U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 33346629

Date: AUGUST 8, 2024

Appeal of Texas Service Center Decision

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

The Petitioner, a healthcare administrator, 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).

The Director of the Texas Service Center denied the petition, concluding the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree, but did not establish that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

To qualify for 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 demonstrates eligibility for the underlying EB-2 classification, they must then establish that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. While neither the statute nor the pertinent regulations define the term "national interest," *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:

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

- 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

In her professional plan, the Petitioner states her proposed endeavor is to work as a healthcare administrator for healthcare facilities of public and private companies in the United States and create a consulting company that will provide internal audits and administration processes for healthcare providers. The Petitioner explains her services will focus on process improvement, quality evaluation, internal control, national projects and a multicultural approach.

The Petitioner submitted evidence that she holds the equivalent of a United States master's degree in healthcare administration. The Director determined that the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether she qualifies for and merits a waiver of the job offer requirement in the national interest.

A. Substantial Merit and National Importance

1. Substantial Merit

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* The Director determined the Petitioner established the substantial merit of her proposed endeavor. We agree.

2. National Importance

The Director concluded the Petitioner did not establish the national importance of her proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. The Director determined the Petitioner did not establish that her proposed endeavor has significant potential to employ U.S. workers, would have other substantial positive economic effects, or national or global implications in her field.

On appeal, the Petitioner asserts the Director erroneously concluded she did not submit sufficient evidence to corroborate her claim of national importance. She claims her professional plan, an expert opinion letter, and publications demonstrate the need for her services "at a level that creates national or global implications in the field of public health administration." The Petitioner's professional plan states that since the passage of the 2010 Patient Protection and Affordable Care Act, demand for

healthcare consultants has grown and industry revenue was expected to grow to $8.2 billion in 2023, and $9.8 billion through the end of 2028. The plan discusses the benefits of healthcare administrators to the healthcare industry in the United States including better patient care, business acumen, and the stimulation of productivity. The plan explains the ways in which the Petitioner would assist her clients. For example, the plan states the Petitioner would help reduce costs by automating repetitive tasks, establishing payer-provider communications platforms, and implementing industry-wide changes such as improving Medicare quality-of-care reporting. The plan does not indicate, however, that the Petitioner developed any of these methods or would develop other methods, techniques or systems that would have national or even global implications in the field of healthcare administration. *See id.* at 889 (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field). While it addresses the importance of healthcare administration, the business plan also does not demonstrate how the Petitioner's work would extend beyond her company's individual clients to impact the industry more broadly in a manner commensurate with national importance. *See id.* (explaining "we look for broader implications").

The Petitioner submitted a letter from T-K-[2], Visiting Associate Professor at the [redacted] expressing her opinion that the Petitioner qualifies for a national interest waiver. T-K- discusses the high cost of healthcare in the United States and states the Petitioner would help reduce costs through auditing and reduce spending waste through automating processes. T-K- explains that the Petitioner's proposed endeavor supports the Biden-Harris Administration's support of healthcare workers and addresses the need for experienced healthcare professionals. T-K- does not, however, specify how the Petitioner's work would extend beyond her company's clients to impact the healthcare industry more broadly at a level commensurate with national importance. *Cf. id.* at 892 (stating Dhanasar submitted probative expert letters describing the importance of his specific research as it relates to U.S. strategic interests).

The Petitioner also claims the Director disregarded how her proposed endeavor has significant potential to employ U.S. workers and would have other substantial positive economic effects. The Petitioner's professional plan states that 509,500 people were employed in the medical and health services management industry in 2022 and the industry generated 594,586 indirect jobs in the United States. The plan does not indicate that the Petitioner's company would employ any other individuals. The plan also does not provide any financial forecast of the company's profits, payments of taxes, or other contributions to the regional or national economy. Consequently, the Petitioner has not shown that her proposed endeavor has significant potential to employ U.S. workers or would have other substantial positive economic effects. *See id.* at 890 (discussing significant potential to employ United States workers and other substantial positive economic effects as indicative of national importance).

The Petitioner further asserts the Director did not consider how her proposed endeavor will broadly enhance societal welfare or cultural enrichment and will impact a matter that a government entity has described as having national importance or is the subject of national initiatives. The Petitioner does not specify what evidence supports these claims. The Petitioner submitted publications on healthcare consultants in the United States, the 2021 Interim National Security Strategic Guidance, healthcare consulting, rural hospitals at risk of closing, U.S. healthcare from a global perspective, the importance of healthcare administration, cost reduction strategies for health systems, 22 million employed in

[2] We use initials to protect the privacy of the referenced individuals.

healthcare fight against COVID-19, trends driving the need for healthcare administrators, and the role of healthcare administrators. These publications address the importance of healthcare, healthcare administration, and national security, but they do not address the Petitioner's proposed endeavor. Our assessment of national importance does not focus on the importance of issues affecting our nation in general, rather it "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the publications mention the Petitioner or address the potential prospective impact of her proposed endeavor. *See id.* (explaining we consider the proposed endeavor's potential prospective impact when assessing national importance).

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. Here, the record does not show that the Petitioner's proposed endeavor stands to sufficiently extend beyond her company's clients to impact her field more broadly in a manner indicative of national importance.

Although the Petitioner has established the substantial merit of her proposed endeavor, she has not demonstrated that it has significant potential to employ U.S. workers, has other substantial positive economic effects, has national or even global implications within her field, or has other broader implications indicating national importance

C. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of her specific proposed endeavor and she does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of her eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating 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

The Petitioner has not established the national importance of her proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, she has not demonstrated that she is eligible for or merits a waiver of the job offer requirement in the national interest as a matter of discretion.

ORDER: The appeal is dismissed.