U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43192629

Date: JUN. 11, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an assistant professor of sociology, 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 indicates that she is an assistant professor of sociology at [redacted] and that she previously earned a doctoral degree in sociology from the [redacted] The Petitioner states that she is an expert in the organizational dynamics of the criminal justice system. She explains that she analyzes policy initiatives related to criminal justice occupations, examines how new digital technologies could enhance the provision of essential services to the incarcerated population and their families, and performs research on international incarceration trends in Latin America to inform U.S. policies.

The Petitioner asserts that her research is of national importance because it contributes directly to national security, public health, and public welfare. She indicates that her work on professional enrollment and retention in criminal justice agencies identifies public policies that strengthen police departments, prosecutors, public defenders, and correctional staff, institutions vital for national resilience. The Petitioner also emphasizes a proposed project to implement digital technologies in prisons to improve prisoner access to healthcare and wellness services, reduce health disparities, and support rehabilitation. Further, the Petitioner states that her comparative work regarding incarceration trends in Latin America offers valuable insights into international penal practices and "supports regional stability and enhances the U.S.'s ability to engage in effective international criminal justice cooperation."

SCOPS later issued a request for evidence (RFE) stating that the Petitioner did not sufficiently establish a direct connection between her proposed endeavor and a broad national impact. 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 stated that her proposed endeavor has national importance because of its global implications for justice systems, asserting that her research could improve the justice system by informing policy on utilizing new technologies to support rehabilitation in prison as well as reduce recidivism and strengthen the retention of law enforcement professionals. The Petitioner pointed to the bipartisan Evidence-Based Policymaking Commission Act 2016 and a U.S. Government Accountability Office (GAO) report emphasizing the efficient collection of rigorous evidence as a part of government operations to construct effective public policy. She also indicated that her proposed research aligned with the mission of the National Institute of Justice (NIJ) within the U.S. Department of Justice prioritizing research in corrections, crime prevention, equipment and technology, justice system reform, and law enforcement. The Petitioner asserted that her research would address inmate mental health and well-being by facilitating family contact, improving prison conditions. She also indicated that she would investigate how to improve law enforcement retention rates ensuring an adequately staffed justice system. In addition, the Petitioner submitted letters from fellow professors discussing her research and her career in the field.

In denying the petition and concluding the Petitioner did not demonstrate the national importance of her proposed endeavor, SCOPS determined that the Petitioner did not demonstrate how her proposed endeavor would have a broad impact on her field as contemplated in *Dhanasar*. On appeal, the Petitioner contends that SCOPS did not properly analyze the evidence and misapplied *Dhanasar*. The Petitioner states that letters from her colleagues and the other evidence establishes the national importance of her proposed endeavor. The Petitioner asserts that her proposed endeavor has significant potential to broadly enhance societal welfare and contribute to the advancement of a valuable field of study.

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 noted by the Petitioner, she 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 national initiatives and interests such as evidence-based policymaking guidance promulgated by the GAO, the mission of the NIJ, and U.S. national security, among others. The Petitioner provided a wide array of potential national impacts including improved professional enrollment and retention in criminal justice agencies, the implementation of digital technologies in prisons to improve prison healthcare and rehabilitation and the enhancement the U.S.'s ability to

engage in effective international criminal justice cooperation. However, the Petitioner must demonstrate that she would likely have a broad national impact on these large government initiatives and issues rather than just contribute to them in some way.

The Petitioner did not sufficiently articulate the nature of her proposed research to demonstrate that it would likely have a potential prospective national impact on criminal justice employee retention, prison conditions, and national security. For instance, the Petitioner's proposed research is largely prospective and she provided little detail on her progress or the specific focus of her research, such as the technologies she proposed to implement into prisons to aide in healthcare and family support, the methods she would implement to improve the retention of criminal justice employees nationally, or the specific lessons from Latin America she intended to utilize to improve the U.S. justice system. In fact, the Petitioner generally refers to GAO evidence-based policy making guidance and indicates that this highlights how her work will inform the process of criminal justice reform, a standard for national importance that would allow almost any endeavor to satisfy the first prong of *Dhanasar* through any contribution. 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 little indication that there is specific interest from the U.S. government regarding the advancement of Beneficiary's research or that it would contribute significantly to the nation's criminal justice problems. For instance, the Petitioner emphasizes the overall mission of the NIJ and its focus on research in corrections, crime prevention, equipment and technology, justice system reform, and law enforcement. However, the Petitioner did not sufficiently substantiate that she is likely to have a potential prospective national impact on any of these major issues.

The Petitioner provided evidence indicating that she received no funding from NIJ or any other federal entities and that she received only small grants from universities such as $3000 in January 2025 to understand healthcare in the criminal justice system and $7,000 in April 2025 for summer research on the use of technologies in prisons, both from [redacted]. The Petitioner also submitted documentation reflecting that she received $8000 from a non-profit entity in December 2024 as support for her "to develop and share work on academic freedom." Although these grants are commendable, the amounts provided and the justifications for their award are not indicative of research that is likely to have a broad national impact on criminal justice employees and prisons, as

asserted by the Petitioner. The Petitioner provided a wide focus of activities from prison technology to Latin American criminal justice methods, leaving uncertainty as to the likelihood of her national impact and she did not sufficiently demonstrate that her proposed research and methods stood significantly apart from those already being employed in her field. In fact, the grant award documentation appears to suggest she is only beginning her research on these topics. 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).

The Petitioner also emphasizes letters from her colleagues in the field of criminal sociology she asserts reflect the national importance of her proposed research. However, the letters indicate that the Petitioner is only just beginning her career, as she was recently appointed as an assistant professor at [redacted] in the fall of 2024 teaching one course, introduction to criminology.[2] In contrast, she provides support letters from full professors and the heads of sociology and criminal justice departments, including the chair of the [redacted] sociology and criminal justice department. The Petitioner does not establish that she, or her research, stands apart from these seemingly more accomplished colleagues and their research, and in one case, her superior.

For instance, the Petitioner provided a letter from a criminal justice professor from [redacted] who stated that he was "published extensively" and that he had received substantial federal funding. In comparison, the Petitioner did not demonstrate that she was extensively published or that she had received significant funding for her research. In fact, the professor from [redacted] also indicated that the Petitioner had just begun her career and research and stated that she could play an important role in the field, yet there is little indication that she made significant progress on her research and that it had, or would have, a broad impact on the field. Further, the [redacted] professor also referred to over 200 citations to the Petitioner's work, but neither he, nor the Petitioner, indicated how this level of citation is significant and suggestive of a likely broad impact in the field. There is little specific discussion of the Petitioner's scholarly works, how they have impacted her field, or how they would effectuate a national level impact on large societal issues such as criminal recidivism, prison welfare, or employee retention amongst criminal justice occupations.

Another letter from an associate professor of sociology at the [redacted] states that the Petitioner is part of a research team, a team the Petitioner does not describe, nor does she indicate how she contributed to this team, how it contributed significantly to the field, or stood out in comparison to other research teams in the field. The associate professor from the [redacted] only vaguely highlights the Petitioner's potential to "influence broader debates" in the field. Likewise, a letter from a [redacted] professor of sociology and law also indicated that the Petitioner could "shape debates" in the field; however, it is not clear how generally contributing to the field or its debates is reflective of an asserted potential prospective national impact on various aspects of the criminal justice system. It is reasonable to conclude that there are likely similar sociology and criminal justice departments at many universities conducting study and research in these fields and the Petitioner has provided little evidence to demonstrate that her proposed research will likely have a broad impact on her field and lead to significant national impacts. Indeed, the Petitioner submitted a letter from an assistant professor of economics at the [redacted] reflecting that the Petitioner's research was wholly prospective and that she had only just developed promising research proposals on prison communication and monitoring systems that "could merit future funding

[2] The petition was filed in July 2025.

consideration." Notably, the Petitioner did not submit any details on this, or other research proposals to evaluate their potential prospective national impact. In sum, the Petitioner has provided little evidence to support that her research is likely to have a significant impact and broadly enhance her field and bring about potential prospective national impacts on large national criminal justice issues as claimed.

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 third prong. *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.