U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42548555

Date: MAY 11, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a mathematics educator, 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).

Service Center Operations (SCOPS) denied the petition, concluding 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: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

II. ANALYSIS

The Petitioner previously worked as a mathematics teacher and states she has over 17 years of experience in teaching, curriculum development, and mentorship. In her petition, she stated that her proposed endeavor is to "accelerate integration of advanced computing and AI-driven personalized learning tools, development of critical and emerging technologies identified as national priorities by improving STEM (science, technology, engineering, and mathematics) education through the incorporation of a nationwide network of innovative math camps aimed at enhancing mathematical literacy and fostering a passion for mathematics among students." The Petitioner states she will implement this endeavor though her company, [redacted]. The company's core services will include: personalized online math education and tutoring; math camps; technical consultancy for STEM instructors; specialized math programs for students with learning difficulties; and STEM career and academic counseling.

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that she did not establish her eligibility under the *Dhanasar* analytical framework. Specifically, although SCOPS found substantial merit in the proposed endeavor, they concluded the Petitioner did not establish that her proposed endeavor has national importance, that she is well positioned to advance the proposed endeavor, and that, on balance, waiving the job offer requirement would be beneficial to the United States.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, SCOPS determined that the Petitioner did not demonstrate that her endeavor would have a broader impact beyond the individuals utilizing her services to substantially benefit the field or industry.[2] SCOPS also found that the Petitioner did not show that her endeavor has a significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for the nation.

On appeal, the Petitioner argues that SCOPS misapplied the *Dhanasar* framework and failed to properly assess the evidence. The Petitioner also argues that the decision was "largely vague" and lacked specific analysis. But upon de novo review, and after carefully evaluating all the evidence submitted, we agree with SCOPS' conclusion that the Petitioner has not demonstrated her proposed endeavor's national importance and, thus, has not established her eligibility for a national interest waiver.[3]

As explained in SCOPS' decision, the first prong—substantial merit and national importance—focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* 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

[2] SCOPS also found that the Petitioner introduced a new proposed endeavor in response to the Request for Evidence (RFE). However, a review of the record reveals that the Petitioner submitted a business plan for her company and described the services she planned to provide as part of her proposed endeavor. Accordingly, we conclude the Petitioner did not materially change her endeavor.

[3] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

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.

In this case, the Petitioner has not met her burden to demonstrate that her proposed endeavor's prospective impact rises to the level of national importance. In particular, the record does not illustrate how her specific endeavor would sufficiently extend beyond her company, clients, and the individuals she teaches and trains to impact the industry, region, or nation more broadly at a level commensurate with national importance.

Much of the evidence in the record and the Petitioner's arguments focus on the general importance of the mathematics and STEM fields in education. She asserts there is a "nationally recognized mathematics proficiency and STEM readiness crisis" and teacher shortage, which she claims will lead to long-term risk to workforce competitiveness and economic growth. The Petitioner also asserts that her endeavor is nationally important because it aligns with federal initiatives and directives that identify mathematics proficiency and STEM readiness as matters of national priority. In support of her claims, the Petitioner submits various articles and reports on topics including education in the U.S., special education, and STEM.

While we acknowledge the value of fields related to education, including in mathematics and STEM, in determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, while the articles and reports provide general background information on the aforementioned areas and speak to the substantial merit of the proposed endeavor, they do not establish how her future work would impact these fields more broadly. Working in an important field is insufficient in and of itself to establish the national importance of the proposed endeavor. The Petitioner must still demonstrate the endeavor's potential prospective impact in that area of national importance.

The Petitioner attempts to highlight the broader implications of her endeavor by linking it to the general societal, economic, or other benefits that may arise from working in the education field. But, she has not established how her specific endeavor would achieve these goals and have a broader impact rising to the level of national importance. The Petitioner submitted a business plan but it provides only high-level summaries and broad objectives of her intended services without specific details about the projects and how she plans to implement them. For example, the Petitioner states that her personalized online math education and tutoring services will "leverage modern technology to deliver interactive, engaging, and tailored math lessons directly to students' homes, ensuring accessibility regardless of location." But she provides little detail explaining, for instance, what "modern technology" she will use or what this online platform will actually entail. Likewise, while the Petitioner states that her "innovative math camps" will "combine traditional math education with real-world applications, often in outdoor, nature-based environments, to help students see the relevance of math in everyday life," the record does not clearly explain what these camps will specifically involve or how she will implement her plans. Moreover, the evidence does not detail how her "innovative instructional methods" or "technology-supported learning tools" would be considered an innovation or an improvement in processes as contemplated by *Dhanasar* or otherwise would provide benefits rising to the level of national importance. *See id.* at 889; *see generally* 6 *USCIS Policy Manual*

F.5(D)(3), https://www.uscis.gov/policy-manual. General conclusory statements without a sufficiently direct evidentiary tie between the proposed endeavor and the claimed impacts are insufficient. The Petitioner must support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without more, the evidence does not establish how her endeavor would result in broader impacts to the field or nation.

The Petitioner claims a "direct causal relationship between her defined operational model and its projected nationwide outcomes" and asserts that her endeavor extends beyond localized classroom instruction and supports prospective national impact through replication and scale. However, the evidence does not illustrate how her services would sufficiently extend beyond her immediate sphere of influence to produce the nationally important impacts claimed. For example, the Petitioner contends that "[b]y training educators, deploying adaptive digital instruction, and offering standardized program modules that can be implemented across states, she claims that her model produces multiplier effects that extend well beyond the direct participants." But the evidence does not reveal how her services, or any ripple effects thereof, would have such far-reaching results. In *Dhanasar*, we discussed how teaching would not impact the field of education broadly in a manner which rises to national importance. *Matter of Dhanasar*, 26 I&N Dec. at 893. Similarly, here, we conclude that the Petitioner has not carried her burden to show that the benefits from her endeavor would extend beyond those working for her company and utilizing her services to have wider, nationally important implications.

The Petitioner also asserts that "[l]ow mathematics proficiency carries measurable national economic consequences" and that her endeavor will "produce measurable reductions in remedial education costs, improvements in workforce productivity, and long-term economic gains consistent with national interest objectives. She also contends that "[b]y fostering improved financial management skills, the program reduces dependency on government assistance, alleviates pressure on public resources, and supports increased tax contributions." But these claims tying her proposed endeavor to these impacts are too attenuated and lack sufficient corroborating evidence to show that her specific work would generate such impacts. Again, general conclusory statements without a sufficiently direct evidentiary tie between the proposed endeavor and the claimed impacts are insufficient. The Petitioner must support her assertions with relevant, probative, and credible evidence. *Matter of Chawathe*, 25 I&N Dec. at 376.

We also are not persuaded by the Petitioner's claim that her proposed endeavor has national importance due to a shortage of educators in the field. There is little evidence that her future work training educators stands to impact or significantly reduce any claimed national shortage.

We have also considered the Petitioner's support letters, but they likewise do not establish the endeavor's national importance. Insofar as these letters, the Petitioner, and other evidence in the record highlight the Petitioner's expertise, personal attributes, and record of success, these are considerations under *Dhanasar's* second prong. *Matter of Dhanasar*, 26 I&N Dec. at 890. When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Id.* at 889. And while several of the letters do comment on the Petitioner's proposed endeavor and its claimed benefits, they are largely conclusory and do not specifically explain how the Petitioner's work, in particular, would produce such nationally important impacts. For example, [redacted], head of the department of math education at [redacted], states that the Petitioner's

company will provide students with "meaningful, applied learning experiences that cultivate the analytical and problem-solving abilities necessary for success in STEM careers." He also claims that "[t]his approach not only strengthens individual career trajectories but also ensures that the United States maintains a competitive edge in science, technology, and innovation." He opines that "[b]y preparing students and educators for the demands of a technology-driven world, [redacted] will serve as an invaluable asset to the country's long-term innovation and economic stability." But beyond these generalizations, he provides little explanation or corroborating evidence directly linking the Petitioner's future work to these claimed benefits, industry wide impact, or other substantial positive economic or societal effects.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the record does not establish her proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether she has established eligibility under the remaining two *Dhanasar* 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).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, she has not established that she is eligible for, or otherwise merits, a national interest waiver as a matter of discretion.

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.