U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39738127

Date: NOV. 10, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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 EB-2 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 record did not establish that the Petitioner qualified for a national interest waiver. 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.

If a petitioner demonstrates eligibility for the underlying EB-2 classification, he or she must then establish that he or she merits a discretionary waiver of the job offer requirement "in the national interest." *Id. 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 to be discretionary in nature).

- On balance, waiving the job offer requirement would benefit the United States.[2]

II. ANALYSIS

SCOPS concluded that the Petitioner qualifies as an individual holding an advanced degree. The remaining issue to be determined on appeal is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

Although SCOPS determined that the Petitioner's proposed endeavor has substantial merit, SCOPS concluded that the record did not establish that the endeavor is of national importance, that the Petitioner is well positioned to advance the endeavor, or that it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner asserts that SCOPS' decision was in error and was incorrect based on the evidence of record at the time of the decision. Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of her endeavor under the first prong of the *Dhanasar* analytical framework.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual 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. *Id.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the 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.* In *Dhanasar*, we further 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.

The Petitioner explained that her proposed endeavor is to develop a non-profit organization to provide interpretive services for non-English-speaking families of neurodiverse children to facilitate communication in healthcare and educational settings, summarized as follows:

> [The organization] offers specialized linguistic and advocacy services tailored to non-English speaking families with neurodiverse children. This venture eases their transition and supports their educational and therapeutic endeavors in English-centric environments. In addition to traditional translation and interpretation, [the

[2] *See Dhanasar*, 26 I&N Dec. at 888-91, for elaboration on these three prongs.

> organization] integrates cultural brokering, understanding of neurodiversity, and support for the psycho-emotional state of each family.

The Petitioner also explained that her endeavor aims to provide career opportunities for refugees from countries where they previously worked in certain professions, utilizing their skills and expertise by aiding their transition to careers providing interpretive services in the United States. "Our initiative seeks to harness this reservoir of expertise," she stated, "facilitating pathways for these professionals to transition back into their roles, albeit in new environments. By leveraging their unique skills and experiences, we can bridge critical gaps in healthcare, especially in culturally sensitive and linguistically diverse settings." She also included the following in a personal statement:

> Providing interpretation services for neurodiverse children requires a specialized and sensitive approach that differs significantly from standard interpretation. I am very aware of this need and making it my mission to develop this field by conducting rigorous research, providing specialized training to healthcare and allied health professionals and practitioners, and organizing and structuring training for specialized medical interpreters.

We agree with SCOPS that the Petitioner established her proposed endeavor has substantial merit. However, the record does not establish that the Petitioner's endeavor has national importance. While the Petitioner's statements reflect her intention to provide valuable interpretive services to families with neurodiverse children, she has not offered sufficient information and evidence to demonstrate that the prospective impact of her proposed endeavor rises to the level of national importance. For example, while she has emphasized her organization's commitment to providing specialized support to families in their native languages, "guaranteeing sustained quality education and therapeutic interventions," she has not identified any specific methodologies that her organization would utilize to achieve a level of national importance in the field. The Petitioner's descriptions of the proposed communication methods cite general approaches, such as mindfulness of "environmental factors that could overwhelm a neurodiverse child" and the importance of responding "calmly and supportively to a range of behaviors." And while the Petitioner has stressed the scalability of her "holistic" approach, she has not explained what that approach or what the "specialized training" she intends to provide would entail, nor has she elucidated how such training would be scalable at a national level.

The Petitioner has broadly described what she intends for her organization to accomplish, but she has not explicated the logistics required to initiate the mission of her endeavor, such as how individuals providing interpretive services will be integrated into healthcare or educational settings or what credentials may be required. The Petitioner mainly relies on the implication of the importance of a humanitarian undertaking—to improve the lives of refugees and non-English-speaking families of neurodiverse children—to demonstrate the importance of her specific endeavor to operate a single non-profit organization, rather than the prospective positive impact resulting from the endeavor itself. Again, it is not the overall importance of the industry or field in which the Petitioner intends to work,

but the particular endeavor on which the Petitioner intends to embark that we consider in evaluating whether it is of national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889

Although an endeavor that is shown to have significant potential to broadly enhance societal welfare may be considered to have national importance,[3] here, the Petitioner has described ambitiously expansive objectives without demonstrating how she would operate an organization with the far-reaching influence and level of impact she has envisioned. The Petitioner has not provided evidence of how, for example, her individual organization would specifically impact purported nationwide gaps in education for certain student populations or between healthcare "systems and underserved communities"; while she explained that her organization's mission would bridge these gaps by "connecting families, interpreters, and providers to build a more inclusive, coordinated, and equitable environment for children with developmental differences," she did not elaborate on how the notions she has introduced address the issues she has raised. Key services she has highlighted include the development of "a new model of interpretation where interpreters act as co-facilitators of communication, increasing comprehension," and the creation of "educational programs to train and retrain bilingual immigrants with backgrounds in medicine and behavioral health to become qualified interpreters." However, she has not presented any new interpretation models or outlined any educational programs that her organization would apply to its services or training. She has not sufficiently explained how her services would offer benefits that extend beyond her organization's clientele to affect the fields of healthcare or education, or to impact U.S. societal welfare more broadly at a level commensurate with national importance. 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.

Concerning the purported economic impact of the Petitioner's business, while her statements and information in her business plan generally speculate that her organization would create jobs in the United States by training interpreters, she did not provide independent evidence or otherwise explain how her organization would create jobs at a level that would have a significant impact on a given region or have a prospective national impact on a specific field. Further, in summarizing the cost-effectiveness of early intervention for children with neurodevelopmental differences, she provided estimated medical cost savings to families utilizing her services, but she has not explained how these estimations were calculated or adequately clarified how these projections would be realized. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. The Petitioner's business plan relies on growth assumptions that are not corroborated by probative evidence to demonstrate how her organization would operate at a scale to achieve the anticipated outcomes she has described. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to her future work, the record does not indicate that the benefits to the regional or national economy resulting from the Petitioner's services would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id*. at 890.

The record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision. Therefore, the Petitioner has not demonstrated eligibility

[3] *See generally* 6 *USCIS Policy Manual* at F.5(D)(1), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.

for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *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).

III. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. 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. The petition will remain denied.

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.