U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43216984

Date: JUNE 1, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a training and development specialist, 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 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 since 2021 she has been employed as an advanced placement physics teacher at a high school in Missouri where she also served as a science curriculum writer. The Petitioner indicates that prior to this she taught science and mathematics at several "well-regarded institutions in the Philippines" and that she has over eight years of fulltime teaching experience. The Petitioner notes that she earned a Master of Arts degree in educational leadership and management in 2024 and a bachelor's degree in secondary education, with a major in physics, in 2017.

The Petitioner indicated that she intended to design and implement a nationally adaptable teacher training framework focused on physics and science instruction tailored specifically for kindergarten through twelfth grade (K-12) educators serving low-income and historically underserved school districts. The Petitioner stated she would begin a consulting company to develop this framework called STEM E-E-C- operating in Missouri. The Petitioner asserted that her proposed endeavor supported broader U.S. objectives in science education, workforce development, and equity, aligning with strategic goals outlined in the Science, Technology, Engineering and Mathematics (STEM) Education Strategic Plan released by the National Science and Technology Council (NSTC). She explained that these strategic goals focused on expanding access to high-quality STEM instruction in underserved communities and developing a robust STEM teaching workforce.[2] She also indicated that her frameworks would align with the Next Generation Science Standards (NGSS), Universal Design Learning (UDL), and state-level licensure standards which would expand the impact of her consulting company beyond the confines of one institution and address root causes of academic

[2] The Petitioner further pointed to several other federal initiatives she claimed that her endeavor directly aligned with, including the STEM Opportunity Act, the Education Innovation and Research (EIR) program, and strategies promulgated by U.S. Department of Education, the National Science Foundation (NSF), and the Office of Science and Technology Policy (OSTP).

underperformance in science, namely "the lack of discipline specific, context-aware, and equity-centered professional training for teachers in underserved schools."

SCOPS later issued a request for evidence (RFE) stating that it was not persuaded by the Petitioner's assertion that a shortage of science and mathematics professionals would be significantly impacted by her proposed endeavor. SCOPS further acknowledged the importance of STEM fields but indicated that the Petitioner did not sufficiently establish how her work would have a broad impact on the U.S. economy or public welfare. 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 her proposed endeavor and why it had national importance, and how it would have national implications within her 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 asserted that her proposed endeavor would extend through pilots across multiple high schools, be published in peer-reviewed journals, and be supported by district leaders who attested to its "systematic value and adaptability" in submitted recommendation letters. The Petitioner again emphasized how her proposed endeavor aligned with federal government STEM education and equity mandates, "offering a replicable training framework that can be scaled across underserved K-12 school systems nationwide." The Petitioner indicated that she had already piloted her training model across two Missouri high schools and pointed to her co-development of a "districtwide Physical Science and AP Physics curriculum" aligned with state and national instructional standards, including the NGSS. The Petitioner stated that SCOPS improperly focused on an occupational shortage of STEM oriented educators and not on the "broader educational and societal impacts, including improved teacher capacity, strengthened instructional quality, and replicable programmatic infrastructure that may be adopted across multiple regions and school systems." The Petitioner pointed to support letters from colleagues within her school district in Missouri discussing how her proposed endeavor already operates as a "replicable model for teacher training and curriculum alignment" that would "strengthen the national STEM workforce pipeline and improve equity outcomes in high-need districts."

The Petitioner again emphasized the alignment of her proposed endeavor with several federal policies, such as the U.S. STEM Education Strategic Plan and the CHIPS and Science Act of 2022. She indicated that her consulting company would operate as a "service-based, impact oriented consultancy" such that its impact would be measured through scalable improvements to education systems, rather than economic impacts like hiring.

In denying the petition and concluding the Petitioner did not demonstrate the national importance of her proposed endeavor, SCOPS again determined that the Petitioner did not properly demonstrate the broad national impact of her proposed endeavor. SCOPS emphasized that the Petitioner did not sufficiently demonstrate how her new consulting business would be financed to effectuate a potential prospective national impact. SCOPS also concluded that the evidence did not establish a widespread national impact that would extend beyond her proposed consulting business clients.

On appeal, the Petitioner contends that SCOPS improperly focused only on the potential prospective economic impacts of her proposed endeavor. The Petitioner again asserts that the provided evidence

demonstrates that her proposed endeavor would address systemic national challenges in STEM education and align with federal policy priorities. The Petitioner states that her proposed endeavor operates as a "scalable, multi-institutional framework" that "has already produced institutionally adopted outputs." In sum, the Petitioner contends that she has established the broader implications of her proposed endeavor within her field and its substantial prospective national impact.

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.

As discussed, the Petitioner contends on appeal that SCOPS overemphasized her lack of business plans in determining national importance; however, we disagree. The Petitioner indicates she will establish a consulting company to disseminate her "replicable" physics and science instruction training framework to effectuate a national level impact. Yet, it is not sufficiently clear how she would distribute this model beyond its current parameters within one school district in Missouri. The Petitioner provides few details on how her proposed framework would extend to other districts, institutions, clients, non-profits, and "educational preparation programs" as claimed. The Petitioner did not sufficiently detail how the prospective development of her framework would be funded, and how her consulting company would be financially supported. For instance, the Petitioner stated that during its first year her company would be in a "lean pilot mode" with only $10,000 in funding, and that its funding would scale up to only a maximum of $47,500. Her funding projections are not suggestive of a consulting company likely to have a potential prospective national impact on science teacher instruction.

By comparison, the Petitioner discussed "historic investments" in K-12 "STEM-workforce development," including teacher training pipelines, through the CHIPS and Science Act of 2022. However, there was no indication that she had received any such funding or that she was likely to gain any in the future. Likewise, the Petitioner discussed potential pilot projects, but again, offered little detail on how, when, and where these would be implemented, and further how they would lead to a potential prospective national impact. Therefore, although we acknowledge that national importance can be established beyond economic impacts, the Petitioner proposes to effectuate her proposed endeavor through a consulting company and has provided little support for how it would operate, fund itself, and successfully develop a national physics and science instruction training framework. In fact, the Petitioner's assertions with respect to the development of her science teacher education framework were wholly prospective, leaving substantial uncertainty as to the likelihood of its potential prospective national impact. Further, our focus is not necessarily on its potential economic impacts, but how it could likely develop and disseminate an educational framework with broad national level impacts on public welfare as asserted. However, the Petitioner merely ignores this issue, vaguely indicating that it would be a "service-based, impact oriented consultancy," terminology it does not fully explain.

The Petitioner also provided little support and evidence to substantiate that her proposed education framework was innovative or would have broad impacts on her field. The Petitioner is required to demonstrate that her proposed endeavor will have national or even global implications within a particular field or the significant potential to broadly enhance societal welfare or the advancement of valuable technology or a field of study. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual. The Petitioner emphasizes that her proposed endeavor aligns with several national initiatives and the strategies of large national organizations, including the STEM Education Strategic Plan released by NSTC, the U.S. STEM Education Strategic Plan, and the CHIPS and Science Act of 2022, the STEM Opportunity Act, the EIR program, and strategies of the U.S. Department of Education, the NSF, and the OSTP, among others. The Petitioner stated that her proposed endeavor would *support* [emphasis added] broader U.S. objectives, rather than have a national level impact on them. Likewise, she indicated that her proposed framework "*may* [emphasis added] be adopted across multiple regions and school systems." However, the Petitioner must demonstrate that her proposed endeavor would have a substantial national-level impact on these large government initiatives and organizations rather than just contribute to, or be in alignment with, them in some way. 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 STEM education framework would have a significant impact on any of them.

On the contrary, the Petitioner's assertions with respect to potential prospective national importance were mainly based on her teaching experience abroad and her employment in one school district in Missouri. While it is true that a petitioner's expertise and record of success in previous positions are considerations under *Dhanasar*'s second prong, the second prong does not evaluate the prospective impact of an endeavor, but instead "shifts the focus from the proposed endeavor to the foreign national." *Id.* As such, while a Petitioner's background may be helpful in describing the nature of their field and prior work, it is not sufficient to establish the national importance of their proposed endeavor. Here, the Petitioner did not properly articulate and document the nature of her framework, nor how it could be considered a significant advancement or innovation in her field.

For instance, the Petitioner provided one scholarly work she authored [redacted] dated in [redacted] 2025 and published in the International Research Journal of Education and Technology. However, the Petitioner provided little support for how this one scholarly work was received in her field, how often it was cited, and whether it was commended in her field, beyond support letters from her colleagues in her Missouri school district. Similarly, the Petitioner asserted that she already piloted her training model across two Missouri high schools, yet there was little support for this assertion, and even if sufficiently substantiated, it is unclear how two pilot projects in one school district are indicative of a potential prospective national impact. The Petitioner also pointed to her co-development of a "districtwide Physical Science and AP Physics curriculum," but again, it is not evident how the development of a curriculum in one school district would be demonstrative of a potential prospective national impact on STEM teacher education. In fact, the supporting evidence indicated that the Petitioner developed the curriculum with five other colleagues just within her school district, leaving further question as to the potential impact of her work beyond her employment.

The Petitioner also projected that her proposed endeavor would lead to educating approximately 150 STEM teachers at ten school districts in three years; however, even if these plans were sufficiently supported with detail and projected funding, it is not clear how this would generate a potential prospective national impact. By comparison, the Petitioner elsewhere stated that the teacher shortages in physics alone were estimated at 15,000 to 23,000 nationwide. 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).

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, when comparing this proposed endeavor to *Dhanasar*, the Petitioner's assertions of potential prospective national importance are non-specific and based on a wide range of potential national level impacts related to various government initiatives. The Petitioner's assertions of potential prospective national impact are not sufficiently detailed, and she has provided little evidence to substantiate that she has made significant progress in developing her claimed education framework. There is also little indication that there is specific interest from the U.S. government regarding the advancement of her endeavor or that it would contribute significantly to the nation's ability to compete internationally in STEM education. It is reasonable to conclude, given the importance of STEM education, that there are many schools, nonprofits, companies, and professionals (as noted by the Petitioner) focused on improving the education of STEM educators. However, the specific nature of the Petitioner's methods, their innovation, and potential national impact is left largely unexplained. For example, the Petitioner regularly refers to her framework as scalable, replicable, and adaptable, but does not sufficiently explain how. In sum, it appears unlikely that the Beneficiary's proposed endeavor would have a potential prospective national impact on the various major societal issues claimed given the lack of supporting evidence to substantiate that her work would have significant potential to broadly enhance the advancement of methods in her field. Again, 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. at 582, 591-92.

SCOPS further concluded that the Petitioner did not sufficiently demonstrate how her proposed endeavor would extend beyond her proposed consulting company and her potential clients to effectuate a national-level impact. Benefits to a specific company or school district alone, even a company with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance. At issue is whether the petitioner can demonstrate that her individual endeavor stands to have broader implications, such as for a field, a region, or the public at

large. For instance, an individual who developed methods for use or sale by a given company may not be able to establish national importance based on evidence that this innovation will have benefits for the company or its clients alone. To establish broader public or commercial implications at a level consistent with national importance for the field or industry, the petitioner could demonstrate, through the submission of relevant evidence, widespread interest in adoption or licensing of their methods or novel and important operational processes. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https: //www.uscis.gov/policy-manual.

However, the Petitioner did not sufficiently clarify how her proposed consulting company would allow her asserted education framework to disseminate beyond the scope of her company, leaving uncertainty as to its potential prospective national impact. For instance, it is not apparent how her claimed innovations, even if explained, would be made publicly available rather than maintained as proprietary information. As noted, the Petitioner stated many times that her proposed framework was replicable, scalable, and adaptable, without describing in detail how, or how it was, or would be, innovative in the STEM education field. Therefore, the Petitioner has provided little support for how her proposed STEM education framework would have broader public implications at a level consistent with national importance for her field.

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.