U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40100528

Date: OCT. 30, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a management scientist, 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).

SCOPS denied the petition, concluding the Petitioner did not establish that she is eligible for or otherwise merits a national interest waiver as a matter of discretion. 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. Once a petitioner demonstrates eligibility for the underlying classification, the petitioner must then establish eligibility for a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so. *Matter of Dhanasar,* 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states 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.

Id.

II. ANALYSIS

For the underlying EB-2 immigrant classification, SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The issue on appeal is whether the Petitioner established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. SCOPS determined that while the Petitioner established meeting the second prong of the *Dhanasar* analytical framework, she did not demonstrate meeting the first and third *Dhanasar* prongs. Upon de novo review, we agree with SCOPS' determination that the Petitioner did not establish the national importance of her proposed endeavor under *Dhanasar's* first prong.[3]

On appeal, the Petitioner asserts that SCOPS mischaracterized and ignored evidence, thereby erring in the adjudication of the petition. Citing *Buletini v. INS*, 860 F. Supp. 1222 (E.D. Mich. 1994), the Petitioner claims SCOPS abused its discretion by not appropriately evaluating the evidence. In particular, the Petitioner asserts that SCOPS did not properly assess her proposed endeavor, and the decision lacked reasoned consideration and analysis of all arguments and evidence submitted in support of her endeavor's national importance. She maintains the evidence demonstrates by a preponderance of the evidence that her proposed research-based endeavor is of national importance. We disagree with the Petitioner's assessment of SCOPS' decision.

The Petitioner claims that SCOPS misread the record, undermining the reliability of the denial decision. She points out factual errors in the denial decision, specifically its use of the term "Petroleum Engineer/Consultant" and language mischaracterizing her endeavor as a business when instead, her proposed endeavor is research-based. We acknowledge SCOPS' error in these instances, but such errors appear to be typographical or harmless errors. Throughout the decision, SCOPS details the Petitioner's indicated proposed research-based endeavor and accurately references and analyzes evidence submitted by the Petitioner. It is not enough to demonstrate errors in an agency's decision; a petitioner must also establish that they were prejudiced by the mistakes. *Shinseki v. Sanders*, 556 U.S. 396, 409 (2009); *Molina-Martinez v. United States*, 578 U.S. 189, 203 (2016); *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022). As the Petitioner has not demonstrated she was prejudiced by the mistakes, such errors would appear to be harmless and are insufficient grounds upon which to base this appeal. Errors can be overlooked when they had no bearing on the substance of an agency's decision. *Aguilar v. Garland*, 60 F.4th 401, 407 (8th Cir. 2023) (citing *Prohibition Juice Co. v. United States Food & Drug Admin.*, 45 F.4th 8, 24 (D.C. Cir. 2022)).

To determine whether a petitioner has met their burden under the preponderance of the evidence standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.; *see also Matter of E-*

[2] To qualify for the underlying EB-2 classification as an advanced degree professional, the Petitioner submitted an academic evaluation, a diploma, and an academic transcript indicating she earned a doctor of philosophy in management sciences from [redacted] Pakistan. Based on the evidence, the Petitioner has established she is an advanced degree professional.

[3] While we may not discuss every document submitted, we have reviewed and considered each one.

M-, 20 I&N Dec. 77, 79- 80 (Comm'r 1989). The court in *Buletini* did not suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *Amin v. Mayorkas*, 24 F.4th at 394; *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *aff'd Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); *Kazemzadeh v. US. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *United States v. Teixeira*, 62 F.4th 10, 25 (1st Cir. 2023) (concluding a trier of fact "need not articulate its conclusions as to every jot and tittle of evidence in making a determination"). Based on the record, SCOPS' decision is a reasoned interpretation and consideration of the evidence. The decision summarizes the Petitioner's proposed research work as her intended endeavor, acknowledges documents submitted, and weighed the evidence but determined that the evidence lacked probative value. *See Matter of Chawathe*, 25 I&N Dec. at 376. The proposed endeavor, as described, and the evidence in the record do not support the Petitioner's assertions that the potential impact of her endeavor would have a broader impact on her field or implications rising to a level of national importance, as discussed below.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that a petitioner 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. In determining national importance, the relevant question is not the importance of the field, 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.* An endeavor is more specific than a general occupation and should include details of the types of work a petitioner intends to undertake and describe specific projects and goals. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual.

For her proposed endeavor, the Petitioner states she intends to conduct research "to identify, develop, and recommend human resources (HR) practices that promote diversity, equality, leadership alignment, performance reviews, and Agile HR in order to enhance organizational productivity and efficiency." In her request for evidence reply, the Petitioner provided a statement to further explain her research, stating she will focus "on developing methods that foster inclusive cultures, align leadership with organizational goals, and improve employee performance." By leveraging her experience, she seeks "to integrate diversity and Agile HR strategies into modern workplaces." She claims her research will contribute to strengthening the economy and employment. She intends to circulate her research work through peer-reviewed publications and present at conferences. Noting her employment would be separate from her proposed endeavor, she expresses her intent to pursue a postdoctoral researcher position in the United States, with interest in working at the University of Virginia.

In her statement, the Petitioner summarized three planned research projects to advance her proposed endeavor. For the first project, she "aims to create an evidence-based model of inclusive leadership that enhances employee engagement, reduces stereotypes, and boosts organizations productivity." By conducting surveys and interviews with corporate leaders and employees, she will assess current inclusivity; develop strategies for overcoming barriers to inclusivity; and design and test leadership training programs focused on fostering inclusive decisions, employee engagement, and innovation.

She asserts that her research's focus on inclusive leadership will improve employee well-being and mental health; enhance employee engagement; reduce stress and health issues; and contribute to resilient, high-performing workplaces, leading to economic productivity.

For the second project, she intends "to develop an Agile HR framework that increases adaptability, decision making efficiency, and employee engagement." She describes Agile HR as an emerging approach that "integrates HR functions into flexible, iterative framework, enabling organizations to respond quickly to workforce and market changes." She claims that "Agile HR enhances productivity, retention, and decision-making processes." In addition, she maintains that her research contributes to U.S. national initiatives which support workforce adaptability as critical for resilience; modernized human resource strategies; and improved workforce health as recognized as a factor for economic productivity and policy development.

For the third project, she would "develop a contemporary model for performance evaluation that reduces bias, increases employee engagement, and enhances organizational effectiveness." To address bias issues related to traditional performance management systems, she proposes collaborating with human resource technology firms to design, conduct studies, and develop an artificial intelligence-based performance management system to support personalized development programs and unbiased performance evaluations.

While the Petitioner provides an overview of her proposed research projects, her project descriptions are brief summaries, without specific details or evidence supporting her claims of their impacts. The Petitioner describes projects that differ from each other and generally convey ideas for developing corporate leadership strategies to integrate diversity and inclusion into human resource management. We acknowledge that the Petitioner conducting research as a postdoctoral fellow at a U.S. university with a focus on human resource management that integrates diversity, inclusion, leadership alignment, and Agile HR may demonstrate the substantial merit of the proposed endeavor. However, her proposed research projects and evidence in the record do not support or demonstrate her endeavor's prospective potential impact nationally, or even globally, or through broader implications rising to a level of national importance.

As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id*. Here, the Petitioner has not provided the level of specific details or documentation as required under *Dhanasar* to support her claims.

The Petitioner asserts that her proposed endeavor aligns with national government initiatives, in particular initiatives prioritizing integrated leadership and improving workplace health. The Petitioner emphasizes the national concern of workplace stress and points to evidence of national health statistics; U.S. government policies supporting workforce adaptability and modern human

resource strategies; and peer-reviewed articles relating to the health and economic consequences of poor human resource practices. For instance, she claims her proposed project focused on advancing inclusive leadership will have important national implications which improve employee engagement, reduce stereotypes, and enhance organizational productivity. In addition, she claims her second research project, focused on improving human resource practices and advancing agile HR frameworks, aligns with initiatives from the U.S. Department of Labor and the National Science and Technology Council. In support of her claims, the Petitioner referenced national policies and submitted the U.S. Department of Labor 2022 annual performance report; a 2022 report by the National Science and Technology Council; and reports relating to human capital trends and the impact of diversity and inclusion on businesses.

The importance of the U.S. government initiatives is not in dispute, but their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. Merely conducting research focused on inclusive leadership, workforce adaptability, and unbiased performance management is insufficient to establish the national importance of the proposed endeavor. Instead, we focus on the "the specific endeavor that the foreign national proposes to undertake" and consider the endeavor's "potential prospective impact." *Id.* at 889. The Petitioner does not quantify the proposed endeavor's expected impact in the identified areas of concern, or provide objective, probative evidence to support her contentions. Although the Petitioner has shown that workplace inclusion, workforce adaptability, and modern human resource strategies are nationally important issues, she has not demonstrated the potential prospective impact of her specific endeavor to such nationally important matters. Moreover, the importance of an industry or field is not sufficient to meet the national importance requirement under the *Dhanasar* framework. The evidence submitted to support her claims do not discuss the Petitioner's specific research work. The Petitioner has not sufficiently detailed her proposed research or provided supporting evidence to understand how it would impact national initiatives or have sufficiently broad potential implications for her field rising to the level of national importance.

The Petitioner argues that her proposed research will have broader national implications beyond any single employer or workplace, as she intends to continue to disseminate her research through peer-reviewed publications and at industry conferences. While the Petitioner asserts that SCOPS erroneously dismissed her colleagues' recommendation letters and her previous research citation history as corroborating her claims, the letters do not discuss her proposed endeavor and her plans to introduce the claimed innovative advancements which may be disseminated to or adopted by others operating in her field or any other industry. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Instead of discussing her proposed endeavor and its potential prospective impact, her colleague's letters mainly provide general summaries of her previous research projects. For instance, a letter from the Minister for Education, Tourism, Archives & Libraries Department for the [redacted] in Pakistan explains the Petitioner's previous research relating to tourism development and environmental sustainability and endorses her "in the field of management sciences, especially in developing frameworks for sustainable tourism practices and revitalization strategies." The letter also discusses the Petitioner academic accomplishments and her current work with the [redacted] and as a professor at the [redacted] However, the letter and other evidence in the record lacks information about how the Petitioner's previous research with tourism

development and environmental sustainability relates to any of her three proposed research projects which are focused on inclusive leadership, workforce adaptability, and unbiased performance management. Likewise, an independent opinion letter from an assistant professor at [redacted] mainly discusses the Petitioner's previous research work, noting that the author has not collaborated with the Petitioner. The opinion letter uses general language about her previous "innovative research in management sciences" and her research being of value in her field. While the opinion generally references the Petitioner's research being of importance, it does not specifically mention the Petitioner's proposed research.

We acknowledge the Petitioner's academic achievements and contributions, but she has not offered sufficient information and evidence based on the recommendation letters and her previous research work to demonstrate her claims of providing new innovative methodologies that would impact her field or any other industries. While the recommendation letters and her prior research citation record may help to better understand her proposed endeavor and its potential impact, such evidence mainly relates to the second prong of the *Dhanasar* framework, instead of speaking to the national importance of the Petitioner's proposed endeavor. The second prong of the *Dhanasar* framework "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar,* 26 I&N Dec. at 890. The issue here is whether the specific endeavor that the Petitioner proposes to undertake has national importance under *Dhanasar's* first prong. To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of her work. *Id.* at 889.

The Petitioner mainly relies on her statements, without corroborating evidence, to characterize her proposed research work as valuable for advancing the field of human resources and impacting workforce development, organizational health, and national economic productivity. The Petitioner has not detailed or established with supporting evidence her plans to introduce novel innovations or advancements that may be disseminated to or adopted by others operating in the field or industry. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. As the Petitioner has not done so here, she has not sufficiently established that her proposed endeavor in the United States will have national importance under the first *Dhanasar* prong.

SCOPS further determined that while the Petitioner established that she is well-positioned to advance the proposed endeavor under *Dhanasar's* second prong, she did not establish that, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus of a labor certification under *Dhanasar's* third prong. Because the documentation in the record does not sufficiently establish the Petitioner qualifies for the first prong of the *Dhanasar* precedent decision, she has not demonstrated eligibility for a national interest waiver. This identified basis for dismissal is dispositive of the Petitioner's appeal, and therefore we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under the second and third prongs of *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "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

Because the Petitioner has not established eligibility under the requisite first prong of the *Dhanasar* analytical framework, she is not eligible for 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.