U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41750100

Date: MAR. 16, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a research 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 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 the Petitioner established she was an advanced degree professional, but did not demonstrate that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. Specifically, applying the three-prong analytical framework set forth in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), SCOPS determined that the Petitioner did not sufficiently describe her proposed endeavor and, ultimately, concluded the Petitioner: (1) did not establish that her endeavor has substantial merit and national importance, (2) did not demonstrate that she is well-positioned to advance the endeavor, and (3) did not show that on balance, waiving the job offer requirement would benefit the United States. 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.

In concluding the Petitioner did not satisfy *Dhanasar's* first prong, SCOPS found that the evidence did not contain specific insight and a well-detailed description as to what the Petitioner intended to do as a research scientist. They noted that the Petitioner must do more than discuss the general occupation and should offer details about the types of work she proposes to undertake specifically within that occupation. SCOPS also found that, while the Petitioner discussed her qualifications, the importance of the field, and her current work, she did not provide a sufficiently detailed description of the work she planned to undertake in the future as her proposed endeavor. As such, SCOPS concluded that the Petitioner did not satisfy the substantial merit element of the first prong.

SCOPS also determined that the Petitioner did not satisfy the national importance element of the first prong. Aside from again finding the Petitioner did not sufficiently identify and describe a proposed

endeavor, SCOPS determined that the Petitioner did not demonstrate how her proposed endeavor would have broader impacts rising to the level of national importance. In addition, SCOPS found that the record did not show how the proposed endeavor would have a significant potential to employ U.S. workers or offer substantial positive economic effects to the region or nation.

Based on the evidentiary deficiencies discussed above, SCOPS concluded that the Petitioner did not satisfy the substantial merit or the national importance elements of *Dhanasar's* first prong.

On appeal, the Petitioner restates her proposed endeavor as it was described in the filings before SCOPS and contends that she submitted sufficient evidence to demonstrate her eligibility for a national interest waiver. She provides additional documents with her brief, many of which were previously submitted. She also offers some new evidence, including her updated citation record, an excerpt from the Essential Science Indicators report, a list of projects the Petitioner participated in, and background information on the [redacted].

Upon review of the entire record, we adopt and affirm SCOPS' determination that the Petitioner did not establish her eligibility under *Dhanasar's* first prong. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted").

We have reviewed the record and agree with SCOPS' determination. The Petitioner's description of her proposed endeavor is too vague and unclear to establish her eligibility under the first prong. In her appellate brief, the Petitioner restates her proposed endeavor—to conduct connectomics research by utilizing 3D-SEM technology to analyze neurological tissue structure and pathological changes in the peripheral nervous system. She also provides additional background information on advanced microscopy methods like Cryo-Electron Microscopy (Cryo-EM), X-ray Crystallography, and Fluorescence Microscopy and points to a list of projects she participated in that were reportedly funded by the National Institutes of Health.[1] However, even though the record has now been supplemented twice—via her response to the Request for Evidence and now again on appeal—we still have little additional idea of what the Petitioner is specifically proposing to do in her future work.

As noted by SCOPS, the Petitioner has not outlined in specific detail what she plans to do and it is not apparent how her future work will have substantial merit or broadly impact the nation through, for example, improvements in processes or other substantial positive economic effects. In addition, we agree with SCOPs that the evidence, including her personal statements, articles, and support letters, do not adequately articulate the Petitioner's goals of her research and show she will conduct that research using "3D-SEM technology to analyze neurological tissue structure and pathological changes in the peripheral nervous system." And while the Petitioner emphasizes the importance of the biomedical and microscopy fields, working in an important field without showing the potential prospective impact of the endeavor itself is insufficient to establish its national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes to undertake"). Without a clear description of the proposed endeavor and a baseline understanding of the specific activities that the Petitioner intends to do, there

[1] The list does not indicate that the Petitioner was the primary investigator on any of the projects.

can be no meaningful analysis to determine whether the proposed endeavor has substantial merit or national importance under *Dhanasar's* first prong.

The Petitioner also asserts on appeal that "[SCOPS'] standards are inconsistent with the AAO decisions" and refers to our non-precedent decision sustaining the national interest waiver appeal of a physician researcher. However, this decision was not published as precedent and, therefore, does not bind USCIS officers in future adjudications. *See* 8 C.F.R. § 103.3(c).

In sum, the Petitioner has not adequately addressed the factors raised in the denial and makes no compelling arguments explaining how her proposed endeavor meets the substantial merit and national importance elements of *Dhanasar's* first prong. As such, the Petitioner has not overcome SCOPS' conclusions regarding these issues and has not established her 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 she has established 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).

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.