U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39207597

Date: SEP. 22, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an epidemiologist, 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. SCOPS determined that the Petitioner qualifies as a member of the professions holding an advanced degree. However, SCOPS concluded that the record does not establish that a waiver of the job offer requirement, and thus of a 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.

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;

[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).

- The individual is well-positioned to advance the proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree. However, for the reasons discussed below, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong. *See id.*

The Petitioner generally described the endeavor as a plan "to leverage advanced epidemiological and statistical methods to extract actionable insights from laboratory and real-world data, in order to advance medical knowledge of biological sciences and the U.S. healthcare system to guide healthcare decisions and improve patient outcomes." She also abstractly indicated that her "current focus is on cardiovascular medical devices, and I plan to extend my research to diabetes, nutrition, and diagnostics." She also generally referenced "utilizing propensity score matching methods, survival analysis, stepwise logistic regression models, cox proportional hazard models, multivariable competing risk models, and instrumental variable analysis using real-world data." She stated that her "research related to my proposed endeavor will continue to be circulated in the field through my peer-reviewed publications and conference presentations." She further indicated that she has been employed by [redacted] since October 2018 and that she "plan[s] to continue in this position for the foreseeable future," although she clarified that her proposed endeavor "will not change regardless of where I am employed."

The Petitioner also submitted information regarding research publications she co-authored, citation information for those publications, and copies of publications that provide generalized information regarding medical research. In response to a request for evidence, she submitted letters of recommendation, an employment confirmation letter, additional information regarding her publications' citations, and a document she describes as "evidence of [her] work in press," which, despite that characterization, is a scholarly journal article for which the Petitioner is the sixth credited author.

SCOPS determined that the Petitioner "submitted sufficient evidence to establish that [her] proposed endeavor has substantial merit," as required in part by the first *Dhanasar* prong. *See id.* SCOPS also acknowledged information in the record regarding the Petitioner's "education and past work experience [and] letters of recommendation." However, SCOPS explained that evidence in the record regarding the Petitioner's prior academic and work experience "does not include information about the national importance of the proposed endeavor." Similarly, SCOPS observed that, although the letters of recommendation "speak to [the Petitioner's] past research and accomplishments, they do not indicate that the benefit of [her] current research extends beyond it's [sic] direct benefit to [her] current employer." SCOPS further noted that the record does not establish "any projected U.S. economic impact or job creation attributable to [the Petitioner's] work" and, thus, it does not indicate that the proposed endeavor "would reach the level of 'substantial positive economic effects' contemplated by *Dhanasar*." Because the record "does not show that [the] proposed endeavor stands to sufficiently extend beyond [the Petitioner's] company, future clientele, or business partnership to impact the field

more broadly at a level commensurate with national importance," SCOPS concluded that the record does not establish the proposed endeavor has national importance, as required in part by the first *Dhanasar* prong. *See id.* SCOPS further concluded that the record does not satisfy the second and third *Dhanasar* prongs. *See id.*

Because we determine that the record does not establish whether the proposed endeavor may have national importance, which is dispositive, we reserve our opinion regarding whether the record satisfies the second and third *Dhanasar* prongs. *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); *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).

On appeal, the Petitioner specifically asserts that SCOPS erred by stating, "Furthermore, the issue here is not the broader implications of the your [sic] innovations or the widespread utilization of these services by consumers, but rather the potential prospective impact of your specific proposed work as a staff scientist," thereby demonstrating an "incorrect understanding of the first-prong principles articulated in *Dhanasar*." The full context of SCOPS' sentence is within a paragraph, as follows:

> Because you have not provided sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to your future work, it has not been shown that benefits to the regional or national economy resulting from the proposed endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. [*Matter of Dhanasar*, 26 I&N Dec. at 890.] Furthermore, the issue here is not the broader implications of the your [sic] innovations or the widespread utilization of these services by consumers, but rather the potential prospective impact of your specific proposed work as a staff scientist. The record does not show that your proposed endeavor stands to sufficiently extend beyond your company, future clientele, or business partnership to impact the field more broadly at a level commensurate with national importance.

Despite SCOPS' statement that "the issue here is not the broader implications of [the Petitioner's] innovations or the widespread utilization of these services by consumers," both of those are relevant issues here and, furthermore, in both the paragraph quoted above and elsewhere in the decision, SCOPS addressed that the record does not establish that the proposed endeavor would have sufficiently broad implications or widespread utilization. Therefore, this claimed error is, at most, harmless. *See generally Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing cases regarding harmless or scrivener's errors).

The Petitioner also asserts on appeal that SCOPS improperly focused on "the proposed employment" rather than on "the proposed endeavor." However, again, SCOPS' analysis repeatedly addressed whether "the proposed endeavor would reach the level of 'substantial positive economic effects,'" whether "the proposed endeavor stands to sufficiently extend beyond your company, future, clientele, or business partnership," and other issues regarding the proposed endeavor, not merely considering the Petitioner's proposed employment. Moreover, SCOPS' references to "work" appear to implicate the Petitioner's "future work" in the sense of the Petitioner's proposed research activities, not merely her maintenance of employment status with any particular employer. Therefore, SCOPS does not

appear to have conflated proposed employment with the proposed endeavor. Again, this claimed error is, at most, harmless. *See id.*

The Petitioner further asserts on appeal that the proposed endeavor has national importance because she intends that her "research relating to [the] proposed endeavor will continue to be circulated in the field through my peer-reviewed publications and conference presentations." She also states that, contrary to SCOPS' analysis, the letters of recommendation "actually do highlight the impact of [the Petitioner's] proposed endeavor beyond [redacted]." She specifically quotes on appeal a recommendation letter that opines she has "strong skills in study design, analysis, and reporting to meet high-quality standards for both publication and regulatory work," noting that the results of research to which the Petitioner contributed "were presented at leading conferences in the field [and] published in a peer-reviewed journal."

In determining national importance under the first *Dhanasar* prong, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on "the specific endeavor that the [individual] proposes to undertake" and "we consider its potential prospective impact," looking for "broader implications." *Matter of Dhanasar*, 26 I&N Dec. at 889. *Dhanasar* provided examples of endeavors that may have national importance, as required by the first prong, having "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or those with "significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area." *Matter of Dhanasar*, 26 I&N Dec. at 889-90.

The letters of recommendation in the record bear minimal probative value and, as SCOPS addressed, they do not establish how the proposed endeavor may have national importance. As a matter of discretion, we may use opinion statements submitted by a petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we may give an opinion less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.* We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.*; *see also* Fed. R. Evid. 702 (providing that an expert opinion may "help the trier of fact to understand the evidence or to determine a fact in issue," not that it is evidence of fact itself).

The letters of recommendation generally address the Petitioner's education and prior research activities, which are material to the second *Dhanasar* prong regarding whether an individual is well-positioned to advance a proposed endeavor. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90. However, they do not establish how the specific endeavor the Petitioner proposes to undertake—as opposed to research projects to which the Petitioner has already contributed—may have the type of broader implications like national or even global implications within a particular field, such as those resulting from certain medical advances, contemplated by the first *Dhanasar* prong. *See id.* Moreover, they contain unsubstantiated and conclusory assertions that reduce their probative value. For example, one letter of recommendation asserts, "The novelty of [the Petitioner's] contributions has been acknowledged in the field," without elaborating on how the field acknowledged the Petitioner's contributions and its novelty. As another example, one letter of recommendation states, "[the Petitioner's] work with these real-world studies has garnered widespread acclaim in the field," without

elaborating on how the field expressed widespread acclaim for the Petitioner and the work she performed with the referenced studies. As another example, one letter of recommendation opines, "Based on [the Petitioner's] contributions to date, there is every reason to believe that her continued work will significantly benefit biomedical research for cardiovascular diseases in the United States" and another letter states that the Petitioner "has been, and will continue to be, an extraordinary scientist, making original scientific contributions vital to the national interests of the U.S. and beneficial to the global community," although they do not indicate that the authors are aware of the specific endeavor the Petitioner proposes to undertake—rather than merely her "contributions to date"—in order to form those opinions.

The unsubstantiated and conclusory assertions in the letters of recommendation noted above reduce their probative value. *See Matter of Caron Int'l, Inc.*, 19 I&N Dec. at 795; *see also* Fed. R. Evid. 702. Moreover, even to the extent that the letters of recommendation have probative value, they provide little information that helps us understand how the potential prospective impact of the specific endeavor the Petitioner proposes to undertake may have the type of broader implications contemplated by the first *Dhanasar* prong, rather than addressing whether the Petitioner may be well-positioned to advance the proposed endeavor, as contemplated by the second *Dhanasar* prong. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90.

Next, we acknowledge that the Petitioner submitted information pertaining to publications of research projects to which she has contributed, and citation information regarding those articles. However, the Petitioner described the proposed endeavor in general terms, such as "leverag[ing] advanced epidemiological and statistical methods to extract actionable insights from laboratory and real-world data," and in broad research topics, such as "cardiovascular medical devices, [. . .] diabetes, nutrition, and diagnostics." As explained above, in determining national importance, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on "the specific endeavor that the [individual] proposes to undertake." *Id.* at 889. We recognize the importance of progress in science, technology, engineering, and mathematics (STEM) fields and the essential role of persons with advanced STEM degrees in fostering this progress, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual. However, as in all cases, a proposed endeavor implicating a STEM field must demonstrate both substantial merit and national importance, such as by having national or even global implications within a particular field, beyond merely being in a STEM field. *See generally id.*; *see also Matter of Dhanasar*, 26 I&N Dec. at 889-90. The limited information the Petitioner provided regarding the specific endeavor she proposes to undertake does not establish how it may have the type of national or even global implications within the field of epidemiology or any other field, such as those resulting from certain medical advances, that may indicate whether the proposed endeavor may have national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 889-90.

In turn, the Petitioner does not assert on appeal, nor does the record support the conclusion, that her proposed endeavor of generally conducting epidemiological research in broad research topics including "cardiovascular medical devices, [. . .] diabetes, nutrition, and diagnostics" may have other indicia of national importance, such as significant potential to employ U.S. workers or other substantial

positive economic effects, particularly in an economically depressed area, as contemplated by *Dhanasar*. *See id.*

In summation, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, she is not eligible for a national interest waiver.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that the Petitioner has not established eligibility for, or otherwise merits, 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.