U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42910466

Date: SEP. 02, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a research coordinator and sub-investigator,[1] seeks employment-based second preference (EB-2) immigrant classification as either a member of the professions holding an advanced degree or an individual of exceptional ability, 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).

USCIS denied the petition, concluding that although the Petitioner meets the underlying classification as an advanced degree professional, the record did not establish that a waiver of the job offer requirement is 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.

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.

[1] Although the Petitioner indicated her job title as a "medical scientist" on Form I-140, Immigrant Petitioner for Alien Worker, the documents in the record generally refer to her position as a research coordinator or a sub-investigator in a research team.

Citizenship and Immigration Services (USCIS) may, as matter of discretion,[2] 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

We will first address the threshold requirement that the Petitioner must qualify for the EB-2 classification under Section 203(b)(2)(B)(i) of the Act. Based on the record, including an academic credentials evaluation report and the Petitioner's transcripts and diploma from the [redacted] we agree with USCIS that the Petitioner qualifies for the EB-2 classification as an advanced degree professional.

Now we turn to the Petitioner's eligibility for the national interest waiver under *Dhanasar*. USCIS concluded that the Petitioner did not meet any of the *Dhanasar*'s three prongs. Upon review, we agree that the Petitioner's proposed endeavor has substantial merit but not national importance under the first prong of *Dhanasar*. As this issue is dispositive of the appeal, we decline to reach and hereby reserve our opinion on the second and third prong of *Dhanasar*. *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).

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.*

The record demonstrates that after graduating with a medical degree in 2020, the Petitioner worked as a medical doctor in Venezuela for two years, from October 2020 to September 2022. Since coming to the United States, the Petitioner worked as a medical assistant in several different hospitals or health institutions before accepting a research assistant/coordinator position with [redacted] located in [redacted] Georgia. According to the letter from [redacted] cardiovascular research manager, the Petitioner was first hired as a full-time research assistant at [redacted] Office of Research Services and her responsibilities included "research lab processing/shipment; regulatory document collection, verification and filing; clinical research data collection; and submission and updating patient research records." The Petitioner was promoted to "Clinical Research Coordinator" for [redacted] Cardiovascular Clinical Research team in January 2025 and her responsibilities include "[supporting] the entire research team with regulatory filing validation" and

[2] *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).

"working full time on clinical trial protocols in Valve/Surgical, Interventional Cardiology, and Electrophysiology."

With the initial petition filed on July 3, 2025, the Petitioner indicated that her proposed endeavor is to "advance equitable and innovative cardiovascular care in the United States by optimizing structural heart clinical trials, improving research infrastructure, and expanding bilingual patient education." The Petitioner also stated that "Through my work as a Clinical Research Coordinator and Sub-Investigator at [redacted] I contribute to pioneering studies such as the [redacted] trials, ensuring high-quality data, protocol adherence, and patient-centered implementation." Furthermore, she claimed that she is "[s]imultaneously . . . developing culturally competent educational tools in English and Spanish to increase Latino participation in research while mentoring future bilingual clinical professionals" and "[her] integrated approach strengthens the pipeline of lifesaving therapies, enhances trial diversity and builds a more inclusive and efficient healthcare system."

In support of these claims, the Petitioner provided the White House's executive order on advancing racial equity for underserved, the U.S. Food and Drug Administration (FDA)'s diversity action plan, the minority health and health disparities strategic plan by National Institute of Health, and the U.S. Department of Health and Human Services (HHS)'s health equity action plan. Based on these articles, we conclude that the Petitioner has demonstrated substantial merit of her endeavor in assisting with cardiovascular health research and expanding clinical trials to include minorities and underserved population.

However, the Petitioner has not established that her endeavor has national importance. In describing her endeavor's national importance, the Petitioner asserted that "[l]ike Dr. Dhanasar, [she] conducts specialized research that advances U.S. technological and public health interests" and disseminates her research findings nationwide through her "peer-reviewed publications, national conference presentations and inter-institutional collaboration." The Petitioner further claimed that "[h]er participation in multicenter, FDA-regulated cardiovascular trials ensures that the data she helps produce will shape device approvals, safety standards, and treatment guidelines used in hospitals across the country." However, the evidence the Petitioner submitted, including abstracts of co-authored journal and case studies, recommendation letters, and registration materials confirming her attendance at medical conferences, does not sufficiently establish her endeavor's prospective impact rising to the level of national importance. Under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *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). Here, the Petitioner has not supported her assertions with relevant, probative, and credible evidence, as discussed below.

First, some documents offered by the Petitioner do not establish her eligibility at the time of filing. *See* 8 C.F.R. § 103.2(b)(1) (a petitioner must be eligible as of the date of filing); *see also Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg. Comm. 1971). We cannot consider "facts that come into being only subsequent to the filing of a petition." *Matter of Izummi*, 22 I&N Dec. at 176 (citing *Matter of Bardouille*, 18 I&N Dec. 114 (BIA 1981). For example, the Petitioner included an email dated on June 1, 2025, confirming that the Petitioner was registered to attend the 2025 [redacted] Conference as "Abstract Presenter" from July 24 through July 26, 2025, but the

conference was scheduled to occur after the petition was filed. The Petitioner further claimed that she was invited to participate in investigator meetings or symposiums sponsored by [redacted] however, based on the plane itinerary provided in the record, the event appeared to have taken place after the filing of the petition.

With her response to the request for evidence (RFE), the Petitioner provided two case reports that she co-authored and submitted to *Journal of the American College of Cardiology* (JACC)[3] but did not sufficiently explain the significance and prospective impact of these case reports or their findings. For instance, the Petitioner did not submit her Google Scholar profile or other independent or objective evidence showing that other researchers and experts are reading and citing her findings, thereby making an impact in the field of cardiovascular care. We stated in *Dhanasar* that an endeavor's potential prospective impact can be shown by having national or global implications within a field, "such as those resulting from certain improved manufacturing processes or medical advances." *Dhanasar,* 26 I&N Dec. at 889. Here, the evidence does not sufficiently show that her contribution to the research will have such widespread impact or influence.[4]

Additionally, the Petitioner did not provide any information regarding her proposal to develop educational tools to increase diversity in the clinical trials and mentor bilingual clinical professionals. In the initial filing, the Petitioner included documents from various government agencies demonstrating the importance of striving for equity in healthcare and claimed that she would champion this cause. But she has not provided any specific plans, such as details regarding her methodology and implementation of her methods, strategies to expand her research and educational practices beyond her job, or the scale and makeup of professionals that she will reach. Overall, the record lacks corroborating evidence of her proposal's prospective impact on advancing equity in providing cardiovascular care, as she claimed.

We also reviewed many recommendation letters from work colleagues and supervisors at [redacted] These letters discuss how the Petitioner took on additional responsibilities as a research coordinator and sub-investigator, identify a few cardiovascular research and studies that she is currently involved in, and generally praise her work ethic, character, and dedication to her job. However, the authors do not offer persuasive details on how her research and methodologies would impact the field overall. Other testimonial letters from former employers or professors attest to the Petitioner's past experiences and general skills as a researcher or medical personnel without specifically mentioning her proposed endeavor or its impact.

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. *Dhanasar*, 26 I&N Dec. at 891-92. In addition, we gave significant weight to "probative expert letters from individuals holding senior positions in academia, government, and

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[3] [redacted]' was published on [redacted] 2025, and [redacted]' was published on [redacted] 2025.

[4] Although recommendation letters or journal publications relate more to the second prong factors such as the Petitioner's record of success or interests from relevant entities or individuals, we considered this evidence in the first prong as it was relevant to the endeavor's potential prospective impact.

industry that describe the importance of hypersonic propulsion research as it relates to U.S. strategic interests" and "detailed expert letters describing U.S. Government interest" in Dr. Dhanasar's specific research. *Id.* at 892. Here, the Petitioner has not provided similar evidence, such as the type of expert opinion evidence or letters from government entities or industry representatives detailing how her research impacts a matter that is a subject of national initiatives. None of the articles and reports specifically mention the Petitioner's endeavor or discuss interests in promoting the use of her research.

The Petitioner contends on appeal that USCIS erred by mischaracterizing her endeavor as "employer-bound employment" or "working at a hospital" and did not consider "critical evidence of my expertise and contributions." However, the Petitioner does not present any new evidence of her expertise or contributions to corroborate that her proposed endeavor expands beyond her current position as a research coordinator or sub-investigator of [redacted] research team. Instead, the Petitioner resubmits the evidence already in the record. Although the Petitioner's role at [redacted] is important in developing and enhancing cardiovascular care but the evidence does not adequately demonstrate that any medical or technological advancements resulting from [redacted] research team would be directly attributable to her particular role and would impact the field overall. The issue here is not the broader implications of the company's innovations or the utilization of its medical technology or methodology by government or industry, but rather the potential prospective impact of the Petitioner's specific proposed work." *Id.* at 889.

The record reflects the Petitioner's intention to assist in beneficial research to enhance cardiovascular health and technology. However, the Petitioner has not offered sufficient information or corroborating evidence to establish the prospective impact of her specific proposed endeavor. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of national importance because they would not extend beyond his students to impact the field more broadly. *Id.* at 893. Similarly, the Petitioner has not sufficiently established that her proposed endeavor as a research coordinator and sub-investigator will extend beyond her employer and her immediate supervisors to impact the field at a level commensurate with national importance.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we find that the Petitioner has not established eligibility for a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

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.