U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 41619463

Date: MAR. 12, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a study management associate II, 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 although the Beneficiary qualified for classification as an advanced degree professional and his endeavor has substantial merit, the Petitioner had not established that the Beneficiary's proposed endeavor is of national importance, or that, on balance, 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] *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).

- 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 issue on appeal is whether the Petitioner has established the national importance of the Beneficiary's proposed endeavor, as required under the first prong of *Dhanasar*. The first 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 SCOPS' conclusion that the proposed endeavor has substantial merit, but the Petitioner did not sufficiently establish it has national importance.

The Petitioner states that the Beneficiary serves as a clinical research manager where he "oversees global clinical trials for novel cancer therapeutics," and these projects are central to the advancement of new treatment options for patients and hematologic malignancies and are directly aligned with goals of the National Cancer Plan and the White House Cancer moonshot initiative. The Petitioner explains that cancer remains the second leading cause of death in the United States and the Beneficiary's proposed endeavor involves the development and approval of new therapies for hematologic malignancies that will assist public health, and the Beneficiary's "ongoing work in the management of oncology and hematology clinical trials is not limited to the interests of a single employer, but rather contributes to the evidence base required for FDA approval of breakthrough therapies that benefit thousands of U.S. patients each year." Further, the Petitioner contends that by ensuring integrity, efficiency and regulatory compliance of pivotal cancer trials, the Beneficiary's proposed endeavor "directly supports the nation's biomedical research infrastructure and advances public health objectives that are expressly prioritized by the U.S. government."

The record contains letters of recommendation, industry reports and articles, expert opinion letters, among others.[2] SCOPS concluded that the record did not establish the national importance of the endeavor as it did not show that the endeavor would have broader implications beyond the impact on the Beneficiary's current employer. On appeal, the Petitioner maintains that they established the broader implications of the Beneficiary's work including the societal impacts from the therapies advanced through the Beneficiary's leadership that have the "potential to improve survival and quality of life for patients facing these devastating diseases."

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." *Id.* 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."

[2] While we may not discuss every document submitted, we have reviewed and considered each one.

*Id.* We recognize the value of the claimed clinical trials that support a possible pharmaceutical development that assists in treating cancers and the importance of STEM related professions; however, merely working in an important field is insufficient to establish the national importance of the proposed endeavor. Although we acknowledge that the Beneficiary's role as a study management associate II is important in further developing the Petitioner's advanced therapies, the Petitioner has not demonstrated that the economic implications and advancements resulting from the Petitioner's operations would be directly attributable to the Beneficiary's particular role as a study management associate II. The issue here is not the broader implications of the Petitioner's innovations or the potential utilization of its therapies, but rather the potential prospective impact of the Beneficiary's specific proposed work in his role as a study management associate II.

We observe that the functions described in the letter from the Petitioner's supervisor, SMA Manager II, shows that his work facilitates the Petitioner's operations as he ensures that his "assigned trials are carried out according to the protocol deployed." His supervisor goes on to explain the Beneficiary's duties to include, in part, "effectively manage project timelines and coordinate cross-functional team activities to meet milestones," "act as main point of contact to ensure protocol compliance," "oversee data collection, entry, and validation to maintain data integrity," and "assist in budge planning, track expenses, and contribute to financial planning." These are tasks that support the Petitioner in developing new therapies to sell. Nevertheless, the evidence does not sufficiently demonstrate how the Beneficiary as a single employee would affect the industry more broadly. In addition, his supervisor also explained that the Beneficiary is part of a project management team but did not provide more information about the team to understand further the specific role the Beneficiary played within the company. Thus, it is not clear the broader implications of the Beneficiary's proposed endeavor when he is one member of a team. The Petitioner did not provide sufficient evidence of the proposed endeavor regarding the specific role the Beneficiary will have in the research, development, and marketing of new therapies.

Upon review of the letter of recommendation from the Beneficiary's current supervisor, the letter discusses the Beneficiary's achievements and skills and lists his current duties with the Petitioner but does not sufficiently show the broader impact of his work. In addition, the authors of the recommendation letters highlight the Beneficiary's professional experience and expertise with the project management of clinical trials, and the Beneficiary's contributions through his prior employment. However, the authors do not offer sufficient detail regarding the Beneficiary's specific proposed endeavor and its national importance. For example, the authors do not address whether the Beneficiary's specific endeavor will bring substantial economic benefit to the country that would rise to the level of national importance, impact the relevant field on a national scale, or enhance societal welfare on a broader scale indicative of national importance. While we acknowledge the Beneficiary's extensive experience and accomplishments as a project manager of clinical trials, the Petitioner, nonetheless, has not offered sufficient information and evidence to demonstrate that the prospective impact of the Beneficiary's specific proposed endeavor will rise to the level of national importance.

Moreover, although an individual's experience, qualifications, contributions, and achievements are material, these experiences are misplaced in the context of the first *Dhanasar* prong. The Beneficiary's professional experience is generally material to *Dhanasar*'s second prong—whether an individual is well positioned to advance a proposed endeavor—but they are generally immaterial to the first *Dhanasar* prong—whether a specific, prospective, proposed endeavor has both substantial

merit and national importance. *See id.* at 888-91. The first prong focuses on the proposed endeavor itself, not the beneficiary. *Id.* The Petitioner must establish that the Beneficiary's specific endeavor has national importance under *Dhanasar*'s first prong. The Petitioner however has not shown that the Beneficiary's specific endeavor he proposes to undertake stands to sufficiently extend beyond the Petitioner's clients, partners, or consumers to offer substantial economic effects for the United States or enhance societal welfare on a broader scale indicative of national importance.

As a comparison, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, we gave significant weight to "probative expert letters from individuals holding senior positions in academia, government, and industry that describe the importance of hypersonic propulsion research as it relates to U.S. strategic interests" and "detailed expert letters describing U.S. Government interest" in Dr. Dhanasar's specific research. *Id.* at 892. Here, the Petitioner has not provided similar evidence, such as the type of expert opinion evidence or letters from government entities detailing how the Beneficiary's endeavor impacts a matter that is a subject of national initiatives, despite claiming that that the Beneficiary's contributions and area of focus are broadly critical to U.S. policy objectives.

Finally, the Petitioner did not show how the Beneficiary's position has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for our nation. On appeal, the Petitioner does not sufficiently explain or demonstrate how the Beneficiary's employment alone would have any projected economic impact or job creation. Without such evidence, the record does not show any benefits to the U.S. regional or national economy resulting from the Beneficiary's services or position would reach the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Id.* at 890.

Because the documentation in the record does not sufficiently establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated the Beneficiary's eligibility for a national interest waiver and further analysis of his eligibility under the second and third prongs outlined in *Dhanasar*, therefore, would serve no meaningful purpose. *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, we conclude that the Petitioner has not established that the Beneficiary 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.