusses the impact of stress and depression on the workforce and states

[2] We use initials to protect the privacy of the individual referenced in this decision.

the Petitioner can alleviate these issues by implementing workplace health promotion programs, which will broadly enhance societal welfare or cultural enrichment. Professor Y- does not, however, indicate that the impact of the Petitioner's proposed endeavor would extend beyond the individual companies with which she would work to impact her field more broadly. *See id.* (explaining "we look for broader implications"). Professor Y- also states that by using psychology in the workplace, the Petitioner would reduce stress and increase productivity, resulting in substantial positive economic effects. Professor Y- does not indicate, however, that the Petitioner's proposed endeavor has significant potential to employ U.S. workers or has other substantial positive economic effects that would extend beyond the individual companies where she would work. *See id.* at 890 (discussing substantial positive economic effects).

Both Professor Y- and the Petitioner further assert her proposed endeavor has national importance because it impacts a matter that a government entity has described as having national importance. Professor Y- cites articles on introductory psychology in undergraduate education. The citations do not indicate that the articles were authored by government entities and Professor Y- does not explain the relevance of this issue to the Petitioner's proposed endeavor. On appeal, the Petitioner cites a report of the National Academy of Public Administration on elevating human capital at the Office of Personnel Management, which she claims shows the importance of human capital management to the federal government. We do not discount the importance of human capital management, but our assessment of national importance does not focus on the importance of issues to the field in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

The Petitioner claims her proposed endeavor has national importance because it will result in "positive impacts to American people, American companies and the national economy." In *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, the Petitioner has not established that her proposed endeavor would sufficiently extend beyond individual companies to impact the field of industrial and organizational psychology more broadly at a level commensurate with national importance. *Cf. id.* at 892 (citing media articles and other evidence documenting Congressional interest in Dhanasar's research).

Although the relevant evidence establishes the substantial merit of the Petitioner's proposed endeavor, it does not demonstrate that the Petitioner's proposed endeavor would have significant potential to employ U.S. workers, other substantial positive economic effects, national or even global implications within her field, or other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of her specific proposed endeavor and she does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of her eligibility under the second and third 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

The Petitioner has not established the national importance of her proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, she has not demonstrated that she is eligible for or merits a waiver of the job offer requirement in the national interest as a matter of discretion.

ORDER: The appeal is dismissed.