U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39422355

Date: SEP. 25, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a clinical psychologist, 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 that although the Petitioner qualifies as an advanced degree professional, the record did not establish that a waiver of the job offer requirement is 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 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

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies for the EB-2 classification as an advanced degree professional. The record shows that the Petitioner possesses the foreign equivalent of a master's degree in clinical psychology, among other degrees, and that she is a registered psychology associate in the state of Maryland and a certified psychoanalyst in the state of New Jersey. SCOPS also found that the proposed endeavor has substantial merit, and that the Petitioner is well-positioned to advance it. SCOPS denied the petition, however, finding that the Petitioner did not establish the national importance of the proposed endeavor or that, on balance, a waiver of the job offer requirement would benefit the United States.

As to the proposed endeavor, the Petitioner states that she is a clinical psychologist and psychoanalyst and wants to use her expertise to "positively impact the mental health industry in the United States." The Petitioner submitted a personal statement in which she states that she plans to develop a psychotherapeutic practice, including working as a trauma specialist focusing on Ukrainian children who have lost family due to war. In response to SCOPS' request for evidence (RFE), the Petitioner further described her plan to operate a business, [redacted] LLC, that would establish a center focusing on the diagnosis and treatment of children's psychiatric disorders through psychoanalysis and psychoanalytic psychotherapy. The Petitioner states that the center will offer treatment services based in what she describes as a propriety treatment method she refers to as the "Green House" method.

On appeal, the Petitioner claims that the evidence establishes the national importance of the proposed endeavor and that SCOPS erred in concluding that it did not. The Petitioner emphasizes the importance of mental health treatment and claims that the proposed endeavor has the potential to become a model framework for addressing these issues nationally. The Petitioner asserts that the services she will provide include "unique psychoanalytic methodologies" and constitute a "unique clinical framework" that is not widely available. The Petitioner also emphasizes on appeal the letters of recommendation submitted and contends that these help establish the endeavor's national importance. Finally, the Petitioner asserts that her organization, [redacted] LLC, will provide high-quality mental healthcare for its patients, reduce healthcare costs, improve academic outcomes, and strengthen community resilience to "positively influence the U.S. mental health landscape."

In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. An endeavor that has national or global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances, may have national importance. *Id.* Additionally, an endeavor that is regionally focused may nevertheless have national importance, such as an endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area. *Id.* at 890.

Upon de novo review, we conclude that the evidence of record, including the evidence that the Petitioner highlights on appeal, does not establish by a preponderance of the evidence the national importance of her proposed endeavor.

Regarding the Petitioner's claim that her specific "proprietary" treatment method is innovative and can serve as a model for other treatment centers, the record does not sufficiently establish the distinctiveness of the Petitioner's treatment method nor that its use in her endeavor has the potential to have a broad impact that rises to the level of national importance. In describing her treatment method, the Petitioner states the following in her personal statement provided in response to SCOPS' RFE:

> "In the [United States], I plan to advance mental health care for children by introducing an innovative therapeutic space called "Green House" while being inspired by the work of French psychoanalyst Francoise Dolto. Unlike other therapies mainly focusing on modifying outward behavior, my groundbreaking approach, psychoanalytically based, prioritizes understanding and adjusting the child's inner emotional world. Children can naturally interact with their parents in such a space while the psychoanalyst observes from outside. This allows for early diagnosis and treatment, but, more importantly, it provides a safe space for emotional expression and correction, which is crucial for addressing the root causes of psychiatric disorders. In addition, I'm developing tutorial online course for parents focusing on three main topics: "[redacted]" and "[redacted]"

The record also contains examples of training materials and guides that discuss the Petitioner's method and a "certificate to the mark for goods and services" from Ukraine, which, the Petitioner claims, provides legal protection to this method. The training materials describe the basic principles of the psychoanalytic approach (such as symbolic play, open interaction, and using play as a diagnostic tool), the recommended organization of the play space used in this method, and the method's objectives and intended results. The "certificate to the mark for goods and services" does not provide details about the Petitioner's claimed proprietary method and simply provides a classification of the type of goods and services covered, which in this case includes "[e]ducation," "teaching," "arranging and conducting practical classes (training)," "publishing books," "[h]ealth counseling," and "services of psychologists."

The Petitioner's statement and the training materials do provide some information about her methods and psychoanalytic approach. But the record is not sufficiently detailed to ascertain whether or how this methodology may be distinct from other methods of treatment available or be an improvement upon those methods. The record also does not contain evidence to support the Petitioner's claim that her methodology has the potential to "address existing gaps in mental health care for children" or "offer a meaningful contribution to the advancement of child psychoanalysis" on a scale that rises to the level of national importance. Similarly, the record does not contain sufficient information or evidence to support the Petitioner's claim that her approach may "stimulate a national conversation about children's mental health" or "serve as a model for new initiatives across the country."

We additionally note that the Petitioner's claim of national importance relies primarily on providing individual treatment services to patients and providing online courses for parents. In *Matter of Dhanasar*, we specifically determined that the petitioner's teaching activities, although they had substantial merit, did not rise to the level of national importance because they would not extend beyond his students to impact his field more broadly. *Matter of Dhanasar*, 26 I&N Dec. at 893. Here, the same is true. Regardless of the importance of the mental health profession in general, the record does not establish that the Petitioner's online training courses or individual patient services have the potential to extend beyond her patients to impact the industry or field more broadly.

The letters of recommendation, which the Petitioner also emphasizes on appeal, similarly do not provide sufficient support to establish the national importance of the proposed endeavor. The letter from Dr. [redacted] Ph.D., Associate Professor of Psychology at the [redacted] for example, states the opinion that the Petitioner's endeavor is nationally important primarily by repeating the same claims made by the Petitioner without sufficient explanation or support. Dr. [redacted] states that the United States is facing a severe crisis in childhood mental health and the Petitioner's treatment center addresses this critical need and "aligns with national priorities aimed at improving the mental health of youth." Dr. [redacted] also repeats the Petitioner's claim that her approach "could serve as a model for addressing similar needs in other communities," and has the potential to "encourage the wider adoption of psychoanalytic methods." But similar to the other evidence in the record, Dr. [redacted] does not describe the Petitioner's approach in detail or explain how it differs from and is an improvement upon other methods such that it rises to the level of national importance. Dr. [redacted] also does not provide support for the claim that the Petitioner, by operating her treatment center, will serve as a model or influence other treatment providers to adopt her approach on a scale commensurate with national importance.

Another letter is from Dr. [redacted] Ph.D., Professor of Psychology at [redacted] in [redacted] New Jersey. Dr. [redacted] similarly describes concerns about childhood mental health in the United States and discusses the importance of appropriate mental healthcare for children, particularly those with autism spectrum disorders (ASD) and other neurodevelopmental conditions. Although Dr. [redacted] opines that the Petitioner's endeavor "is poised to contribute significantly to mental health care" in the United States and that [redacted], LLC, is "reshaping the future of child psychiatry" in the United States, Dr. [redacted] does not explain how the center is doing so or otherwise provide the necessary support for these claims.

As a matter of discretion, we may use opinion statements submitted by the Petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we will reject an opinion or give it less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.* We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.* Here, the opinion letters are of little probative value as they primarily repeat the claims made by the Petitioner and discuss the importance of mental health treatment in general rather than discussing the importance of the Petitioner's specific endeavor. These recommendation letters, similar to the Petitioner's assertions, primarily rely on the importance of the field of mental health treatment and on unsupported assertions that the Petitioner's endeavor will broadly impact this field. Although we recognize the value of appropriate mental health treatment, particularly for children, working in an important field is insufficient to establish the 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 Matter of Dhanasar*, 26 I&N Dec. at 889.

We acknowledge that the evidence in the record reflects the Petitioner's intention to provide quality mental health services, particularly to vulnerable populations. For example, the Petitioner also submitted a recommendation letter from Dr. [redacted] Ph.D., Director and Professor of the doctoral psychology program at the [redacted] D.C. Dr. [redacted] describes her experiences collaborating with the Petitioner and speaks highly of the Petitioner's qualifications and experience, particularly in working with children with ASD and children with disordered eating. Dr. [redacted] also states that she is excited to collaborate with the Petitioner on providing support to the Ukrainian-speaking population in the United States, particularly children, and discusses the significant and severe trauma-related conditions faced by Ukrainians who have been displaced by the war with Russia. For these reasons, we agree with SCOPS that the Petitioner's endeavor has substantial merit. However, for the reasons discussed above, the record is not sufficient to demonstrate that the potential prospective impact of the proposed endeavor rises to the level of national importance.

Because the Petitioner has not established the national importance of her proposed endeavor as required by the first prong of the *Dhanasar* framework, she has not demonstrated eligibility for a national interest waiver. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve our opinion regarding whether the record satisfies the second or third *Dhanasar* prongs. *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).

III. CONCLUSION

The Petitioner has not met the national importance requirement of the first prong of *Dhanasar*. We therefore conclude that the Petitioner has not established that she is eligible for otherwise merits a national interest waiver as a matter of discretion.

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.