U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42138059

Date: APR. 2, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a statistician, 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 the record did not establish the Petitioner is eligible for or otherwise merits a national interest waiver as a matter of discretion. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. On appeal, the Petitioner contends that SCOPS erroneously applied the law or imposed novel evidentiary requirements, failed to consider the evidence submitted, erroneously concluded that an approved labor certification for the Petitioner precludes him from seeking a national interest waiver, and erroneously applied the regulatory criteria for an alien of extraordinary ability. The Petitioner maintains that the evidence supports his eligibility for a national interest waiver.

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 that they are an advanced 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). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

Profession is defined as one of the occupations listed in section 101(a)(32) of the Act, 8 U.S.C. § 1101(a)(32),[1] as well as any occupation for which a U.S. baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation. 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,[2] 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.

Id.

II. ANALYSIS

SCOPS did not decide whether the Petitioner qualified for the EB-2 visa classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. The record reflects that the Petitioner holds a doctor's degree in statistics and a master's degree in statistics from the [redacted]. As such, the Petitioner established eligibility for the EB-2 classification as a member of the professions holding an advanced degree. *See* 8 C.F.R. § 204.5(k)(2).

SCOPS determined that the Petitioner's proposed endeavor has substantial merit, and he is well positioned to advance the proposed endeavor, but the Petitioner did not establish that his proposed endeavor is of national importance, and, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus a labor certification. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer would be in the national interest. For the reasons discussed below, we determine that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework. While we may not address each piece of evidence individually, we have reviewed and considered each one.

The Petitioner obtained a bachelor's degree in mathematics from the [redacted] in 2014 and a master's degree in statistics and a doctor's degree in statistics from the [redacted] in 2021. He previously worked at the [redacted] as a graduate research assistant from 2019 to 2021, and his present employment at [redacted] as a senior principal biostatistician began in July 2021.

[1] Profession shall include, but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

[2] *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 Petitioner intends to work in the United States as a statistician. The Petitioner stated that his proposed endeavor "involves applying statistics and machine learning to develop innovative statistical and computational methodologies to address urgent challenges in biomedical science and modern healthcare, particularly in clinical trials, biomarker discovery, medical imaging, and microbiome analysis." The Petitioner identified two main areas of his proposed endeavor. Regarding the first area of his proposed endeavor, the Petitioner stated that he will "develop innovative statistical and computational approaches to accelerate medical discovery and enhance patient care," and "perform ensemble-based multi-omics data integration and data-driven patient enrollment and early decision making," and "support regulatory-grade frameworks and guidance for multi-omics biomedical data analysis." With respect to the second area of his proposed endeavor, the Petitioner stated that he will "advance methodological research in statistical and machine learning through the development of innovative methodologies tailored to structured modalities such as imaging, genomic assays, and biomarker profiles, where spatial, temporal, or functional organization is critical for extracting meaningful patterns," "prioritize transparency and reproducibility by developing open-source tools that integrate these methods into modern research workflow," and "perform advanced machine learning frameworks for complex biomedical imaging analysis, development of advanced data clustering and latent feature extraction methods, and promotion of transparency and reproducibility through open-source tools."

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* An undertaking may have national importance, for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Id.* An 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 SCOPS improperly imposed a new evidentiary criterion of "actual impact" of the proposed endeavor, as opposed to "potential prospective impact." He also claims that by making a job creation a mandatory requirement in proving the national importance of the proposed endeavor, SCOPS again improperly imposed a new requirement not mandated by *Dhanasar*. While we agree with the Petitioner that he is not required to demonstrate "actual impact" of his proposed endeavor or "a job creation" as a result of the proposed endeavor, the record does not sufficiently show that the Petitioner's proposed endeavor has the significant potential to broadly enhance societal welfare or to contribute to the advancement of a valuable technology or field of study. *See generally* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policy-manual.

The Petitioner asserts that letters from experts in the field confirm the substantial merit and national importance of his proposed endeavor and that SCOPS failed to consider the expert letters. A professor of statistics at [redacted] states that the Petitioner's proposed endeavor "has national importance for the United States, as it directly contributes to improving the reliability, interpretability, and fairness of data-driven decision-making in healthcare and drug development." The director of computational research at [redacted] asserts that the Petitioner's "work

will strengthen the methodological and operational foundation of precision medicine, enhance data-driven hospital care, and advance the national capacity for transparent and reproducible healthcare analytics." A senior manager in biostatistics at [redacted] affirms that "by improving the interpretability and efficiency of data-driven decision making, [the Petitioner's] work directly advances national priorities in precision medicine and accelerated therapeutic innovation." A professor of pediatrics at the [redacted] expresses that the Petitioner's "work strengthens the analytical foundations of precision medicine, supports transparent and auditable AI in biomedical research, and promotes reproducibility in multi-omics science." A research associate at the [redacted] at [redacted] asserts that the Petitioner's "proposed research to advance interpretable statistical and machine-learning frameworks for multi-omics data integration, biomarker discovery, and precision medicine is of clear national importance," and his proposed endeavor "addresses critical national priorities in data-driven biomedical science and precision health."

The opinions of the Petitioner's references are not without weight and have been considered. We may, in our discretion, use advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we are ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of reference letters supporting the petition is not presumptive evidence of eligibility; we may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). Thus, the content of the references' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of an accomplished statistician. *Cf. Visinscaia v. Beers*, 4 F.Supp.3d 126, 134-35 (D.D.C. 2013) (concluding that USCIS' decision to give little weight to uncorroborated assertions from professionals in the field was not arbitrary and capricious).

Here, the letters discuss the Petitioner's proposed endeavor, its potential contributions to improving the reliability, interpretability, and fairness of data-driven decision making in healthcare and drug development, and its potential impacts to advance precision medicine, accelerate biomarker discovery, and improve the scientific standards of machine-learning applications in regulated environment. However, the letters do not include persuasive and corroborating information about the Petitioner's proposed endeavor and its impact rising to the level of national importance. *See Dhanasar*, 26 I&N Dec. at 889. The letters do not offer sufficient information and evidence to establish that the Petitioner's proposed endeavor "to develop innovative statistical and computational methodologies to address urgent challenges in biomedical science and modern healthcare, particularly in clinical trials, biomarker discovery, medical imaging, and microbiome analysis" will have an impact on the field of biomedical science or the healthcare industry in the United States at a level commensurate with national importance. *See id.* While the authors of the letters claim the national importance of the Petitioner's proposed endeavor, they do not adequately explain how the Petitioner's specific proposed endeavor rises to the level of national importance, and the record lacks sufficient evidence to substantiate the claims.

In addition, the letters from various individuals discuss the Petitioner's professional achievements, such as his research on "interpretable factorization and data-integration models," "data-driven modeling for biomarker discovery and precision medicine," and "dermoscopic image classification using neural style transfer," collaboration with the U.S. Food and Drug Administration, open-source software, and publications and citations by other researchers. The letters also praise the Petitioner for "his ability to connect modern machine learning techniques with rigorous statistical modeling," "his ability to align innovative machine-learning methodologies with regulatory standards," "his commitment to transparency, reproducibility, and collaboration," "his practice of validating results with independent datasets," and "an exceptional combination of statistical rigor, computational innovation, and biomedical relevance." The Petitioner's professional achievements, technical expertise, abilities, skills, and commitment in the field are related to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *See id.* at 890. While we recognize the Petitioner's achievements and contributions in the fields of machine learning, statistics, and biomedical data science, without sufficient documentary evidence of its broader impact, the record does not sufficiently show that the Petitioner's proposed endeavor meets the national importance element of the first prong of the *Dhanasar* framework. *See id.* at 889.

The record also includes a copy of the first page of the 21st Century Cures Act of 2016, information about the 21st Century Cures Act, information about the National Institutes of Health (NIH)'s All of US research program, information about the National Cancer Institute (NCI)'s Cancer Moonshot program, the Federal Data Strategy framework, the NIH's 2025 to 2030 strategic plan for data science, information about the NIH's Nutrition for Precision Health research program, and the U.S. Food and Drug Administration (FDA)'s artificial intelligence and machine learning-based software as a medical device action plan. The Petitioner's documentation indicates that the 21st Century Cures Act is designed to help accelerate medical product development and bring new innovations and advances to patients who need them faster and more efficiently. The NIH's All of US research program aims to improve health care through research by building a diverse database that can inform studies on a variety of health conditions. The NCI's Cancer Moonshot program has supported 250 research projects and more than 70 programs and consortia to make progress in cancer prevention, diagnosis, and treatment. The Federal Data Strategy describes a 10-year vision for how the federal government will accelerate the use of data to deliver on mission, serve the public, and steward resources while protecting security, privacy, and confidentiality. The NIH's strategic plan for data science addresses the rise in the quantity and diversity of data and bridges new data to exiting knowledge to accelerate our understanding of human health. The NIH's Nutrition for Precision Health research program seeks to develop algorithms that predict individual responses to food and dietary pattens. The FDA's artificial intelligence and machine learning-based software as a medical device action plan supports innovative work in the regulation of medical device software and other digital health technologies.

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 Dhanasar*, 26 I&N Dec. at 889. The various documents provide the importance of faster and more efficient access to medical innovations and advances for patients who need them, the significance of data-driven research to improve healthcare, the importance of innovations in medical device software and other digital health technologies, and the importance of proper use of data by the federal government to deliver on mission, serve the public, and steward resources. However, they do not address the Petitioner's specific proposed endeavor and its impact

rising to the level of national importance. *See id.* None of the documents specifically mention the Petitioner's name or his work or discuss the federal government's or federal agencies' interest in promoting the use of the Petitioner's work, such that it has "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or otherwise has broader implications, such as "significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area." *See id.* at 889-90. The Petitioner has not shown that his proposed research activities offer original innovations that contribute to advancements in the field of machine learning, statistics, or biomedical data science or otherwise have broader implications for the field. Accordingly, the record does not sufficiently establish that the Petitioner's proposed endeavor is of national importance.

Lastly, the Petitioner contends that based on the USCIS policy manual on evidentiary considerations for persons with advanced degrees in science, technology, engineering, or mathematics (STEM) fields, "his proposed endeavor not only has substantial merit in relation to U.S. science and technology interests, but also has broad implication that demonstrate national importance" because his proposed endeavor "aims to develop innovative statistical and computational methodologies to address urgent challenges in biomedical sciences and modern healthcare, which contributes to improvements in patient care and public health."

We acknowledge the importance of progress in STEM fields and the essential role of persons with advanced STEM degrees in fostering this progress. However, merely possessing a STEM degree or working in an important field is insufficient to establish the national importance of the proposed endeavor. In this case, while the Petitioner's area may be important to the competitiveness of the United States, the evidence in the record does not sufficiently demonstrate that his proposed endeavor will help the United States to remain ahead of strategic competitors or its adversaries or relates to a field where appropriate activity and investment may contribute to the United States achieving or maintaining technology leadership or peer status among its allies and partners. *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(2).

Because the record does not sufficiently establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Therefore, further analysis of his eligibility under the second and third prongs outlined in *Dhanasar* would serve no meaningful purpose, and we will reserve these issues for future consideration should the need arise.[3]

III. CONCLUSION

Although the Petitioner has shown that he is a member of the professions holding an advanced degree, and his proposed endeavor has substantial merit, he has not established by a preponderance of the evidence that his proposed endeavor is of national importance. Accordingly, we conclude that the Petitioner is ineligible for or otherwise does not merit a national interest waiver as a matter of discretion.

[3] *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 alternate issues on appeal where an applicant is otherwise ineligible).

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.