U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40473424

Date: DEC. 16, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a medical scientist, 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 Petitioner qualified for the EB-2 classification as a member of the professions holding an advanced degree, but that he 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 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.

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;

[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 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 seeks to enhance U.S. clinical trial safety and regulatory compliance through his consulting company, [redacted] doing business as [redacted] SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree.[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.

SCOPS concluded that the Petitioner's proposed endeavor has substantial merit and that he is well positioned to advance it. SCOPS determined, however, that the Petitioner did not establish the proposed endeavor's national importance, and that, on balance, it would benefit the United States to waive the job offer requirement. In denying the petition, SCOPS concluded that the Petitioner failed to establish the proposed endeavor's national importance. Specifically, SCOPS found that the Petitioner did not demonstrate that the proposed endeavor would affect or advance the broader healthcare industry, have implications beyond the company's clients, create significant employment opportunities, or generate substantial positive economic effect for the country. On appeal, the Petitioner contends that SCOPS disregarded the nature of the Petitioner's endeavor and misapplied the *Dhanasar* standard. The Petitioner also argues that SCOPS "mischaracterized the endeavor as lacking broader impact," which he claims violated USCIS policy and the "*Accardi* doctrine" under *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

Upon de novo review, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework. The Petitioner affirms that his business plan and expert opinion letters demonstrate that his endeavor "directly aligns with public health priorities and federal modernization efforts." The record also includes academic records, a model plan, recommendation letters, and industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner seeks to advance clinical trial safety and regulatory compliance in order to strengthen U.S. healthcare and medical innovation by integrating artificial intelligence (AI) and health information system. The Petitioner states that he is currently employed by [redacted] as a medical monitor, where he serves as the primary medical monitor for clinical trials and affirms that his employment aligns with his proposed endeavor. He also explains that his consulting business will operate through an initial phase focused on formalizing operational infrastructure, establishing business systems and regulatory compliance tools, and securing data management platforms.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the specific endeavor that the Petitioner proposes to undertake. *See Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we further noted that "we look for broader

[2] The Petitioner earned a Bachelor of Medicine and Bachelor of Surgery degree from the [redacted] in 2008.

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. Here, while the Petitioner declares that his endeavor will directly support national and international frameworks, he has not provided sufficient evidence or detailed information to demonstrate that his proposed endeavor will have broader implications or influence in the clinical trials or healthcare field that will rise to the level of national importance.

The Petitioner states that the national importance requirement has been met because his endeavor addresses a critical need within the U.S. healthcare and research landscape. He contends that his work will contribute to the U.S. economy by fostering a more efficient and secure clinical trial environment, reducing trial failure rates, preventing documentation errors, and enhancing the operational capacity of research organizations, health systems, and pharmaceutical sponsors. He further claims that his endeavor will promote job creation through specialized consulting, training, and the deployment of AI-based compliance solutions. While we recognize the substantial merit of the Petitioner's endeavor, the record does not demonstrate that his endeavor stands to sufficiently extend beyond his patients and clients to enhance societal welfare on a broader scale indicative of national importance. 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. Here, without sufficient evidence regarding the projected U.S. economic impact or job creation directly attributable to his future work, the record does not show that the benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

The Petitioner stresses his endeavor's alignment with several major U.S. government initiatives and priorities in the areas of healthcare, research, and innovation. Although the Petitioner emphasizes that his endeavor aligns with government initiatives, he has not shown that his contributions are distinctive compared to others in the same field. Moreover, alignment with government initiatives alone is insufficient for national importance. Here, the record lacks adequate corroborating evidence that the substantial effects of the Petitioner's proposed endeavor pursued through his consulting company would substantially impact the regional or national economy. Moreover, although the field in which the Petitioner seeks to operate is important, the Petitioner has not offered sufficient information and evidence to demonstrate that the prospective impact of his specific proposed endeavor rises to the level of national importance.

The Petitioner references support and expert letters discussing the Petitioner's professional experience and expertise. In particular, some authors express confidence in the Petitioner's potential to produce meaningful advancements in the field of medical science. Other letters discuss the Petitioner's proposed endeavor and affirm that his work aligns with national and global healthcare priorities and addresses critical gaps in clinical research safety and regulatory compliance. While these letters are supportive in tone and positive factors, they do not offer sufficient, detailed, and concrete examples of how the Petitioner's endeavor has the potential for broad and measurable implications for the country that would rise to the level of national importance. It is insufficient to claim an endeavor has national importance or will create a broad impact without providing evidence to corroborate such claims. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of*

Chawathe, 25 I&N Dec. at 376. Here, the record does not establish that the Petitioner's proposed endeavor would have national implications within the healthcare field, the field of clinical trial and regulatory compliance, or any other particular field that would rise to the level of national importance.

The Petitioner emphasizes his professional experience as medical oversight, medical monitor, healthcare consultant, and his medical practice as a family doctor. He maintains that his background demonstrates a consistent record of success in roles that align directly with his proposed endeavor to enhance clinical trial safety and compliance. He also asserts that his contributions to "regulatory compliance and safety monitoring have been critical to the organization, indicating [his] expertise's broader value and applicability to clinical research." The first prong focuses on the proposed endeavor itself, not the petitioner. *See Dhanasar*, 26 I&N Dec. at 889. The Petitioner must establish that his 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 Petitioner's professional experiences are 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. While the Petitioner claims that his "mission is fundamentally centered on broad, systemic improvements in an area of clear national importance," the Petitioner does not sufficiently explain or provide adequate evidence to demonstrate that his specific endeavor has had or is likely to have impact that will rise to the level of national importance as contemplated by *Dhanasar. Id.* at 889.

For the aforementioned reasons, the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework. Because the documentation in the record does not 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. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding his 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

The Petitioner has not established the national importance of his proposed endeavor, and he does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that he is eligible for or merits a waiver of the job offer and labor certification requirements in the national interest as a matter of discretion.

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.