U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40638754

Date: MAR. 7, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a computer scientist, 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 EB-2 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 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. 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:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance their proposed endeavor; and

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS concluded that the Petitioner qualifies as a professional holding an advanced degree. The record supports that conclusion. The Petitioner has a doctoral degree in computer science from the [redacted]. The remaining issue to be determined on appeal is whether the Petitioner established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

The Petitioner is a computer scientist specializing in bioinformatics. As an employee of a technology company, he is involved in research and development. His endeavor is to continue to develop "state-of-the-art software solutions and deep learning models for processing digital data in a range of data analysis and machine learning applications" to facilitate artificial intelligence (AI) tools and enhance diagnosis and treatment. His long-term professional objective is to develop advanced software solutions and artificial intelligence models for processing complex digital data such as "enhancing the identification of genetic markers and cell types, as well as driving innovation in genomics, medicine, disease diagnosis and treatment, and artificial intelligence." He claims that these goals form the foundation of his career and will guide his future work regardless of specific employment settings.

Although SCOPS determined that the Petitioner's proposed endeavor has substantial merit, SCOPS concluded that the record did not establish that the endeavor is of national importance, that the Petitioner is well positioned to advance the endeavor, or that it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner reiterates previous assertions concerning his eligibility, stating that SCOPS did not fully analyze the evidence of record. Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* In *Matter of Dhanasar*, we further 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. If the evidence of record demonstrates that an individual's proposed endeavor has the significant potential to, for example, contribute to the

advancement of a valuable technology or field of study, it may rise to the level of national importance.[2] Regarding an endeavor in the fields of science, technology, engineering, or math (STEM), importance may be found in its contribution to U.S. competitiveness or security in a variety of circumstances, such as when it will help the United States remain ahead of strategic competitors or current and potential adversaries.[3]

We agree with SCOPS that the Petitioner established that his proposed endeavor has substantial merit. However, the record does not establish that the Petitioner's endeavor has national importance. On appeal, the Petitioner stresses that his proposed endeavor will have broad implications for the United States. He asserts that his work addresses national priorities in artificial intelligence and computational biotechnology and that the United States will benefit from his work through improved healthcare, innovative treatments, and strengthened economic resilience in biotechnology and AI-driven industries. The Petitioner, however, has not provided sufficient evidence to demonstrate that his individual work in the field of bioinformatics would have an impact at a level of national importance.

To provide context concerning the national importance of his proposed endeavor, the Petitioner provided reports and articles containing information about such topics as the National Cancer Institute's use of bioinformatics in research, priorities of the National Institutes of Health, the prevalence and impacts of chronic and noncommunicable diseases, novel drug delivery systems for cancer therapy, and precision medicine market trends in the United States. He also provided documentation of his research, emphasizing that his work involves advanced computing, artificial intelligence, and biotechnologies—technologies identified as critical and emerging[4] by the National Science and Technology Council (NSTC)—and he included letters of support from individuals who work in his field and who have knowledge of his research. The documentation of record conveys the national importance of genetics and genomics research to treat disease and the necessity of collective research efforts to achieve goals in the public interest. It does not, however, clarify how the Petitioner's endeavor to continue his individual research will have a level of impact on a field indicative of national importance. It is not the overall importance of the industry, field, or profession in which an individual intends to work, but the particular endeavor on which an individual intends to embark that we consider in evaluating whether it is of national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889.

Letters of support submitted to demonstrate the national importance of the Petitioner's proposed endeavor generally attest to the importance of the Petitioner's research for the advancement of understanding cell behavior, genetics, and chronic diseases, and they provide technical descriptions of his research. For example, a letter from a colleague who shared a doctoral advisor with the Petitioner discusses one of the Petitioner's projects, which was focused on enhancing "the computational identification of key genomic elements." He states that the Petitioner's research resulted in a model that "captured both nucleotide-level patterns and the chromatin context of miRNA TSSs, significantly improving the identification accuracy of miRNA TSSs compared to models using sequence information alone." He claims that the Petitioner's "scientific contributions are vital for the United States as his advancements in computational modeling significantly enhance the accuracy and efficiency of TSS identification." However, he does not explain the significance of the Petitioner's

[2] *See generally* 6 *USCIS Policy Manual* at F.5(D)(1), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.
[3] *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(2).
[4] *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(4).

work in the context of his endeavor to use AI to enhance diagnosis and treatment. While he states that the Petitioner's "innovative computational methods drive groundbreaking discoveries in regulatory elements and establish critical connections between epigenetic markers, offering deeper insights into gene expression and regulation," it does not specify how his findings "play a pivotal role in advancing the understanding of diseases, developing targeted therapies, and propelling personalized medicine." It is not evident how the Petitioner's individual research and findings, as described, rise to the level of national importance.

As another example, a letter of support from a colleague—a data scientist who researches biological data mining and visualization and who has worked with the Petitioner on several projects—similarly refers to his research as "pivotal to the development of advanced computational tools for the identification of genetic markers and the study of human disease." The letter includes a description of the Petitioner's research, which "focused on computational methods used to identify transcription initiations patterns" and "refining sequencing data sets to improve information extraction and assessment," but the letter does not explain how the Petitioner's work specifically impacts the field more broadly. Instead, the letter credits his work as contributing to the general advancement of understanding the "molecular mechanisms of diseases" and "the development of novel therapeutic insights." The letter claims that the Petitioner's research supports advances in the study of cancer pathology, neurodegenerative disease, and cardiovascular disorders.

A letter from a researcher at the [redacted] who is familiar with the Petitioner's work states that it has "provided new insights into microRNA biogenesis and general gene transcriptional regulation." He claims that the Petitioner's "research has significantly contributed to the fields of computational biology and genomics, enhancing the accuracy and depth of genomic analysis." The letter, however, does not explain what significance the Petitioner's specific research has within these fields, nor does it explain how the role of his research is nationally important beyond contributing to the expansion of knowledge in the field of biological data analysis.

In addition to the letters describing his research, the Petitioner included documentation of citations to his work, asserting that these citations indicate that his research into advancing computational tools for gene transcription initiation pattern is actively advancing the field. He also pointed to several instances in which his work was used by other researchers for their own work. For example, researchers employed methodologies he used in research to enhance their understanding of cell-to-cell interactions within cancerous tissues, aiding in the identification of potential therapeutic targets. The Petitioner stated that his approaches "have thus been adopted by other experts to improve computational analyses in oncology research." He provided several additional examples of how his research was used by other researchers, including to "advance IncRNA knowledge in various oncological contexts" and to "improve the reliability of RNA classification technologies across different organisms." While it is evident that his research has contributed to larger bodies of research involving biomarkers and cell behavior, it is not clear how his specific endeavor will have broader implications for biotechnology or data analysis for disease diagnosis and treatment.

The record demonstrates that the Petitioner's work is valued in his field and supports the advancement of related lines of research. However, common throughout the descriptions of the use of his research are terms connoting incremental progression, rather than references to achievements of a scale signaling the national importance of a proposed endeavor. Specifically, the Petitioner's research,

combined with the work of other researchers, advances methods and tools; enhances understanding; improves accuracy, reliability, and analyses; and serves as a key step or a key example in certain contexts. "[O]riginal research projects," he has stated, have been "inspired by and built on [his] research, [and his] notable contributions in the field have also been extensively discussed in many review articles . . . ." However, it is not clear that the Petitioner's past and anticipated research is prominent or influential to a degree that it would be considered nationally important. The Petitioner's assertions concerning the importance of his proposed endeavor primarily focus on the public interest in expanding knowledge of genetics and disease, as opposed to the prospective impact of his role as an individual researcher among others in the field of bioinformatics to advance that knowledge. Although the record shows that the Petitioner's work has been used by others for their similar research in the field, the record does not show how his research would have an impact within the field on a scale commensurate with national importance.

The Petitioner's role as one computer scientist among many conducting research and development in bioinformatics is further emphasized in the cover letter provided with his response to a request for evidence, which points to "the fact that his development of innovative algorithms for genomic data analysis advances precision medicine, aiding in the understanding and treatment of diseases, a market projected to reach around $234.49 billion by 2034." The response also reiterates that his work aligns with "the National Cancer Institute's emphasis on bioinformatics as a driver of precision medicine" and "benefits American healthcare, the creation of innovative treatments, and strengthens economic resilience in biotechnology and AI-driven industries." Again, our assessment of the national importance does not focus on the importance of a field or occupation in general, but instead "focuses on the specific endeavor that the foreign national proposed to undertake." *Matter of Dhanasar*, 26 I&N Dec. at 889.

The record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *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).

III. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. 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. The petition will remain denied.

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.