U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38075140

Date: MAY 13, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an assistant professor in [redacted] Department of Classics, 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 that the record did not establish the Petitioner's eligibility for the 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 United States 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. ANALYSIS

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as a member of the professions holding an advanced degree and the record supports this conclusion. Therefore, the primary issue on appeal is whether the Petitioner meets the requirements of the three prongs of the *Dhanasar* analytical framework and otherwise merits a national interest waiver as a matter of discretion.

In denying the Petition, SCOPS addressed all three prongs of the *Dhanasar* framework. Although SCOPS found substantial merit in the proposed endeavor, the decision concluded that the Petitioner did not establish that the proposed endeavor has national importance, that the Petitioner is well-positioned to advance the endeavor, and that on the balance waiving the job offer requirement would be beneficial to the United States.

On appeal, the Petitioner asserts that the decision inadequately addresses whether the endeavor will "substantially benefit prospectively the ... cultural or educational interests ... of the United States." *Id.* The Petitioner contends that the decision overlooked the aspects of the Beneficiary's endeavor that relate to the advancement of human knowledge and instead focused on the lack of economic benefits to the United States, and that the decision was in error.

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. *Id.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We agree with the Director's conclusion that the Beneficiary's proposed endeavor, the study of ancient inscriptions and the preservation of vital U.S. epigraphical resources, teaching and research in the classics, has substantial merit. *Id.* However, while the Petitioner established that the proposed endeavor has substantial merit, the record does not show it has national importance.

In response to the request for additional evidence (RFE), the Petitioner presents an article from the [redacted] an award from th[redacted] including funding for the [redacted] project, evidence of funding for the [redacted] and material from [redacted] as indicators that the Beneficiary's endeavor is nationally important. The matter here is not whether epigraphical and palaeological studies are nationally important. Rather, the Petitioner must demonstrate the national importance of the Beneficiary's specific endeavor, the study and teaching of the classics at [redacted] the preservation of epigraphical resources, and epigraphical and palaeoligcal research. Here, the Petitioner does not provide specific details as to how the Beneficiary's endeavor would extend beyond

her students or those studying epigraphy so that her students, those attending the conferences where the Beneficiary is presenting her research or those studying the materials that she writes and collaborates on, are able to produce an impact that reaches a national level.

On appeal, the Petitioner also points to letters of support discussing the Beneficiary's knowledge, skills, and work experience, but these letters do not sufficiently explain the national importance of her specific endeavor under *Dhanasar*'s first prong. For instance, the letter from a professor at [redacted], Dr. S-[2], discusses the Beneficiary's published contributions in Classical reviews and at conferences. He explains that the Beneficiary is an "asset to this nation's community of classical scholars." Likewise, Dr. L-, the [redacted], favorably remarks on the Beneficiary's research and teaching career, and states that "preserving, cataloging, and understanding U.S. epigraphical resources is unquestionably critical to the cultural and educational interests of this country."

While Drs. S- and L- provide details about the Beneficiary's skills and abilities, they do not sufficiently identify, analyze, or discuss how the Petitioner's proposed work will broadly impact the United States.[3] Without more, the Petitioner has not sufficiently explained how the proposed endeavor will have the effect of national importance. It is the Petitioner's burden to prove by a preponderance of evidence that it is qualified for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). In evaluating the evidence, eligibility is to be determined not by the quantity of evidence alone but by its quality. *Id.* The Petitioner has not done so here.

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. *Dhanasar* at 893. Here too, while we agree with the Petitioner that "preservation, cataloging, and enhancing availability of resources for the study of ancient history, texts, and artifacts is critically important to our cultural and educational heritage", the record does not show how the proposed endeavor stands to sufficiently extend beyond those receiving this information or those accessing the scholarly materials to lead to "national or even global implications" more broadly at a level commensurate with national importance. *Id.* at 889.

Notably, the Petitioner further asserts on appeal that [redacted] is one of the premier centers for epigraphical and paleographical studies and that the Beneficiary's appointment to the Director of Epigraphy at [redacted] "is clear evidence of the prestige that she has achieved." However, the Beneficiary's knowledge, skills, and experience in her field relate 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 she proposes to undertake has national importance under *Dhanasar*'s first prong.

[2] We use initials to protect the privacy of individuals.

[3] We acknowledge that the letter writers hold the Petitioner in high regard, but the letters in the record do not provide sufficient information regarding the specific endeavor(s) that the Petitioner will engage in or adequately detail the national importance of his proposed work under the *Dhanasar*'s first prong. The submission of reference letters supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters to determine whether they support the petitioner's eligibility. *See 1756, Inc. v. U.S. Att'y Gen.,* 745 F. Supp. 9, 15 (D.D.C. 1990).

III. CONCLUSION

The Beneficiary has not met the requisite first prong of the *Dhanasar* analytical framework, and therefore we conclude that she has not established she 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 under *Dhanasar*'s second and third prongs. *See INS v Bagamasbad*, 429 U.S. 24, 25 ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reached"); *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).

ORDER: The appeal is dismissed.