U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43388764

Date: AUG. 11, 2026

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

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

The Petitioner is a physician who 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 (NIW) 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).

Through its Service Center Operations (SCOPS), USCIS denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding that the record established the Petitioner qualified for the underlying visa classification, but he did not merit a discretionary waiver of the job offer requirement in the national interest. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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

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 USCIS may, as matter of discretion, 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. USCIS' decision to grant or deny an NIW is discretionary in nature. *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the First, Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals).

II. ANALYSIS

A. National Interest Waiver

The Petitioner holds a foreign equivalent to a U.S. Doctor of Medicine degree and has more than 13 years of healthcare experience in obstetrics, gynecology, and maternal-fetal-perinatal medicine. He presented his proposed endeavor as the following:

> My proposed endeavor in the United States is to serve as a Medical Scientist specializing in Fetal and Maternal Medicine. This work directly aligns with the White House blueprint addressing the maternal health crisis, which emphasizes the urgent need to expand and diversify the perinatal workforce. Currently, the U.S. faces a shortage of thousands of obstetricians, licensed midwives, family physicians, and other women's health providers, with 7 million women of childbearing age living in counties with limited access to maternity care.
>
> My goal is to help close this gap by providing specialized care and management for high-risk pregnancies.

He then proceeded to provide his responsibilities to include: prenatal care, reduction in maternal mortality, improved national outcomes, training and education, and research and development.

1. Substantial Merit and National Importance (Collectively *Dhanasar's* First Prong)

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.* When we evaluate national importance, the relevant question is not the importance of the industry or profession in which the alien will work. Rather, we focus on the "the specific endeavor that the alien proposes to undertake" and we look to evidence illustrating the "potential prospective impact" of their actual proposed work. *Id.* A petitioner must demonstrate the proposed endeavor will "impact the field . . . more broadly" (*Id.* at 893) and that it has "broader implications" (*Id.* at 889). Such endeavors *may* have "national or even global implications within a particular field such as resulting from certain improved manufacturing processes or medical advances" (*Id.* at 889), have the potential to widely advance and broadly affect U.S. strategic interests (*Id.* at 892), or "particularly in an economically depressed area" the "significant potential to employ U.S. workers or [have] other substantial positive economic effects" (*Id.* at 890).

USCIS policy also provides that "if the evidence of record demonstrates that the person's proposed endeavor has the significant potential to broadly enhance societal welfare or cultural or artistic enrichment, or to contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance." *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual (citing *Matter of Dhanasar*, 26 I&N Dec. at 889–90, 892).

SCOPS concluded the Petitioner submitted evidence that was focused on the importance of his field but not on his endeavor, and that he did not demonstrate his endeavor would reflect an impact that rose to the level of national importance or how it would broadly affect his industry.

In the appeal the Petitioner continues to rely on his field and not what he would achieve in his proposed endeavor that will "impact the field . . . more broadly" and that it has "broader implications." *Matter of Dhanasar*, 26 I&N Dec. at 893, 889.

The Petitioner identifies Exhibit 2 that he indicates is his U.S. Implementation Plan and Curriculum Framework to demonstrate system-level scalability. First, neither the appeal nor his filing before SCOPS contains an Exhibit 2 as he utilized a different system to organize his exhibits. Second, it is not apparent that any document bears that title. We note his personal statement the Petitioner provided with the request for evidence response contains some of the elements he discusses on appeal, but such claims have two issues under *Dhanasar's* first prong. First, they are largely aspirational. For instance, establish maternal fetal care units in underserved counties, train 5,000 medical personnel in advanced prenatal diagnostics and obstetric emergency management. Additionally, such a model or plan for future activities appears to be better aligned with the second prong's requirements where he must demonstrate he is well positioned to advance the proposed endeavor.

Next, the Petitioner notes his endeavor is in alignment with U.S. government priorities and this confirms its national importance. A proposed endeavor does not satisfy the national importance requirement simply because it aligns with a broadly stated national initiative, policy priority, or governmental goal. That approach would be improper as it would blur the distinction between an endeavor's subject matter and its prospective impact. Under *Dhanasar*, the relevant inquiry is not whether the endeavor falls within a field that the government generally considers important. National initiatives often identify broad policy aspirations, but they include numerous activities of varying significance. If alignment with a national priority alone were sufficient, virtually any endeavor within a favored industry or occupation would automatically satisfy the national importance requirement, effectively rendering *Dhanasar's* prong one analysis meaningless.

At its core, the analysis should focus on the endeavor's anticipated prospective impact and whether its influence extends beyond the interests of a particular employer, client base, or localized geographic area. *Matter of Dhanasar*, 26 I&N Dec. at 889. A petitioner must demonstrate, through specific and objective evidence, how the proposed endeavor itself is likely to produce effects of broader consequence, such as advancing an industry, influencing practices or standards, generating significant economic effects, or otherwise creating benefits that are substantial on a national level. *Id.* General assertions that an endeavor supports a governmental priority do not, by themselves, establish that the endeavor will produce nationally important outcomes. While such an alignment may provide contextual support for the significance of the field, it is not a substitute for evidence demonstrating that a petitioner's particular endeavor is likely to have the requisite level of impact.

Alternatively, the national importance requirement mandates a proposed endeavor include aspects that have "national or even global implications within a particular field" or "particularly in an economically depressed area" have "significant potential to employ U.S. workers or [have] other substantial positive economic effects." *Id.* at 889–90.

In summary, while consistency with national priorities may be a relevant consideration in evaluating the context in which an endeavor operates, it is neither dispositive nor persuasive as part of the national importance inquiry. The proper analysis requires an individualized assessment of the proposed endeavor's projected impact based on potential influence in the broader field. *Id.* at 893. Concluding that national importance exists solely because an endeavor aligns with a governmental initiative risks replacing the fact-specific inquiry *Dhanasar* requires with a rule that the precedent does not support. That interpretation is inconsistent with the purpose of the first prong, which requires evidence that the endeavor itself—not just the policy area in which it is situated—is likely to produce consequences of national importance.

Although we agree the proposed endeavor has substantial merit, the arguments the Petitioner advances on appeal do not demonstrate it is also of national importance as the *Dhanasar* decision requires. Because the Petitioner has not sufficiently established the national importance of his proposed endeavor as required by *Dhanasar's* first prong, he has not demonstrated eligibility for an NIW of the job offer requirement.

2. We Reserve *Dhanasar's* Remaining Second and Third Prongs

As we explain above, *Dhanasar's* second and third prongs require the Petitioner to demonstrate he is eligible for an NIW meeting additional requirements. But because the Petitioner has not established that his proposed endeavor satisfies the *Dhanasar* framework's first prong, he is not eligible for an NIW and further discussion of the second and third prongs would serve no meaningful purpose. Consequently, we will not address and we reserve the Petitioner's remaining appellate arguments. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)); *see also Matter of L-R-M-C- & V-A-M-M-*, 29 I&N Dec. 757, 757 n.1 (BIA 2026) (concluding when another issue is dispositive of the appeal, we do not need to address other matters in the appeal).

III. CONCLUSION

The appeal will be dismissed for the above stated reasons, with each considered an independent and alternative basis for the decision. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden.

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.