U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37290522

Date: MARCH 10, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a teacher, seeks employment-based second preference (EB-2) immigrant classification as an advanced degree professional, 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 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 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.

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

The Director determined the Petitioner qualified for EB-2 classification as an advanced degree professional because he submitted evidence of his Doctor of Philosophy degree in education administration from [redacted] We agree. The only issue on appeal is whether the Petitioner qualifies for a waiver of the job offer requirement in the national interest.

The Petitioner states he intends to serve as a high school and college teacher while also pursuing research "on curriculum development, lessons plans and creative delivery of lessons for better support for classroom management by transferring the expertise, knowledge, and tools from the modern industrial practice of Artificial Intelligence (AI)."

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. *Id.* 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.

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 his proposed endeavor would extend beyond his students and future employer to impact his field more broadly on a level indicative of national importance.

On appeal, the Petitioner asserts the Director erred and his proposed endeavor has national importance because his "role as a highly qualified STEM educator directly impacts national competitiveness, education, and the economy." The Petitioner does not submit evidence to support this claim. The Petitioner also asserts his proposed endeavor addresses the shortage of qualified teachers in science, technology, engineering and math (STEM) because he will educate future STEM teachers. The Petitioner did not submit evidence that his teaching would extend beyond his individual students to address the STEM teacher shortage on a level commensurate with national importance. In addition, the U.S. Department of Labor addresses labor shortages through the labor certification process.

On appeal, the Petitioner resubmits recommendation letters from past supervisors and employers who praise his skills and accomplishments, but do not specifically address his proposed endeavor. For example, O-H- commends the Petitioner's past research and expresses her belief that the Petitioner's "expertise would be of great economic value to all those education and training sectors striving to increase quality education systems with reliability and productivity," but she does not explain how the

Petitioner's work would extend beyond his students to impact his field more broadly. *See id.* at 889 (explaining "we look for broader implications").

A-C- praises the Petitioner's teaching and states the Petitioner "would be a great addition to the teaching staff in whatever school he works." E-L- praises the Petitioner's work for his church's Sunday School and states he will "become more useful in any field that he is aspiring to achieve or planning to secure." S-K-B- states the Petitioner was his student in two graduate education courses and "is able and efficient of pursuing a research study." E-M- praises the Petitioner's teaching skills and states "he will prove himself as an asset for any organization he joins in the future." H-Q- and J-Y- also commend the Petitioner's teaching and express belief in his ability to succeed in the future. However, A-C-, E-L-, S-K-B-, E-M-, H-Q-, and J-Y- do not discuss the Petitioner's specific proposed endeavor.

On appeal, the Petitioner also submits excerpts from his doctoral dissertation, his book, two articles, and three articles that cite his work. The Petitioner does not establish that any of his published work indicates his proposed endeavor would have national or even global implications in his field. *See id.* (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field).

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 his proposed endeavor would sufficiently extend beyond his individual students to impact his field more broadly at a level commensurate with national importance. Consequently, the Petitioner does not meet the first *Dhanasar* prong.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of his specific proposed endeavor and he 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 his 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 his proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, he has not demonstrated that he 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.