U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38891313

Date: JUN. 20, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a business development 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).

SCOPS denied the petition, concluding that the record did not establish the Petitioner's eligibility for the requested national interest waiver. The matter is now before us on appeal. 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act. An advanced degree is any United States academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. A United States 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. 8 C.F.R. § 204.5(k)(2).

Once a petitioner demonstrates eligibility for the underlying EB-2 classification, they must then establish that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. While neither the statute nor the pertinent regulations define the term "national interest," *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 a 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.

II. ANALYSIS

The Director determined that the Petitioner qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. Therefore, the remaining issue is whether the Petitioner established eligibility for a national interest waiver under the *Dhanasar* framework.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We agree with the Director's conclusion that the proposed endeavor has substantial merit as it falls within the range of areas of substantial merit, namely business, science, technology, and health. *Id.* However, while the Petitioner has established that the proposed endeavor has substantial merit, the record does not establish its national importance.

In support of the petition, the Petitioner stated his proposed endeavor in the United States was to work with multiple pharmaceutical companies for the purpose of "strategically addressing the bottlenecks faced by antibody drug researchers from startups and small biotech companies to ensure that beneficial drugs, particularly cancer immunotherapies are produced as quickly as possible." The Petitioner indicated that he would research various therapies and work with other scientists to present strategic solutions to their drug production problems. The Petitioner asserted that his proposed endeavor was of national importance because the National Cancer Institute (NCI) identified key gaps that he would address including artificial intelligence for "tumor atlases," better computational tools to accelerate drug discovery, more effective diagnostic methods to detect cancer earlier, research into precision prevention, and data collection to assist in cancer clinical trials.

The Petitioner also pointed to broader government initiatives focused on accelerating cancer research, including a prior administration's "Cancer Moonshot" initiative focused on diagnosing cancer sooner, preventing cancer, addressing inequities, targeting the right treatments to the right patients, speeding progress against the most deadly and rare cancers, among other cancer reduction and treatment priorities. The Petitioner emphasized that his endeavor would address one primary goal of Cancer Moonshot in particular, namely that it would "increase the pipeline of new cancer drugs" and "speed delivery of cancer drugs and vaccines to prevent and treat cancer, including cancer types for which progress has been limited." The Petitioner further pointed to his expertise in promoting matured and

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS' decision to grant or deny a national interest waiver to be discretionary in nature).

advanced platform technologies as well as how his prior positions in drug development companies would allow him greatly help streamline "the production and scalability of recombinant antibodies used in pre-clinical studies, reducing research costs, and ultimately benefiting a broader range of patients," including "mouse modeling to optimize preclinical studies, ensuring models accurately represent human cancer biology." The Petitioner stated that he would be employed as a business development manager with a company L-W-.

The Director later issued a request for evidence (RFE) stating that the submitted evidence reflected that the Petitioner would work as a business development manager at L-W- but noted that he elsewhere stated in a H-1B nonimmigrant specialty occupation petition that he would work as a "Director, BioPharma Business Development" at B- Corporation. As such, the Director asked for additional evidence to establish the potential prospective national impact of the Petitioner's proposed endeavor, including its national or global implications within a particular field or its significant potential to employ U.S. workers or have other substantial positive economic effects, broadly enhance societal welfare, or impact a matter a government entity has described as having national importance.

In response, the Petitioner asserted that the position provided in support of the petition and that submitted in the H-1B nonimmigrant petition were not conflicting. The Petitioner stated that his proposed endeavor included collaborating "with other biopharmaceutical companies and laboratories to help alleviate bottlenecks in drug discovery and research." The Petitioner emphasized his experience in basic research, drug discovery, drug development, and drug production that gave him an integrated view of the entire process, asserting that he could make the entire process more efficient through bridging gaps within the pharmaceutical industry and benefiting patients with more treatment options. In addition, the Petitioner provided the following explanation in a personal statement:

> In summary, my role through multiple experiences with pharmaceutical companies has involved bridging the gaps (or eliminating the barriers) that often hinder the efficient translation of promising therapeutic candidates, streamlining processes to accelerate drug development while maintaining the highest standards of quality and compliance. These experiences have continuously fueled my commitment to improving the pharmaceutical industry's workflow, streamlining the transition from research to market-ready treatments, and ultimately expanding therapies for cancer. This will help ensure that patients are matched with the right kinds of therapeutics as early as possible to begin on the road to remission and recovery. [B-G's] Tumor Profiling technology will continue to allow me to push forward my mission.

The Petitioner also stated that he would leverage B-G's Tumor Portrait platform to revolutionize the diagnosis and treatment of Chronic Granulomatous Disease (CGD), a rare immunodeficiency disorder, by identifying genetic mutations and molecular factors. The Petitioner indicated that the Tumor Portrait platform was able to account for the unique molecular characteristics of each patient's tumor environment using genomics, artificial intelligence, and data analytics to create a tailored treatment plan for each patient. The Petitioner pointed to his connections in the pharmaceutical industry and his expertise he claimed would allow for the effective application of the Tumor Portrait platform through partnerships with leading biopharmaceutical and biotech companies.

The Petitioner asserted that his proposed endeavor would result in a broad national or even global impact by offering more effective and tailored treatment options for patients, allowing for the correction of cancer-driven mutations and enhance the body's immune response against tumors, alleviating the negative impacts of giving incorrect or suboptimal medications to patients. The Petitioner contended that his proposed endeavor aligned with priorities of the current administration aimed at increasing transparency for consumers, promoting choice and competition, expanding access to affordable healthcare, and protecting Medicare as well as the Support for Patients and Communities Act focused on improving prescribing practices, monitoring systems, and ensuring patients receive safe and appropriate treatments, including lessening the use of harmful opioids. The Petitioner further stated that his proposed endeavor would have significant potential to employ U.S. workers or have other substantial economic effects and broadly enhance social welfare. The Petitioner asserted that the Tumor Portrait platform would provide these positive impacts through "its advanced integration of computational and molecular analytics in cancer care," creating "numerous jobs" selling and maintaining the platform, significantly reduce the cost and time associated with drug development, and lead to more effective and safer therapies for patients.

In denying the petition and concluding the Petitioner did not demonstrate the national importance of his proposed endeavor, SCOPS determined that the Petitioner's reliance on published material was misplaced as this focused more generally on the industry rather than his specifically proposed endeavor. SCOPS further reasoned that the Petitioner did not submit sufficient support for his assertion that his proposed endeavor would contribute to the entire field and lead to a broad impact on advancing U.S. research leadership worldwide. SCOPS stated that although the services proposed by the Petitioner may impact clients of the company for which he would work, he did not sufficiently demonstrate that these services would be provided at a level that would create national or even global implications in the field of cancer research or drug development.

On appeal, the Petitioner contends that SCOPS improperly focused on his position rather than evaluating the substantive nature of his role and the proposed endeavor. The Petitioner asserts that while most business development positions involve identifying new business opportunities, building relationships with clients, and driving revenue growth, they do not require the deep technical and scientific expertise held by the Petitioner. The Petitioner states that SCOPS "ignored the significant and direct role of [B-G's] technology in collaborations with top-tier U.S. cancer research institutions and pharmaceutical partners that are shaping the future of precision oncology and cancer drug development." The Petitioner points to his extensive experience working in various business development roles for significant companies in the pharmaceutical industry, noting that his expertise would be instrumental in addressing complex scientific challenges and enable drug researchers to navigate obstacles. He also claimed that without his contributions, scientists may struggle to identify optimal solutions. The Petitioner contends that SCOPS did not properly assess his role in advancing biomarker driven cancer treatments directly tied to federal health priorities such as the Cancer Moonshot Initiative nor how his contributions would directly support major U.S. cancer research institutions and initiatives improving patient outcomes, reducing healthcare costs, and accelerating clinical trial success.

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We

therefore "look for broader implications" of the proposed endeavor, noting 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.

First, the Petitioner emphasized many times on the record, and particularly on appeal, his extensive experience working in various business development roles for significant companies in the pharmaceutical industry, his expertise in addressing complex scientific challenges, and his deep technical and scientific expertise. While we recognize that the Petitioner gained experience in the field with several prominent pharmaceutical companies, a petitioner's expertise and record of success are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. In fact, based on the Petitioner's experience, SCOPS concluded that he had established eligibility under *Dhanasar*'s second prong. The issue here is whether the Petitioner has demonstrated the national importance of his specific proposed endeavor.

The Petitioner provided varying assertions with respect to his proposed endeavor leaving uncertainty as to the likelihood of its potential prospective national impact. For instance, in support of the petition in July 2024, the Petitioner emphasized his role working for L-W- and continuing research in "nonhuman primate antibody resource for immune cell depletion," "agonistic anti-CD40 IgG2 antibody YH003" related to "mouse modeling," and the development of treatments for "Chronic granulomatous disease (CGD)" a rare inherited immunodeficiency disorder. However, in response to SCOPS' RFE approximately six months later, the Petitioner focus materially changed as he then discussed his proposed employment with B- Corporation and his work promoting the Tumor Portrait platform, now the primary driver of his proposed endeavor. The dramatic change in the Petitioner's focus leaves substantial uncertainty as to the potential prospective national impact of his proposed endeavor. It seems unlikely that the Petitioner would have gained such a deep understanding of the Tumor Portrait platform in approximately six months that he would effectuate a potential prospective national impact through promoting and implementing it, particularly since there is no indication that he was involved in its development. A petitioner may not make material changes to a petition that has already been filed in an effort to make a deficient petition conform to USCIS requirements. *Matter of Izummi*, 22 I&N Dec. 169, 175 (Assoc. Comm'r 1998).

Further, the Petitioner provided a wide range of assertions as to the potential national impact of his proposed endeavor leaving question as to the likelihood that it would have such far reaching results. For instance, as discussed above the Petitioner indicated that his endeavor would have a national impact on various scientific aspects of cancer diagnosis and treatment discussed above, as well as an unrelated inherited immunodeficiency disorder. Likewise, the Petitioner stated that his proposed endeavor would have a national level impact on adverse drug reactions among cancer patients and the use of opioids. Similarly, the Petitioner stated that his proposed endeavor would address initiatives of the current administration, including increasing transparency for consumers, promoting choice and competition, expanding access to affordable healthcare, and protecting Medicare. The Petitioner further stated that his endeavor would impact the Support for Patients and Communities Act focused on improving prescribing practices and monitoring systems, and ensuring patients receive safe and appropriate treatments, including lessening the use to harmful opioids. He also emphasizes the "Cancer Moonshot" initiative focused on diagnosing cancer sooner, preventing cancer, addressing

inequities, targeting the right treatments to the right patients, speeding progress against the most deadly and rare cancers, and contends his proposed endeavor would effectuate these outcomes. Again, the Petitioner has listed numerous potential national impacts of his work but provided little objective support as to how his work would lead to all these impacts, such as its claimed improvement of patient outcomes, reduction of healthcare costs, and acceleration of drug development clinical trial success on a national level. The Petitioner only emphasizes his experience, expertise, and connections in general, but submitted few details on how his proposed endeavor would generate this many potential prospective national impacts, each which could be reasonably deemed large national issues.

For example, on appeal, the Petitioner emphasizes a support letter from a Dr. D-M- a "Principal Investigator of the [redacted] attesting to the Petitioner's "significant contributions to optimizing key programs, including addressing the challenges of low recovery associated with CD40, a protein critical to immune regulation and cancer immunotherapy development." Again, this letter discusses his expertise and experience, rather than the potential national impacts of a specific proposed endeavor and highlights the varied nature of the Petitioner's assertions on the record. Notably, the Petitioner also proceeds to discusses on appeal his current employer's partnership with [redacted] and the potential use of the Tumor Portrait Platform. He asserts numerous potential impacts from his experience and work but provides little objective support for how any would likely have a national-level impact on so many aspects of the medical field and cancer treatment and research. The Petitioner must resolve inconsistencies and ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Generalized conclusory statements that do not identify a specific impact to the field have little probative value. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

In addition, the record does not establish that the Petitioner's endeavor "has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area." *Id.* at 890. The Petitioner asserted that his proposed endeavor, at least that portion relating to the Tumor Portrait platform, would lead to "numerous jobs" selling and maintaining it and lead to positive economic impacts through "its advanced integration of computational and molecular analytics in cancer care." However, the Petitioner provides no objective projections related to these "numerous jobs" or the estimated economic impact of the platform. He did not properly substantiate how his proposed endeavor would have a national level impact on a cancer industry he stated accounted for over two million new cancer cases in 2024 and which generated over $200 billion in expenditures in 2020. In fact, the Tumor Portrait platform is presumably owned by the Petitioner's new employer; however, it is not clear how many other clients use this technology, how many other employees sell and implement this technology, and he did not sufficiently clarify why he alone is so central to its promotion nationally.

The Petitioner did not submit specific and targeted business plans but provides generic assertions about impacting numerous aspects of the economy, each which could be reasonably deemed separate, large, industries or aspects of the economy. Although any basic economic activity resulting from the Petitioner's work has the potential to positively impact the economy, he has not provided sufficient explanation of the prospective national impact directly attributable to his proposed work, or established how his endeavor would impact an economically depressed area. A petitioner must

support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under *Dhanasar*'s second and third prongs. *See INS v Bagamasbad*, 429 U.S. 24, 25 ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reached"); *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.