U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38826878

Date: JUNE 23, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a medical scientist, seeks employment-based second preference (EB-2) immigrant classification as either a member of the professions holding an advanced degree or an individual of exceptional ability, 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 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

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but did not establish his eligibility under the *Dhanasar* analytical framework. In particular, they found that while the Petitioner demonstrated his proposed endeavor's substantial merit, he did not show its national importance under the first prong.[2] For the reasons set forth below, we agree with SCOPS that the Petitioner has not shown his endeavor's national importance and, therefore, is not eligible for a national interest waiver. Accordingly, we will dismiss the appeal.

The Petitioner states he has over 13 years of professional experience in laboratory diagnostics, biomedical research, and public health. His work experience includes roles as a biomedical researcher, professor, emergency room physician, and owner of a medical services company in Brazil.

The Petitioner states his proposed endeavor is to work as a medical scientist and to create his own company, [redacted] in [redacted] New York. Through his company, he plans to establish a "cutting-edge laboratory that not only provides exceptional clinical and laboratory analysis services but also drives innovation through strategic partnerships with leading U.S. universities in research and development (R&D)." The Petitioner's operations will center on three core pillars: scientific innovation, enhanced clinical diagnostics, and a comprehensive training program.

In concluding the Petitioner did not show his endeavor's national importance under *Dhanasar's* first prong, SCOPS found that the Petitioner did not show that his proposed endeavor would have implications beyond his business, its employees and clients, and any individuals and entities with whom he would work to impact the field, industry, or economy more broadly at a level commensurate with national importance.

On appeal, the Petitioner generally disputes SCOPS' determinations and argues that they failed to acknowledge the broader national implications of his proposed endeavor, including its job creation, economic and industry impact, and alignment with national priorities.[3] He claims the evidence, including his business plan and expert opinion letter, demonstrate his eligibility for a national interest waiver. However, upon review, we agree with SCOPS's conclusion that the Petitioner has not demonstrated his proposed endeavor's national importance and, thus, has not shown he satisfies *Dhanasar's* first prong.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. 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 economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890.

[2] SCOPS also concluded that the Petitioner did not meet *Dhanasar's* second or third prongs.

[3] The Petitioner submitted additional evidence with his appeal, but these documents were already contained in the record.

Here, the Petitioner has not offered sufficient evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. In particular, he has not shown how his endeavor through his company will have a broader impact in the industry, economy, region, or nation beyond the employees and individual clients he will serve.

The Petitioner places considerable emphasis on the importance of his field and claims that his endeavor will fill a "critical gap" in biochemical research, molecular diagnostics, and advanced laboratory services, thereby contributing to national scientific and healthcare advances. He also asserts that his endeavor's alignment with national economic, scientific, and public health priorities and federal initiatives to advance biomedical research and innovation reinforce his endeavor's national importance. In support of his claims, he submits various industry articles and reports discussing the biotechnology and biomanufacturing industries, clinical laboratory services, the importance of health research, and the value of immigrant entrepreneurs.

The Petitioner, however, neglects to focus on the prospective impact of his specific endeavor and does not demonstrate how it, in particular, as opposed to the industry generally, would achieve these goals and have a broader impact the field, region, or nation. While the articles and reports discuss the biotechnology and biomanufacturing industries, clinical laboratory services, the importance of health research, and the value of immigrant entrepreneurs, they do not mention or discuss the Petitioner's proposed endeavor specifically, including how it might impact these fields more broadly and rise to the level of national importance. And although we acknowledge the value of the biomedical and clinical diagnostics fields, as well as the contributions of immigrant entrepreneurs, 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." *Id.* at 889. Working in an important field alone is insufficient to establish the national importance of the proposed endeavor. The Petitioner must still demonstrate the endeavor's potential prospective impact in that area of national importance.

The Petitioner also asserts that his endeavor will contribute to scientific innovation in biotechnology and public health. He claims his company will specialize in molecular diagnostics and biochemical research and will "lead innovative research projects aimed at developing new biochemical methods and laboratory techniques." He states that by collaborating with academic institutions, he will "advance the scientific community's understanding of disease processes, develop novel therapeutic agents, and enhance diagnostic tools through cutting-edge technologies such as high-throughput screening, computational biology, and synthetic biology." He asserts that the innovations he develops will enhance disease detection and treatment options nationwide, thereby contributing to public health improvements.

The record, however, lacks sufficient details about the specific research itself to establish its national importance. For example, the business plan states the company will "engage in cutting-edge biochemical research for clients in the healthcare, pharmaceutical, and biotechnology sectors" and will include molecular biology research, enzyme activity analysis, genetic studies, and biochemical assays that will help develop new therapeutic approaches or diagnostic tools. However, beyond these vague descriptions, the plan provides little detail on the specific research projects he will conduct, the specific methodologies or techniques he intends to develop, and how these methodologies or techniques would be considered innovative or an improvement in manufacturing processes or medical advances as

contemplated by *Dhanasar*. *Id.* at 889. As it stands, the record does not sufficiently establish these vaguely defined research activities would result in broader, nationally important impacts. *See Matter of Chawathe*, 25 I&N Dec. at 375 (providing that a petitioner bears the burden to prove by a preponderance of the evidence that they are eligible for the benefit sought). Similarly, the record does not illustrate how the Petitioner's remaining laboratory, consulting, and clinical diagnostics services will impact the field, economy, or societal welfare beyond the individual patients and direct clients he will serve. While we recognize that these services may improve the healthcare services of his prospective clients or the lives of his patients, he has not established how these individualized benefits would implicate the greater national interest.

The Petitioner also claims he will provide specialized training programs for biochemists, laboratory technicians, and healthcare professionals, as well as training for foreign-trained physicians aiming to practice in the U.S. He contends that the U.S. has a "well-documented" shortage of skills professionals in these areas and that his initiative directly addresses this gap. But, in the same way that *Dhanasar* finds that a classroom teacher's proposed endeavor is not nationally important because it will not impact the field more broadly, we also conclude that the Petitioner has not shown how his training activities will sufficiently extend beyond the individuals he teaches to affect the region or our nation more broadly at level commensurate with national importance. Moreover, there is little evidence that his future work stands to impact or significantly reduce any claimed national shortages.

In addition, while the Petitioner submitted a professional plan outlining the potential economic implications of his endeavor, he did not demonstrate how his claimed employment and revenue projections show a significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for the [redacted] New York region, where he will begin operations, or the nation. For example, the Petitioner's business plan anticipates hiring seven employees with sales of $1,244,750 in the first year of operation increasing to 21 employees with sales of $3,693,851.09 by the fifth year. He also estimates his company will pay $498,166.21 in taxes and create 33 indirect jobs in the local economy by year five. The plan, however, does not provide sufficient detail or evidentiary support for the bases of these projections or adequately explain how these sales and staffing targets will be realized.

Looking at the plan specifically, while the professional plan sets forth an ambitious expansion program opening additional locations in [redacted], Pennsylvania, [redacted] Massachusetts, and North Carolina, and expanding nationwide by the end of year five, the anticipated expenses do not seem to entirely align. For example, in year three, projected equipment costs do not seem to rise despite the stated aim of opening an additional location in [redacted]. Also, in year four, the amount of rent expenses do not seem to reflect the stated anticipated opening of another location in [redacted] As these projections do not seem to align with the overall plan, the reliability or basis of the other figures is in question.

Even if we assumed these figures were accurate though, the Petitioner has not explained his revenue data's significance or how that data shows that any potential benefits to the regional or national economy, even in an economically depressed area like [redacted] New York, would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890. Likewise, while the Petitioner contends that his endeavor will contribute to local economic growth by creating jobs, he has not presented evidence illustrating how the claimed creation of 21

direct jobs and 33 indirect jobs by year five demonstrates a significant potential to employ U.S. workers or otherwise shows how his endeavor's potential economic impact would result in any demonstrable effect on the regional or national economy. While any increased business activity has the potential to positively impact the economy, the evidence does not show how the economic activity resulting from his specific work would produce such substantial regional or national impacts that it would be of national importance.

We have also considered the expert opinion letter written by [redacted] a medical scientist at [redacted] at [redacted], as well as other support letters by former work colleagues, professors, and professional acquaintances. However, these letters also do not establish the endeavor's national importance. While Dr. [redacted] comments on the proposed endeavor and its claimed benefits, his opinion is largely conclusory and does not adequately explain how the Petitioner's work, in particular, would produce such nationally important impacts. For example, Dr. [redacted] opines that the Petitioner's company will "play an instrumental role in advancing diagnostic biochemistry through innovative research and the application of precise, cutting-edge biochemical techniques." He also posits that the company's research division will "support the larger scientific community by developing new diagnostic methods and contributing valuable insights into disease mechanisms," which will "foster a deeper understanding of complex health conditions, aid in the development of targeted treatments, and establish [redacted] as a contributor to the nation's biotechnology innovation." But beyond these broad generalizations, Dr. [redacted] provides little explanation or corroborating evidence directly linking the Petitioner's company to these claimed benefits, industry wide impact, or other substantial societal or economic effects. Instead, his opinion is largely conclusory and does not specifically explain how the Petitioner's particular work, rather than the industry in general, would produce such nationally important impacts.

Likewise, the Petitioner's other support letters add little probative value in establishing the Petitioner's eligibility under *Dhanasar's* first prong. While the authors laud the Petitioner's skills, personal attributes, and past accomplishments, factors which relate more to the second prong, they do not discuss the Petitioner's specific proposed endeavor or the impact thereof. While we recognize the substantial merit of the Petitioner's proposed endeavor, we are unable to conclude that the record of the Petitioner's specific endeavor as currently constituted would rise to the level of national importance.

Accordingly, we agree with SCOPS that the evidence does not demonstrate that, beyond the benefits provided to his prospective clients and employees, the Petitioner's proposed endeavor will have broader impacts rising to the level of national importance under *Dhanasar's* first prong. Because the identified reasons for dismissal are dispositive of this 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 national importance element requisite to the 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.