U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38889160

Date: JUNE 17, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an early childhood educator and behavioral counselor, 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 Petitioner did not establish that she is eligible for or otherwise merits a national interest waiver as a matter of discretion. 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act.

Once a petitioner demonstrates eligibility for the underlying classification, the petitioner must then establish eligibility for a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so. 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 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
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies for the underlying EB-2 classification as a member of the professions holding an advanced degree.[2] The issue on appeal is whether the Petitioner established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. SCOPS determined that while the Petitioner demonstrated the proposed endeavor has substantial merit, she did not establish that the proposed endeavor is of national importance, as required by the first prong of the Dhanasar analytical framework. Upon de novo review, we agree with SCOPS' determination that the Petitioner did not establish the national importance of her proposed endeavor.[3]

On appeal, the Petitioner contends that that she submitted evidence demonstrating the national importance of her proposed endeavor, and that SCOPS erred in its decision by not considering and analyzing the evidence. She argues that SCOPS did not consider probative documents, in particular her business plan and an opinion letter, claiming the documents clearly set out the national importance of her endeavor in accordance with Dhanasar. In addition, she claims the evidence meets her burden of proof under the preponderance of the evidence standard.

We disagree with the Petitioner's assessment of SCOPS' decision. SCOPS' decision acknowledges documents submitted, specifically documents submitted with her initial petition and those submitted in her request for evidence reply, and provided a reasoned consideration of her claims. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. Guaman-Loja v. Holder, 707 F.3d 119, 123 (1st Cir. 2013) (citing Martinez v. INS, 970 F.2d 973, 976 (1st Cir.1992); see also Kazemzadeh v. U.S. Atty. Gen., 577 F.3d 1341, 1351 (11th Cir. 2009); Casalena v. U.S. INS, 984 F.2d 105, 107 (4th Cir. 1993). Here, although the decision does not individually analyze each piece of evidence, it does reflect SCOPS' reasoned consideration of the evidence. SCOPS, in evaluating whether the Petitioner had established that she meets the first prong of the Dhanasar framework, weighed all the evidence but determined that the evidence overall lacked probative value. See Matter of Chawathe, 25 I&N Dec.

[1] See Flores v. Garland, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts in concluding that USCIS' decision to grant or deny a national interest waiver to be discretionary in nature).

[2] To qualify for the underlying EB-2 classification as an advanced degree professional, the Petitioner submitted her diplomas, academic transcripts, and an academic evaluation indicating she has the foreign equivalent of a U.S. master of science in counseling earned at a regionally accredited institution of higher education. Based on the record, the Petitioner has established she is an advanced degree professional.

[3] While we may not discuss every document submitted, we have reviewed and considered each one.

at 376 (explaining that under the preponderance of the evidence standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence); Matter of E-M-, 20 I&N Dec. 77, 79-80 (Comm'r 1989). Upon de novo review, the Petitioner has not demonstrated that the evidence submitted establishes her eligibility by a preponderance of the evidence, as discussed below.

The first prong of the Dhanasar analytical framework, substantial merit and national importance, focuses on the specific endeavor that a petitioner 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. In determining national importance, the relevant question is not the importance of the field, 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.

For her proposed endeavor, the Petitioner intends to establish an early childhood education and special education consulting business focused on improving educator training and development programs for teachers, educational institutions, and parents in underserved communities in Florida with plans to expand to additional U.S. cities in the future. The business' services would include developing customized education curriculums, teacher training and mentoring, implementing programs in special education, and behavioral counseling for young-aged children. The Petitioner maintains that her endeavor would have potential social welfare and economic impacts on the nation and underserved communities and support national government initiatives. In particular, she claims her endeavor would help address teacher shortages, create jobs, foster economic growth in underserved communities, improve the early childhood education field, and reduce education inequality for special needs and vulnerable children. We agree with SCOPS that the Petitioner's proposed endeavor has substantial merit.

The Petitioner argues that SCOPS misinterpreted Dhanasar by confining national importance to direct impacts on a wide population or industry; instead claiming, "contributions can be national in scope if they are significant to a particular field or sector." She maintains that SCOPS failed to recognize the cumulative impact of her proposed endeavor, and its regional impact may qualify as being of national importance under Dhanasar. By nature, she contends that activities of a consultant, trainer, and educator in the field of early childhood education and special education, may directly affect a local economy, "since a stronger education system helps reduce poverty and inequality, creating a more productive society." As such, she claims that her intent to contribute to a more skilled early childhood education and special education workforce would impact the economy and social welfare on a national and international level. Given the evidence submitted, specifically, her business plan and an opinion letter, the Petitioner argues that she has established that her endeavor "will benefit numerous businesses, creating a ripple effect of economic stability, job retention, and reduce educational disparities."

The Petitioner has not established the potential prospective impact of her proposed endeavor rises to the level of national importance under Dhanasar. The record does not demonstrate that her proposed endeavor has the potential to extend beyond her business and her future clients to impact her field, the U.S. economy, social welfare, or nationally important matters more broadly at a level commensurate with national importance. Beyond general assertions, she has not demonstrated that the work she

proposes to undertake as the owner of her proposed early childhood education and special education consulting business offers the claimed contributions to advancements in her industry or otherwise has broader implications for her field. The economic and social welfare benefits that the Petitioner claims depend on numerous factors, and she did not offer a sufficiently direct evidentiary tie between her consulting work and the claimed potential benefits.

The Petitioner's business plan stresses the importance of the fields of early childhood education and special education to the U.S. economy; the need to address the shortage of teachers, special needs educators, and childcare professionals; and her business helping to fill a shortage of educators. To support the assertions, the record includes industry reports and articles related to special education in public schools; the shortage of classroom, STEM, and special education teachers; economic effects of the shortage of teachers; benefits of early intervention for autism; understanding behavior therapy for autism; children's mental health; economic impacts of U.S. childcare shortage; and the child psychology field.

The industry reports and articles, however, do not discuss any projected U.S. economic or social welfare impact specifically attributable to the Petitioner's proposed endeavor. We recognize the importance of the fields of early childhood education and special education and related careers to the U.S. economy and social welfare, particularly in helping young children, children with special needs, and early childhood education and special education in underserved communities. However, merely working in the early childhood education and special education fields or starting an early childhood education and special education consulting business focused on improving educator training and development programs in underserved communities is insufficient to establish the national importance of the proposed endeavor. Moreover, the shortage of qualified workers in an industry of importance is not sufficient to meet the national importance requirement under the Dhanasar framework. Instead of focusing on the importance of an industry or field, or a shortage of workers in a field, we focus on the "the specific endeavor that the foreign national proposes to undertake." Id.

While we acknowledge that a shortage of qualified educators in the field of early childhood education and special education may demonstrate the substantial merit of a proposed endeavor, it does not, however, render a proposed endeavor nationally important under *Dhanasar's* framework, as it does not in itself establish the proposed endeavor's impact in the field. The U.S. Department of Labor through the labor certification process directly addresses such shortages of qualified workers. The issue here is whether the Petitioner has established how her proposed endeavor would affect national teacher employment levels or the U.S. economy or social welfare more broadly consistent with national importance.

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. Here, the evidence does not suggest that the Petitioner starting an early childhood education and special education consulting business in underserved communities and hiring employees in an industry with a shortage of workers would impact the early childhood education or special education fields or the economy or social welfare more broadly.

The Petitioner has not provided corroborating independent and objective evidence to support her claims that her business' activities stand to provide substantial economic and social welfare benefits to underserved Florida communities or the United States. For instance, the business plan indicates that her business will create jobs and has the potential to have other substantial positive economic and social welfare impacts in underserved communities, such as generating income in the community, payment of taxes, and helping to improve the qualifications of early childhood and special education teachers. To support her claims, the business plan generally discusses the business focusing on underserved communities in Florida with future plans to expand to additional unnamed locations throughout the United States; the Petitioner's investment of $30,000 into the business; a market analysis of the early childhood education and special education industries; the business' services; and the business' projected marketing, personnel, and financial forecasts. In five years, the business plan projects that the business expects to hire four employees, pay $135,302 in salaries and benefits, and pay approximately $18,000 in taxes. The record, however, does not sufficiently detail the basis for its financial and staffing projections, or adequately explain how these projections will be realized.

The Petitioner must support her assertions with relevant, probative, and credible evidence. See Matter of Chawathe, 25 I&N Dec. at 376. Even if we were to assume everything the Petitioner claims will happen, the record lacks evidence showing that creating four jobs and paying over $135,000 in salaries and $18,000 in taxes by the business' fifth year rises to the level of national importance. Also, without sufficient documentary evidence that her proposed job duties as the owner and chief executive officer of her early childhood education and special education consulting business would impact her fields more broadly, rather than benefiting her business and clients, the Petitioner has not demonstrated by a preponderance of the evidence that her proposed endeavor is of national importance.

In addition, the Petitioner contends that her business' professional development and training would improve educator skills and qualifications, thereby increasing the number of qualified early childhood and special education teachers. She argues that SCOPS' decision comparing her endeavor to a classroom teaching is misplaced, as her proposed consulting business would extend beyond teaching, by providing consultancy and development training which would help national security and crime prevention through quality education. Moreover, she explains that by having more qualified and skilled educators, her endeavor would help address the need for childcare and provide underserved and vulnerable youth with qualified early childhood and special needs educators.

The Petitioner's assertions, however, are not supported by probative, corroborating evidence. 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. Matter of Dhanasar, 26 I&N Dec. at 893. We noted that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." Id. at 889. The evidence does not suggest that the Petitioner's consulting to teachers, education institutions, and parents would impact the early childhood education and special education fields more broadly or rise to the level of national importance as contemplated by Dhanasar.

The Petitioner submitted an opinion letter from a professional profile evaluator at [redacted] which states the proposed endeavor has national importance. The basis for the opinion is

that the Petitioner's knowledge and experience would a benefit the U.S. economy, while mainly describing the Petitioner's prior work owning a family and adolescent counseling business and tutoring students and how this work would help her proposed consulting business. The opinion's general assertions that the proposed business would have economic benefits for the United States without providing a credible basis for these assertions is not sufficient to demonstrate a significant economic or social welfare potential as contemplated by Dhanasar. Moreover, the opinion's focus on the Petitioner's knowledge and experience to demonstrate the national importance of her endeavor is misplaced. The Petitioner's professional knowledge and experience relates to the second prong of the Dhanasar framework, which "shifts the focus from the proposed endeavor to the foreign national." Id. at 890. The issue here is whether the specific endeavor that the Petitioner proposes to undertake has national importance under Dhanasar's first prong. To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of his work. Id. at 889.

The Petitioner further argues that her consulting business aligns with U.S. government initiatives aimed at strengthening early childhood education, the teaching profession, and special education. In support of her assertions, she submitted documents about the American Rescue Plan and policy guidance from the U.S. Department of Education and the U.S. Department of Labor.

However, the importance of the U.S. government initiatives, such as the American Rescue Plan and other U.S. government agency policies, is not in dispute, but their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. While the documents show that the U.S. government supports increasing the number of qualified teachers, it does not follow that an individual providing early childhood education and special education consulting advice to teachers, educational institutions, and parents has national importance. As discussed earlier, working in or establishing a consulting business in an important field is insufficient on its own to establish the national importance of the proposed endeavor. The Petitioner makes general statements about her business' consulting services having a potential impact on national initiatives but does not quantify the proposed endeavor's expected impact in the identified areas of concern, or provide objective, probative evidence to support her contentions. Although the Petitioner has shown that supporting teachers, students, and educational institutions in underserved areas are nationally important issues, she has not demonstrated the potential prospective impact of her specific endeavor to such nationally important matters.

Because the documentation in the record does not sufficiently establish the national importance of the Petitioner's proposed endeavor as required by the first prong of the Dhanasar precedent decision, she has not demonstrated eligibility for a national interest waiver. This identified basis for dismissal is dispositive of the Petitioner's appeal, and therefore we decline to reach and hereby reserve the Petitioner's appellate arguments and eligibility under the second and third Dhanasar prongs. See INS v. Bagamasbad, 429 U.S. 24, 25 (1976) (noting 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 established eligibility under the requisite first prong of the Dhanasar analytical framework, she is not eligible for a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

ORDER: The appeal is dismissed.