U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39489835

Date: OCT. 10, 2025

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).

SCOPS denied the petition, concluding the Petitioner did not establish that she is eligible for or otherwise merits a national interest waiver as a matter of discretion. The matter is now before us on appeal. 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 establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) 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.[1] 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or a foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

Exceptional ability means a degree of expertise significantly above that ordinarily encountered in the

[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.

sciences, arts, or business. 8 C.F.R. § 204.5(k)(2). A petitioner must initially submit documentation that satisfies at least three of six categories of evidence:

> (A) An official academic record showing that the alien has a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of exceptional ability;
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> (B) Evidence in the form of letter(s) from current or former employer(s) showing that the alien has at least ten years of full-time experience in the occupation for which he or she is being sought;
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> (C) A license to practice the profession or certification for a particular profession or occupation;
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> (D) Evidence that the alien has commanded a salary, or other renumeration for services, which demonstrates exceptional ability;
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> (E) Evidence of membership in professional associations; or
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> (F) Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations.

8 C.F.R. § 204.5(k)(3)(ii).[2]

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows that the petitioner is recognized as having a degree of expertise significantly above that ordinarily encountered in the field.[3] *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe,* 25 I&N Dec. at 376.

Once a petitioner demonstrates eligibility for the underlying classification, the petitioner must then establish eligibility for a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the

[2] If these types of evidence do not readily apply to the individual's occupation, a petitioner may submit comparable evidence to establish eligibility. 8 C.F.R. § 204.5(k)(3)(iii).

[3] USCIS has previously confirmed the applicability of this two-part adjudicative approach in the context of individuals of exceptional ability. *See generally* 6 *USCIS Policy Manual* F.5(B)(2), https: //www.uscis.gov/policy-manual.

national interest to do so. *Matter of Dhanasar,* 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states USCIS may, as matter of discretion,[4] 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

The Petitioner proposes to establish a new medical consulting and training business for which she would be its chief executive officer and medical science liaison.

In the decision denying the petition, SCOPS concluded that the Petitioner qualifies for the underlying EB-2 classification as a member of the professions holding an advanced degree. For the reasons discussed below, we do not agree with SCOPS' determination.

For the national interest waiver, SCOPS concluded that although the Petitioner established meeting the first prong of the *Dhanasar* analytical framework, she did not establish meeting *Dhanasar's* second and third prongs. Upon de novo review, we agree with SCOPS' determination that the Petitioner did not demonstrate that a waiver of the labor certification would be in the national interest.[5]

A. Member of Professions Holding an Advanced Degree

SCOPS' determination that the Petitioner qualifies as a member of the professions holding an advanced degree was based solely on her academic credentials from a foreign academic institution. The record, however, is not sufficient to demonstrate the Petitioner has either the foreign equivalent above that of a U.S. bachelor's degree or the foreign equivalent of a U.S. bachelor's degree followed by five years of progressive experience in the same specialty. *See* 8 C.F.R. § 204.5(k)(2).

For her qualifications as an advanced degree professional, the Petitioner submitted a course completion certificate, a diploma, and academic transcripts which indicate she completed a course of physiotherapy and earned a "titulo de Fisioterapeuta" from [redacted] in Brazil in February 2007. In addition, she submitted an academic evaluation stating her titulo de Fisioterapeuta is the foreign equivalent of a U.S. bachelor's degree in physical therapy.

The academic evaluation, however, is not consistent the educational credentials for Brazil as set out by the American Association of Collegiate Registrars and Admissions Officers' (AACRAO) in the Electronic Database for Global Education (EDGE).[6] Here, the Petitioner's academic transcripts

[4] *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 to be discretionary in nature).
[5] While we may not discuss every document submitted, we have reviewed and considered each one.
[6] AACRAO is a nonprofit professional association of more than 11,000 higher education admissions and registration

indicate she completed only two years of university coursework and has not earned any of the credentials listed in EDGE as being the foreign equivalent of a U.S. bachelor's degree. For instance, in EDGE, four or five years of undergraduate study in Brazil for "Titulo de Bacharel," "Grau de Bacharel," and ""Titulo Profissional" "represents attainment of a level of education comparable to a bachelor's degree in the United States." In addition, EDGE states that the four-year "Titulo de Licenciado (Licenciatura)" is comparable to a U.S. bachelor's degree. EDGE, however, does not indicate that credentials earned after two years of coursework would be the foreign equivalent of a U.S. bachelor's degree. While the Petitioner indicates on appeal that she initially began academic studies at [redacted] in Brazil and later transferred to [redacted], her academic records and evaluation do to corroborate her claims. The record does not otherwise indicate the Petitioner has the claimed foreign equivalent degree of a U.S. bachelor's degree. Moreover, the record does not adequately document that she has the claimed five years of progressive post-baccalaureate experience in her proposed area of specialty, medical specialist liaison.

We conclude that the record is not sufficiently clear to establish that the Petitioner possesses any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree, or a U. S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty, or otherwise demonstrates she qualifies as an advanced degree professional. *See* 8 C.F.R. § 204.5(k)(2). The Petitioner would need to address this deficiency in any future proceedings where that is required to establish eligibility.[7]

B. Substantial Merit and National Importance

For the first *Dhanasar* prong, SCOPS determined that the Petitioner demonstrated her proposed endeavor has substantial merit and is of national importance. SCOPS did not provide reasoning for the findings. Upon de novo review, we agree that the Petitioner's proposed endeavor has substantial merit; however, we conclude the Petitioner has not established that her proposed endeavor is of national importance.

The Petitioner currently works in Brazil as a sales executive of laser therapy medical equipment. In her initial petition, the Petitioner indicated her proposed endeavor is to work in the United States as a medical science liaison. She explained that her intent is to "bridge the gap between the pharmaceutical industry and healthcare professionals" by providing healthcare professionals with information on the latest medical treatments and technologies. She also provided a description of the job responsibilities

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professionals who represent more than 2,600 institutions in over 40 countries. *See* http://www.aacrao.org/who-we-are. We consider EDGE to be a reliable source of information about foreign credential equivalencies. *See Confluence Intern., Inc. v. Holder,* Civil No. 08-2665 (DSD-JJG), 2009 WL 825793 (D. Minn. Mar. 27, 2009); *Tisco Group, Inc. v. Napolitano,* No. 09-cv-l 0072, 2010 WL 3464314 (E.D. Mich. Aug. 30, 2010); *Sunshine Rehab Services, Inc.* No. 09-13605, 2010 WL 3325442 (E.D. Mich. Aug. 20, 2010). *See also Viraj, LLC v. Holder,* No. 2: 12-CV-00127-RWS, 2013 WL 1943431 (N.D. Ga. May 18, 2013).

[7] The Petitioner also claims to qualify for the EB-2 classification as an individual of exceptional ability. *See* 8 C.F.R. § 204.5(k)(2). Because we agree with SCOPS' conclusion that the Petitioner has not demonstrated she is well-positioned to advance her proposed endeavor under *Dhanasar's* second prong, and this is dispositive of the Petitioner's appeal, we need not consider the Petitioner's other claim as to EB-2 qualification in the first instance. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

for a medical science liaison. In her request for evidence reply, the Petitioner provided further evidence about her proposed endeavor, including a business plan explaining her proposed establishment of a new business, [redacted] for which she would be its chief executive officer and medical science liaison. The business would have a main office in [redacted] Florida with plans for future offices in [redacted] Michigan and [redacted] Arizona. She indicates that her business would be "a specialized consultancy providing scientific guidance and technical training for healthcare professionals and organizations in the United States" with a central objective "to facilitate the safe and effective adoption of advanced medical technologies in clinical practice, contributing to the improvement of clinical standards and patient outcomes."

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. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. We agree with SCOPS that the record shows that the proposed endeavor as a medical science liaison for her new medical consulting and training business has substantial merit.

In determining national importance, 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 foreign national proposes to undertake" and evidence documenting the "potential prospective impact" of the proposed endeavor. *Id.* Here, the Petitioner has not sufficiently detailed her specific proposed endeavor or provided evidence demonstrating its potential prospective impact is commensurate with national importance, including the asserted broad impact on her field, the U.S. and Florida economies, the healthcare industry, and medical technology innovation.

The Petitioner's statements and business plan provide brief descriptions of a broad spectrum of her intended business' services. For instance, the business' services are listed to include scientific and technical consulting for medical device manufacturers and healthcare institutions; training for healthcare professions in the use of advanced medical technologies; development of clinical protocols to optimize the use of technologies; regulatory consulting for manufacturers; collaboration in clinical studies to ensure scientific validation of new treatments and devices; strategic medical marketing to companies commercializing medical devices; and support for implementing and enhancing telehealth services.

Mainly using general terms, the business plan broadly claims the business has the potential to impact the U.S. and Florida underserved economies; national healthcare; and medical technology innovation. The plan generally describes her desire to improve the healthcare industry by helping healthcare professionals and organizations with "the effective and safe adoption of cutting-edge medical technologies, ultimately contributing to improved clinical standards and patient outcomes." She similarly makes broad, general assertions that her business' "tailored scientific consulting and technical training" will address the unique needs of diverse clients, "including manufacturers and distributors of innovative medical devices, clinics and hospitals seeking to integrate advanced technologies, research centers dedicated to validating medical innovations, and healthcare professionals requiring specialized training to enhance their skills." In addition, without providing details, the plan broadly asserts the business has the potential to substantially impact U.S. and local

economies, particularly in underserved communities; and contribute to advancing public health improvements and medical technology innovation. The business plan also describes the Petitioner's professional experience; a market analysis of the healthcare consulting industry and the need for the business' services; and the business' marketing strategy, projected personnel, and financial forecasts.

The Petitioner, however, has not offered sufficient information or insight about her proposed endeavor or corroborating evidence to support her claims that her business' activities stand to provide the claimed impacts to her field, medical technology innovations, the healthcare industry, national or local economies, or national initiatives. She makes assertions in her business plan and in her personal statements but has not supported her assertions with independent and objective evidence. The Petitioner's statements are not sufficient to demonstrate her endeavor has the potential to provide the claimed broader impacts. The Petitioner must support her assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Also, without sufficient documentary evidence that her proposed job duties as the chief executive officer and medical science liaison for her business have a potential broader impact, rather than benefiting her business and her proposed clients, the Petitioner has not demonstrated by a preponderance of the evidence that her endeavor is of national importance.

In contrast, the petitioner in *Dhanasar* demonstrated that he conducted research and development in the field of air and space propulsion, more specifically, hypersonic propulsion systems involving speeds above Mach 5, and he had developed a novel method for accurately calculating hypersonic airflow. *Matter of Dhanasar*, 26 I&N Dec. at 891-92. In addition, he submitted evidence reflecting that he would continue his research into designing and developing propulsion systems in nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles and substantial supporting evidence of how his continued research would assist the United States in maintaining its advantage over other nations in hypersonic flight, including documentation reflecting his receipt of funding from a government entity for his research. *Id.* Here, the record does not include the same level of detail and corroborating evidence to demonstrate the Petitioner's proposed endeavor has the claimed potential to substantially impact her field, the healthcare industry, medical technology innovation, or otherwise rises to the level of national importance as contemplated by *Dhanasar*.

The Petitioner cites her intention to provide technical training programs to healthcare professionals through workshops, clinical protocol development, and regulatory compliance consulting. She stresses that the United States has and expects to continue to have a shortage of skilled healthcare professionals, particularly in the use of medical technologies. By using her professional skills to train others in medical technologies, she asserts the dissemination of her professional knowledge to others with her medical consulting and training business would contribute to addressing the shortage of professional workers in the healthcare industry. In support of her claims, the Petitioner submitted industry reports and articles relating to the impact of immigrant entrepreneurs on the U.S. economy and the expected increase in the need for medical science liaisons and healthcare professionals.

However, 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. We noted that "[a]n 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." *Id.* at 889. Likewise, the Petitioner's intent to transfer

her professional knowledge to others through trainings and workshops does not demonstrate an impact on the healthcare industry more broadly or rise to the level of national importance as contemplated by *Dhanasar*. Moreover, the growth and importance of an industry are not sufficient to meet the national importance requirement under the *Dhanasar* framework. We recognize the importance of the healthcare industry, medical technology advancements, and their related careers, as well as the significant contributions from immigrants who have become successful healthcare professionals and entrepreneurs. However, merely working in the healthcare industry with medical technologies or starting a medical consulting and training business to support these industries is insufficient to establish the national importance of the proposed endeavor. Instead of focusing on the importance of an industry or field, or a shortage of workers in a field, we focus on the "the specific endeavor that the foreign national proposes to undertake." *See id.*

The business plan asserts that the business would have significant potential to employ U.S. workers and substantial positive economic effects, particularly in economically depressed communities in [redacted] Florida. The business plan projects that in its fifth year, the business will have created 21 direct jobs and 88 indirect jobs; paid over $1.7 million in wages; and generated almost $600,000 in payroll and income taxes. The record, however, does not sufficiently detail the basis for its financial and staffing projections, or adequately explain how these projections will be realized. Even if we were to assume everything the Petitioner claims will happen, the record lacks evidence showing that creating 21 direct jobs and 88 indirect jobs; paying over $1.7 million in wages; and generating almost $600,000 in taxes of by its fifth year in business rises to the level of national importance.

The record includes an opinion from a medical scientist at [redacted] Texas which includes an analysis of the national importance of the Petitioner's proposed endeavor. The opinion, however, mainly reiterates information and language from the Petitioner's business plan to describe the proposed business, as well as its potential impacts. For instance, the opinion uses similar general terms stating that the business intends to focus on integrating "advanced medical technologies" into clinical practice and that the business' utilization of these technologies would have a potential impact on U.S. and local economies; public health; and national initiatives relating to healthcare. The opinion's general and broad statements about the prospective impact of the Petitioner's business are not sufficient to demonstrate the national importance of the Petitioner's proposed endeavor under the *Dhanasar* framework. The submission of letters from experts supporting the petition is not presumptive evidence of eligibility. *See Matter of Caron Int'l*, 19 I&N Dec. 791, 795 (Comm'r. 1988); *Matter of D-R,* 25 I&N Dec. 445, 460 n.13 (BIA 2011) (discussing the varying weight that may be given expert testimony based on relevance, reliability, and the overall probative value).

The Petitioner does not demonstrate that her proposed endeavor has the potential to extend beyond her business and her future clients to impact the field or any other industries or the U.S. or local economies more broadly at a level commensurate with national importance. Beyond general assertions, she has not demonstrated that the work she proposes to undertake as the chief executive officer and medical science liaison of her proposed medical consulting and training business offers original innovations that contribute to advancements in her industry or otherwise has potential broader implications for her field. She does not sufficiently explain or provide evidence demonstrating how her business will contribute to enhancing the healthcare industry and to developing medical technology innovation. The economic and societal benefits that the Petitioner claims depend on numerous factors, and the Petitioner did not offer a sufficiently direct evidentiary tie between her proposed work and the claimed

results. As such, the Petitioner has not demonstrated by a preponderance of the evidence that her proposed endeavor is of national importance.

For the reasons discussed, we withdraw SCOPS' finding on this issue.

C. Well-Positioned to Advance the Proposed Endeavor

The second *Dhanasar* prong shifts the focus from the proposed endeavor to the Petitioner. To determine whether an individual is well-positioned to advance the proposed endeavor, we consider factors including, but not limited to 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. *Matter of Dhanasar,* 26 I&N at 890. We consider a totality of the circumstances to determine whether a petitioner has established being well-positioned to advance the proposed endeavor. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3). Upon consideration of these factors, we agree with SCOPS that the Petitioner has not demonstrated she is well-positioned to advance her proposed endeavor under the second prong of *Dhanasar*.

On appeal, the Petitioner asserts she is well-positioned to advance the proposed endeavor and that the evidence in the record demonstrates her significant contributions to her field and her being uniquely positioned to advance her proposed endeavor. The appeal does not state any specific issues with SCOPS' decision, instead generally points out evidence in the record, asserts she is well-positioned to advance her proposed endeavor, and requests our reconsideration of the evidence.

The standard of proof in this proceeding is a preponderance of evidence, meaning that a petitioner must show that what is claimed is "more likely than not" or "probably" true. *Matter of Chawathe*, 25 I&N Dec. at 375-76. To determine whether a petitioner has met the burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.*; *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). After considering the totality of the circumstances, the Petitioner has not demonstrated by a preponderance of the evidence that she is well-positioned to advance the proposed endeavor.

In *Dhanasar,* the record established that the petitioner held multiple graduate degrees including "two master of science degrees, in mechanical engineering and applied physics, as well as a Ph.D. in engineering." *Matter of Dhanasar,* 26 I&N at 891. We look to a variety of factors in determining whether a petitioner is well-positioned to advance his proposed endeavor and education is one factor among many that may contribute to such a finding. *See id.* In *Dhanasar*, we also favorably considered the significance of his research which had been corroborated by evidence as having peer and government interest; the significance of his role in his research projects; consistent funding from government agencies of his research projects; and his position with a U.S. university where he intended to conduct his proposed research work. *Id.* at 892-93. Here, the Petitioner has not provided this level of education, skills, or knowledge to demonstrate a record of success in efforts related to or similar to her proposed endeavor, progress towards achievement of her proposed endeavor, or interest from other individuals or entities.

In the record, documentation to support her being well-positioned to advance her proposed endeavor includes her resume; academic credentials; course and training certificates; recommendation letters discussing her work experience; the business plan; the above-mentioned opinion letter; employment verification letters; her identification card indicating registration with the regional council of physiotherapy and occupational therapy in [redacted] Brazil as a physiotherapist; photographs depicting individuals and medical equipment with the Petitioner's descriptions of the photographs; and a badge indicating the Petitioner represented [redacted] at the 2017 American Academy of Dermatology annual meeting.

The Petitioner emphasizes her more than 20 years of academic achievements and professional experience in physiotherapy and as a medical science liaison. The record includes the Petitioner's academic records for her completing two years of coursework in physiotherapy and earning a "titulo de Fisioterapeuta" from [redacted] in Brazil. As discussed above, the Petitioner has not demonstrated that her academic credentials render her eligible for the underlying EB-2 visa classification. In addition, she has not shown that her academic accomplishments are sufficient to demonstrate that she is well-positioned to advance her proposed endeavor.

The Petitioner points to letters from professional colleagues which she claims attest to her technical and scientific expertise and her influence in "shaping national standards through the introduction and clinical integration of advanced technologies." While the letters attest to her professional competencies with disseminating information and trainings for medical devices used in aesthetics and dermatology markets, the letters do not provide specific details showing her record of success in the field. Instead, the letters make broad claims that she has contributed to improving medical treatments. For instance, a letter from a pharmacist who previously worked with the Petitioner states that "[the Petitioner] has played a decisive role in disseminating knowledge about this technology and developing training, treatment protocols, and qualifications at a national level" and that the Petitioner's implementation of "clinical studies and developing innovative protocols based on scientific evidence . . . has resulted in significant advances in clinical practice and market confidence in cutting-edge technological solutions." Another letter from a former colleague describes in general terms that "[h]er technical competence and communication skills have become fundamental to the development and implementation of clinical protocols based on scientific evidence . . . ." The letters, in general terms, indicate her former colleagues value her work, technical skills, and work ethic, and attest to her work being of value to her employers and their clients. However, the letters lack specific details of how she has contributed to improving medical treatments, or otherwise has had the claimed record of success in her field.

The Petitioner also relies on the previously discussed opinion letter from the medical scientist at [redacted] While the opinion names the Petitioner's professional work, it does not detail how her work has gained the interest of others or constitutes a record of success or progress rending her well-positioned to advance her proposed endeavor. Moreover, the opinion reiterates language from the recommendation letters indicating that her previous employers and colleagues value her work and her contributions to her employers, with generalizations of the Petitioner's record of success. For instance, the opinion states that the Petitioner has a "proven track record of success, including measurable improvements in company revenues, market expansion, and the adoption of innovative medical technologies, demonstrates her readiness to undertake her proposed endeavor and achieve its ambitious goals." The opinion uses general terms, stating that she has "a unique combination of

specialized skills and extensive experience in healthcare technology and consulting", which "distinguishes her a leader in her field" and that her "deep expertise in integrating advanced medical devices, developing clinical protocols based on rigorous scientific evidence, and providing professional training sets her apart from her peers, positioning her as an indispensable asset to the healthcare industry."

While letters from experts in a petitioner's field who have first-hand knowledge of a petitioner's achievements, describe those achievements, and provide specific examples of how the person is well-positioned to advance the proposed endeavor are useful in explaining a petitioner's objectives, the opinion should be supported by independent evidence. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3). Here, the opinion does not indicate the author has first-hand knowledge of the Petitioner's achievements, does not provide specific examples of how the Petitioner is well-positioned, and is not sufficiently supported by independent evidence.

The Petitioner emphasizes her media appearances and her participation as an exhibitor for [redacted] at the 2017 American Academy of Dermatology annual meeting. However, other than the Petitioner's statements and recommendation letters mentioning the Petitioner having participated in trainings and workshops, the record is not clear as to the extent her media appearances represent a record of success in her field or is otherwise an indication that she is well-positioned to advance her proposed endeavor. For the annual meeting, the Petitioner submitted a photocopy of her badge indicating she represented her former employer as an exhibitor at the annual meeting and letters of recommendation referring to the annual meeting. Other than her statements, she did not submit independent evidence explaining her role as an exhibitor to understand whether it sufficiently relates to her proposed endeavor, contributes to her record of success, garnered the interest of others in her field, or otherwise is an indication that she is well-positioned to advance her proposed endeavor.

Moreover, the Petitioner did not provide sufficient details and evidence of how she intends to carry out her proposed endeavor. The opinion letter indicates that others have significant interest in the Petitioner's proposed endeavor. However, other than colleagues taking note of her proposed endeavor and generally expressing the Petitioner being well-positioned to advance her endeavor, the Petitioner has not offered details of such interest or evidence supporting the opinion's claims. While the business plan provides some details about her business, the record does not include evidence documenting feasible plans, such as financial support or investments, or correspondence from prospective or potential customers, or relevant entities. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(3). In *Dhanasar*, the petitioner showed government interest in his research by providing evidence that he obtained government funding supporting his research, he "initiated" or was "the primary award contact on several funded grant proposals," and he was "the only listed researcher on many of the grants." *Matter of Dhanasar,* 26 I&N at 893, n.11. Without sufficient evidence demonstrating the means or financial support to undertake her proposed medical consulting and training business in the United States, the Petitioner has not demonstrated that her plan for future activities renders her well-positioned to advance the proposed endeavor.

For the reasons discussed, the Petitioner has not established that she is well-positioned to advance her proposed establishment of a medical consulting and training business and work as its chief executive officer and medical science liaison; and therefore, she does not satisfy the second prong of the *Dhanasar* framework.

SCOPS further determined that the Petitioner did not establish 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 under *Dhanasar's* third prong. Because the documentation in the record does not sufficiently establish the Petitioner qualifies for the first and second prongs of th\e *Dhanasar* precedent decision, she has not demonstrated eligibility for a national interest waiver. This identified basis for dismissal is dispositive of the Petitioner's appeal, and therefore we decline to reach and hereby reserve the Petitioner's appellate arguments and eligibility under the third prong of *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. at 25; *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

As the Petitioner has not established eligibility under the requisite first and second prongs of the *Dhanasar* analytical framework, she is not eligible for a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

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.