U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39721814

Date: OCT. 6, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner is a journalist who 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 (NIW) 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 Form I-140, Immigrant Petition for Alien Workers (petition), concluding that the record established that the Petitioner qualified for the underlying visa classification, but she did not merit a discretionary waiver of the job offer requirement in the national interest. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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.

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:

- 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.

[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).

Id.

II. NATIONAL INTEREST WAIVER

The Petitioner earned a bachelor's degree in broadcast journalism and Master of Science in Journalism, each from a U.S. institution of higher education. Within the initial filing, the Petitioner expressed her intent "to work as a broadcast journalist, where I plan to use my expertise in news production, writing, and reporting to inform citizens on matters of national and international interest through information that is transparent, clear, and of quality." When responding to SCOPS' request for evidence (RFE), she adjusted her focus with the intent "to educate Gen Z, i.e., 16-24-year-olds, regarding core American values; the principles of democracy and their Constitutional rights; and how the U.S. political system works." She expressed three key objectives in her endeavor:

1. To engage Generation Z in the political process.
2. To combat social media manipulation.
3. To promote critical thinking and avoid groupthink.

Her attorney summed up how she intended to achieve those objectives through implementing four distinct initiatives through: her approach to social media, her podcast, her speaking engagements and workshops at colleges and universities, and an interactive and informational website. Within the appeal, the Petitioner states:

> Each element of the Endeavor advances the Education of US youth, as it aims to create a nation of informed voters. [The Petitioner's] aims in executing her Endeavor include the lofty goal of providing balanced political information directly from both parties; improving critical thinking to enable voters to thoroughly assess information and make better decisions in the political realm; and, ultimately, motivating Gen Z and others to participate in the political process. By educating our youth regarding the positions of candidates from both parties, [the Petitioner] is bridging a huge divide between left and right which developed over the past several years, and thus is improving societal welfare and culture.

A. Substantial Merit and National Importance

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.* When we evaluate national importance, the relevant question is not the importance of the industry or profession in which the alien will work. Rather, we focus on the "the specific endeavor that the alien proposes to undertake" and we look to evidence illustrating the "potential prospective impact" of his actual proposed work. *Id.* A petitioner must demonstrate the proposed endeavor will "impact the field . . . more broadly" (*Id.* at 893) and that it has "broader

implications" (*Id.* at 889). Such endeavors may have "national or even global implications within a particular field" (*Id.* at 889), "significant potential to employ U.S. workers or [have] other substantial positive economic effects" (*Id.* at 890), or has the potential to widely advance and broadly affect U.S. strategic interests (*Id.* at 892).

USCIS policy also provides that "if the evidence of record demonstrates that the person's proposed endeavor has the significant potential to broadly enhance societal welfare or cultural or artistic enrichment, or to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance." *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual (citing *Matter of Dhanasar*, 26 I&N Dec. at 889–90, 892).

Within her initial filing, the Petitioner's claims under this prong primarily focused on the importance of broadcast journalists in general rather than on her specific endeavor, but in the RFE response she included more of her actual journalistic efforts. However, SCOPS quoted from her initial filing and did not dedicate any attention to the adjustment she made in the RFE response. They ultimately concluded that she demonstrated her endeavor had substantial merit but that it was not nationally important. On the issue of national importance, SCOPS noted the scope of her services she intends to perform, but her plan did not sufficiently show "how the services would have global or national implications to the field beyond the individuals or entities utilizing them," meaning the record did not illustrate the broader implications of her endeavor.

The Petitioner begins her national importance arguments in the appeal claiming that SCOPS misstated the crux of her proposed endeavor when they characterized it as broadcasting high-quality information articles, news reports, and documentaries through digital platforms and social media to reach the Generation Z population. But after alleging that error, the Petitioner does not explain how her actual activities in her proposed endeavor would satisfy *Dhanasar's* national importance requirements.

Instead, she advances that SCOPS' "misidentification of the activities of the Endeavor is fatal to the Decision. As the actual activities of [the Petitioner's] Endeavor was never assessed, the Decision should be overturned as invalid, and new Decision rendered on the facts of the case." But simply noting an error without more is insufficient. Absent from the appeal brief is her account illustrating how the four distinct initiatives we listed above would make any impact in the field. Without such a showing, she has not demonstrated the "potential prospective impact" of her work as *Dhanasar* requires. *Id.* at 889.

And a review of her previous correspondence does not bear out her assertions that her efforts will have a potential prospective impact in the field. She explained that her social media approach provides solely firsthand posts from both political parties and that this "combats the social media algorithm which provides posts from influencers and pundits who promote their own point of view, often with 'fake' or misleading posts that omit facts and context." This is comparable to the alien's teaching activities in the *Dhanasar* decision that did not rise to the level of having national importance because they would not "impact the field of [science, technology, engineering, and math] education more broadly." *Id.* The evidence does not suggest that the Petitioner's approach to social media would impact the field of journalism in the United States more broadly, or how this will influence those in Generation Z. The Petitioner does not explain, and it is not apparent, how this effort will improve

upon or affect the social media environment and how it will have a notable impact in the Petitioner's field.

Next, she states SCOPS only assessed the national importance of her endeavor for its value to the U.S. economy and job creation and characterized that as an error of law, "as the ruling case regarding National Interest Waivers, *Matter of Dhanasar*, at 889 recognizes that an Endeavor may impact Education, Science, Health, Culture, and more" and she quotes the *Dhanasar* decision:

> The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health or education. Evidence that the endeavor has the potential to create a significant economic impact may be favorable but is not required, as an endeavor's merit may be established without immediate quantifiable economic impact.

But we note this quote relates to the substantial merit portion of *Dhanasar's* prong one requirements, not to the national importance requirements. But to the extent that any of the elements she identifies do relate to the national importance requirements, it is insufficient to show a nominal effect on those areas as agency policy provides that "if the evidence of record demonstrates that the person's proposed endeavor has the *significant* potential to *broadly* enhance [similar areas], it may rise to the level of national importance. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3) (emphasis added). The Petitioner has not explained how she has supported the record with "specific" and "relevant evidence," demonstrating her endeavor has *significant* potential to *broadly* enhance the identified areas, which the USCIS Policy Manual explains as a conditional standard. *Id.* While she offers her own and her attorney's conclusory statements asserting that had SCOPS "properly assessed the evidence, [she] would have been found to have met this prong of the *Dhanasar* test," these conclusory assertions do not enable us to determine whether the eligibility claims are any more reliable than hopeful speculation. *Matter of Ho*, 22 I&N Dec. 206, 213 (BIA 1998). *See also Matter of Valencia*, 19 I&N Dec. 354, 355–56 (BIA 1986); *Matter of Patel*, 16 I&N Dec. 600, 601 (BIA 1978); *Matter of Martinez-Romero*, 18 I&N Dec. 75, 79–80 (BIA 1981).

And while we agree that a more relevant reference to what the Petitioner's proposed endeavor will be comprised of would have been to quote from the more developed arguments in the RFE response instead of from the initial filing, it does not appear that that subsequent presentation established that she has satisfied her endeavor's national importance under prong one either. On appeal, she states her "endeavor is nationally important in terms of content and is national in scope in terms of its reach." The brief provides:

> As the current state of social media is driven by algorithms which limit information to viewers, based on their history of searches, likes, etc., it is of critical national importance to break the algorithm and provide viewers with balanced information. Educating the public, especially Gen Z, which "lives" on social media, regarding the actual positions of candidates on both the right and left sides of the political spectrum is of critical importance to their ability to make informed political decisions. As [the Petitioner's] methodology achieves this by providing only first-hand information from both parties and candidates to each viewer, her Endeavor has national importance.

The Petitioner does not explain how her efforts of presenting issues from both sides of the political spectrum will "break the algorithm" of any popular social media apps. The brief then offers another conclusory assertion that she satisfies the prong one requirements.

But claiming an eligibility requirement has been met as a matter of fact without a more detailed explanation—one that is supported with "specific" and "relevant evidence"—is the type of conclusory assertion that is wholly inadequate in these proceedings. Algorithms for social media apps are engineered to improve user engagement through predictive modeling of individual behavior and preferences, not to recalibrate based on the presence of one individual's balanced discourse. Accordingly, while the inclusion of multiple perspectives may nominally add to others also attempting to offer balanced information, the Petitioner has not explained any practical effect that her efforts might have on the underlying mechanisms by which content is curated, filtered, and disseminated to social media users. A petitioner's ipse dixit assertions will not carry its burden of demonstrating eligibility. *See Gen. Elec. Co. v. Joiner*, 522 U.S. 136, 146 (1997) (citing to *Turpin v. Merrell Dow Pharmaceuticals, Inc.,* 959 F.2d 1349, 1360 (6th Cir.), *cert. denied*, 506 U.S. 826 (1992).

Additionally, we reiterate that the *Dhanasar* decision states: "In determining whether the proposed endeavor has national importance, we consider its potential prospective impact" in the field "more broadly," and whether it has "broader implications." *Id.* at 889, 893. This "more broadly" and "broader implications" language mandates an assessment that examines how, and to what extent, the proposed endeavor will advance, enhance, or transform the field—not merely whether it produces some small or nominal effect.

Dhanasar provides examples illustrating that—when it comes to national importance—USCIS' analysis of an endeavor's impacts can properly include qualitative aspects that have "*national* or even *global* implications within a particular field" or have "*significant* potential to employ U.S. workers or has other *substantial* positive economic effects." *Id.* at 889–90. (Emphasis added). These examples place a qualifier on the level of significance or importance in a field, as well as the level of potential and the amount of positive effects, respectively to corroborate that a proposed endeavor should "impact the field . . . more broadly" and that the endeavor has "broader implications." *Id.* at 893, 889.

USCIS policy guidance further reinforces this qualitative approach, stating that national importance may be established "if the evidence of record demonstrates that the person's proposed endeavor has the *significant* potential to *broadly* enhance societal welfare or cultural or artistic enrichment, or [the *significant* potential] to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance." *See generally* 6 *USCIS Policy Manual*, *supra*, F.5(D)(3), (citing *Matter of Dhanasar*, 26 I&N Dec. at 889–90, 892). (Emphasis added).

When we considered Dr. Dhanasar's appeal, we performed two evaluations to determine what did, and what did not, qualify as a proposed endeavor under prong one's national importance requirements. We decided his future research efforts qualified, while his future teaching endeavor did not. The potential impact of Dr. Dhanasar's future research was a key factor in demonstrating that his work met the criteria of being nationally important under the first prong. Had his planned research only added nominally to the field's understanding of the areas his work implicated, his case would have been unsuccessful and his name would not be synonymous with a national interest waiver today.

What makes this apparent was his future efforts in teaching did not have a sufficient level of impact in the broader field and therefore, did not meet the national importance requirements under prong one. We found STEM teaching to have substantial merit, but Dr. Dhanasar did not show that he "would be engaged in activities that would impact the field of STEM education more broadly." Our "more broadly" language was our determination that he hadn't shown his impact in the field would be adequate; it was only nominal or insignificant. His teaching did not have "national or even global implications within a particular field" nor did it have "significant potential" for increased employment or have "substantial positive economic effects." And under USCIS policy, *Dhanasar's* teaching efforts did not have "the significant potential to broadly enhance societal welfare or cultural or artistic enrichment, or to contribute to the advancement of a valuable technology or field of study." *See generally* 6 *USCIS Policy Manual*, *supra*, F.5(D)(3).

Ultimately, the *Dhanasar* decision emphasizes that the endeavor must have the potential to create a significant positive impact in a particular field, even if the benefits are not immediate or directly measurable. Insignificant or nominal potential prospective impacts, even if relevant to the field, are not adequate to demonstrate a petitioner's proposed endeavor has national importance. So, petitioners should establish that their future endeavor is likely to impact the field in ways above those common to simply adding to what currently exists. Instead, they should be able to convey and corroborate why their work will emerge above a standard level of impact in the field.

We view this application of a qualitative nature to be appropriate and supported by agency precedent and policy. Evaluating the level of impact and requiring more than a nominal effect in the field adheres to the nationally important standard contained within *Dhanasar's* first prong. Our reading of *Dhanasar's* prong one requirements should not lead us to conclude that an *impact* in the field that is *not impactful* rises to the level of national importance.

While we recognize and respect the vital role journalism plays in informing the public and strengthening democracy, the proposed endeavor does not meet the specific requirements for a national interest waiver. Because the Petitioner has not sufficiently established the national importance of her proposed endeavor as required by *Dhanasar's* first prong, she has not demonstrated eligibility for an NIW of the job offer requirement.

B. We Reserve *Dhanasar's* Remaining Second and Third Prongs

As we explain above, *Dhanasar's* second and third prongs require the Petitioner to demonstrate she is eligible for an NIW meeting additional requirements. But because the Petitioner has not established that her proposed endeavor satisfies the *Dhanasar* framework's first prong, she is not eligible for an NIW and further discussion of the second and third prongs would serve no meaningful purpose. Consequently, we will not address and we reserve the Petitioner's remaining appellate arguments. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)); *see also Matter of Yajure Hurtado*, 29 I&N Dec. 216, 229 n.8 (BIA 2025) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The appeal will be dismissed for the above stated reasons, with each considered an independent and alternative basis for the decision. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden.

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.