U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41018025

Date: FEB. 2, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a digital product technical consultant, 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).

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish that the Petitioner is eligible for or otherwise merits a national interest waiver as a matter of discretion. 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 that they are an advanced 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;
- 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 is discretionary in nature).

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

Id.

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for the EB-2 visa classification as an individual holding an advanced degree, and we agree. SCOPS further decided that although the Petitioner's proposed endeavor has substantial merit and she is well positioned to advance the proposed endeavor, the Petitioner has not established that her proposed endeavor is of national importance, and, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus a labor certification. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer would be in the national interest. For the reasons we will discuss below, we determine that the Petitioner has not sufficiently demonstrated the national importance of her proposed endeavor under the first prong of the *Dhanasar* analytical framework.

The Petitioner proposed to work in the United States as a technical product manager. Regarding her proposed endeavor, the Petitioner stated that her objective in the United States is to "develop and implement an interoperable health data platform for chronic disease management," which is dedicated to "integrating diverse home diagnostic devices and wearable medical devices, creating a robust data channel between patient endpoints and healthcare institutions, and fostering a collaborative system in support of chronic disease management."

The Petitioner obtained a bachelor's degree in microelectronics from [redacted] in 2011 and a master's degree in electrical engineering and information systems from the [redacted] in 2013. The Petitioner previously worked at [redacted] as a software developer from 2014 to 2016, and her present employment at [redacted] as a principal digital product technical consultant began in December 2016.

On appeal, the Petitioner contends that SCOPS misinterpreted her proposed endeavor and this misinterpretation led to a wrongful conclusion that her proposed endeavor failed to meet the national importance requirement. The Petitioner also contends that the decision wrongfully stated that her recommendation letters addressed only past achievements and ignored their focus on her current and future contributions, that the analogy to the teacher case in *Dhanasar* was improper, and that the conclusion on the third prong was erroneous for failure to properly weigh the evidence submitted.

Here, although SCOPS correctly noted that the Petitioner intends to work in the United States as a technical product manager, we agree with the Petitioner that SCOPS erroneously quoted the Petitioner's statement regarding lessons she learned from her prior employment as her proposed endeavor. While SCOPS did not correctly quote the Petitioner's proposed endeavor, the record reflects that the Petitioner has not established by a preponderance of the evidence the national importance of her proposed endeavor.

The first prong of the *Dhanasar* analytical framework, 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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* An undertaking may have national importance, for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Id.* An endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance. *Id.* at 890.

The Petitioner contends that her proposed endeavor, which involves the development of an interoperable chronic disease management data platform, "directly supports the U.S. Federal Health Strategy" because her platform "addresses patient data acquisition and interoperability with healthcare institution systems by connecting wearable devices, thus fulfilling the federal mandate for chronic disease data interoperability." The record includes an article about value-based care and documents relating to the Office of the National Coordinator for Health Information's 2020-2025 federal health information technology strategic plan and the Centers for Medicare and Medicaid Services (CMS)' request for information seeking public input on improving the health technology ecosystem. The article discusses the importance of value-based care and the CMS' commitment to promote health equity through its value-based initiatives. The federal health information technology strategic plan shows the federal government's promotion of interoperability of health information through several programs, and the CMS' request for information demonstrates the federal government's commitment to advancing digital health.

In determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work. Instead, we focus on the specific endeavor that the foreign national proposes to undertake. *See Dhanasar*, 26 I&N Dec. at 889. Here, the documents may show that the Petitioner's proposed endeavor indirectly supports the government's initiatives in promoting value-based care and digital health. However, the Petitioner has not provided sufficient evidence specifically mentioning her proposed endeavor or discussing the government's interest in promoting the use of her work on developing and implementing an interoperable health data platform for chronic disease management such that it has "national or even global implications within a particular field." *See id.* The Petitioner has not shown that her proposed endeavor would impact the U.S. healthcare more broadly rather than benefiting her employer, clients, and users of her health data platform. Without sufficient documentary evidence of its broader impact, the Petitioner's proposed work does not meet the national importance element of the first prong of the *Dhanasar* framework.

In addition, the Petitioner asserts that her platform "provides device manufacturers and Artificial Intelligence (AI) service providers with convenient integration capabilities, fostering an open ecosystem that accelerates the adoption of remote healthcare and preventive digital health solutions, thereby promoting growth and advancement across upstream and downstream industries." The Petitioner provided recommendation letters from experts in the field. The chief technology officer and vice president of [redacted] asserts that "[the Petitioner's] platform has the potential not only to advance technology and policy integration but also to deliver meaningful impact to patents." A professor in the Department of Biomedical Informatics at [redacted] expresses that "[the Petitioner's] work will make a real contribution to the future of healthcare" and "it is exceptionally well aligned with the United States' long-term goals in preventive care, digital health equity, and value-based care transformation." The head of data science for [redacted]

Semiconductors within [redacted] Research states that "[o]nce proven, [the Petitioner's] platform has the potential to scale globally as many other countries face the same systemic issues: aging populations, rising chronic disease burden, unsustainable healthcare costs, and the need to improve equity." The director in data science at [redacted] affirms that "[the Petitioner's] platform offers significant potential to enhance care quality, reduce costs, and improve outcomes – especially for underserved or rural populations." A senior technical solution lead at [redacted] states that "[the Petitioner's] platform is not simply a product, but a foundation for public health infrastructure." A professor at the [redacted] asserts that the Petitioner's "global health platform initiative represents the kind of visionary, technically grounded, and execution-ready project that the future of preventive healthcare urgently needs."

The opinions of the Petitioner's references are not without weight and have been duly considered. We may, in our discretion, use advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we are ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of reference letters supporting the petition is not presumptive evidence of eligibility; we may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). Thus, the content of the references' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of an accomplished digital product technical consultant in the field. *Cf. Visinscaia v. Beers*, 4 F.Supp.3d 126, 134-35 (D.D.C. 2013) (concluding that USCIS' decision to give little weight to uncorroborated assertions from professionals in the field was not arbitrary and capricious).

Here, the letters explain the Petitioner's proposed endeavor is to build an artificial intelligence enabled multimodal interoperable platform integrating consumer digital health solutions for chronic disease management and describe its potential impact on technology, policy integration, healthcare, and public health infrastructure. However, the letters do not offer sufficient information and evidence to substantiate the claimed impact or establish its impact rising to the level of national importance. *See Dhanasar*, 26 I&N Dec. at 889. Rather, the Petitioner's references speculate about how the Petitioner's platform may affect the field of healthcare at some point in the future. The assertion that the Petitioner's platform results are likely to be influential in her field is not adequate to establish that her proposed endeavor is of national importance. The Petitioner has not provided sufficient documentary evidence to establish that her platform would impact the healthcare industry or the field of digital health, technology, device manufacturing, or artificial intelligence more broadly rather than benefiting her employer, clients, and users of her health data platform.

As for the economic value and job creation that the Petitioner asserts her proposed endeavor will offer, the Petitioner claims that "from 2030 to 2025, the interoperable chronic disease management platform will serve over one million U.S. chronic disease patients and, starting in 2035, it will annually save Medicare approximately $1.94 billion per year. Cumulative Medicare savings for 2030 to 2035 are estimated at $6.63 billion." The Petitioner further asserts that "the platform will substantially increase demand for related products and simulate upstream industrial growth," "every 0.5% increase in

industry scale generates about 1,700 additional high-skilled domestic jobs annually," and "[b]etween 2030 and 2025, the platform's demand is expected to create over 8,500 highly-skilled jobs in the U.S."

However, the record does not provide sufficient details of the basis for these economic projections, nor does it adequately explain how the targeted number of platform users, Medicare savings, and domestic job creations will be realized. *See Matter of Chawathe*, 25 I&N Dec. at 376 (providing that the preponderance of the evidence standard requires that the evidence demonstrates that the petitioner's claim is probably true, where the determination of truth is made based on the factual circumstances of each individual case). Here, lack of supporting details detracts from the credibility and probative value of the projections provided in the Petitioner's future plan. Moreover, even if all the projections in the Petitioner's future plan were realized, the record lacks sufficient evidence showing that the Petitioner's health data platform will have an impact on the healthcare industry, the field of digital health, or the U.S. economy at a level commensurate with national importance. *See Dhanasar*, 26 I&N Dec. at 889. For example, the Petitioner has not offered sufficient evidence to establish that her employer or clients will employ a significant population of workers in an economically depressed area or that her endeavor will offer a particular U.S. region or its population a substantial economic benefit through employment levels or business activity. *Id.* at 890. Nor has the Petitioner demonstrated that any increase in her employer's or client's revenue attributable to her health data platform stands to substantially affect economic activity regionally or nationally. *See id.* Accordingly, the record does not sufficiently demonstrate that the Petitioner's proposed endeavor is of national importance.

For the reasons we have discussed above, the record lacks sufficient information or evidence to establish that the Petitioner's proposed endeavor to build an artificial intelligence enabled multimodal interoperable platform integrating consumer digital health solutions for chronic disease management will have an impact on the healthcare industry, the field of digital health, technology, device manufacturing, or artificial intelligence, the U.S. healthcare system, the U.S. economy, or a particular field or industry at a level commensurate with national importance. *See id.* at 889.

Because the record does not sufficiently show the national importance of her proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Therefore, further analysis of her eligibility under the second and third prongs outlined in *Dhanasar* would serve no meaningful purpose, and we will reserve these issues for future consideration should the need arise.[2]

III. CONCLUSION

Although the Petitioner has shown that she is a member of the professions holding an advanced degree and her proposed endeavor has substantial merit, she has not established by a preponderance of the evidence that her proposed endeavor is of national importance. Accordingly, we conclude that the Petitioner is ineligible for or otherwise merits a national interest waiver as a matter of discretion.

[2] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("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 alternate issues on appeal where an applicant is otherwise ineligible).

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.