U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40249163

Date: NOV. 13, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner proposes to implement a nationwide framework for U.S. educators "to improve teacher quality, enhance early childhood education, and foster equitable learning opportunities." He requests classification under the employment-based, second-preference (EB-2) immigrant visa category and a waiver of the category's job-offer requirement. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(B)(i), 8 U.S.C. § 1153(b)(2)(B)(i). U.S. Citizenship and Immigration Services (USCIS) has discretion to excuse job offers in this category – and thus the need for certifications from the U.S. Department of Labor (DOL) – if petitioners demonstrate that waivers of these U.S.-worker protections would be "in the national interest." *Id.*

Service Center Operations (SCOPS) denied the petition. SCOPS concluded that, although the Petitioner qualifies for EB-2 classification, he did not demonstrate that a waiver would serve the national interest. On appeal, the Petitioner contends that, in finding insufficient evidence that he is "well positioned" to advance his proposed endeavor and that a waiver would ultimately benefit the United States, SCOPS misread case law, misapplied evidentiary standards, and disregarded evidence.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we agree with SCOPS that he has not established that he is well positioned to advance his proposed venture. We will therefore dismiss the appeal.

I. LAW

To establish eligibility for national interest waivers, petitioners must first demonstrate their qualifications for the EB-2 category, either as members of the professions holding "advanced degrees" or aliens of "exceptional ability" in the sciences, arts, or business. *See* section 203(b)(2)(A) of the Act. To protect jobs for U.S. workers, this immigrant visa category generally requires prospective U.S. employers to offer aliens jobs and to obtain DOL certifications to permanently employ them in the country. Section 212(a)(5)(D) of the Act, 8 U.S.C. § 1182(a)(5)(D). Petitioners may avoid the job-offer and labor-certification requirements by demonstrating that waivers of the U.S.-worker protections would be "in the national interest." Section 203(b)(2)(B)(i) of the Act.

Neither the Act nor regulations define the term "national interest." So, to adjudicate these waiver requests, we have established a framework. If otherwise qualified as advanced degree professionals or aliens of exceptional ability, petitioners may warrant waivers of the job-offer and labor-certification requirements by demonstrating that:

- Their proposed U.S. work has "substantial merit" and "national importance;"
- They are "well positioned" to advance their intended endeavors; and
- On balance, waivers of the job-offer and labor-certification requirements would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. 884, 889-91 (AAO 2016); *see generally* 6 *USCIS Policy Manual* F.(5)(D)(1), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and His Proposed Endeavor

The record shows that a Nigerian university awarded the Petitioner a master's degree in philosophy of education and that he is currently pursuing a doctoral degree in educational administration in the United States. He worked for the Nigerian university that issued his master's degree as a research assistant and part-time lecturer. He currently serves as a part-time admissions officer for the U.S. university where he studies. He submitted copies of abstracts of several published research papers that he authored or co-authored and evidence that he has reviewed research papers of others in his field before their publications.

The Petitioner proposes to "implement[] a nationwide framework that equips aspiring and current educators with the tools, mentorship, and certification support necessary to thrive in today's classrooms." His framework includes "a teacher residency network, statewide training academies, AI [artificial intelligence]-driven instructional feedback systems, and policy advocacy for certification reform." His endeavor would focus on "elevating teacher quality through ethical leadership in early childhood education and inclusive policy innovations." He developed a multi-prong implementation plan that involves: developing teacher training programs; partnering with universities, teacher training institutions, and state education departments to improve curricula designs; advocating for policy reforms; and connecting teacher training initiatives to "real-world workforce development efforts."

The record supports SCOPS' findings that:

- The Petitioner qualifies for EB-2 classification as an advanced degree professional;
- His proposed endeavor has substantial merit; and
- The venture potentially has national importance.

We will next review SCOPS' determination that the Petitioner did not demonstrate that he is well-positioned to advance his proposed endeavor.

B. Well Positioned

This prong of the *Dhanasar* framework focuses on petitioners. *Matter of Dhanasar*, 26 I&N Dec. at 890. They need not demonstrate that their proposed endeavors are likely to succeed. *Id.* But they must establish that they are well positioned to advance their ventures. *Id.*

Relevant factors include:

- A petitioner's education, skills, knowledge, and record of success in related or similar efforts;
- A model or plan for future activities;
- Any progress towards achieving the proposed endeavor; and
- The interest of potential customers, users, investors, or other relevant entities or individuals.

Id. Petitioners should submit evidence to: document their past achievements; explain how those accomplishments relate to their proposed endeavors; provide evidence of progress towards achieving their ventures; and corroborate projections related to their undertakings. 6 *USCIS Policy Manual* F.5(D)(3).

SCOPS found that the Petitioner has sufficient and relevant education to advance his proposed endeavor. But SCOPS stated that "the record lacks evidence of a record of success beyond simply being a competent professional in his field of endeavor." SCOPS found that his recommendation letters "are from individuals who are professionally and personally acquainted with [him]" and that the letters do not "persuasively establish that [he] has had a degree of impact in the field rising to the level of [a] record of past achievements."

SCOPS acknowledged the Petitioner's published research in his field. But SCOPS found that he did not demonstrate that his work "has been frequently cited by independent researchers or otherwise served as an impetus for progress in the field, that it has affected the field of research, or that it has generated substantial positive discourse in the broader research community." SCOPS also found insufficient evidence "that his work constitutes a record of success" or "examples of how his findings influence the field beyond adding to the general pool of knowledge."

On appeal, the Petitioner contends that SCOPS misapplied *Dhanasar*'s evidentiary standards. He states: "The denial demands a 'record of success,' 'impetus for progress,' and 'frequent citation' identical to the extraordinary ability (EB-1A) final-merits test."[1] He states that "the [proper] inquiry is whether the petitioner is *well positioned* – not whether he has already achieved field-wide renown." (emphasis in original). He maintains that "*Dhanasar* permits USCIS to consider 'past achievements' as one of several non-exhaustive indicators but explicitly states that future-oriented feasibility and stakeholder interest may suffice even when the petitioner has not yet 'generated widespread acclaim.'" He states: "Expecting a 'frequent citation' tally or transformative industry-wide impact ignores the preponderance-of-the-evidence yardstick and substitutes an EB-1A 'sustained acclaimed' test."

[1] The Petitioner refers to requirements for the employment-based, first-preference (EB-1) immigrant visa category for aliens with "extraordinary ability." *See* section 203(b)(1)(A) of the Act.

As the Petitioner argues, the evidentiary standards for EB-1 aliens with extraordinary ability differ from those for EB-2 national interest waiver petitioners. *See* section 203(b)(1)(A)(i) of the Act (requiring aliens with extraordinary ability to demonstrate "sustained national or international acclaim" and submit "extensive documentation" of recognition of their achievements in their fields). SCOPS' expectation of frequent citations to the Petitioner's research and its generation of "positive discourse in the broader research community" resembles the EB-1 requirement for "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field" at 8 C.F.R. § 204.5(h)(3)(v). *See* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 5 ("[P]ublished research that has provoked widespread commentary on its importance from others working in the field, and documentation that it has been highly cited relative to others' work in that field, may be probative of the significance of the person's contributions to the field of endeavor.") "Documentation demonstrating a strong citation history" or "excerpts of published articles showing positive discourse around ... the person's work" may demonstrate that a national interest waiver petitioner is well positioned to advance an endeavor. 6 *USCIS Policy Manual* F.5(D)(3). But neither the Act, regulations, case law, nor USCIS policy require the research of a national interest waiver petitioner to have generated frequent citations or widespread commentary. Thus, SCOPS erred in faulting the Petitioner's research on that ground.

But SCOPS properly considered the Petitioner's "record of success" or lack thereof. *See Matter of Dhanasar*, 26 I&N Dec. at 890 (listing "record of success in related or similar efforts" as a factor in determining whether a petitioner is well positioned to advance a proposed endeavor). In finding the air-and-space propulsion researcher in *Dhanasar* well positioned to advance his proposed research endeavor, we considered his "experience conducting research and developing computational models" and the "significant role" he played in U.S. government-funded projects. Thus, SCOPS did not err in similarly assessing the Petitioner's past record in projects similar to his proposed endeavor.

The Petitioner notes that SCOPS' decision "asserts 'no record of success beyond simply being a competent professional.'" He claims, however, that "the ... letter [from his U.S. university employer] alone ties [him] to measurable enrollment growth, MOUs [memoranda of understanding], and engagement jumps – all unmentioned in the denial. That omission violates *Matter of Chawathe*'s requirement to weigh 'relevant, probative, and credible evidence.'" *See Matter of Chawathe*, 25 I&N Dec. at 376 (requiring USCIS to "examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true").

As the Petitioner argues, a letter from his U.S. university employer states that, since he became a part-time admissions officer at the school, African student enrollment has increased 55%. But he has not sufficiently explained how this "record of success" relates to his proposed endeavor. He has not established sufficient similarities between his roles as an admissions officer and an implementer of a proposed national framework for improving teacher quality, early childhood education, and equitable learning opportunities. *See* 6 *USCIS Policy Manual* F.5(D)(3) ("The petitioner should submit evidence to document the person's past achievements [and] *explain how those achievements relate to the proposed endeavor*.") (emphasis added).

The Petitioner contends that SCOPS improperly discounted his recommendation letters based on their authorship by his colleagues and supervisors. He states that *Dhanasar* "nowhere states that letters

must come from disinterested strangers; what matters is whether [the letters] provide *credible, detailed, and objective* insight into the petitioner's ability to deliver the proposed endeavor." (emphasis in original). The Petitioner maintains that the letters on his behalf address his work's impact and relate to the "technical knowledge" needed to advance his proposed endeavor. He states that SCOPS' rationale "conflates familiarity with bias and disregards the substantive evidence each letter supplies."

The concern with support letters by authors who personally know petitioners is that they will not be objective. The record here does not indicate that the support letters on the Petitioner's behalf are biased. But the letters do not sufficiently relate his past achievements to his proposed endeavor. *See* 6 *USCIS Policy Manual* F.5(D)(3) (requiring petitioners to explain how their past achievements relate to their proposed endeavors). The letters on the Petitioner's behalf do not adequately explain how his prior academic, employment, and research accomplishments position him to implement a national framework for improving teacher quality, early childhood education, and equitable learning opportunities. None of the letters detail his proposed framework or discuss his positioning to implement it.

The Petitioner contends that he has demonstrated that he is well-positioned to advance his proposed endeavor. As evidence of his success in similar efforts, he cites letters from the U.S. university where he works and the Nigerian school where he previously worked. The letter from his U.S. employer states that, during his part-time tenure as an admissions officer, African student enrollment substantially increased. Letters from officials at his former university mention his roles in research studies, curricula reforms, and teacher-training workshops. The Petitioner argues that the letters demonstrate "measurable outcomes mirroring the proposed U.S. residency framework – i.e., data-driven recruitment, curriculum innovation, and large-scale educator mentoring." The university letters, however, do not provide enough details about the Petitioner's past accomplishments or explain how they "mirror" his proposed endeavor.

The Petitioner also contends that he has demonstrated "stakeholder interest" in his endeavor. He claims that a letter from a former dean at the U.S. university where he studies states that his educational framework will "fill a yawning gap … across at least four southern states within three years." Also, a letter from his supervisor at the school's admissions office again cites an increase in African student enrollment during his tenure there. The Petitioner argues that these "[t]hird-party endorsements of national stature show institutional buy-in and resource commitment – key indicators of feasibility."

The record, however, does not sufficiently support the Petitioner's arguments. The letter from his supervisor details his work as a part-time admissions officer. But the letter does not detail his proposed endeavor. It also does not "endorse" the endeavor or demonstrate "buy-in" to the venture. Regarding the other letter, the exhibit cited by the Petitioner contains a letter from a professor, not a former dean, at the U.S. university. Also, the letter does not state that the Petitioner's proposed endeavor would "fill a yawning gap … across at least four southern states within three years." Rather, the letter states that the Petitioner's doctoral research "holds significant potential for advancing quality education in both the United States and globally. His work, grounded in innovative and strategic leadership, has the potential to impact the education system and contribute to national progress positively." Contrary to the Petitioner's argument, the letter does not specifically endorse his proposed endeavor or even mention it. Further, contrary to his claims, he has not demonstrated that either of the letters' authors have "national stature" or that they or the institution where they work have committed resources to his

endeavor. The Petitioner has submitted a plan for his venture. But he has demonstrated insufficient interest or support from relevant others – for example, federal or state education officials, legislators, or leaders of teacher unions. *See Matter of Dhanasar*, 26 I&N Dec. at 890 (listing "the interest of potential customers, users, investors, or other relevant entities or individuals" as a factor in considering whether a petitioner is well positioned to advance an endeavor).

The Petitioner asserts that SCOPS "ignored" his licensure and educational certifications, which he claims "enable immediate, scalable deployment" of his proposed endeavor. For example, he states that his state teaching license "directly satisfies *Dhanasar*'s requirement that the petitioner possess 'legal authorization' and 'practical ability' to execute the endeavor."[2]

The Petitioner, however, has not sufficiently explained how his teaching license or educational certifications relate to his proposed endeavor. *See* 6 *USCIS Policy Manual* F.5(D)(3) ("The petitioner should submit evidence to document the person's past achievements [and] *explain how those achievements relate to the proposed endeavor.*") (emphasis added). A teaching license is needed to teach. But, if the Petitioner simply plans to teach, then his endeavor would lack national importance under *Dhanasar*'s first prong. *See Matter of Dhanasar*, 26 I&N Dec. at 893 (finding insufficient evidence that a proposal to teach science technology engineering and mathematics (STEM) courses "would impact the field of STEM education more broadly").

The Petitioner also contends that SCOPS "ignored" his publication and citation record. He states his authorship or co-authorship of 50 peer-reviewed articles, including five in "top journals" that received 35 citations. He maintains that SCOPS further ignored "field-specific citation norms." He asserts: "Educational-policy research accrues citations at a fraction of STEM fields."

Technically, SCOPS did not ignore the Petitioner's publication and citation record. As previously indicated, SCOPS faulted him for not demonstrating that his research attracted frequent citations or provoked widespread commentary. Also, he did not submit evidence comparing the number of citations of educational-policy research to those in other fields. In any event, the Petitioner has not sufficiently demonstrated how his publication and citation record relate to his proposed endeavor. We recognize that he has researched aspects of early childhood education, which forms a part of his proposed framework. But his proposed endeavor involves more than research. He stated that it involves implementation of a national framework of teacher and educational improvements. The Petitioner has not demonstrated that he has such implementation ability.

The Petitioner notes that SCOPS faulted him for not explaining the value of his educational certifications. But he asserts that, contrary to applicable regulations, SCOPS "never raised this concern" in its request for evidence (RFE), "depriving [him] of the chance to clarify." He asserts that, under 8 C.F.R. § 103.2(b)(8), USCIS must request additional evidence when "initial evidence is not sufficient." He also states:

> More fundamentally, *Dhanasar* asks whether the petitioner's "education, skills [and] knowledge" make him well positioned; it does not require that each credential be extraordinary or that its value be self-evident on its face. By dismissing the certificates

[2] *Dhanasar* does not specifically reference "legal authorization" or "practical ability" to advance a proposed endeavor.

without analysis, [SCOPS] failed to weigh "relevant, probative, and credible evidence" violating *Matter of Chawathe*, 25 I&N Dec. 365, 376 (AAO 2010).

Contrary to the Petitioner's assertion, however, SCOPS' RFE *did* raise concern about his certifications. The RFE stated: "[T]he self-petitioner does have certifications, but the self-petitioner never explains what these certifications entail or what can he do with the certificates to achieve his proposed endeavor." Thus, the Petitioner had an opportunity to explain the relevance of his certifications. Also, we recognize that, to qualify for EB-2 classification, the Petitioner's credentials need not be extraordinary. But, to obtain a national interest waiver, he must still explain how his achievements relate to his proposed endeavor. *See* 6 *USCIS Policy Manual* F.5(D)(3).

Finally, the Petitioner argues that SCOPS did not consider his unrepresented status during the underlying visa petition proceedings. He asserts: "USCIS effectively penalized [him] for inartful presentation of legal arguments due to his pro se status rather than fairly assessing substantial evidence demonstrating eligibility under the required standards."

Federal courts liberally construe pro se filings and hold them to less stringent standards than those drafted by attorneys. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007). But neither the Act, regulations, case law, nor USCIS policy authorize the Agency to relax standards for unrepresented petitioners or applicants. Moreover, the Petitioner has not explained or demonstrated how SCOPS purportedly "penalized" him.

For the foregoing reasons, the Petitioner has not established that he is well positioned to advance his proposed endeavor. We will therefore affirm the petition's denial.

C. A Waiver's Benefits

Our decision that the Petitioner did not satisfy *Dhanasar*'s second prong resolves this appeal. We therefore need not reach and hereby reserve consideration of his appellate arguments regarding the claimed benefits of a waiver to the United States. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

III. CONCLUSION

The Petitioner has not demonstrated that he is well positioned to advance his proposed endeavor. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.

NOTICE: This is the final decision in this matter. A motion's filing would not postpone the decision's effect. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are unlawfully present, or who are otherwise inadmissible or deportable, may receive Forms I-862, Notices to Appear, placing them in removal proceedings. *See* section 240 of the Act, 8 U.S.C. § 1229a. Removal proceedings may result in an alien's removal from the United States and ineligibility for future U.S. visas or other immigration benefits.