U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42200497

Date: APR. 29, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, [redacted] seeks to employ the Beneficiary as an associate vice president. [redacted] requests the Beneficiary's classification under the 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 Beneficiary qualified for the classification as a member of the professions holding an advanced degree, the Petitioner had not established 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 the Beneficiary's 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 a beneficiary is either a member of the professions holding an advanced degree or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act.

If a petitioner establishes the beneficiary's eligibility for the underlying EB-2 classification, it must then demonstrate that the beneficiary merits 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

The Petitioner intends to employ the Beneficiary as an associate vice president of a U.S. supply chain lead at [redacted] headquarters in [redacted] Indiana. SCOPS found that the Beneficiary qualifies for the underlying EB-2 classification.[2] The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.[3] For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the Beneficiary's proposed endeavor's national importance under the first prong of the *Dhanasar* analytical framework.

In denying the petition, SCOPS acknowledged that the Beneficiary's proposed endeavor has substantial merit. SCOPS determined, however, that the Petitioner did not establish the national importance of the Beneficiary's proposed endeavor, that she is well-positioned to advance, and that, on balance, it would benefit the United States to waive the job offer requirement. On appeal, the Petitioner argues that SCOPS' decision is flawed in both its factual findings and legal reasonings. Specifically, the Petitioner contends that the decision "failed to provide a reasoned analysis," misapplied *Dhanasar*, and did not meaningfully evaluate the evidence in the record.

The Petitioner maintains that it has submitted sufficient evidence to demonstrate the Beneficiary's eligibility, including documentation of the Petitioner's investments in the U.S. pharmaceutical supply chain and plans to open new pharmaceutical manufacturing facilities in economically depressed areas.

The Beneficiary proposes to "design and implement innovative pharmaceutical supply chain processes in order to facilitate pharmaceutical manufacturing in the United States and ensure the availability of critical medicines in the United States and around the world." The Petitioner asserts the Beneficiary has "created and implemented supply chain processes that have transformed central planning strategies, achieved substantial efficiency gains, and protected patients' access to therapeutics at moments of extreme global supply chain disruption." Accordingly, the Petitioner argues that, given the Beneficiary's "track record of accomplishments in supply chain management," her endeavor will support the expansion of manufacturing facilities, address national priorities, and provide "medicines that help people live longer, healthier, and more active lives." In support of the petition, the Petitioner submitted several documents, including the Beneficiary's academic and employment records, expert opinion and recommendation letters, as well as industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

[2] The Beneficiary earned a Doctor of Philosophy degree (Ph.D.) in health sciences from [redacted] in Spain in 2020.

[3] The petition includes references to the Beneficiary's publications of scholarly articles, published materials, lead or critical role, high salary or remuneration, reception of major nationally and internationally recognized prizes or awards, and membership in associations. These relate to evidentiary criteria set forth at 8 C.F.R. § 204.5(h)(3)(i) – (x), which pertain to classification as an individual of extraordinary ability and are not applicable to the present classification.

To evaluate whether the Beneficiary's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of the Beneficiary's work. In *Dhanasar*, we noted 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." *See Dhanasar*, 26 I&N Dec. at 890. 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. Here, the record does not include adequate corroborating evidence, to show that the Beneficiary's specific proposed endeavor offers broader implications in the field of pharmaceutical supply chain management, enhancements to U.S. societal welfare, or substantial positive economic effects for the country that rise to the level of national importance. While we acknowledge that the Beneficiary could help the Petitioner generate substantial revenue, the Petitioner has not sufficiently explained or demonstrated how the Beneficiary's employment would independently lead to economic growth or job creation nationwide.

The Petitioner asserts that the Beneficiary has been recruited to help "deliver life-saving medications to customers in the United States and abroad and effectively combat external and internal threats to the supply chain." The Petitioner also states that it has become the "world's largest pharmaceutical manufacturer by market capitalization, with an estimated $578 billion in economic value as of 2024." It also claims that its "ability to capitalize on these investments and deliver life-changing medications to patients across the United States depends on its ability to secure its pharmaceutical supply chain, so that it has the raw materials it needs to produce medications and the strategy required to distribute them to patients." Nevertheless, the Petitioner cannot rely on its market share alone to claim the Beneficiary's work is nationally important. It must show how the functions and tasks *carried out by the Beneficiary* coalesce into a nationally important endeavor. The Petitioner has not done so.

The Petitioner claims that the company's investments into U.S. pharmaceutical supply chain and new manufacturing facilities will "generate thousands of new jobs." The Petitioner further claims that its "multibillion dollar investments in new U.S. manufacturing facilities" depend on the Beneficiary's "management of the U.S. pharmaceutical supply chain." Likewise, the Petitioner declares that the Beneficiary's endeavor will improve public health by promoting "the delivery of life-saving medications to million of" people in the United States. However, the Petitioner has not demonstrated that the Beneficiary's specific proposed endeavor of designing and implementing "innovative pharmaceutical supply chain processes" would have broader implications rising to the level of national importance. Moreover, the Petitioner has not demonstrated that the Beneficiary's proposed role as an associate vice president would have a significant impact beyond [redacted] to benefit the regional or national economy, reaching the level of substantial economic effects as contemplated by *Dhanasar*. *Id.* at 890. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. Similarly, the Petitioner has not demonstrated that the Beneficiary's specific work will have an impact that will rise to the level of national importance.

The record includes letters of support attesting to the Beneficiary's experience and expertise. The letters describe the Beneficiary's experience in developing product shipment review processes, managing pharmaceutical supply chain, leading teams, and making high level operational decisions to maintain complex supply chain systems. While the letters are supportive in tone and positive factors,

they do not offer sufficient, detailed, and concrete examples of how the Beneficiary's endeavor has the potential for broad and measurable implications for the country that would rise to the level of national importance. Furthermore, the first prong focuses on the proposed endeavor itself, not the Beneficiary. *Id.* The Petitioner must establish that the Beneficiary's specific endeavor has national importance under *Dhanasar's* first prong. Moreover, although an individual's experience, qualifications, contributions, and achievements are material, they are misplaced in the context of the first *Dhanasar* prong. The Beneficiary's professional experience is generally material to *Dhanasar*'s second prong—whether an individual is well positioned to advance a proposed endeavor—but they are generally immaterial to the first *Dhanasar* prong—whether a specific, prospective, proposed endeavor has both substantial merit and national importance. *See id.* at 888-91.

The Petitioner insists that the Beneficiary's proposed endeavor addresses national priorities of "public health security, economic competitiveness, and resilience against global supply chain disruptions." While we acknowledge the substantial merit of the Beneficiary's proposed endeavor, the Petitioner has not offered sufficient information and evidence to demonstrate that the proposed endeavor's prospective impact will rise to the level of national importance. Moreover, merely working in an important field is insufficient to establish the national importance of the proposed endeavor. As previously mentioned, 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 "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, the Petitioner has not sufficiently explained how the Beneficiary's endeavor would have a broad impact, rising to the level of national importance. The issue here is not the broader implications of the Petitioner's "multibillion dollar investments in new U.S. manufacturing facilities," but rather the potential prospective impact of the Beneficiary's specific proposed endeavor and her work as an associate vice president. The Petitioner must support its assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without sufficient evidence regarding the projected U.S. economic impact or job creation directly attributable to the Beneficiary's future work, the record does not show that the benefits to the regional or national economy resulting from the Beneficiary's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See Dhanasar*, 26 I&N Dec. at 890.

For the aforementioned reasons, the Beneficiary's proposed endeavor does not meet the first prong of the *Dhanasar* framework. Because the documentation in the record does not establish the national importance of the Beneficiary's proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated the Beneficiary's eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding the Beneficiary's eligibility under the second and third prongs outlined in *Dhanasar*. *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 alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

As the Beneficiary has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner has not established that the Beneficiary 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.

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.