U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39876253

Date: SEP. 26, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a professional in the international educational development field, 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 qualifies for classification as a member of the professions holding an advanced degree, she did not establish 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 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. An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2).

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:

[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 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.

Id.

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for EB-2 classification as a member of the professions holding an advanced degree.[2] The remaining issue to be determined is whether the Petitioner established that a waiver of the job offer requirement, and thus a labor certification, would be in the national interest.

With respect to her proposed endeavor, the Petitioner indicates that she plans to continue her employment as director of advancement and communications with [redacted] where she has worked since 2021.[3] The record indicates that [redacted] is a non-profit organization whose programs include provision of scholarship funding and other support to [redacted] a bilingual private school with [redacted] and coordination of a visiting educator program that provides opportunities for U.S. college students to obtain international student teaching experience with its partner school.

The Petitioner states that, through her endeavor at [redacted], she will "work to advance the impact of international education programs to train future American teachers on international and cross-cultural skills." She indicates her specific duties will include: overseeing the entire mission of [redacted] to promote international education; liaising with U.S. universities to promote international educational experiences for student teachers; coordinating with the [redacted] in Costa Rica on curriculum development for U.S. student teachers; identifying partnership opportunities; overseeing and reporting on project progress and completion; and other administrative and management activities such as developing funding raising plans, nonprofit compliance, and financial oversight.

In evaluating the Petitioner's eligibility for the requested national interest waiver, SCOPS determined that her proposed endeavor has substantial merit and that she is well-positioned to advance it but concluded that she did not demonstrate the national importance of the proposed endeavor or that, on balance, it would benefit the United States to waive the job offer requirement.

On appeal, the Petitioner contends that SCOPS failed to weigh the credibility and probative value of expert opinion letters submitted in response to a request for evidence (RFE). She maintains that the letters, when considered with other documentation in the record, establish by a preponderance of the

[2] The Petitioner has a Master of Arts in International Education Development from [redacted]

[3] As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for her to have a job offer from a specific employer. However, in the case of a petitioner who does not intend to be self-employed, USCIS considers a job offer relevant to demonstrate the circumstances or capacity in which he or she intends to carry out the proposed endeavor. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual.

evidence that she meets the first and third prongs set forth in *Matter of Dhanasar* and otherwise warrants a discretionary waiver of the job offer requirement.

For the reasons provided below, we conclude that the Petitioner has not established the national importance of her proposed endeavor and therefore has not met the first prong of *Dhanasar*'s national interest waiver framework.

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.* To demonstrate the substantial merit of her proposed endeavor, the Petitioner provided government and industry publications that emphasize the educational and cultural value of international exchange opportunities for both students and teachers. The Petitioner emphasized that international education development "advances learning and scholarship, builds understanding and respect among different peoples, and helps develop the skills and understanding needed to address complex political, economic, social and cultural differences." We agree with SCOPS' conclusion that the proposed endeavor's focus on international education development and cross-cultural learning has substantial merit.

In determining national importance, the relevant question is not the importance of the industry, field or profession in which the individual will work; instead, we focus on the "the specific endeavor that [the petitioner] proposes to undertake" and its potential prospective impact. *Dhanasar,* 26 I&N Dec. at 889. Therefore, while we recognize the educational and cultural benefits of programs intended to facilitate international learning opportunities for teachers, the Petitioner's intent to work in the field of international education development alone is not sufficient to establish the national importance of her proposed endeavor. *Id.* at 889.

In *Dhanasar*, we observed 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. Finally, as noted by SCOPS, we will consider other potential prospective impacts, such as whether the proposed endeavor may broadly enhance societal welfare or cultural enrichment.

Here, the Petitioner states that her proposed endeavor "undoubtedly impacts the field of international education on a broad level." More specifically, she indicates that her endeavor "will increase the number of future American teachers who participate in international education so that they can enhance the quality and relevancy of education." She further maintained that "the impact of training many teachers is national, and these teachers will work across the U.S."

To support her claims regarding the broader implications of her proposed endeavor, the Petitioner provided letters from individuals with first-hand knowledge of [redacted] visiting educator

program.[4] Dr. [redacted] a professor of curriculum and instruction at the [redacted] notes that as part of a collaboration between [redacted] and [redacted], "many" [redacted] students have participated in this six-week summer program. She explains that participating students have gained "invaluable practical experience that directly informs their teaching upon returning to the United States," and that they were exposed to "project-based learning pedagogies and ambitious instructional practices which are essential for promoting national excellence in American schools." Dr. [redacted] observes that such experiences are not only enriching for the individual educators but "contribute to a broader effort to prepare teachers who are better equipped to serve students across the United States" and who have the skills "to remain in the profession" at a time when the country is facing teacher shortages.

In her letter, Dr. [redacted] coordinator of international student teaching at [redacted] states that "the need to prepare globally competent teachers has never been greater" and discusses specific benefits of international student teaching opportunities, including the ability to teach increasingly diverse student populations, increased cultural sensitivity, improved pedagogical skills, and the ability to "meet the complex national needs of a diverse educational system." She notes that [redacted] students who have participated in the [redacted] program as student teachers are pushed "outside of their comfort zone and provided many opportunities for personal and professional growth." Dr. [redacted] emphasizes that the Petitioner's work with [redacted] "is very much in the U.S. national interest and vital to producing highly productive teachers."

On appeal, the Petitioner asserts that SCOPS failed to consider the letters addressed above. However, in its decision, SCOPS observed that the letters' authors primarily "recount the value and importance of the field of international education" and did not provide sufficient insight into "how the specific proposed endeavor will have broad implications." We agree. We do not question the educational or cultural value of the international student teaching opportunities coordinated by [redacted] or doubt the positive personal and professional impact that teaching in a cross-cultural bilingual learning environment has on individual program participants. However, the evidence, including the letters discussed above, do not adequately support the Petitioner's claim that her endeavor "impacts the field of international education on a broad level." While the endeavor may be aligned with a "broader effort to prepare teachers" to serve "increasingly diverse student populations" in the United States, it is the Petitioner's burden to show that her endeavor's contribution to such efforts has implications that rise to the level of national importance.

As noted, the Petitioner emphasized that "the impact of training many teachers is national" because participants in [redacted] visiting educator program "will work across the U.S." She suggests that the widespread placement of program alumni will have broad implications for the "quality and relevance" of education in the United States. But the record does not support a determination that the Petitioner, through her endeavor with [redacted] will facilitate international student teaching opportunities for a significant number of future U.S. teachers.

The Petitioner provided a brochure describing the visiting educator program sponsored by [redacted] It indicates that there have been "180+ program participants" to date, with participants coming not only from the United States but from universities "around the world." The Petitioner indicates

[4] While we will not discuss every letter submitted in support of the petition, we have reviewed and considered each one.

that one of her responsibilities as director of advancement is to liaise with U.S. universities to promote international educational experiences for student teachers, but she has not addressed or documented any specific plans for expansion of the program to include a greater number of participants. The record does not adequately support her statement that the number of U.S. college students participating would have a demonstrable effect on the number of internationally trained teachers working within the U.S. educational system or otherwise support her claim that the program has the potential to raise the overall "quality and relevance" of education in the United States. The submitted evidence does not indicate, for example, the total number of participants the visiting educator program can accommodate annually. However, that number would reasonably be limited by the fact that all student teachers are placed at [redacted] during the summer months. It is unclear to what extent the program could grow to include a greater number of participants from U.S. universities.

We acknowledge the Petitioner's claim that the impact of her endeavor would nevertheless be "national" because teachers may accept jobs anywhere in the United States. However, in evaluating national importance, we focus on the nature of the proposed endeavor, rather than only on its geographic breadth. Here, the record shows that participation in [redacted] visiting educator program positively impacts the professional development of program participants who enter employment in the U.S. educational system. But the Petitioner has not demonstrated how the placement of a limited number of internationally trained teachers in U.S. classrooms would have broader implications for the field, a region, or the public at large.

In *Matter of Dhanasar*, we also noted that an endeavor "may have national importance because it has national or even global implications within a given field, such as certain improved manufacturing processes or medical advances." *See* 26 I&N Dec. at 889-90. Accordingly, we have considered claims that the mission and programs advanced by the Petitioner through [redacted] could be more broadly adopted or replicated in the field. The record contains a letter from [redacted], executive director of one of [redacted] major donors, who notes that part of his foundation's $1 million grant to the organization "has been used to fund the creation of a curriculum that focuses on the intersection between academic rigor and human skills, with plans to assist schools in the US and abroad."[5] The Petitioner also provided a letter from [redacted] also an executive director for a philanthropic foundation that has worked with [redacted]. She states that the Petitioner is "doing research on [redacted] educational model through the codification of its curriculum," and notes that the [redacted] organization has "plans to scale its teaching model to schools in the US" and to provide "national institutions" with "resources and tools that focus on skills that allow students to connect across lines of different beliefs and ideologies."

These statements suggest that [redacted] may have longer-term plans to adapt the core curriculum used at [redacted] so that it can be implemented at other schools in the future, including schools in the United States. The Petitioner's own description of her proposed endeavor, however, makes no reference to these plans or her role in curricular development. There is insufficient supporting evidence to demonstrate that [redacted] is preparing to disseminate the [redacted] educational model, and to promote its broad adoption in U.S. schools and with

[5] The record contains [redacted] October 2023 Grant Progress Report issued to the donor foundation. The report indicates that [redacted] is working towards the "codification" of the [redacted] core curriculum and was currently at the request for proposal stage.

"national institutions" in the United States. We also acknowledge Dr. [redacted] statement that [redacted] international student teaching program "can serve as a powerful model for helping to prepare teachers able to address the learning needs of all their students." However, there is likewise insufficient evidence to show that the visiting educator program implemented by [redacted] is or will be promoted as a model for advancing teacher training practices in the United States, such that it could be deemed to have national implications in the field.

The record amply documents the Petitioner's commitment to improving education and broadening cultural awareness through provision of international training opportunities for future teachers through [redacted] We also acknowledge evidence that international education development has been the subject of national initiatives advanced by government agencies and professional organizations. The Petitioner must still demonstrate the potential prospective impact of her proposed endeavor and how it impacts those national initiatives. Here, for all the foregoing reasons, we conclude that the record does not demonstrate that her specific proposed endeavor will have the claimed broader implications for the international education development field. As noted by SCOPS, the record does not show that the impacts of her endeavor will extend sufficiently beyond her organization, its partners, and the participating teachers and students.

For similar reasons, the record does not support a determination that the proposed endeavor has the potential to broadly enhance societal welfare or cultural enrichment. Several of the submitted reference letters offer opinions on the potential cultural or societal impacts of the Petitioner's work. For example, a letter from [redacted], executive director of [redacted], states that "because the development of education and diversity is very important to world peace and prosperity, her work has . . . national importance for the United States." A letter from the founder of the [redacted] states that the Petitioner's work "addresses critical social issues and fosters a more inclusive and compassionate society, aligning with the national interest." The evidence shows that the work the Petitioner proposes to continue through her proposed endeavor addresses social and cultural matters impacting the education field. However, based on the documented nature and scope of the Petitioner's proposed endeavor, she has not demonstrated that the endeavor will be carried out on a scale that has the potential to broadly enhance societal welfare or provide cultural enrichment at a level that rises to national importance.

In *Matter of Dhanasar*, we also concluded 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." 26 I&N Dec. at 890. The Petitioner stated that alumni of the [redacted] visiting educator program are "highly employed U.S. workers contributing to the growth of the U.S. economy" and cited several sources in support of her claim that "international education development boosts the U.S. economy." Dr. [redacted] similarly stated in her letter that the Petitioner's work is "vital to producing highly productive teachers and students that can help the United States maximize its economic growth." However, general information regarding the economic impacts of the Petitioner's field or industry is insufficient. The record does not contain information or evidence regarding any projected economic impacts or job creation attributable to the Petitioner's specific proposed endeavor. It is the Petitioner's burden to show that any claimed economic effects of the proposed endeavor will be "substantial" and at a level commensurate with national importance. The record does not contain sufficient relevant or probative

evidence showing that the direct or indirect economic benefits of her proposed endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

Finally, we acknowledge that the Petitioner submitted an independent expert opinion letter from Dr. [redacted], a professor of education at [redacted], who evaluated her eligibility under the first and third prongs of the *Dhanasar* framework. In addressing *Dhanasar*'s first prong, Dr. [redacted] makes largely conclusory statements regarding the Petitioner's eligibility that are not supported by other evidence in the record or the framework provided in *Dhanasar*. For example, he concludes that the endeavor has national or even global implications within a particular field because "the promotion of International Education Development is vital for global prosperity." As emphasized above, in determining national importance, the relevant question is not the importance of the industry, field or profession in which the individual will work; instead, we focus on the "the specific endeavor that [the petitioner] proposes to undertake" and its potential prospective impact. *Dhanasar,* 26 I&N Dec. at 889. In evaluating the substantial positive economic effects of the endeavor, Dr. [redacted] letter focuses on data regarding the economic and employment contributions of international students to the U.S. economy and the general importance of education in driving "long-term growth for societies." The Petitioner's specific proposed endeavor, however, does not involve attracting international students to the United States. Further, she cannot demonstrate the substantial positive economic effects of her specific endeavor based on general claims that education is a driver of economic growth.

USCIS may, in its discretion, use as advisory opinions statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. *Matter of Caron Int'l*, 19 I&N Dec. 791, 795 (Comm'r. 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien's eligibility. The submission of letters from experts supporting the petition is not presumptive evidence of eligibility. *Id.*, *see also Matter of D-R-*, 25 I&N Dec. 445, 460 n.13 (BIA 2011) (discussing the varying weight that may be given expert testimony based on relevance, reliability, and the overall probative value). Here, much of the content of the expert opinion letter lacked relevance and probative value with respect to the national importance of the Petitioner's specific proposed endeavor, and the conclusions reached are not sufficiently supported by other evidence in the record describing the nature and scope of that endeavor.

For the reasons provided above, the Petitioner has not established the importance of her proposed endeavor as required under the first prong of the *Dhanasar* framework.

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. Accordingly, we need not reach, and therefore reserve, the Petitioner's appellate arguments regarding her eligibility under *Dhanasar*'s third prong. *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).

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.