U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41957462

Date: MAR. 24, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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 record did not establish that the Petitioner is eligible for a national interest waiver as a matter of discretion. 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*. If a doctoral degree is customarily required for the specialty, the non-citizen must possess a U.S. doctorate or a foreign equivalent degree. *Id*.

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

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

SCOPS determined that the Petitioner established her eligibility for the EB-2 classification as a member of the professions holding an advanced degree.[2] However, SCOPS further concluded that the Petitioner did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that the decision "contains numerous erroneous conclusions of both law and fact." Upon review, we conclude that the record does not establish the Petitioner's proposed endeavor is of national importance and therefore she is not eligible for a national interest waiver as a matter of discretion.

A. The Record Establishes the Proposed Endeavor Has Substantial Merit

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* The Petitioner's proposed endeavor is to continue her work in the veterinary medicine field where she intends to expand access to veterinary services, reduce zoonotic disease risks, and impact the veterinary medicine industry. We conclude the Petitioner's proposed endeavor has substantial merit.

B. The Record Does Not Establish the Proposed Endeavor is of National Importance

As an initial matter, on appeal the Petitioner states that SCOPS mischaracterized the proposed endeavor "as a narrow, geographically limited service rather than the standardized, replicable practice model described in the record" and that the "misunderstanding led to a misapplication of the standard and distorted the assessment of national importance." Here, the record contains inconsistencies. In the initial filing, the Petitioner stated that her proposed endeavor was to "work for U.S.-based veterinary organizations" to "perform as a veterinarian and provide [her] specialized services in strategic planning, diagnostic imaging and veterinary ultrasound examinations, animal healthcare and consultations, surgical procedures, and team management and training. . . ." In the initial support letter, counsel specifically states, in focusing on one of the Petitioner's services, that the Petitioner's

[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).

[2] As we will discuss below, the Petitioner has not satisfied the requirements of *Dhanasar's* first prong. Therefore, she is ineligible for a national interest waiver. As such, we will reserve our determination of the Petitioner's eligibility for EB-2 classification and will not address this portion of the Director's decision further. *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). This should not be construed as agreement that the Petitioner has satisfied this requirement.

"proficiency in this field is rooted in her extensive experience, enabling her to perform highly accurate and non-invasive ultrasound scans for various animal species. These examinations will cover abdominal, cervical, ocular, and gestational ultrasounds, essential for detecting internal abnormalities, diseases, and organ malfunctions at an early stage." In support of her professional plan, the Petitioner submitted an expert opinion letter which confirms the proposed endeavor "involves providing specialized services in strategic planning, diagnostic imaging and veterinary ultrasound examinations, animal healthcare and consultations, surgical procedures, and team management and training." However, in response to the request for evidence (RFE), the Petitioner states that her proposed endeavor is to implement "a mobile veterinary diagnostic imaging methodology, focused on ultrasound procedures for small and wild animals, to address the gap in access to imaging exams in underserved regions of the U.S." While mobile veterinary diagnostic imaging was a part of her initial endeavor, it was one part of her role as a veterinarian, and the Petitioner was going to be performing the examinations. However, in response to the RFE, Counsel states, that the "petitioner's proposed endeavor is not a continuation of general veterinary employment" she will be a "training and systems designer" who will "guid[e] local institutions in adopting replicable mobile imaging solutions." Although they are both in the veterinary field, these are two different endeavors. The Petitioner must resolve these inconsistencies in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Here, the record contains unresolved, inconsistent statements on whether the Petitioner's proposed endeavor will be as a veterinarian or as a "training and systems designer" in the veterinary field. As her proposed endeavor is unclear, it is difficult to determine that her endeavor has national importance as these are different endeavors that require separate evidence and analysis.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner contends that her proposed endeavor is relevant to national priorities such as the prevention of zoonotic diseases and a national shortage of veterinarians. In addition, she asserts that her work aligns with the Veterinary Medicine Loan Repayment Program which incentivizes veterinarians to work in underserved areas, and the U.S. Fish and Wildlife Service and the National Park Service's initiatives to improve veterinary care for wildlife, to protect endangered species, and to maintain biodiversity. On appeal, the Petitioner states that the evidence of government initiatives and priorities were "used precisely as they should be: to document sector-wide problems- shortages, growth trajectories, zoonotic burdens, access barriers- that her specific model is tailored to address." We agree. However, while this evidence reinforces the Petitioner's statements about sector-wide problems, it does not further the Petitioner's claim of her proposed endeavor's national importance as it does not establish the impact her endeavor will have on these problems. As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* While we acknowledge the importance of these government initiatives and the merit of the Petitioner's work in this field; the relevant question is not the importance of the field in which the individual will work; instead, we focus on the "the specific endeavor that the [Petitioner] proposes to undertake. *Id.* Here, the Petitioner improperly relies upon the importance of the industry to further establish the national importance of her proposed endeavor without establishing the impact of her proposed endeavor on these "sector-wide problems." Without sufficient documentary evidence of the specific proposed endeavor's broader impact on the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

Further, the Petitioner contends that her proposed endeavor addresses a national shortage of veterinarians. In reference to her initial proposed endeavor working as a veterinarian, a shortage of qualified professionals does not render the work of an individual veterinarian nationally important under the *Dhanasar* decision. Additionally, the Petitioner claims that her updated proposed endeavor, which focuses on training others in her mobile veterinary diagnostic imaging methodology, will directly address this national shortage. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the Petitioner has not provided sufficient supporting evidence to establish that her specific proposed endeavor stands to broadly impact or significantly reduce the claimed national shortage. Moreover, shortages of qualified workers are directly addressed by the U.S. Department of Labor through the labor certification process.

Furthermore, the record does not establish the national or global implications of the Petitioner's proposed endeavor. *Dhanasar* determined an undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Matter of Dhanasar*, 26 I&N Dec. at 889. The record reflects the Petitioner's intention for her proposed endeavor to "innovate the field of veterinary medicine," to expand diagnostic access to rural and underserved areas, to reduce the risk of zoonotic diseases, and establish standardized, replicable diagnostic workflows. On appeal the Petitioner contends that her proposed endeavor will support epidemiologic research, artificial intelligence assisted diagnostics, and national and global veterinary epidemiology which will "affect how veterinary medicine is practiced, taught, and studied." As stated above, while the Petitioner reflects these intentions in her professional plan, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, as we will discuss below, the record does not include sufficient supporting evidence to establish her proposed endeavor will have these intended implications.

The initial filing includes an expert opinion letter, written by J-G-, which is based on the Petitioner's original proposed endeavor as a veterinarian. This letter focuses on the importance and growth of the veterinary industry. When discussing the importance of the Petitioner's proposed endeavor, the author highlights the services the Petitioner initially provided stating the Petitioner's "comprehensive services and innovative techniques promise to make significant contributions to animal welfare, public health, and the U.S. economy." However, as stated above, this letter is based on the Petitioner's initial proposed endeavor as a veterinarian and is therefore inconsistent with the record as a whole. Furthermore, the letter lacks sufficient detail and supporting evidence to establish how the Petitioner's specific proposed endeavor will have its intended impact as the letter focuses on the growth and demand of the veterinary field in general and not the impact of the Petitioner's specific endeavor. On appeal, the Petitioner highlights a letter of recommendation that was submitted in response to the RFE. The Petitioner quotes the author, D-B-M-, who states mobile ultrasound models are "a practical and scalable solution for clinics and hospitals lacking in-house imaging specialists." However, this speaks of mobile ultrasound models in general and does not support a finding of national or global implications. In addition, this statement does not directly address the Petitioner's professional plan, her methodology, or the broader implications of her specific proposed endeavor.

SCOPS determined that the record did not establish the broader implications of the Petitioner's proposed endeavor, citing that in *Dhanasar*, we determined that the Petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more

broadly. *Matter of Dhanasar*, 26 I&N Dec. at 893. On appeal, the Petitioner states that, [c]omparing such a replicable, protocol-based training and implementation model to a single teacher serving only her own classroom ignores both the scale and design of the endeavor, as shown in the record." However, we agree with SCOPS' analysis here. Without sufficient evidence of the broader impact of the Petitioner's proposed endeavor, the record does not support a finding of broader implications. Whether her proposed endeavor is as a veterinarian or in implementing her mobile veterinary diagnostic imaging methodology, without sufficient evidence of the broader implications of her proposed endeavor, the record reflects an impact limited to the direct patients and clients of the Petitioner's proposed endeavor analogous to the teaching activities described in *Dhanasar*. *Id.*

Dhanasar states that an 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. On appeal, the Petitioner contends that with her mobile veterinary diagnostic imaging methodology, local facilities will be able to provide imaging services instead of referring patients to other clinics, which will help them "increase hours for existing staff and add positions in veterinary assistance, client coordination, and scheduling.[3]" The Petitioner further states that her proposed endeavor will have an economic impact on supply-chains with the new equipment required which includes "carts, probes, software, maintenance, and cloud archiving" which will generate work in "sales, logistics, biomedical technicians, and IT support." As stated above, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Although the Petitioner speaks of these intended economic impacts, the record does not support these assertions with corroborating evidence. While the proposed endeavor may have positive economic effects limited to those directly impacted by the Petitioner's proposed endeavor, the record does not establish "substantial positive economic effects." The record describes general economic impacts without quantifiable details or evidentiary support. Further, the Petitioner asserts that her proposed endeavor will target rural and underserved areas. However, the record only establishes that the Petitioner will deploy her proposed endeavor in Florida and does not specify any particular areas for us to conclude that her proposed endeavor will have substantial positive economic effects in an economically depressed area. Therefore, the record does not establish the Petitioner's proposed endeavor has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area. *Matter of Dhanasar*, 26 I&N Dec. at 890.

While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. at 25.

[3] We note that this intended economic impact is specific to the Petitioner's proposed endeavor as described in the RFE response. The proposed endeavor in the initial filing described a similar economic impact, but to the "veterinary organizations" where the Petitioner would be employed.

III. CONCLUSION

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence that she 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.