U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39700698

Date: OCT. 14, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a clinical psychologist and an entrepreneur, 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 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 that although the Petitioner qualified for classification as a member of the professions holding an advanced degree, she had not established that 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. 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 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;

[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 individual is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner proposes to be a business and operations manager of a state-of-the-art company offering mental health services. She founded her business in [redacted] Florida in 2023. The Petitioner holds a Bachelor's Degree in Psychology from [redacted] University conferred in 2017, and a Master's Degree in Clinical Psychology from [redacted] University obtained in 2020. SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree, and we agree. The remaining issue to be determined 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. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of her proposed endeavor under the first prong of the *Dhanasar* analytical framework.

In denying the petition, SCOPS concluded that the Petitioner did not establish the proposed endeavor's national importance and that, on balance, it would benefit the United States to waive the job offer requirement. However, SCOPS found that the Petitioner established the proposed endeavor's substantial merit and that she is well positioned to advance it. On appeal, the Petitioner argues that SCOPS erroneously denied the petition. The Petitioner contends that SCOPS failed to apply the proper standard of proof and instead imposed a novel standard. In addition, the Petitioner complains that SCOPS misstated the location of the business as Maryland instead of Florida and stated that she had an approved labor certification although she did not; thus, leading her to believe that SCOPS confused the facts of her case with that of another petitioner. We acknowledge these errors but otherwise determine that they are *de minimus*. Furthermore, SCOPS initially determined that the Petitioner met the "well-positioned" criterion but later in their conclusion stated that the Petitioner did not. We will reserve the issue whether by a preponderance of the evidence, the Petitioner meets the second prong of the *Dhanasar* framework and instead consider whether she meets the first prong.

The Petitioner states that through her company, she intends to provide three key offerings: AI Mental Wellness Guide, Mental Health Expert Sessions and Psycho-emotional training in educational settings. Her target market includes individuals seeking personalized counseling and treatment regarding their mental health; and educational institutions and school districts seeking comprehensive mental wellness programs for students, parents and teachers. The record includes a business plan, recommendation letters, and industry reports and a voluminous number of articles related to the field of psychology and mental health. While we do not discuss every piece of evidence individually, we have reviewed and considered each one. We conclude that the Petitioner's proposed endeavor has substantial merit.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. The relevant question is not the importance of the field, 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. 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 contends that her company's operations are expected to have substantial economic effects by delivering "high-quality mental health services." While the Petitioner claims that her endeavor will "produce significant national benefits due to the ripple effects of her professional activities," the Petitioner has not demonstrated that her undertaking will have implications beyond her patients that rise to the level of national importance. It is insufficient to claim an endeavor has national importance or will create a broad impact without providing evidence to corroborate such claims. The Petitioner must support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner argues that her proposed endeavor improves access to essential mental health care and promotes societal well-being nationwide, especially as she leverages advanced AI technology and expert human intervention. She also contends that her mission is to make mental health services more accessible, reduce stigma and improve the understanding and management of mental health problems across various age groups and settings in the United States. 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. Here, the Petitioner asserts that her company will address the following issues: limited access to quality, affordable mental health services for underserved populations; lack of comprehensive mental health education and resources in school environments; and the need for integrating advanced technology, like AI, to personalize and enhance mental health care delivery. Specifically, regarding her use of AI, the Petitioner states, "Using artificial intelligence (AI) for the recommendation and validation of mental health professionals can increase efficiency in the delivery of mental health services. This could ease the burden on public health systems by providing a faster and more efficient route for patients to access appropriate care, aligning with trends toward a more personalized approach in healthcare. Additionally, by allowing psychologists to see more patients without sacrificing quality of care, the service can contribute to more efficient use of healthcare resources." She contends that her approach not only aims to improve individual mental health but also seeks to impact public health positively by emphasizing prevention and early intervention. The record nonetheless does not include adequate corroborating evidence to show that the Petitioner's specific proposed endeavor as a psychologist and the business and operations manager of her company offers broader implications in her field, enhancements to U.S. societal welfare, or substantial positive economic effects for the country that rise to the level of national importance.

The Petitioner's business plan projects to have 53 employees, by year five, with anticipated revenue of $103.5 million. The Petitioner's plan, however, does not show how these revenue and employment projections, even if plausible, have significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for the country. Furthermore, the Petitioner's revenue and staffing goals fail to demonstrate that her company would provide substantial economic benefits to Florida, the region, or the broader U.S. economy at a level commensurate with national importance. For example, the Petitioner has not shown that her staffing levels would utilize a significant population of workers in Florida or significantly impact job creation or economic growth in the area and beyond. Additionally, the record lacks supporting documentation to demonstrate how the impact of the Petitioner's proposed endeavor would extend beyond her prospective clients or patients to broadly affect the psychology and mental health industry at a level of national importance. Without sufficient evidence regarding the projected U.S. economic impact or job creation directly attributable to her future work, the record does

not show that the benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See id.* at 890.

The Petitioner emphasizes the importance of psychologists and notes that there is an occupational shortage of mental health professionals. And according to Dr. [redacted], a highly regarded and well-established expert in the Petitioner's field, who submitted a letter on her behalf, "[o]ne out of every 5 people in the United States had a mental illness in 2019 – a total of 51.5 million people . . . Yet the United States does not have nearly enough mental health professionals to treat everyone who is suffering. Already more than 150 million people live in federally designated mental health professional shortage areas." As previously mentioned, 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 "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Although the Petitioner states her endeavor is of national importance, she has not sufficiently explained how her endeavor will positively impact the U.S. economy, offer broader implications in the psychology and mental health field, and create direct and indirect jobs to move the U.S. economy on a broad scale rising to the level of national importance. It is also important to note that the shortage of healthcare professionals does not render the Petitioner's proposed endeavor nationally important under the *Dhanasar* framework. In fact, such shortages of qualified workers are directly addressed by the U.S. Department of Labor through the labor certification process.

For the aforementioned reasons, the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework. Because the documentation in the record does not establish the national importance of her proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding her eligibility under the second and third prongs outlined in *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *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).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that she has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

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.