U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37601810

Date: APR. 28, 2025

Appeal of Texas Service Center Decision

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

The Petitioner 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 the Petitioner had not established eligibility for the underlying immigrant classification and 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*.

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

Id.

II. ANALYSIS

A. Advanced Degree

The Director concluded that the Petitioner had not established eligibility for the requested classification as he did not provide evidence that he had obtained a degree equivalent to a United States doctoral degree. In 2017, the Petitioner obtained a Bachelor of Medicine and Bachelor of Surgery (M.B.B.S.) degree from [redacted], Pakistan. The Petitioner also provided evidence that he had passed the United States Medical Licensing Examinations Step 1-3, and his Active Physician License from the Board of Registration in Medicine in Massachusetts.

The Petitioner further submitted an evaluation of his degree, which indicated that it was the equivalent of a "first professional degree in medicine" and an article explaining that the M.B.B.S. degree is equivalent to that of an M.D. degree in the United States. As the Petitioner had provided evidence that he had obtained a degree for which the equivalent is that of an M.D., we disagree with the Director and withdraw the conclusion that the Petitioner did not establish, by a preponderance of the evidence, his eligibility for the underlying classification.

B. 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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

The Petitioner indicated that his proposed endeavor "is to identify and address gaps in knowledge and clinical practice guidelines in the domain of cardio-oncology in order to improve the diagnosis and treatment of cardiovascular diseases in cancer patients." He stated that his "planned research topics include identifying predictors of complications and clinical outcomes of advanced cardiac procedures/interventions in cancer patients who undergo bone marrow transplant or cellular

[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).

therapies." The Director concluded that the Petitioner had established both the substantial merit and national importance of his proposed endeavor,[2] and the record supports this determination.

C. Well Positioned to Advance the Proposed Endeavor

The second prong shifts the focus from the proposed endeavor to the individual. *Id.* at 890. To determine whether they are well positioned to advance the proposed endeavor, we consider factors including, but not limited to: their education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Id.*

As noted, his clinical work does not meet the first prong of the *Dhanasar* framework. Because the Petitioner's proposed cardio-oncology research has broader implications for the field (unlike his work as a clinician), our analysis under this prong will focus on whether he is well positioned to advance his proposed research relating to cardio-oncology and the treatment of cardiovascular diseases in cancer patients. For the reasons discussed below, the evidence is insufficient to demonstrate that he is well positioned to advance that research under *Dhanasar*'s second prong.

The record includes documentation of the Petitioner's curriculum vitae, academic credentials, medical certifications, peer review activities, published articles, and abstracts. He also offered evidence of articles that cited to his published work,[3] and reference letters discussing his past research projects. On appeal, the Petitioner states that he disagrees with the Director's evaluation of the evidence, and claims that the Director ignored evidence, or did not "engage[] the evidence on record in a full and meaningful way," which he claims is an abuse of discretion.

In letters supporting the petition, several medical professors discussed the Petitioner's research aimed at understanding and treating cardiovascular diseases.[4] For example, [redacted], Assistant Professor of Medicine at the [redacted], stated that the Petitioner's "research on the influence of cardiac risk factors on outcomes of allogeneic stem cell transplant (ASCT) . . . facilitates a significant understanding of healthcare outcomes in vulnerable cancer patients as it identifies the most relevant predictors that lead to negative health outcomes." [redacted] also noted that the Petitioner's research is "useful for predicting the health outcomes of patients suffering from cancer and coexisting cardiac disorders[.]" The letters from [redacted]

[2] The Petitioner also indicated that he was currently working as a physician nocturnist at [redacted] and held a faculty position of instructor at [redacted] He noted that his contract included clinical duties of 12 twelve-hour shifts per month, and the rest of his time could be dedicated to research and administrative work. The Director concluded that, although the Petitioner's research work met the national importance requirement, his clinical work did not. We concur.

[3] For instance, the Petitioner provided a citation report from Google Scholar (GS) indicating that his article in *Computers in Biology and Medicine* (entitled '[redacted]') has received 37 citations since its online publication in 2022. However, as noted by the Director, the remainder of his associated publications had received only 7 total further citations, spread among 5 articles, and the other publications reflected no citations. In response to the Director's request for evidence (RFE), the Petitioner provided an updated GS report, which increased the number of citations in the above-mentioned article to 39, and his total citations to 48, among 8 articles.

[4] While we discuss a sampling of these letters, we have reviewed and considered each one.

[redacted], Program Director at [redacted], and [redacted], Interventional Cardiologist at [redacted], both discuss the Petitioner's research wherein he utilized deep-learning to identify drugs that were already approved for use by the U.S. Food and Drug Administration (FDA) that could also be used in the treatment of COVID-19.

In another letter, [redacted], Section Chief of Consultative Cardiology at the Hospital of the [redacted], discussed how the Petitioner's prior research was utilized to inform further research. [redacted] stated that the Petitioner's atrial fibrillation research influenced a "2024 paper for *Frontiers in Oncology*," where "the authors reported on their investigation into coexisting cardiovascular disorders among patients with new hematological malignancies referred for echocardiography during baseline evaluation before anti-cancer therapy. In the course of their paper, the authors utilized [the Petitioner's] research on atrial fibrillation complications among allogeneic stem cell transplant patients to illustrate a strong association of adverse outcomes in such patients." As noted in the Director's decision, the letter from [redacted] also referenced this paper; however, neither letter explained how the Petitioner's specific research factored into this publication, which included citations to 41 other articles.[5]

The Petitioner maintains on appeal that his research "is featured in highly ranked journals" and that the publications have "high impact factors," and cites to evidence in the record of journal rankings and impact factor data. The fact that a publication bears a high journal ranking or impact factor is reflective of the publication's overall citation rate. It does not, however, show the influence of any particular author or otherwise demonstrate how an individual's research represents a record of success in their field. In addition, the Petitioner submitted data from [redacted] regarding baseline citation rates and percentiles by year of publication for the clinical medicine field. The Petitioner maintains that he "authored 1 paper that ranks among the top 1% and 2 papers that rank among the top 10% most-cited articles across the entire field of Clinical Medicine for their respective years of publication." The Petitioner did not indicate whether he factored in any self-citations in determining these percentile rankings.

The evidence indicates that the Petitioner has conducted, published, and presented research during phases of his medical career, but he has not shown that this work renders him well positioned to advance his proposed research relating to cardio-oncology. While we recognize that research must add information to the pool of knowledge in some way in order to be accepted for publication, presentation, funding, or academic credit, not every individual who has performed original research will be found to be well positioned to advance his proposed endeavor. Rather, we examine the factors set forth in *Dhanasar* to determine whether, for instance, the individual's progress towards achieving the goals of the proposed research, record of success in similar efforts, or generation of interest among relevant parties supports such a finding. *Id.* at 890. The Petitioner, however, has not shown that his published and presented work has served as an impetus for progress in the cardio-oncology field, that

[5] On appeal, the Petitioner contends that the Director "misnam[ed] [his] field as cardio-oncology research rather than clinical medicine;" however, a review of the Petitioner's two personal statements submitted in the underlying record indicates that the Petitioner's specific endeavor was described as to "identify and address gaps in knowledge and clinical practice guidelines in the domain of cardio-oncology in order to improve the diagnosis and treatment of cardiovascular diseases in cancer patients," and "identifying the cardiovascular effects of cancer treatments." As such, we do not conclude that the Director "misnamed" his field, as the decision described the Petitioner's endeavor and work using the terminology that he used.

it has affected diagnostic or treatment protocols for cardiovascular diseases, or that it has generated substantial positive discourse in the medical community. Nor does the evidence otherwise demonstrate that his work constitutes a record of success or progress in researching cardiovascular diseases. As the record is insufficient to show that the Petitioner is well positioned to advance his proposed research endeavor, he has not established that he satisfies the second prong of the *Dhanasar* framework.

D. Balancing Factors to Determine Waiver's Benefit to the United States

As explained above, the third prong requires the petitioner to demonstrate 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. Here, the Petitioner claims that he is eligible for a waiver due to his medical training, knowledge and skills in his specialty, research experience and accomplishments, the importance of his field, and the impracticality of labor certification. However, as the Petitioner has not established that he is well positioned to advance his proposed endeavor as required by the second prong of the *Dhanasar* framework, he is not eligible for a national interest waiver and further discussion of the balancing factors under the third prong would serve no meaningful purpose. [6]

III. CONCLUSION

As the Petitioner has not met the requisite second prong of the *Dhanasar* analytical framework, we find that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.

[6] *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).