U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40735459

Date: MAR. 21, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a researcher focused on drug design, 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; she has a doctoral degree in biology from [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 researcher employed as a senior scientist by a multinational pharmaceutical company headquartered in the United States. The Petitioner's proposed endeavor is to continue her research developing advanced deep learning and physics-based models for drug design. She seeks to reduce drug discovery costs and find more effective drugs more quickly in order to benefit pharmaceutical companies and patients in need of novel therapies.

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 her 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 her 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, and math (STEM), importance may be found in its contribution to U.S. competitiveness or security in a variety of

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

circumstances, such as when it will help the United States remain ahead of strategic competitors or current and potential adversaries.[3]

To provide context concerning the national importance of her proposed endeavor, the Petitioner submitted reports and articles discussing topics including the growth of the global pharmaceutical market, prescription drug usage statistics, the use of artificial intelligence in drug development, and the relationship between computational medicinal chemistry and pharmacology. She submitted examples of government initiatives and national investment to demonstrate how AI and computational chemistry for small-molecule drug discovery are matters of national priority for the United States. She also provided documentation of her published research, emphasizing that her proposed endeavor involves the enhancement, application, and advancement of advanced computing, artificial intelligence, and biotechnologies. Because these technologies have been identified as critical and emerging by the National Science and Technology Council (NSTC), she reasoned that her research achievements align with goals of the United States concerning national security objectives, the expansion of economic prosperity and opportunity, the defense of democratic values, and global technological leadership. She emphasized that the NSTC's advancement of such technologies tangibly benefits society and is essential to informing U.S. technological leadership.

USCIS recognizes the importance of progress in STEM fields and the essential role of persons with advanced STEM degrees, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security.[4] However, a proposed endeavor does not necessarily carry national importance based solely on its relationship to a critical and emerging technology. When evaluating the national importance of a proposed endeavor, 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. *Matter of Dhanasar*, 26 I&N Dec. at 889.

Concerning the importance of her research endeavor more specifically, the Petitioner provided letters of support from individuals who work in the field and who have knowledge of her past research. Letters from the Petitioner's advisor at [redacted] and from a professor at [redacted] detail the Petitioner's involvement in projects integrating structural modeling and molecular dynamics simulations, including research on transient receptor potential channels to develop frameworks for structure-guided drug discovery and antibiotic permeability through bacterial outer membranes. The letters also reference citations to her work in the research of others. The [redacted] professor discusses her work's influence on a project identifying a species-specific drug sensitivity. A professor at the [redacted] discusses how her research was cited in a study finding that the cooling agent icilin can modulate a specific ion channel protein. This professor lauds the Petitioner's work in computational chemistry, stating that it "not only advances scientific understanding but also catalyzes therapeutic innovation."

That and other similar statements in the letters of support generally express positive views of the Petitioner's work and its potential, but the letters do not discuss how her specific work has implications for advancements in scientific understanding or innovation on a broader scale. While they depict the

[3] *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(4).
[4] *Id.*

role of her work as part of continued scientific progress towards the precision targeting of disease-related proteins, they do not explain the prospective impact of her work on the field of drug development more broadly. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. For example, the letter from her advisor asserts that her innovations "support national efforts" led by the National Institutes of Health (NIH) to secure U.S. biodefense infrastructure, emphasizing that her work "intersects with cancer biology, aligning with the NIH Cancer Moonshot initiative . . . ." While we acknowledge the national importance of broad health initiatives, research related to those initiatives is not axiomatically conferred that same importance. In assessing whether a proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. Neither the letter from the Petitioner's advisor nor the other letters discuss the extent to which her findings will be utilized to positively impact drug discovery and development. Although the record demonstrates that the Petitioner has published research that has been utilized and cited by other researchers, it is not evident how the Petitioner's individual research contributions rise to the level of national importance.

Matter of Dhanasar contemplates that an undertaking may have national importance "because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *Id.* On appeal, the Petitioner stresses that her proposed endeavor will have broad implications for the United States because her work "not only improves efficiency in pharmaceutical innovation but also enhances the nation's capacity to respond to public health needs with greater speed and precision." She asserts that "the endeavor's broader benefit lies in its transformative potential for public health, a recognized national interest." While we do not wish to diminish the Petitioner's work in a field of public health, she has not provided sufficient evidence to demonstrate that her work has contributed to a medical advancement or otherwise has broad implications for the field of drug discovery and development.

The record conveys the national importance of continued collective research to efficiently develop pharmaceuticals for targeted treatments. The record does not, however, clarify how the Petitioner's endeavor to continue her individual research will have a level of impact within her field on a scale commensurate with national importance. Again, it is not the proverbial value of the field in which an individual intends to work, but the particular endeavor an individual intends to pursue that we consider in assessing its national importance. *Id.* at 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, she has not

established that she 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.