U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40101810

Date: NOV. 10, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a director of facilities and engineering, 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 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 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 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

The Petitioner is a director of facilities and engineering whose proposed endeavor is to continue his work in the United States. SCOPS determined that the Petitioner established his eligibility for the EB-2 classification as a member of the professions holding an advanced degree, but he did not establish eligibility for a national interest waiver. On appeal, the Petitioner contends that SCOPS erred in this finding. We conclude the record does not establish the Petitioner's proposed endeavor is of national importance and therefore he is not eligible for a national interest waiver as a matter of discretion.

A. EB-2 Classification

The Petitioner is a director of facilities and engineering who works in the pharmaceutical manufacturing field. He submitted a diploma and transcripts for his degree in engineering from [redacted] in India; along with an academic evaluation that states his degree is equivalent to a U.S. bachelor's degree in mechanical engineering. In addition, the Petitioner submitted employment letters that establish five years of progressive experience in the specialty. SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

B. National Interest Wavier

1. Substantial Merit

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. 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 intends to continue his work as the director of facilities and engineering for a pharmaceutical manufacturing company, "to drive advancements in pharmaceutical manufacturing by leveraging [his] expertise in facility design, process optimization, and regulatory compliance." He asserts that his work advances public health, supply chain resilience, and domestic investment. The record includes industry reports and articles about supply chain vulnerabilities, manufacturing efficiencies, and related government initiatives. We conclude the Petitioner's proposed endeavor has substantial merit

[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. National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. SCOPS determined that the Petitioner did not establish the broader implications of his proposed endeavor and therefore he did not establish its national importance. On appeal, the Petitioner asserts that SCOPS disregarded evidence of his proposed endeavor's impact on pharmaceutical manufacturing, drug affordability, and its alignment with U.S. policy priorities. Upon review, we conclude that the Petitioner's proposed endeavor does not meet the standard for national importance set forth in the *Dhanasar* framework.

The record establishes that the Petitioner is the director of facilities and engineering for a pharmaceutical manufacturing company. *Dhanasar* states that an undertaking may have national importance for example, because it has national or even global implications within a particular field. *Id.* The record includes the Petitioner's job offer letter, job description, and a letter of recommendation from his employer. We recognize the value of the Petitioner's work leading the engineering and maintenance teams within the company; however, working in an important field is insufficient to establish the national importance of the proposed endeavor. Although we acknowledge that the Petitioner's role and his assigned projects are important to his employer, the issue here is not the broader implications of the Petitioner's employer, but rather the potential prospective impact of the Petitioner's specific proposed endeavor as the director of facilities and engineering within their company. The Petitioner contends his proposed endeavor has broader impacts on the pharmaceutical manufacturing industry; however, he must support his assertions with relevant, probative, and credible evidence. *Matter of Chawathe,* 25 I&N Dec. at 375-76. The evidence of his position within the company does not establish a broader impact directly attributable to the Petitioner or his specific proposed endeavor. The evidence does not sufficiently demonstrate how the Petitioner as a single employee would affect the industry more broadly to rise to the level of national importance.

On appeal, the Petitioner asserts that his proposed work advances public health on a national level, has an economic impact as it supports supply chain resilience, and creates jobs. However, he supports these assertions by describing his past work including "the development and scale-up on GLP-1 receptor agonist drug manufacturing," his "leadership in greenfield and brownfield facility design," and his previous projects "generat[ing] high skilled employment opportunities." While we acknowledge the Petitioner's experience in the field; evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890.

The Petitioner states that this work aligns with government policies and the record contains information on U.S. Government initiatives regarding supply chains and pharmaceutical manufacturing. We acknowledge the importance of the industry; however, 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 [Beneficiary] proposes to undertake." *Id.* at 889. Here, the Petitioner improperly relies upon the importance of the industry to further establish the national

importance of his proposed endeavor. Without sufficient documentary evidence of the specific proposed endeavor's broader impact in the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

The Petitioner contends that his proposed endeavor will have economic implications and will create jobs. *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. *Matter of Dhanasar*, 26 I&N Dec. at 890. On appeal the Petitioner highlights letters in the record from past and current employers as supporting evidence. The letters detail the Petitioner's work with each company and the projects he worked on, but they do not further establish how his proposed endeavor will have an economic impact or create employment opportunities. Further, even if they did, the record does not provide sufficient detail in order for us to determine if his proposed endeavor will have a substantial impact. The Petitioner generally states that the proposed endeavor will create jobs in various fields, and that improving supply chain resilience has a positive economic impact, but the record lacks specificity. For example, the Petitioner does not include information about what types of jobs his specific proposed endeavor will create, where they will be created, how many jobs he will create, how his proposed endeavor will impact the economy, and if it will impact an economically depressed area. Although the record shows the industry tends to have an economic impact and create jobs when successful, the record lacks specific details on the Petitioner's proposed endeavor and how he intends to create jobs and impact the economy.

We note that the record contains a professional plan that additionally details the Petitioner's proposed endeavor will "contribute to the broader advancement of the pharmaceutical industry through publishing research, engaging in regulatory discussions, speaking at industry conferences, and mentoring future leaders." 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. *Id.* at 893. Similarly, the Petitioner's activities in engaging in discussions, speaking at conferences, and mentoring do not establish a broader impact on the field. While research can have a broader impact on the field, the Petitioner does not provide enough detail about his research such as how or where the research will be published in order for us to determine a broader impact. Further, the Petitioner does not support this research plan with relevant, probative, and credible evidence. *Matter of Chawathe,* 25 I&N Dec. at 375-76. Therefore, this further does not establish the national importance of the Petitioner's proposed endeavor.

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, he 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. 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

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 they are eligible for or otherwise merit 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.