U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43122238

Date: JUNE 11, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a manager, 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).

USCIS denied the petition, concluding the record did not establish 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: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

II. ANALYSIS

The Petitioner claims he is a "seasoned" biomedical scientist and biotechnology executive with a decade of experience in molecular biology, clinical diagnostics, and translational genomics. His past positions include roles as an investment director, executive director, and strategic investment manager.

The Petitioner states that his proposed endeavor is to "establish a specialized venture consulting and strategic advisory practice in the United States dedicated to supporting the growth and success of early-stage biotechnology companies, particularly those focused on infectious disease diagnostics, immunotherapies, synthetic biology, and other mission-critical domains within the biomedical innovation ecosystem." He states his goal is "to address one of the most persistent gaps in the U.S. life sciences sector: the translation of research discoveries into commercially viable, scalable, and socially impactful health technologies."

USCIS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that he did not establish his eligibility under all three prongs of the *Dhanasar* analytical framework. Specifically, although SCOPS found substantial merit in the proposed endeavor, they concluded the Petitioner did not establish that his proposed endeavor has national importance, that he is well positioned to advance the proposed endeavor, and that, on balance, waiving the job offer requirement would be beneficial to the United States.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, USCIS found that the Petitioner did not demonstrate that his proposed endeavor would sufficiently extend beyond his consulting company and its clients to impact the biotechnology and health fields, U.S. cultural interests, or the economy more broadly at a level commensurate with national importance. They also found that the Petitioner did not establish that his proposed endeavor would have a broader impact on a STEM field to establish its national importance.

On appeal, the Petitioner reiterates his eligibility for a national interest waiver. He argues, among other things, that USCIS applied an "unduly narrow" view of national importance and asserts that USCIS did not properly consider all the evidence.

For the reasons discussed below, we agree with USCIS that the Petitioner has not shown his endeavor's national importance under *Dhanasar's* first prong and, therefore, has not established his eligibility for a national interest waiver. Accordingly, we will dismiss the appeal.[2]

The first prong, substantial merit and national importance, focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id*. 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." *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

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890.

In this case, the Petitioner has not met his burden to demonstrate that his proposed endeavor's prospective impact rises to the level of national importance. In particular, the record does not illustrate how his specific endeavor would sufficiently extend beyond his company and clients to impact the industry or nation more broadly.

The Petitioner relies heavily on his skills and expertise, as well as his past successes at companies like [redacted] to establish his endeavor's national importance. He submits evidence including his past publications, various support letters, and general industry articles pertaining to his prior work and companies. However, this evidence and the Petitioner's related assertions more relevant to *Dhanasar's* second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue under the first prong is whether the Petitioner has demonstrated the national importance of the proposed endeavor itself. *Id.* at 889.

The Petitioner also relies heavily on the value of the biotechnology field rather than demonstrating how his specific work establishing a venture consulting and strategic advisory practice providing individualized services for his clients would have broader impacts rising to the level of national importance. In support of his claim, the Petitioner submitted articles on topics such as pharmaceutical innovation, as well as various government reports on the biotechnology field, the U.S. bioscience economy, and pandemic preparedness. While these articles and reports speak to the substantial merit of the proposed endeavor, they do not establish how his work specifically would have broader, nationally important implications.

The Petitioner asserts that his proposed endeavor has national importance because "it advances U.S. capacity to detect, monitor, and respond to serious infectious threats." He claims his future work will "accelerat[e] the commercialization of next generation diagnostics, IVD inputs, and related biomedical platforms that allow earlier detection, more accurate treatment, and more resilient supply chains." While the Petitioner's financing endeavor may help resource his startup clients' businesses, the benefits of his future work appear to primarily flow to his clients rather than to the field. The Petitioner has not shown, and the record does not establish, how any scientific advancements of his clients' companies would be directly attributable to his specific endeavor itself rather than to the prospective research performed by those companies. Additionally, although the Petitioner claims that he submitted "ample" evidence of "original works" including investment theses, scientific diligence, transaction leadership, and a post-investment scaling strategy, beyond this vague assertion, he has not explained, and the record does not show, how any of his "original works" would be considered innovative or an improvement in processes beyond any benefits or efficiencies provided to his own company or his clients. *See id.* at 889; *see generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual.

We are likewise not persuaded by the Petitioner's arguments that USCIS "mischaracterize[d] the endeavor as non-STEM because it is delivered through investment and commercialization rather than bench research." Contrary to the Petitioner's assertion, his endeavor is primarily centered in the financial field, rather than the biotechnology field as claimed. The crux of his endeavor relates to providing financial and investment services through venture consulting and "strategic advisory

practice" to companies. While he may intend to focus his future financing efforts on supporting biotechnology companies, this is distinguishable from an individual's direct work in the science, technology, engineering, or mathematics fields. See 8 C.F.R. §214.2(f)(10)(ii)(C)(2)(i) (defining STEM as "science, technology, engineering, or mathematics"). Even though the Petitioner contends that his endeavor will have "STEM-related outcomes," we are not persuaded that this alone is sufficient to show his endeavor is, in fact, in the STEM field.

The Petitioner also generally claims that, because his endeavor is "directed at scaling and deploying life-science innovation through investment, diligence, and commercialization in core biomedical areas," it will positively impact societal welfare, public health, and the economy. However, the evidence does not adequately reflect how his endeavor to provide individualized venture consulting and strategic advisory services to companies would sufficiently extend beyond his clients to impact the field at a level commensurate with national importance.

For example, the Petitioner asserts that the evidence documents "major capacity expansions tied [to] his work" and that "[t]hose expansions are the type of business activity that supports workforce growth even if the petition does not hinge on a single projected number." Although we agree that job creation is not a required element of national importance, an endeavor that has a significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, may be indicative of national importance. *Matter of Dhanasar*, 26 I&N Dec. at 890. Here, the Petitioner does not offer specific, objective evidence regarding any projected U.S. economic impact, including job creation, directly attributable to his future work. Instead, he generally concludes that "[b]y helping U.S. diagnostics and biopharma startups secure investment, build manufacturing, and navigate regulatory milestones, he strengthens the upstream sources of future public offerings, acquisitions, and large-scale employers. While any basic economic activity has the potential to positively affect the economy to some degree, the Petitioner has not offered a sufficiently direct connection between his proposed endeavor and any demonstrable economic effects to establish his proposed endeavor's national importance. Without more, the record does not sufficiently establish that his specific future work would generate such significant economic activity that rises to the level of "substantial positive economic effects" contemplated by Dhanasar. *Id.* at 890.

Although we recognize the overall importance of investments in businesses, including financing startup companies in areas such as biotechnology, the Petitioner's work in an important industry or sector, even one that is the subject of national priorities, is not sufficient, in and of itself, to establish the national importance of the proposed endeavor. *See id.* at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes to undertake"). The Petitioner must still demonstrate his specific proposed endeavor's prospective impact in that area of national importance, which he has not done.

Lastly, we have also considered the Petitioner's support letters but they likewise do not establish the endeavor's national importance.[3] Several of the letters were written in 2016 and 2017, almost a decade before the petition was filed. Those letters either recommend the Petitioner for a postdoctoral

[3] We note that, while letters from interested U.S. government agencies or quasi-governmental entities in the United States may be helpful in determining whether an endeavor rises to the level of national importance, they are not required to establish eligibility.

fellowship or were general employment verification letters, and do not speak to the Petitioner's current proposed endeavor. Other letters discuss the Petitioner's skills, expertise, and past accomplishments, including the benefits the Petitioner brought to those authors' companies. But again, these are factors which relate more to the second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. Under the first prong, we look to the proposed endeavor itself. *Id.* at 889. Although one letter authored by [redacted], a senior scientist at the [redacted] opines on the national importance of the Petitioner's proposed endeavor, he attempts to do so by linking its potential prospective impact to the biotechnological advances and benefits produced by the Petitioner's client companies. However, as noted above, these claimed impacts are too attenuated to show that the future work done by these prospective clients would be directly attributable to the Petitioner's specific endeavor itself rather than to the companies.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the record does not establish his proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether he has established eligibility under the remaining two *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

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established 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.