U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40140278

Date: NOV. 10, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a university, seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary, a clinical assistant professor of dentistry, 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. SCOPS determined that the Beneficiary qualifies as a member of the professions holding an advanced degree. However, SCOPS concluded that the record does not establish that a waiver of the job offer requirement, and thus of a 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 the individual seeking EB-2 classification is 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 the individual seeking EB-2 classification merits 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 the proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Beneficiary qualifies as a member of the professions holding an advanced degree. However, for the reasons discussed below, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong. *See id.*

The Petitioner described the endeavor as a plan "to employ [the Beneficiary] in the faculty position of Clinical Assistant Professor," whereby the Beneficiary "will contribute to addressing the shortage of dentists, particularly those with expertise in public health, by providing top-tier education and training to aspiring dental professionals." The Petitioner also indicated that the Beneficiary would provide or oversee the provision of dental healthcare services to patients with limited access, and that the Beneficiary is the primary researcher "on an active research study focused on barriers to dental care." The Petitioner noted that it operates "the only dental school in the [redacted] of states between [redacted]" The Petitioner provided additional generalized information regarding dental healthcare, information regarding the Beneficiary's qualifications, and letters of recommendation on behalf of the Beneficiary.

SCOPS acknowledged information in the record and it concluded that the record establishes the proposed endeavor has substantial merit, as required in part by the first *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. However, SCOPS determined that the record does not establish that the proposed endeavor has national importance, as also required in part by the first *Dhanasar* prong. *See id.* More specifically, SCOPS observed that the record "does not establish that [the Beneficiary's] teaching activities would impact the field of public health dentistry more broadly, as opposed to being limited to specific students and [the] university he will serve." Similarly, SCOPS noted that the record does not establish how the proposed endeavor would affect the shortage of dentists, and that, rather, its benefits appear to be localized. SCOPS also found that the record does not establish the proposed endeavor has significant potential to employ U.S. workers, generate other substantial positive economic effects, or broadly enhance societal welfare. SCOPS further found that the record satisfies the second *Dhanasar* prong, although SCOPS concluded that the record does not satisfy the third *Dhanasar* prong. *See id.*

Because we determine that the record does not establish whether the proposed endeavor may have national importance, which is dispositive, we reserve our opinion regarding whether the record satisfies the second and third *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *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).

On appeal, the Petitioner reasserts that, through the proposed endeavor, the Beneficiary would "develop[] and implement[] an integrated model of clinical education, service delivery, and applied

research that prepares the next generation of dental professionals to serve in underserved areas throughout the United States." The Petitioner also reiterates that it operates "the only dental school in the [redacted] of states between [redacted], which] speaks directly to the geographic breadth of impact" of the proposed endeavor, and that the students the Beneficiary trains "graduate into a national labor market and serve patients throughout the U.S., especially in regions facing critical access shortages." The Petitioner further states, "It strains credulity to suggest that [the Beneficiary's] research . . . would not be published or shared." The Petitioner also submits a letter, dated May 2025, and a list, dated July 2025, that it purports "is representative of all of the students [the Beneficiary] has served as a clinical supervisor for during their final year in their . . . clinical rotations."

In determining national importance under the first *Dhanasar* prong, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on "the specific endeavor that the [individual] proposes to undertake" and "we consider its potential prospective impact," looking for "broader implications." *Matter of Dhanasar*, 26 I&N Dec. at 889. *Dhanasar* provided examples of endeavors that may have national importance, as required by the first prong, having "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or those with "significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area." *Matter of Dhanasar*, 26 I&N Dec. at 889-90.

We first note that the neither the letter nor the purported list of clinical supervisees, both of which dated 2025, that the Petitioner submits on appeal can establish eligibility because they present sets of material facts that did not exist at the time the Petitioner filed the Form I-140, Immigrant Petition for Alien Workers, in June 2024. A petitioner must establish eligibility for the benefit it is seeking at the time the petition is filed. *See* 8 C.F.R. § 103.2(b)(1). A visa petition may not be approved based on speculation of future eligibility or after a petitioner becomes eligible under a new set of facts. *See Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). A petitioner may not make material changes to a petition in an effort to make a deficient petition conform to USCIS requirements. *See Matter of Izummi*, 22 I&N Dec. 169, 176 (Assoc. Comm'r 1998).

The May 2025 letter informs the Beneficiary that the [redacted] selected the Beneficiary for fellowship, and that he will be "formally inducted into the College . . . on October 24, 2025." The Beneficiary's induction into the [redacted] is material because it relates to the effects of the Beneficiary performing the same or similar duties he would perform in connection with the proposed endeavor. Because the Petitioner had been neither inducted nor selected for fellowship in the [redacted] at the time the Petitioner filed the Form I-140 in June 2024, the letter presents a new set of material facts that cannot establish eligibility. *See* 8 C.F.R. § 103.2(b)(1); *Matter of Katigbak*, 14 I&N Dec. at 49; *Matter of Izummi*, 22 I&N Dec. at 176.

In turn, approximately one third of the purported list of the Beneficiary's clinical supervisees appear under the category of "Class of 2025," which presents a set of facts that did not exist at the time the Petitioner filed the Form I-140 in June 2024. The number of clinical students the Beneficiary supervised is material to determining whether the proposed endeavor may have national importance

because it addresses the number of students the Beneficiary's supervision affects and the states in which they practice after graduation, which relates to the extent of the endeavor's potential impact. *Matter of Dhanasar*, 26 I&N Dec. at 889-90. Because the list presents a new set of material facts that did not exist at the time the Petitioner filed the Form I-140, the list cannot establish eligibility. *See* 8 C.F.R. § 103.2(b)(1); *Matter of Katigbak*, 14 I&N Dec. at 49; *Matter of Izummi*, 22 I&N Dec. at 176.

Even if the list could establish eligibility, it nevertheless would not do so because it entirely omits information in the "StudentID," "Last Name" and "First" columns for each entry, which prevents meaningful analysis that may corroborate whether the list identifies unique individuals who actually attended the university and received the supervision in question. *See, e.g., Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988) (providing that doubt cast on any aspect of a petitioner's proof may undermine the reliability and sufficiency of the remaining evidence offered in support of the visa petition); *see also Matter of Chawathe*, 25 I&N Dec. at 375-76 (providing that petitioners bear the burden of providing evidence that proves a claim is "probably true").

We acknowledge that the Petitioner operates a dental school far from other dental schools. However, the record does not establish the significance of it doing so. For example, the record does not establish the extent of students from nearby states without dental schools who choose to attend the Petitioner's dental school rather than another dental school elsewhere in the United States or abroad. Moreover, as the Petitioner informs, graduates of its dental school "graduate into a national labor market and serve patients throughout the U.S." The record does not establish that this trend is unique to the Petitioner's dental school. Thus, if the Petitioner's stated trend of its students relocating upon graduation is indicative of other dental schools' graduates, this fact would undermine whatever significance that the Petitioner's operation of a dental school far from other dental schools may have, given that all graduates of all dental schools would tend to relocate upon graduation regardless of wherever the school they attended was located. Additionally, although the Petitioner asserts that its graduates serve economically depressed areas, the record does not corroborate that information with probative evidence indicative of national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. Relatedly, although the Petitioner operates a dental school far from other dental schools, it does not assert—and the record does not support the conclusion—that it provides dental services otherwise unavailable to the population in its locality or region.

We also acknowledge that the Beneficiary currently participates in what he characterizes as a research project. However, The Petitioner's assertion on appeal that "It strains credulity to suggest that [the Beneficiary's] research . . . would not be published or shared" is unpersuasive. The Beneficiary's curriculum vitae submitted at the time the Petitioner filed the Form I-140 provides only one research project to which he contributed during his career, in "April 2003 – April 2004," which the curriculum vitae describes as a "collaborative effort between [redacted] and [redacted]." The record does not clarify the extent of the Beneficiary's participation in the research project and whether he was listed among the primary researchers for it, nor does it establish that the results of that research were published and how many citations such a publication may have received. Thus, the record does not indicate that the Beneficiary has practice of conducting and publishing research projects that garner any degree of interest in the field that would reasonably be expected to continue for what he characterizes as an ongoing research project.

Moreover, the Petitioner submitted a copy of a document it describes as "documentation of [the Beneficiary's] ongoing research in his field of endeavor," although the document itself appears to be the results of a questionnaire distributed only among 28 dental students enrolled at the Petitioner's university "to obtain a deeper understanding of the dental student's perspective on barriers to dental care within underserved populations in [redacted]." The survey appears to have limited research applications with empirically meaningful data. For example, only three of the respondents indicated that they were "born and/or raised in a rural environment . . . in [redacted]" and, thus, informed participants in the survey. Considered as a whole, the record does not establish how the Beneficiary's current research questionnaire requesting anecdotal comments from a small group of dental students may have national or even global implications within the field of dentistry or any other particular field indicative of national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90.

The record establishes that the proposed endeavor may benefit the Petitioner's university, its dental school students, and the patients who receive dental healthcare services that the Beneficiary provides or supervises.[2] However, the record does not establish how the proposed endeavor of the Beneficiary's instructional, clinical, and research activities at the Petitioner's dental school may have the type of broader implications indicate of national importance. For example, the record does not establish that the proposed endeavor may have national or even global implications within the field of dentistry, or any other particular field. *See id.* As another example, the record does not establish that the proposed endeavor has significant potential to employ U.S. workers, or have other substantial positive economic effects. *See id.*

In summation, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, he is not eligible for a national interest waiver.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner has not established eligibility 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.

[2] Although we do not discuss each item of evidence in the record for brevity, we have reviewed the record in its entirety.