U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38265407

Date: MAY 09, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a researcher, 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 did not establish the national importance of her proposed endeavor, among other findings. 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 petitioner must possess a U.S. doctorate or a foreign equivalent degree. *Id.*

Profession is defined as one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a U.S. baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation.[1] 8 C.F.R. § 204.5(k)(2).

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,[2] 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.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree, a determination the record supports.[3] In denying the petition, SCOPS determined that the Petitioner's proposed endeavor had substantial merit under the first *Dhanasar* prong and that she was well-positioned to advance it. However, SCOPS concluded that the Petitioner had not sufficiently demonstrated her endeavor's national importance under the first *Dhanasar* prong. SCOPS determined that the Petitioner had not provided sufficient evidence that her endeavor would have broader implications within her field, nor that her endeavor would create jobs or otherwise create substantial positive economic effects. Finally, SCOPS concluded that, on balance, it would not be beneficial to the United States to waive the requirements of a job offer.

In a counsel-authored brief submitted with the initial petition, the Petitioner stated her proposed endeavor was to conduct research in the field of psychiatry by focusing studies aimed at eliminating the negative effects of social stigma, a barrier to treatment for individuals with alcohol and substance use disorders. The statement described the widespread prevalence of substance use disorders and related mental health challenges as a severe public health crisis, citing recent articles from U.S. government agencies on the importance of addressing social stigma. Regarding the proposed endeavor, the Petitioner stated that she would use the following methods to carry out her endeavor: quantitative research, qualitative research, experimental research, systematic reviews and meta-analyses, and ethnographic methods. Her areas of focus would be public perception, healthcare systems, policy and advocacy, education and outreach, community support systems, and technology and social media. She also asserts that she would also develop and implement age-appropriate educational programs throughout the U.S. education systems to address stigma at an early age.

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[1] Profession shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

[2] *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).

[3] The Petitioner submitted documentation of her doctoral degree in medicine.

The record additionally includes diplomas and certificates the Petitioner has earned, an evaluation of the Petitioner's degree, publications she has authored, information about conferences the Petitioner has attended and trainings she has presented, recommendation letters, and reports and articles regarding substance use disorder and social stigma. A letter from [redacted], stated that the Petitioner has opened her own clinic and provided valuable consulting services to significant institutions. She also focused on addiction psychiatry in her training as an assistant and spent considerable time at alcohol and substance abuse treatment centers early in her career. [redacted] asserted that the Petitioner was well-positioned to advance her work in the United States due to her experience coordinating clinical programs and contributing to the establishment of rehabilitation centers, which demonstrated her capability to implement effective treatment protocols and innovative therapeutic approaches on a larger scale. [redacted], a specialist in child and adolescent psychiatry and colleague of the Petitioner at [redacted], also submitted a letter in support of the instant petition. [redacted] stated that the Petitioner's plan involved conducting advanced research at eliminating the negative effects of social stigma. The letter described the Petitioner's training, presentations, and publications and claimed that her work addresses the national priorities of enhancing mental health services, reducing health care costs, and improving overall quality of life for millions of Americans.

On appeal, the Petitioner asserts her eligibility for the requested national interest waiver. She contends that she has submitted sufficient evidence of, among other items, the national importance of her proposed endeavor. In support of this contention, she refers to the letters submitted below from [redacted] and [redacted] as evidence of her methods and compares these to the submissions from the petitioner in *Dhanasar*. She argues that her specific proposed endeavor directly addresses documented national challenges with measurable, systemic solutions and would have national effects. The Petitioner renews claims that she plans to expand her research by conducting longitudinal studies to analyze multiple elements of stigma. She reiterates that the United States is experiencing a severe public health crisis due to the prevalence of substance use disorders and related mental health issues, with a detrimental impact on the economy. The Petitioner states that the U.S. government has recently recognized the need to decrease stigma as a barrier to asserts treatment for substance use disorders and therefore improve access to treatment and recovery tools.

Furthermore, the Petitioner claims that SCOPS improperly focused on the potential economic impact of her proposed endeavor, which is not necessary for research-related endeavors according to the *Dhanasar* framework. Rather than impacting a particular employer, she contends that her work would have broad implications for public health and societal well-being.

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. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The term "endeavor" is more specific than the general occupation; a petitioner should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation. *See generally* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policy-manual. Simply being employed in an occupation does not constitute an endeavor for the purposes of these proceedings. *Id.*

As an initial matter, the nature of the Petitioner's proposed endeavor is unclear. For example, the letter from [redacted] the Petitioner mentions on appeal refers to her leadership of clinical programs and rehabilitation centers, but the documentation in the record does not make clear whether the Petitioner would also take on similar work in the United States. She stated that she intended to conduct research to address the social stigma of substance use disorders in the United States. But she did not explain whether she would do this by partnering with, being employed by, or consulting with existing institutions. The Petitioner has also not provided sufficient details about her intended projects, such as an operational plan, a timeline, or quantifiable business metrics. As a result of this lack of detail and specificity, we are unable to conclude that the Petitioner's proposed endeavor would have the required broader impact on her field as she claims.

Additionally, we agree with SCOPS that the Petitioner's reliance on the national importance of the goals her endeavor seeks to address is misplaced. Merely working in an important field is insufficient to establish the national importance of a proposed endeavor without evidence documenting the "potential prospective impact" of a petitioner's work. *Id.* While we also agree with SCOPS that the Petitioner's proposed endeavor has substantial merit, she has not shown that it would have a broader impact on a level commensurate with national importance. The Petitioner has not provided sufficiently specific, independent evidence of the claimed national importance of her proposed endeavor, as required. *See Matter of Chawathe*, 25 I&N Dec. at 376 (indicating that a petitioner must support their assertions with relevant, probative, and credible evidence). Instead, she has largely submitted articles and reports about U.S. interest and efforts to address the same topics her endeavor seeks to address, which do not discuss the Petitioner or her particular endeavor. She also submitted materials about her professional background and experience, but these are more relevant to an analysis of whether she is well-positioned to advance her proposed endeavor under *Dhanasar*'s second prong, which shifts the focus from the endeavor to the Petitioner.

As the Petitioner noted on appeal, the petitioner in *Dhanasar* submitted probative expert letters from individuals holding senior positions in academia, government, and industry that described the importance of hypersonic propulsion research as it relates to U.S. strategic interests. *Matter of Dhanasar*, 26 I&N Dec. at 892. In contrast, the Petitioner here submitted letters from professional associates in her native Türkiye which discuss the Petitioner's past accomplishments and claim that her proposed endeavor aligns with U.S. interests. These letters do not offer specific detail about how the Petitioner's endeavor would be achieved.

The Petitioner correctly noted on appeal that *Dhanasar* does not require her to show economic impact, as the Director's denial indicated. *See id.* at 890 ("[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"). Nevertheless, our review of the record, including the arguments on appeal, does not show by a preponderance of the evidence that the Petitioner has established the national importance of the proposed endeavor as required by the first prong of our *Dhanasar* precedent decision.

Because the documentation in the record does not establish the national importance of the Petitioner's proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, we decline to reach and hereby reserve determination of the remaining eligibility requirements. *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 she has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.