U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39909677

Date: JAN. 21, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an entrepreneur, 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* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

SCOPS denied the Form I-140, Immigrant Petition for Alien Workers (national interest waiver), concluding that 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 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 visa 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

A. EB-2

SCOPS determined the Petitioner established her eligibility for this visa classification because she holds an advanced degree. However, SCOPS did not identify how the Petitioner meets the advanced degree requirement and the record does not support this determination.

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.* Profession is defined as one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a U.S. baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation.[2] 8 C.F.R. § 204.5(k)(2).

The Petitioner is a national of Colombia. She claimed in the record below that she holds a "Doctor of Dental Surgery degree" issued in 2020 and a "Specialist Degree in Management of Social Security Institutions" issued in 2021. She included in the record a copy of "el Titulo de Odontologa," which was conferred to her in March 2020 by [redacted]. However, contrary to her claim that her degree is equivalent to a "Doctor of Dental Surgery degree," information from the American Association of Collegiate Registrars and Admissions Officers (AACRAO) Electronic Database for Global Education (EDGE) provides the "Titulo Profesional represents attainment of a level of education comparable to a bachelor's degree in the United States" and it is the Título de Doctor en Odontología which is "[a]warded after five years of post-secondary study in dentistry" and is "comparable to a first professional degree in dentistry in the United States."[3] The Petitioner submitted an October 2024 evaluation report also indicating that this degree is equivalent to "at least a bachelor['s] degree in the United States."

The Petitioner also submitted the certificate conferring upon her "el Titulo de Especialista en Cerencia de Instiuciones de Seguirdad Social en Salud" in September 2021 from [redacted].

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[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] Profession shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

[3] AACRAO, Título de Doctor en Odontología (Title of Doctor of Dentistry), https://www.aacrao.org/edge/country/credentials/credential/colombia//título-de-doctor-en-odontología-(title-of-doctor-of-dentistry) (last visited January 21, 2026).

While the evaluation claims this is the equivalent of a master's degree in healthcare administration, EDGE indicates that "[t]he Título de Especialista en… represents attainment of a level of education comparable to 1 - 2 years of graduate study in the United States," but does not state it is the equivalent of a master's degree.[4] We may, in our discretion, use an evaluation of a person's foreign education as an advisory opinion. *Matter of Sea, Inc.,* 19 I&N Dec. 817, 820 (Comm'r 1988). However, where an opinion is not in accord with other information or is in any way questionable, we may discount or give less weight to that evaluation. *Id.* Here, the unsupported conclusions and discrepancies drawn by the evaluation report raise issue with its reliability. The Petitioner must resolve the inconsistencies with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

Further, pursuant to 8 CFR § 204.5(k)(3)(i), if an alien seeks to demonstrate she or he is a professional holding an advanced degree, the petition must be accompanied by an official academic record. The Petitioner has not provided her transcripts and without this evidence, she has not met the requirements of the regulation.[5]

For the above reasons, the Petitioner has not established that she holds the foreign equivalent of a U.S. academic or professional degree above that of baccalaureate pursuant to 8 C.F.R. § 204.5(k)(2). In addition, the Petitioner has not established that she holds the foreign equivalent of a U.S. bachelor's degree followed by five years of progressive experience in the specialty. 8 C.F.R. § 204.5(k)(2). Her degree for dentistry was issued in 2020 and she filed this petition in November 2024. Further, in her undated personal statement submitted with the original filing, the Petitioner stated she only has three years of professional experience in clinical practice.

Consequently, the Petitioner has not established she holds an advanced degree. And because the Petitioner did not assert that she is an individual of exceptional ability in the record below or on appeal, we deem the issue waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)) (Any ground of ineligibility that is not raised on appeal is waived.) As a result, the Petitioner has not established her eligibility for the EB-2 visa classification. We withdraw SCOPS determination to the contrary.

B. National Interest Waiver

SCOPS found the Petitioner's proposed endeavor has substantial merit, but did not have national importance to satisfy *Dhanasar's* first prong requirements. SCOPS also concluded the Petitioner was well-positioned to advance her proposed endeavor under *Dhanasar's* second prong, but she had not demonstrated that, on balance, waiving the job offer requirement would benefit the United States, as required under *Dhanasar's* third prong. On appeal, the Petitioner asserts that SCOPS erred in its analysis because her proposed endeavor addresses a national crisis in oral health access and aligns with federal health priorities. We agree with SCOPS that the Petitioner has not established the national importance of her proposed endeavor and that, on balance, waiving the job offer requirement would

[4] AACRAO, Título de Especialista en … (Title of Specialist), https://www.aacrao.org/edge/country/credentials/credential/colombia/título-de-especialista-en-(title-of-specialist) (last visited January 20, 2026, and incorporated into the record).

[5] While we acknowledge that the submitted evaluation purports to be a "course by course evaluation report," the record does not contain copies of the transcripts.

benefit the United States. However, we do not similarly conclude that the Petitioner has established she is well positioned to advance her proposed endeavor.

1. National Importance

The Petitioner's endeavor, as described in her personal statement, is to develop the [redacted] project, which aims to implement preventative oral health programs within companies to reduce work absenteeism related to dental problems, improve employee productivity and decrease the costs associated with emergency treatments. In support of the national importance of her proposed endeavor, the Petitioner included personal statements, a business plan, and expert letters.[6]

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we noted that, in assessing national importance, "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." *Id* 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*.

In its decision dismissing the petition, SCOPS highlighted parts of the record that asserted the Petitioner's work was in an important field and explained this was insufficient to establish national importance. SCOPS also determined the Petitioner's evidence did not demonstrate that the services mentioned in her proposed endeavor would go beyond her clients to impact the field more broadly. Further, SCOPS found the record did not contain independent and objective evidence corroborating the assertions in the Petitioner's business plan and statements, such as staffing and revenue projections, to demonstrate the national importance of her proposed endeavor. On appeal, the Petitioner does not identify any specific evidence that SCOPS overlooked or did not correctly analyze.[7] Rather, the Petitioner argues SCOPS' decision did not properly reflect the severity of the problem or the potential impact of the proposed endeavor in providing solutions.

Based on our de novo review, SCOPS properly analyzed the record and determined the Petitioner had not established the national importance of her proposed endeavor. While her statements, business plan, and expert letters make many claims regarding her endeavor's impact to, for instance, the healthcare industry, public health, and the economy, as SCOPS concluded, the Petitioner does not provide evidence in support of these assertions. For example, the business plan asserts, "[b]y improving the oral health of employees, the project contributes to the reduction of . . . dental-related

[6] While we may not mention all evidence submitted, we have reviewed the entire record and highlight documents relevant to our analysis.

[7] The Petitioner included new evidence with the appeal, including a receipt of business formation and a letter of intent by a business in Pennsylvania, and images of a mobile clinic. Where SCOPS issued a request for evidence seeking information on each of *Dhanasar's* three prongs, we will not consider the evidence for the first time on appeal. *See Matter of Furtado*, 28 I&N Dec. 794, 801-02 (BIA 2024) (declining to consider new evidence on appeal when the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it) (citing *Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988)); *see also* 8 C.F.R. § 103.2(b)(11) (requiring that in response to a request for evidence or notice of intent to deny, all evidence must be submitted together at one time and that submitting only some of the requested evidence will be considered a request for a decision on the record).

chronic diseases, thereby reducing the burden on the public health system" but provides no explanation for these conclusions or corroborating evidence in support. As a separate example, her statements in the underlying record claim that the endeavor will impact underserved and depressed areas, stating more than 6,900 areas in the United States have been designated as health professional shortage areas in dentistry and ER ProDental Wellness will deploy mobile clinics that will reduce structural disparities in health. However, the Petitioner did not demonstrate how these assertions, even if credible or plausible, would sufficiently extend beyond her prospective clients to significantly benefit these underserved regions as contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890. Further, the alleged shortage of occupations or occupational skills does not render her proposed endeavor nationally important under the *Dhanasar* framework. In fact, such shortages of qualified workers are directly addressed by the U.S. Department of Labor through the labor certification process.

The Petitioner also did not show how her endeavor would impact the field or the U.S. economy more broadly at a level commensurate with national importance. For example, the Petitioner's expert letter, by [redacted] dated April 2025, stated that the proposed endeavor will implement corporate preventative oral health programs and create a model in corporate health driven by mobile and digital service platforms. A separate expert letter, undated and authored by a general dentist and oral health coordinator in Colombia, also discussed how the Petitioner's prioritization of hiring local talent to operate the clinics and lead promotional campaigns will improve the oral health of millions of workers. We note that the *Dhanasar* decision contemplates that "[a]n 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." *Id.* at 893. However, neither the Petitioner nor these experts establish the extent to which her proposed endeavor's methods or strategies improve upon those already available and in use in the United States such that her proposed endeavor would have national or global implications within her field or for the United States. Moreover, these experts assert the Petitioner's endeavor aligns with government priorities. On appeal, the Petitioner again raises this argument. However, as explained by SCOPS, 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 specific endeavor that the foreign national proposes to undertake." *See id.* at 889. Further, while the business plan provided projected revenues, for example, of five million in five years, the Petitioner did not corroborate these estimates with independent evidence nor did she explain the significance of these projections to show that the benefits to the regional or national economy would reach the level of "substantial positive economic effects," particularly in an economically depressed area, as contemplated by *Dhanasar*. *Id.* at 890.

On appeal, the Petitioner also reiterates many of the arguments previously raised, including how her proposed endeavor will strengthen worker productivity, reduce absenteeism, create jobs in underserved areas, and includes new arguments, such as the endeavor driving digital transformation, intergenerational cultural change, and having social impact. It is the Petitioner's burden to establish her eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Here, the Petitioner in her appeal, like in the petition, does not substantiate any of her assertions to establish the national importance of her proposed endeavor by a preponderance of the evidence.

2. Well-Positioned

SCOPS determined, without analysis, that the Petitioner established she is well-positioned to advance her proposed endeavor. We disagree. We consider factors, such as 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 in determining whether petitioners are well-positioned to advance their proposed endeavor. *Matter of Dhanasar*, 26 I&N Dec. at 890. Here, the Petitioner has not established how her education in dentistry has prepared her to pursue her endeavor. Her evidence does not show how her certificate in [redacted] from an institution in Colombia would prepare her to lead her endeavor here in the United States. In addition, she has not provided sufficient documentation that her experience and background have provided her the skills required to advance her proposed endeavor as her employment, recommendation, and expert letters speak little regarding her ability to lead an organization. She has not provided evidence of past successes in related efforts. In addition, while her employment letters discuss her duties, they do not discuss accomplishments or the impact of her work to demonstrate she is well positioned to advance her proposed endeavor. Further, the underlying record does not contain evidence of potential customers or investors. For these reasons, we withdraw SCOPS determination that the Petitioner has established she is well positioned to advance her proposed endeavor.

III. CONCLUSION

The Petitioner has not established her eligibility for the underlying classification and *Dhanasar's* first two mandatory prongs. She consequently has not established that she is eligible for or otherwise merits a national interest waiver as a matter of discretion. We therefore reserve our analysis of the third prong. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *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.

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.