U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37479359

Date: MAY 22, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a medical 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 record did not establish that the Petitioner qualified for classification as a member of the professions holding an advanced degree or that he has established 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 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 sustain 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*.

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.

Id.

II. ADVANCED DEGREE

SCOPS determined that the Petitioner does not qualify as a member of the professions holding an advanced degree, finding that the record contains evidentiary deficiencies in the Petitioner's educational credentials. We disagree. The record contains the following documents pertaining to the Petitioner's educational credentials:

- A translated degree certificate from the [redacted] which states that the Petitioner "holds an undergraduate degree in bio-medical sciences" and that he was awarded "the medical doctor degree" by the same institution on January 30, 2008.
- Degree certificates from [redacted] showing that the Petitioner was awarded a Master of Tropical Medicine degree in September 2011 and a PhD in Medical Science in January 2021. The latter is accompanied by a transcript of the Petitioner's academic record.

The degree certificate from 2008 contains a translator's stamp, signed and dated, from the "official Translator-Interpreter of the [redacted] Democratic Republic of Congo" attesting to the accuracy of the translation from French into English. The Petitioner's subsequent response to a request for evidence includes an additional translation with a translator's certificate relaying the same content about the Petitioner's medical degree. And because the content of the [redacted] certificates is formatted to contain both Japanese and English, it does not require a separate translation.

Therefore, contrary to SCOPS' determination, the translated material is sufficient to meet the requirements of the regulation at 8 C.F.R. § 103.2(b)(3). Because the Petitioner has demonstrated that he is an advanced degree professional, he has established that he qualifies for the underlying EB-2 visa classification.

III. NATIONAL INTEREST WAIVER

The Petitioner is a currently in the United States working as a senior scientist in bioscience at [redacted] where he conducts research on asthma and idiopathic pulmonary fibrosis (IPF).[2] His endeavor is to continue conducting research in the field of pulmonary medicine

[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] The record shows that the Petitioner is currently in the United States under an approved O-1 nonimmigrant visa

with the goal of understanding the "etiology and mechanisms of IPF" and developing better, more effective therapeutics to treat IPF and asthma.

As previously stated, the Petitioner has established that he qualifies as a member of the professions holding an advanced degree. Therefore, the remaining issue is whether the Petitioner merits a national interest waiver of this classification's job offer requirement.

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.*

In the denial, SCOPS determined that although the proposed endeavor has substantial merit, the record does not show that it has national importance. We disagree.

When evaluating the national importance of a proposed endeavor under *Dhanasar*, we look for evidence that the endeavor will have broader implications within a particular field. Here, the Petitioner has submitted evidence of his published articles that discuss research he conducted using in vitro and in vivo models to isolate the factors that contribute to altering lung function and fibrosis. The record also includes detailed letters from experts in the Petitioner's field who discuss his work and explain the importance of his research findings in developing therapeutic treatment that will improve the quality of life and extend the life expectancy of IPF patients whose treatment options are currently limited. In sum, the evidence submitted establishes by a preponderance of the evidence that the Petitioner's proposed endeavor is of national importance.

The second prong shifts the focus from the proposed endeavor to the individual. *Id.* at 890. To determine whether they are well positioned to advance the proposed endeavor, we consider factors including, but not limited to: their education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Id.*

The record in this matter includes the Petitioner's curriculum vitae, the above-referenced academic records, published works, public and private-funded research grants, peer review activity, and documentation of numerous articles that cited his research findings.[3] As noted earlier, the Petitioner also provided reference letters that describe his expertise and catalogue his past record of success in making novel research findings that affected his field. For example, Dr. A-P-N-, a professor at [redacted] and Director of [redacted] at [redacted] and Dr. S-K-M, a [redacted] at the [redacted] at the [redacted] both referenced the Petitioner's work and published articles in which he discussed his IPF-related research and the novel findings that these

[3] "USCIS considers an advanced degree, particularly a Doctor of Philosophy (Ph.D.), in a STEM field tied to the proposed endeavor and related to work furthering a critical and emerging technology or other STEM area important to U.S. competitiveness or national security, an especially positive factor to be considered along with other evidence for purposes of the assessment under the second prong." *See* 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual.

experts regard as playing a significant role in progressing toward the creation of alternative therapies to treat IPF and other chronic lung diseases. Furthermore, the record includes an employment verification letter from [redacted] where the Petitioner is already working as a full-time senior scientist, thereby advancing his endeavor to conduct research with the goal of "further understanding the pathophysiologic mechanisms driving the development of [IPF] and evaluating the potential of SEMA3B signaling in the treatment of this chronic disease." The Petitioner's experience and expertise, published articles, citation evidence, record of success in contributing to various research projects, and his current position where he can continue to conduct research in his field position him well to advance his proposed endeavor. Accordingly, the Petitioner has demonstrated that he satisfies the second prong of the *Dhanasar* framework.

As explained above, the third prong requires the petitioner to demonstrate that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. *Dhanasar*, 26 I&N Dec. at 890.[4] As a medical researcher with a medical degree along with doctoral and master's degrees, the Petitioner possesses considerable experience and expertise. The record also demonstrates the widespread benefits associated with his research in the field of pulmonary medicine. In addition, the Petitioner has documented his past successes in advancing research and publishing influential research findings. Based on the Petitioner's track record of successful research and the significance of his proposed work to advance U.S. interests, we conclude that he offers contributions of such value that, on balance, they would benefit the United States even assuming that other qualified U.S. workers are available. The Petitioner, therefore, meets the third prong of the *Dhanasar* framework.

ORDER: The appeal is sustained.

[4] When evaluating the third prong, USCIS considers the following combination of facts contained in the record to be a strong positive factor:

- The person possesses an advanced STEM degree, particularly a Ph.D.;
- The person will be engaged in work furthering a critical and emerging technology or other STEM area important to U.S. competitiveness; and
- The person is well positioned to advance the proposed STEM endeavor of national importance.

See USCIS Policy Manual, *supra*, at F.5(D)(2).