U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40220223

Date: NOV. 5, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a clinical laboratory scientist, proposes to develop artificial intelligence (AI) forecasting models to alleviate U.S. blood-bank shortages. He requests classification under the employment-based, second-preference (EB-2) immigrant visa category and a waiver of the category's job-offer requirement. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(B)(i), 8 U.S.C. § 1153(b)(2)(B)(i). U.S. Citizenship and Immigration Services (USCIS) has discretion to excuse job offers in this category – and thus the need for certifications from the U.S. Department of Labor (DOL) – if petitioners demonstrate that waivers of these U.S.-worker protections would be "in the national interest." *Id.*; *Poursina v. USCIS*, 936 F.3d 868, 872 (9th Cir. 2019).

Service Center Operations (SCOPS) denied the petition. SCOPS concluded that, although the Petitioner qualifies for EB-2 classification, he did not demonstrate that a waiver would serve the national interest. On appeal, the Petitioner contends that SCOPS misapplied legal standards and misinterpreted evidentiary requirements and case law.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that he established his proposed endeavor's "national importance" but not that he is "well positioned" to advance the venture. We will therefore dismiss the appeal.

I. LAW

To establish eligibility for national interest waivers, petitioners must first demonstrate their qualifications for the EB-2 category, either as members of the professions holding "advanced degrees" or aliens of "exceptional ability" in the sciences, arts, or business. *See* section 203(b)(2)(A) of the Act; *Poursina*, 936 F.3d at 869. To protect jobs for U.S. workers, this immigrant visa category generally requires prospective U.S. employers to offer aliens work and to obtain DOL certifications to permanently employ them in the country. Section 212(a)(5)(D) of the Act, 8 U.S.C. § 1182(a)(5)(D); *Poursina*, 936 F.3d at 869-70. Petitioners may avoid the job-offer and labor-certification requirements by demonstrating that waivers of the U.S.-worker protections would be "in the national interest." Section 203(b)(2)(B)(i) of the Act; *Poursina*, 936 F.3d at 870.

Neither the Act nor regulations define the term "national interest." So, to adjudicate these waiver requests, we have established a framework. If otherwise qualified as advanced degree professionals or aliens of exceptional ability, petitioners may warrant waivers of the job-offer and labor-certification requirements by demonstrating that:

- Their proposed U.S. work has "substantial merit" and "national importance;"
- They are "well positioned" to advance their intended endeavors; and
- All things considered, waivers of the job-offer and labor-certification requirements would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. 884, 889-91 (AAO 2016); *see generally* 6 *USCIS Policy Manual* F.(5)(D)(1), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and His Proposed Endeavor

The record shows that a Philippine college awarded the Petitioner a bachelor's degree in medical technology and that he is pursuing a master's degree in public health. He worked in the Philippines as a medical technologist, lab manager, and lecturer for about eight years. During that time, he established a contactless COVID-19 molecular and diagnostic laboratory. Since August 2021, U.S. companies have employed him as a medical lab scientist.

The Petitioner seeks to continue his work as a lab scientist in the United States and to develop AI-integrated predictive models to forecast and alleviate U.S. blood-bank shortages. He states that "the ability to accurately forecast blood supply shortages … can drastically reduce transfusion-related complications and save countless lives." He contends: "I can help the United States enhance its accessibility and efficiency of blood banking and transfusions, ensuring that citizens receive the right blood at the right time, especially in life-threatening situations."

The record supports SCOPS' finding that:

- The Petitioner qualifies for EB-2 classification as an advanced degree professional;[1] and
- His proposed endeavor has substantial merit.

We will first review SCOPS' determination that the Petitioner did not demonstrate the claimed national importance of his proposed endeavor.

B. National Importance

When determining whether a proposed endeavor has national importance, USCIS must focus on the particular venture, specifically on its "potential prospective impact." *Matter of Dhanasar*, 26 I&N Dec. at 889. "An undertaking may have national importance, for example, because it has national or

[1] An "advanced degree" includes a baccalaureate followed by at least five years of progressive experience in a specialty. *See* 8 C.F.R. § 204.5(k)(2) (defining the term "advanced degree").

even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *Id.* Also, "[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.

> Ultimately, if the evidence of record demonstrates that the person's proposed endeavor has the significant potential to broadly enhance societal welfare or cultural or artistic enrichment, or to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance.

6 *USCIS Policy Manual* F.5(D)(3).

SCOPS found insufficient evidence that the Petitioner's "artificial intelligence forecasting model will affect blood-bank practice beyond his prospective workplace." SCOPS acknowledged evidence that nationwide blood shortages in the United States are a "serious concern." But SCOPS found "no letters of commitment, funding agreements, or pilot-program documentation from national blood centers, hospital systems, or federal health agencies that would indicate broad adoption of this specific model." SCOPS stated:

> The reference letters in the file do not identify specific transfusion-medicine authorities who plan to implement the model, nor do they present data showing improved clinical outcomes that can be traced to the petitioner's algorithm. ... Without empirical datasets, scalability analyses, or evidence of security and compliance planning, the claim that the model will be integrated into national supply chains remains speculative.

On appeal, the Petitioner contends that SCOPS' requirement that his forecasting models "must be ready for nationwide implementation" conflicts with our holding in *Dhanasar*. He states:

> The legal standard, as articulated by the AAO [Administrative Appeals Office], emphasizes "potential prospective impact" and recognizes national importance in endeavors with "national or even global implications within a particular field" or those with "substantial positive economic effects," even where they are not yet fully deployed.

The Petitioner maintains that SCOPS' denial "imposes an evidentiary burden not required by *Dhanasar*, specifically demanding 'letters of commitment, funding agreements, or pilot-program documentation from national blood centers, hospital systems, or federal health agencies' to establish national importance."

We agree that SCOPS erred by focusing on the AI models' readiness for national deployment. The proposed endeavor's readiness does not adequately relate to the venture's national importance. Rather, the endeavor's readiness more properly relates to whether the Petitioner is well positioned to advance the venture under *Dhanasar*'s second prong. USCIS policy states that second-prong considerations include "progress towards achieving the proposed endeavor; and [t]he interest or support garnered by the person from potential customers, users, investors, or other relevant entities or persons." 6 *USCIS*

Policy Manual F.5(D)(3). Because SCOPS based its national importance determination on considerations insufficiently related to the endeavor's potential significance, we will withdraw the finding.

The Petitioner submitted evidence that AI forecasting models have outperformed other predictors of blood needs in small populations and that they could help to more efficiently manage U.S. blood supplies on a national level. As we stated in *Dhanasar*, nationally important endeavors can include "medical advances." *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner therefore has sufficiently demonstrated that his proposed endeavor has national importance.

We will next review SCOPS' finding regarding the Petitioner's positioning to advance his proposed endeavor.

C. Well Positioned

The second prong of our framework shifts the focus from proposed endeavors to petitioners. *Matter of Dhanasar*, 26 I&N Dec. at 890. Petitioners need not demonstrate that their proposed endeavors are likely to succeed. *Id.* But petitioners must establish that they are well positioned to advance their ventures. *Id.*

Relevant factors include:

- A petitioner's 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. Petitioners should submit evidence to: document their past achievements; explain how those achievements relate to their proposed endeavors; provide evidence of progress towards achieving their endeavors; and corroborate projections related to their endeavors. 6 *USCIS Policy Manual* F.5(D)(3).

The Petitioner submitted recommendation letters, educational documents, and a strategic framework and five-goal plan for achieving his proposed endeavor. SCOPS, however, found that the recommendation letters "primarily focus on his broad expertise in laboratory science, education, and diagnostics, but they do not provide substantial evidence of specialized achievements, groundbreaking contributions, or leadership roles specifically within Immunohematology and Blood Banking." SCOPS also concluded that "[t]he educational documentation does not show that the petitioner possesses the advanced expertise ordinarily expected of someone who can lead a nationwide artificial intelligence initiative in blood banking." SCOPS further stated that "the petitioner submits no independent employment letters, project evaluations, or performance metrics that verify successful deployment of inventory analytics or artificial intelligence tools in any setting" and that "the file lacks memoranda of understanding with United States blood centers, institutional review board approvals, funding commitments, or evidence of access to the large protected datasets that the plan requires."

On appeal, the Petitioner contends that SCOPS misinterpreted this prong's evidentiary requirements. He notes that SCOPS faulted him for insufficient evidence of "successful deployment of inventory

analytics or artificial intelligence tools." He states: "*Dhanasar* does not require prior successful deployment. Rather, it asks whether the petitioner is *well positioned* to advance the endeavor." (emphasis in original).

The Petitioner contends that he is well positioned to advance his endeavor because he has been "recognized as an expert in Immunohematology" and received invitations to speak at "premier blood banking conferences." He also states his receipt of "national media attention, particularly highlighting my role in conceptualizing and leading the development of the Philippines' first contactless automated COVID-19 molecular laboratory." He describes the laboratory as "an initiative that underscores my ability to lead innovative, high-impact projects in medical laboratory science and public health." The Petitioner also submitted a "five-phase roadmap for implementation" of his proposed endeavor. He states: "These are not speculative ambitions but grounded steps toward execution."

The denial also cited insufficient evidence of the Petitioner's "formal study in machine learning, statistics, or large-scale data architecture, the core disciplines required for the proposed project." On appeal, he resubmits evidence showing that, contrary to SCOPS' finding, he completed an undergraduate course in "Basic statistics" and a graduate class in "Biostatistics with Computer Application." He states: "To discount this evidence is to impose a rigid academic requirement not prescribed by *Dhanasar*, which allows a holistic assessment of the petitioner's experience, skills, record of success, and proposed methodology."

We agree that SCOPS overlooked evidence of the Petitioner's statistic courses and his role in the development of the contactless COVID-19 laboratory. But the record supports SCOPS' finding of insufficient evidence of his AI knowledge and abilities. In response to SCOPS' request for evidence, the Petitioner stated that, at a seminar, he "learned about new and cutting-edge technological advancements in blood banking and transfusion, specifically the potential benefits of integrating AI into their processes" and that he completed a separate information technology (IT) training program. He stated that these experiences position him to advance his proposed endeavor because they enable him "to actively contribute to the development and refinement of the AI-driven predictive models central to forecasting blood shortages." The record, however, indicates that the IT training program lasted three days and that the seminar at which he learned about AI was a one-day event. The Petitioner has not demonstrated that he has enough AI knowledge and ability to develop the proposed forecasting models on a national level. *See* 6 *USCIS Policy Manual* F.5(D)(3) ("[U]nsubstantiated claims would not meet the petitioner's burden of proof.")

Also, the Petitioner states that his endeavor is "in the development and testing phase." But he has not submitted evidence of his purported progress. The record also lacks evidence of interest by potential users or investors in his proposed AI forecasting models. *See* 6 *USCIS Policy Manual* F.5(D)(3) (stating that second-prong considerations include "progress towards achieving the proposed endeavor; and [t]he interest or support garnered by the person from potential customers, users, investors, or other relevant entities or persons").

Without additional evidence of the Petitioner's AI capabilities and progress on, and interest in, his endeavor, he has not demonstrated that he is well placed to advance his proposed AI forecasting models on a national scale. We will therefore affirm SCOPS' finding that he has not established sufficient positioning to advance his proposed endeavor.

D. A Waiver's Benefits

Our decision regarding the Petitioner's positioning to advance his proposed endeavor resolves this appeal. Thus, we need not reach and hereby reserve review of SCOPS' finding of insufficient evidence of a waiver's benefit to the United States. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

III. CONCLUSION

The Petitioner has demonstrated that his proposed endeavor has national importance. But the record contains insufficient evidence that he is well positioned to advance the venture. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.

NOTICE: This is the final decision in this matter. A motion's filing would not postpone the decision's effect. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are unlawfully present, or who are otherwise inadmissible or deportable, may receive Forms I-862, Notices to Appear, placing them in removal proceedings. *See* section 240 of the Act, 8 U.S.C. § 1229a. Removal proceedings may result in an alien's removal from the United States and ineligibility for future U.S. visas or other immigration benefits.