U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40527014

Date: JAN. 29, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a veterinary pathologist, 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 did not establish eligibility for the EB-2 classification or 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 because the Petitioner did not establish that she is eligible for classification as a member of the professions holding an advanced degree. Because this identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding her eligibility for a waiver of the required job offer, and thus of a labor certification. *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).

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

The Petitioner completed her postsecondary education in Costa Rica and was awarded the credential of *Medico Veterinario Con Grado de Licenciatura* in 2008. On her resume, the Petitioner states that, following her education in Costa Rica, she worked as a clinical instructor and veterinary pathologist in Costa Rica. She also states that she attended [redacted] to complete her residency in veterinary anatomic pathology. In 2022, the Petitioner states that she began employment with [redacted] as a veterinary anatomic pathologist. She states that her proposed endeavor is:

> [T]o use laboratory methods and techniques, specifically morphologic description, gross and histologic lesion evaluation, immunohistochemistry, and in situ hybridization in veterinary pathology to elucidate infections zoonotic, toxic, and parasitic diseases in order to promote wildlife species conservation, improve health in multiple ecosystems, and prevent the transmission of reemerging diseases from animals to humans.

The Petitioner asserts that she is a member of the professions holding an advanced degree based on her *Medico Veterinario Con Grado de Licenciatura* issued by [redacted] in Costa Rica. The Petitioner does not claim to be an individual of exceptional ability. With the initial filing, in support of her claim to be a member of the professions holding an advanced degree, the Petitioner submitted a copy of her diploma and transcripts issued by [redacted], accompanied by an English language translation. The submitted translation of the Petitioner's academic documents states:

> I, […], Certified Translator appointed by the [redacted] in accordance with resolution number [redacted], published in government gazette "[redacted]" number [redacted], dated [redacted], 2014, hereby

[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).

> certify that the document originally worded in Spanish – copy thereof attached hereto – is translated into English as follows …"

The Petitioner also provided an evaluation of her academic credentials from International Academic Credential Evaluations, Inc. The evaluation concludes that the Petitioner's *Medico Veterinario Con Grado de Licenciatura*, awarded after six years of study, is equivalent to a degree of doctor of veterinary medicine awarded by an accredited U.S. university.

After reviewing the initial evidence, SCOPS determined that the record was not sufficient to establish that the Petitioner is a member of the professions holding an advanced degree. Specifically, SCOPS determined that the English language translation of the Petitioner's academic records was not sufficient, as the translator did not certify that the translations were accurate and complete or that she was competent to translate from the foreign language into English. Nor did the translator provide the English translation of the diploma title, *Medico Veterinario Con Grado de Licenciatura*. SCOPS issued a request for evidence (RFE) noting this deficiency and requesting "accurate and full English translations." SCOPS also requested additional evidence to establish that the Petitioner merits a national interest waiver.[2]

In response to the RFE, the Petitioner submitted an additional translator certification from a second individual. The certification states:

> I, [...], hereby declare that I am fluent in English and Spanish and am therefore competent to translate from Spanish into English. I hereby certify that I have reviewed the translated documents, and, to the best of my knowledge, they are complete and accurate translations of the relevant portions of the original texts, with the only exception in the "DVM Diploma Official Translation" (document 1) the correct translation of the tittle [sic] is "Licentiate's Degree of Doctor Veterinary Medicine."

SCOPS determined that the updated translator certification was insufficient, as the certifying individual was not the actual translator, but rather acted as a reviewer of another translator's work. Instead of the second individual translating the actual degree, the second individual opined on the accuracy of the first translation where the regulation specifically requires, "Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English." 8 C.F.R. § 103.2(b)(3). SCOPS concluded that the record did not establish that the Petitioner was a member of the professions holding an advanced degree and that she is qualified for the underlying EB-2 visa classification. SCOPS further concluded that, although the Petitioner's proposed endeavor has substantial merit and she is well-positioned to advance her proposed endeavor, she did not establish that her proposed endeavor has national importance, or that, on balance, waiving the job offer requirement would benefit the United States.

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[2] However, in the RFE, without discussion or analysis, SCOPS stated that the Petitioner had established that she is well-positioned to advance her proposed endeavor under the second prong of the *Dhanasar* framework. *Matter of Dhanasar*, 26 I&N Dec. at 890.

On appeal, the Petitioner submits a brief with no new evidence. She asserts that SCOPS ignored evidence and imposed an elevated standard of review. The Petitioner states that SCOPS applied "arbitrary requirements for translations instead of determining the accuracy of the translated documents."

As noted above, the Petitioner is required to submit a full English language translation for copies of any documents containing any foreign language. *See* 8 C.F.R. § 103.2(b)(3). The translator must certify that the English language translation is complete and accurate, and that *the translator* is competent to translate from the foreign language into English. *Id.* (emphasis added). Here, the original *translator* did not certify that she was competent to translate from the foreign language into English. Rather, the second translator certification demonstrates that the *reviewer of the translation* has such competency. Because the record does not demonstrate that *the translator* is competent to translate from the foreign language into English, we concur with SCOPS' decision that the Petitioner's evidence was not accompanied by a full English translation as required by 8 C.F.R. § 103.2(b)(3). Without a certified English translation, we are unable to determine the evidence's relevance and reliability on the issue of whether the Petitioner is an advanced degree professional with a degree, diploma, or academic credential in the specialty.

However, had the Petitioner submitted the required proper complete English translations with the translator certification for her diploma, it would nevertheless be insufficient to establish eligibility for EB-2 classification. Based on the uncertified English translations, it appears that the Petitioner was awarded the *Medico Veterinario Con Grado de Licenciatura* in 2008 from [redacted]. The accompanying transcript of records issued by [redacted] indicates that the Petitioner completed six years of study, from 2002 to 2007. The Petitioner's academic records demonstrate that she began her studies for the *medico veterinario* program at age 18.

We have reviewed the Electronic Database for Global Education (EDGE), which is a web-based resource for the evaluation of foreign educational credentials created by the American Association of Collegiate Registrars and Admissions Officers (AACRAO).[3] USCIS considers EDGE to be a reliable source of information about foreign credentials equivalencies. According to EDGE, the *Licenciatura* in veterinary medicine is issued following five to six years of study and represents attainment of a level of education comparable to a first professional degree in the United States.

The education ladder in EDGE states that entry to the *Licenciatura* in veterinary medicine program requires either a *Bachiller en Educacion Media* or a *Titulo de Tecnico Medio*, both of which represent attainment of a level of education comparable to completion of senior high school, typically completed at age 18.

The transcript of records issued by [redacted] does not state the entry requirement for the *Medico Veterinario Con Grado de Licenciatura* or how the Petitioner met this entry requirement. Nor does the record include other evidence of the Petitioner's academic coursework before 2002, such as evidence of completion of basic secondary education, passage of a university entrance examination, or a university-issued bachelor's degree.

[3] AACRAO is a nonprofit professional association of more than 11,000 higher education admissions and registration professionals who represent more than 2,600 institutions in over 40 countries. *See* http://www.aacrao.org/who-we-are.

The credential evaluation report from International Academic Credential Evaluations, Inc. does not state the entry requirement for the *Medico Veterinario Con Grado de Licenciatura*. Nor does the evaluation discuss any other of the Petitioner's academic coursework or credentials. As a matter of discretion, we may use opinion statements submitted by a petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. at 795. However, we may give an opinion less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.* We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought. The submission of expert opinion letters is not presumptive evidence of eligibility. *Id.; see also Matter of V-K-*, 24 I&N Dec. 500, 502 n.2 (BIA 2008) ("[E]xpert opinion testimony, while undoubtedly a form of evidence, does not purport to be evidence as to 'fact' but rather is admissible only if 'it will assist the trier of fact to understand the evidence of to determine a fact in issue.'").[4]

Because based on the record as currently constituted, we cannot conclude that the Petitioner possesses a foreign education above that of a bachelor's degree, in accordance with 8 C.F.R. § 204.5(k)(2), we cannot conclude that the Petitioner qualifies for the requested EB-2 classification.

In light of the above, we disagree with the Petitioner's assertion that she has established that she is an advanced degree professional in accordance with 8 C.F.R. § 204.5(k)(2). However, because the Petitioner was not on notice of our reliance on EDGE, this does not form the basis of our dismissal. The Petitioner must address the lack of entry requirements in her academic records and the academic evaluation, and may wish to present evidence of her completion of a residency program, in any further filings.

To determine whether a petitioner is 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. *Matter of Dhanasar*, 26 I&N Dec. at 890.

As noted above, SCOPS concluded in the RFE, without discussion or analysis, that the Petitioner is well-positioned to advance her proposed endeavor as a veterinary pathologist. However, because we are precluded from determining whether the Petitioner possesses the required education for her proposed endeavor, we will withdraw SCOPS' conclusion on the second prong of the *Dhanasar* analytical framework.

As the Petitioner did not establish that she is eligible for classification as an advanced degree professional, she is not eligible for the requested classification and further discussion of the balancing factors under the *Dhanasar* framework would serve no meaningful purpose. As noted above, we

[4] We also note that the Petitioner stated on her resume and on the U.S. Department of Labor (DOL) Form ETA 9089, Appendix A, in the record that she completed a residency in veterinary anatomic pathology at [redacted] in 2022 and was awarded a certificate of completion. However, the record does not include how she was admitted to the residency program, whether she had the required education level, or needed to complete additional coursework prior to being accepted in the residency, or the certificate of completion or other evidence of the Petitioner's completion of a residency program, which might evidence her level of education.

reserve the Petitioner's appellate arguments regarding the remaining *Dhanasar* prong. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

As the record does not establish that the Petitioner qualifies for second-preference classification as a member of the professions holding an advanced degree, or that she has met the requisite second prong of the *Dhanasar* analytical framework, we conclude that the Petitioner is not eligible for a national interest waiver.

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.