U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37780307

Date: APRIL 10, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a researcher in biomedical informatics, 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).

The Director of the Texas Service Center denied the petition, concluding that the Petitioner did not qualify for EB-2 classification as an advanced degree professional and 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). 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*. If a doctoral degree is customarily required for the specialty, the non-citizen must possess a U.S. doctorate or a foreign equivalent degree. *Id*. To qualify for EB-2 classification as an advanced degree professional based on an advanced degree, a petitioner must submit an official academic record showing that the alien has a United States advanced degree or a foreign equivalent degree. 8 C.F.R. §204.5(k)(3)(i).

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.

II. ANALYSIS

A. EB-2 Classification

The Petitioner seeks EB-2 classification as a member of the professions holding an advanced degree. The Petitioner submitted copies of his Bachelor of Science and Doctor of Clinical Medicine degrees awarded by [redacted] in China, his academic transcript, and an evaluation that his doctoral degree was equivalent to a U.S. Doctor of Philosophy in Clinical Medicine. The Director determined the Petitioner submitted insufficient translation certifications for his degrees and transcript. On appeal, the Petitioner asserts he submitted sufficient evidence of his degrees, transcript and their English translations. The record does not support this claim.

Any document in a foreign language submitted to U.S. Citizenship and Immigration Services (USCIS) "shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English." 8 C.F.R. § 103.2(b)(3). The Petitioner's degrees and transcript do not comply with these requirements. The English translation of the Petitioner's transcript is not accompanied by a translator's certification. The English translation of the Petitioner's degrees does not contain certification from the translator that he or she is competent to translate from Chinese into English.

Without certified translations, the evidence of the Petitioner's degrees and transcript is insufficient to establish that he is a member of the professions holding an advanced degree. Consequently, the Petitioner has not demonstrated that he qualifies for EB-2 classification.

B. National Interest Waiver

The Petitioner has not established that he qualifies for EB-2 classification as an advanced degree professional. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of his eligibility for a waiver of the job offer requirement in the national interest. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating 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).

ORDER: The appeal is dismissed.