U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40376613

Date: DEC. 18, 2025

Appeal of Service Center Operations (SCOPS) 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).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner is eligible for 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.

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.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner is a behavioral economist whose proposed endeavor is to continue his research to develop intervention strategies and enhance policy communication for health behavior; focusing on the impact of emotions, attention, and personal characteristics in decision-making processes. SCOPS determined that the Petitioner established his eligibility for the EB-2 classification as a member of the professions holding an advanced degree.[2] However, SCOPS further concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that SCOPS erred in this finding. We conclude the record does not establish the Petitioner's proposed endeavor is of national importance and therefore he is not eligible for a national interest waiver as a matter of discretion.

A. National Interest Wavier- Substantial Merit

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* As stated above, the Petitioner intends to continue his research to develop intervention strategies and enhance policy communication for health behavior, focusing on the impact of emotions, attention, and personal characteristics in decision-making processes. He plans to focus his research on populations in the United States who are particularly at risk such as older adults and patients with chronic diseases to encourage optimal behavior in healthcare and public settings. He asserts that his work is critical for improving the quality of medical care, public trust, and cost effectiveness in the U.S. healthcare system. The record includes industry reports and articles about the major issues impacting the U.S. healthcare system such as rising healthcare costs and declining public trust. We conclude the Petitioner's proposed endeavor has substantial merit

B. National Interest Waiver- National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* SCOPS determined that the Petitioner did not establish the broader implications of his proposed endeavor and therefore he did not establish its national importance. On

[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).

[2] The Petitioner submitted evidence of a doctor of philosophy degree in economics from [redacted]. SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

appeal, the Petitioner asserts that SCOPS misunderstood *Dhanasar's* evidentiary requirements and ignored the evidence in the record. Upon review, we too conclude that the Petitioner's proposed endeavor does not meet the standard for national importance set forth in the *Dhanasar* framework.

As stated above, the Petitioner proposes to focus his research on the impact of emotions, attention, and personal characteristics in decision-making processes on specific populations in the United States who are particularly at risk such as older adults and patients with chronic diseases. To do this, the Petitioner has specified four research projects that will be the focus of his work. First, he plans to research practice pattern variations in treatment decisions for older adults and patients with dementia. Next, he intends to leverage behavioral economics to understand and improve financial decision making among vulnerable older adults to avoid financial exploitation. The Petitioner also proposes to research behavioral preferences when implementing health interventions to prevent the long-term effects of obesity; and the Petitioner proposes to evaluate and develop health interventions that improve health outcomes for cancer survivors in the United States. *Dhanasar* states that 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. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner asserts his proposed endeavor will have a broad impact on his field as it will address major challenges hindering the success of the U.S. healthcare system and increase the quality of care, public trust, and cost-effectiveness of the U.S. medical system. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the evidence in the record does not support these assertions.

On appeal the Petitioner asserts that the evidence in the record satisfies the requirements of national importance. He highlights reports in the record and states that these reports establish that "[i]n 2021, American healthcare spending rose to an estimated $4.3 trillion," that "the American healthcare system ranks below other high-income countries in access to care, administrative efficiency, equity, and patient outcomes," and that "[p]ublic confidence in the American medical system was estimated at 44% in 2021. . . ." While the reports in the record support these statements on the issues facing the U.S. healthcare system, they do not further the Petitioner's claim of his proposed endeavor's national importance. As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. These statements point to issues in the U.S. healthcare system, but do not establish the proposed endeavor's impact.

The Petitioner further asserts that his proposed endeavor has applications in advancing artificial intelligence (AI) and human-machine interfaces, both of which are recognized as critical and emerging technologies (CETs) by the National Science and Technology Council. USCIS recognizes the importance of progress in science, technology, engineering and mathematics (STEM) fields, especially in focused critical and emerging technologies and the essential role that individuals with advanced STEM degrees have in fostering such progress. 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual/. However, "in all cases, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *Id.* Here, the record does not demonstrate how the Petitioner's proposed endeavor will advance AI or human-machine interfaces to result in national or global implications within a particular field. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner states that his research will "integrate multimodal data such as eye-tracking, facial

expression analysis, and biomedical sensor readings to thoroughly understand the decision-making processes in health behavior. . . ." While we acknowledge that the Petitioner may intend to use CETs in his research, the record does not establish that his proposed endeavor will advance the above-named CETs and our focus remains on his specific proposed endeavor and its prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889.

On appeal the Petitioner emphasizes that his work has been financially supported by the National Science Foundation (NSF) and that their funding is "directed at advancing the national interest, including studies that advance the national health, prosperity, and welfare." The Petitioner asserts that this funding reflects the national importance of his research. However, we note that the record includes evidence that NSF funded the Petitioner's prior research titled, '[redacted]." As the record does not establish NSF has funded the research projects the Petitioner specified as his proposed endeavor, this evidence does not relate to the national importance of his proposed endeavor but relates to his prior experience. While we acknowledge the Petitioner's experience in the field; evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Id.* Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890.

The Petitioner states that the importance of his research is supported by letters of recommendation from fellow social science experts. However, the letters in the record focus on the impact of the Petitioner's prior work and not the prospective impact of the proposed endeavor he sets forth in the petition. The authors discuss the impact of his prior work and how his research has been cited by other researchers in his field, but this does not demonstrate the prospective impact of the research projects the Petitioner describes in his proposed endeavor statement. For example, one author states:

> This is a vital endeavor, as understanding public preference is essential to designing effective policy interventions and communication tools throughout the United States. For example, he has actively contributed to the study of perception and evaluations of political outcomes across time. In addition, he provided close examinations of the workforce by revealing the public perceptions of working environments. Likewise, he has revealed the political barriers affecting vaccine acceptance, directing public health initiatives for improved vaccination rates.

Here, the author states that the Petitioner's endeavor is vital, but discusses the impact of his prior work; not the prospective impact of the research projects he specified in his proposed endeavor statement. As stated above evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor and is more relevant to *Dhanasar's* prong two analysis. *Id.* at 889.

On appeal, the Petitioner states that the *Dhanasar* precedent "clearly emphasized that research in an important field is relevant and probative evidence for satisfying the first *Dhanasa*r prong." While we acknowledge the importance of the field; the relevant question is not the importance of the field in which the individual will work; instead, we focus on the "the specific endeavor that the [Petitioner]

proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889. Here, the Petitioner improperly relies upon the importance of the industry to further establish the national importance of his proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's broader impact in the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

Dhanasar states that 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 his proposed endeavor is "vital for increasing quality of care, public trust, and cost-effectiveness in the U.S. medical system, thereby reducing the $4.3 trillion financial burden of healthcare, and, by extension, freeing up financial resources for Americans to spend and reinvest, thus bolstering the U.S. economy as a whole." In support of this assertion, the Petitioner provided pages from the Centers for Medicare and Medicaid Services in which they discuss the U.S. healthcare expenditure. As stated above, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, evidence of healthcare expenditures in the United States is not probative evidence that the Petitioner's proposed endeavor will have a substantial economic impact. Therefore, the record does not support the Petitioner's assertion of his proposed endeavor's substantial positive economic effects and therefore does not further establish the national importance of his proposed endeavor.

In reviewing the totality of the evidence, we conclude that the Petitioner did not satisfy his burden to establish, by a preponderance of the evidence, his proposed endeavor's national importance because he has not submitted sufficient evidence to support his claims of national importance. While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *Dhanasar* prongs. *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).

III. CONCLUSION

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence that he is eligible for or otherwise merits a national interest waiver 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.