U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40304322

Date: NOV. 12, 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 or an alien of exceptional ability, 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 Petitioner did not demonstrate 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 establish eligibility for a national interest waiver, petitioners must 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 petitioners demonstrate:

- 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.

[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

Regarding the national interest waiver, the first prong relates to substantial merit and national importance of the specific proposed endeavor. *Dhanasar*, 26 I&N Dec. at 889. At initial filing, the Petitioner's cover letter indicated:

> [redacted] – The proposal is a digital platform that aims to bridge educational gaps, empowering students to excel academically and pursue STEM [science, technology, engineering, and mathematics] careers, which are critical for financial stability and economic mobility. The initiative contributes to the development of a more skilled workforce, addressing both the national shortage of qualified professionals and the barriers to economic success faced by underserved populations. By preparing students for high-demand careers, [redacted] aligns with the United States' broader goals of fostering innovation, reducing economic inequality, and maintaining global competitiveness. Additionally, the project aims to create jobs, generate revenue, and promote economic growth by aligning educational programs with market needs, thereby reducing unemployment and underemployment.

In response to SCOPS' request for evidence, the Petitioner provided a business plan claiming:

> [The Petitioner] will address the lack of access to high quality math resources and lessons, as well as the declining math outcomes in the U.S. educational system by executing his Proposed Endeavor: To provide an online platform that provides high quality math lessons and services to help increase the access of math lessons, specially to rural areas in the U.S. [The Petitioner] will accomplish this Proposed Endeavor in his role as the entrepreneurial founder and Mathematician of [redacted] [redacted] [redacted] is a bilingual educational platform that delivers comprehensive, accessible math instruction to underserved and rural students across the U.S. Unlike similar programs, it combines gamified learning, real-time progress tracking, and teacher support in a culturally responsive and scalable model tailored to economically distressed communities. The platform aligns with federal initiatives to modernize STEM education and expand rural access, contributing to national workforce development and addressing global competitiveness in math and science literacy.

As it relates to substantial merit, the endeavor's merit may be shown in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. SCOPS determined the Petitioner established the substantial merit aspect, but not national importance, of the proposed endeavor.

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." *See Dhanasar*, 26 I&N Dec. at 889. Although the Petitioner provided documentation relating to various topics, such as the importance of STEM education, careers, and programs, college enrollment and educational attainment, education deficiencies and high school dropouts, and the relationship between artificial intelligence and STEM, the matter here is not the importance of any of these issues. Rather, the Petitioner must demonstrate the national importance of

his specific, proposed endeavor of providing his online platform [redacted]. 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 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.

Moreover, to evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of the work. *Id.* at 889. Here, the Petitioner did not demonstrate how his online platform would largely influence the field and rise to the level of national importance. In *Dhanasar*, we determined 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. Similarly, the record does not show through supporting documentation how his particular endeavor sufficiently extends beyond his prospective students or the limited individuals who may elect to use his services, to impact the field or the U.S. economy more broadly at a level commensurate with national importance.

Regarding the Petitioner's emphasis of STEM, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance.[2] Many proposed endeavors that aim to advance STEM technologies and research, whether in academic or industry settings, not only have substantial merit in relation to U.S. science and technology interests, but also have sufficiently broad potential implications to demonstrate national importance.[3] On the other hand, while proposed classroom teaching activities in STEM, for example, may have substantial merit in relation to U.S. educational interests, such activities, by themselves, generally are not indicative of an impact in the field of STEM education more broadly, and therefore generally would not establish their national importance.[4] Again, the Petitioner has not shown that his endeavor aims to advance STEM technologies and research or has broad implications rather than providing his online platform to limited students or individuals.

Further, the record includes an expert opinion letter from V-V-G- who opined that the "proposed endeavor, [redacted]' is of substantial merit and national importance." However, while the letter discusses the "significance of the project" and "potential impact and benefits," such as bridging educational disparities, leveraging advanced technologies, enhancing STEM workforce development, improving academic performance, and addressing critical gaps in STEM education, the letter does not explain or argue how the Petitioner's online platform would have broader implications for our country. Again, the letter addresses more of the substantial merit aspect of the proposed endeavor rather than how it will have a broader impact in the field, more akin to the national importance part. *See Dhanasar*, 26 I&N Dec. at 893.

Finally, the Petitioner's business plan asserts that his proposed endeavor "will help alleviate economic burdens in [redacted] Utah [redacted], by creating new employment opportunities, enhancing local human capital, and supporting the development of complementary industries" and "will cultivate a more

[2] *See generally* 5 USCIS Policy Manual D.2, https://www.uscis.gov/policymanual.
[3] *Id.*
[4] *Id.*

skilled workforce, attracting future investment in education technology, remote learning services, and STEM-related fields." The Petitioner, however, did not support the record to corroborate any of his economic assertions in the business plan. The Petitioner did not demonstrate how his business plan's revenue projections, even if credible or plausible, offers substantial positive economic effects for our nation. Although the business plan forecasts revenue of $248K in the first year, the Petitioner did not establish the significance of this data to show how the benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. Furthermore, the business plan asserts the creation of 3 positions in year 1 to 15 positions in year 5. Again, the Petitioner did not demonstrate that such future staffing levels would provide substantial economic benefits to the [redacted] Utah area or to the U.S. economy more broadly at a level commensurate with national importance. The Petitioner, for instance, did not establish that such employment figures would utilize a significant population of workers in the area or would substantially impact job creation and economic growth, either regionally or nationally.

For all these reasons, the record does not show that, beyond the limited benefits provided to his prospective students or clients, the Petitioner's proposed endeavor has broader implications rising to the level of having national importance or that it would offer substantial positive economic effects.

Because the documentation in the record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of the Petitioner's eligibility under the second and third prongs outlined in *Dhanasar*, therefore, would serve no meaningful purpose. In addition, we need not review the Petitioner's qualification for the underlying immigrant classification.[5]

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude the Petitioner has not demonstrated eligibility for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above-stated reasons, with each considered as an independent and alternate basis for the decision.

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.

[5] *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).