U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39987784

Date: OCT. 24, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an advisor and data scientist, 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. 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 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,[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

[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 to be discretionary in nature).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

For the underlying EB-2 immigrant classification, SCOPS concluded that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] The issue on appeal is whether the Petitioner established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. SCOPS determined that while the Petitioner met the second prong of the *Dhanasar* analytical framework, she did not demonstrate meeting the first and third *Dhanasar* prongs. Upon de novo review, we agree with SCOPS' determination that the Petitioner did not establish the national importance of her proposed endeavor under *Dhanasar's* first prong.[3]

On appeal, the Petitioner asserts that SCOPS abused its discretion by failing to consider the totality of the evidence and making incorrect conclusions of law and statements of the facts in analyzing the evidence. In particular, the Petitioner claims that SCOPS erroneously conflated her proposed endeavor with her employment. Instead, she maintains that her personal statements clearly explain that her proposed endeavor is to conduct research work which would be separate from her employment as an advisor and data scientist for [redacted]. Based on evidence in the record, she asserts her proposed endeavor is of national importance. We disagree with the Petitioner's assessment of SCOPS' decision.

To determine whether a petitioner has met their burden under the preponderance of the evidence standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.; *see also Matter of E-M-*, 20 I&N Dec. 77, 79- 80 (Comm'r 1989). Based on the record, SCOPS' decision is a reasoned interpretation and consideration of the evidence. SCOPS' decision summarizes the Petitioner's proposed research work as her intended endeavor, acknowledges documents submitted, and weighed the evidence but determined that the evidence lacked probative value. *See Matter of Chawathe*, 25 I&N Dec. at 376. The proposed endeavor, as described, and the evidence in the record do not support the Petitioner's assertions that the potential impact of her endeavor would have a broader impact on her field or implications rising to a level of national importance.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that a petitioner 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. In determining national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* An endeavor is more specific than a general occupation and should

[2] To qualify for the underlying EB-2 classification as an advanced degree professional, the Petitioner submitted a diploma and academic transcript indicating she earned a PhD in chemical engineering from [redacted] in [redacted] Georgia. Based on the evidence, the Petitioner has established she is an advanced degree professional.

[3] While we may not discuss every document submitted, we have reviewed and considered each one.

include details of the types of work a petitioner intends to undertake and describe specific projects and goals. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual.

For her proposed endeavor, the Petitioner states she intends "to integrate chemistry and artificial intelligence to enhance drug discovery and drug manufacturing, specifically the efficiency of drug production methods and the quality of the drugs produced, in order to accelerate the identification and production of new therapeutics, thereby benefiting public health and fostering innovation in healthcare." By implementing advanced data analytics and machine learning models to optimize pharmaceutical manufacturing processes, she intends to "use predictive modeling and analysis to enhance the efficiency and accuracy of drug discovery for small and large molecules, and integrate biochemical research with computational methods to develop innovative solutions for personalized medicine in compliance with regulatory guidelines." She plans to pursue her endeavor while working as an advisor and data scientist at [redacted] where she has worked since July 2024, but emphasizes that her employment is not her proposed endeavor. Instead, she maintains that her endeavor is her intended research work, which will not change regardless of where she is employed. She stresses that her research will be disseminated nationally and globally, beyond her employer. For instance, she intends to publish her research in reputable journals; present her research at industry conferences; secure patents for her research methodologies in order to benefit her field; develop open-source software tools for pharmaceutical application platforms; and organize webinars, workshops, and community engagement to encourage dialogue among industry professionals.

In her initial statement, the Petitioner provided a description of her work responsibilities as an advisor and data scientist at [redacted] Her description uses language similar to her indicated proposed endeavor. For instance, she states that her job responsibilities include "developing and implementing advanced data analytics and machine learning models to optimize pharmaceutical manufacturing processes," using "predictive modeling and analysis to enhance the efficacy and accuracy of drug discovery for small and large molecules," and "integrating biochemical research with computational methods to develop innovative solutions for personalized medicine in compliance with regulatory guidelines." She also emphasizes [redacted] being a global pharmaceutical company and pioneering pharmaceutical research which has led to the development of innovative medicines.

To help explain her proposed endeavor, the Petitioner's request for evidence reply included a statement summarizing three proposed research projects she intends to pursue to advance her endeavor. For the first project, she intends to continue research to develop "robust uncertainty quantification metrics specifically tailored for predictive models used by scientists in screening early-stage discovery of small-molecule drugs." She maintains that her project will address national challenges of high attrition in drug discovery by enhancing "the reliability and accuracy of predictions in identifying promising therapeutic candidates, thereby enhancing the reliability of the drug discovery pipeline." For her second project she intends to address challenges of inefficient manufacturing processes which cause production delays. She proposes to research the "[y]ield optimization in drug manufacturing through [artificial intelligence] augmented digital twin hybrid models integrating physics-based simulations with machine learning for critical operations like drying." For her third project, she intends to address quality issues which cause drug shortages. She would research "[r]esilience improvement through predictive anomaly detection frameworks using computer vision and statistical conformal prediction to identify manufacturing deviations." She explains that [redacted] has already been successful in implementing similar anomaly detection methodologies which has rescued annual supplies.

While her statement provides some details of her intended projects, the record lacks evidence supporting her claims about her proposed endeavor and it being of national importance. She summarized three research projects but has not provided the level of specific details or documentation as required under *Dhanasar* to support her claims that her proposed research projects have the potential to extend beyond her employer and impact the field of pharmaceutical development and manufacturing or other fields and industries. The Petitioner mainly relies on her statements, without corroborating evidence, to characterize her proposed research work as valuable for advancing her field. She has not provided evidence sufficient to support claims that her proposed research projects would advance her field more broadly or would be different from work typically performed by an advisor and data scientist for [redacted]. Moreover, the Petitioner has not detailed or established with supporting evidence her plans to introduce novel technologies or advancements that may be disseminated to or adopted by others operating in the field or industry. A petitioner must also support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. As the Petitioner has not done so here, she has not sufficiently established that her proposed endeavor in the United States will have national importance under the first *Dhanasar* prong.

As a comparison, 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.*

She contends that her plans to disseminate her findings through scholarly publications, industry conferences, patents, open-source software tools, and community engagements show her endeavor would have broad national impact, beyond her employer. The Petitioner emphasizes that her research work has had a broad impact in her field, pointing to her previous research work having been government funded, published in reputable industry publications, and presented at industry conferences. While the Petitioner's previous academic research may help to understand her proposed endeavor, such previous work mainly relates to whether she is well-positioned to advance her endeavor under *Dhanasar's* second prong.

The Petitioner makes broad claims, without corroborating evidence, that her research would impact national government policies and advance the field of pharmaceutical development and manufacturing. While the Petitioner argues that SCOPS erroneously dismissed recommendation letters corroborating her claims, the letters and her statements have not detailed or established her plans to introduce the claimed novel and innovative advancements which may be disseminated to or adopted by others operating in the field or industry. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Instead, the letters mainly provide general summaries of her previous research projects without mentioning or describing her proposed endeavor and the claimed novel and innovative advancements for the field of pharmaceutical development and manufacturing.

For instance, the record includes letters from colleagues who previously collaborated and co-authored research articles with the Petitioner. One letter explains their previous research investigating machine learning molecular modeling, protein engineering, and interaction dynamics with biochemical screen protocols. Another letter describes previous research designing optogenetic photo switches and developing an optimal one-pot synthesis approach to advance drug discovery. Likewise, two independent advisory opinion letters mainly discuss the Petitioner's prior research with general statements that the Petitioner's research advances drug development and discovery. While the letters generally reference that the Petitioner's ongoing research is of importance, they do not specifically mention the Petitioner's proposed research.

We acknowledge the Petitioner's academic research achievements and contributions, but she has not offered sufficient information and evidence based on these recommendation letters and her previous research to demonstrate her claims that her proposed research has the potential to provide new pharmaceutical development and manufacturing innovations that would impact the field or any other industries. These letters, while helpful to understanding her previous work and her field, mainly relate to the second prong of the *Dhanasar* framework, instead of speaking to the national importance of the Petitioner's proposed endeavor. The second prong of the *Dhanasar* framework "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar,* 26 I&N Dec. at 890. The issue here is whether the specific endeavor that the Petitioner proposes to undertake has national importance under *Dhanasar's* first prong. To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of her work. *Id.* at 889.

The Petitioner claims that her proposed endeavor aligns with national government initiatives, in particular U.S. Food and Drug Administration priorities to advance the use of artificial intelligence to accelerate drug development while maintaining scientific rigor, recognition of artificial intelligence as an enabler for more efficient pharmaceutical manufacturing, and mitigating drug shortages due to manufacturing quality issues. In addition, she claims her proposed research relates to national initiatives recognizing the importance of supporting artificial intelligence, biotechnologies, and advanced manufacturing for national security and progress in the fields of science, technology, engineering, and mathematics (STEM), which are recognized by the U.S. National Science and Technology Council as being critical and emerging. In support of her claims, the Petitioner referenced national initiatives and submitted articles and reports relating to the impact of artificial intelligence on drug discovery, the pharmaceutical industry, and healthcare; challenges of drug discovery and approval; and the expected growth of the U.S. pharmaceutical market.

While USCIS recognizes specific evidentiary considerations relating to STEM degrees and fields, "the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance." *See generally* 6 *USCIS Policy Manual*, *supra*, at F.5(D)(2). We acknowledge the overall value of the advancement of artificial intelligence, biotechnologies, and pharmaceutical manufacturing; attracting qualified professionals in related careers; and strengthening our nation's technology, particularly technology recognized as critical and emerging, but their overall significance does not establish the national importance of the Petitioner's proposed endeavor in particular. *See id.* The importance of an industry or field is not sufficient to meet the national importance requirement under the *Dhanasar* framework. The evidence submitted to support her claims do not discuss the Petitioner's specific

research work. The Petitioner has not sufficiently detailed her proposed research, or provided supporting evidence to understand how it would advance STEM technologies with sufficiently broad potential implications for her field rising to the level of national importance.

SCOPS further determined that while the Petitioner established that she is well-positioned to advance the proposed endeavor under *Dhanasar's* second prong, she 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 prong of the *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 eligibility and appellate arguments under the second and third prongs of *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *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

Because the Petitioner has not established eligibility under the requisite first prong 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.