U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40778750

Date: JUL. 01, 2026

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

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

The Petitioner 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).

USCIS denied the petition, concluding the Petitioner did not establish eligibility for 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 establish eligibility for a national interest waiver, petitioners must 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 petitioners demonstrate:

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

Id.

[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).

II. ANALYSIS

Regarding the national interest waiver, the first prong relates to substantial merit and national importance of the specific proposed endeavor. *Dhanasar*, 26 I&N Dec. at 889. At initial filing, the Petitioner's cover letter indicated:

> . . . My business initiative will aim at providing good and exceptional quality of care for the elderly in the United States of America. Iam [sic] challenged to provide more opportunities for care and assistance at home hence providing multiple benefits for the aging American population. Further enhancing the lives of seniors in ways such as comfort, personalized care, faster recovery, one on one Attention, cost effectiveness, peace of mind, independence, companionship, family involvement, pet ownership. My business endeavour [sic] is beneficial for the whole US Nation and will satify [sic] the national goals of this nation.

In addition, the Petitioner provided a business plan for "[redacted]," which she intends to own and operate "home care and social services in [redacted] Massachusetts."

In response to the request for evidence, the cover letter claimed:

> [The Petitioner] endeavors to transform elder care in the United States by expanding access to high quality, in-home caregiving services through her company, [redacted] LLC. She will address critical national challenges such as the growing aging population and the strain on institutional healthcare systems. By delivering personalized, cost-effective, and compassionate care directly to seniors' homes, the Petitioner will promote aging in place, reduce hospital readmission rates, and support overburdened family caregivers. Aligned with federal priorities under the U.S. Department of Health and Human Services' Home- and Community-Based Services (HCBS) framework, she will also create meaningful employment opportunities, particularly in distressed and underserved areas. Through this endeavor, [the Petitioner] aims to elevate care standards nationwide while contributing to healthcare cost savings, improving caregiver retention, and enhancing the dignity and well-being of elderly Americans.
>
> . . . [The Petitioner] intends to implement a scalable, community-based home care model through [redacted] LLC that prioritizes comfort, one-on-one attention, and continuity of care. Her initiative will recruit and train a skilled caregiving workforce to deliver services such as dementia care, post-hospital support, personal care, and companionship directly to clients' homes. By improving caregiver availability and service quality, the Petitioner will reduce institutional dependency and empower families, support public health priorities, and strengthen the national healthcare infrastructure across the U.S.

The Petitioner also submitted a business plan for "[redacted] LLC," indicating that "[t]he Company will be headquartered in [redacted] Massachusetts, and will focus on serving aging populations across the Northeastern United States."

As it relates to substantial merit, the endeavor's merit may be shown in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. USCIS determined the Petitioner established the substantial merit aspect, but not national importance, of the proposed endeavor.

On appeal, the Petitioner argues that "USCIS erred in finding that the proposed endeavor – implementation of a scalable, community-based home care model through [redacted] LLC – lacks national importance," and "[t]he endeavor addresses a recognized, nationwide healthcare priority, not merely local or individual needs, and thus satisfies Dhanasar's first prong." The Petitioner also references figures from the U.S. Census Bureau that "1 in 5 Americans will be over age 65" by 2030 and other Federal agencies "have documented severe nationwide caregiver shortages and escalating healthcare costs tied to long-term care."

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. Although the Petitioner references the importance of healthcare, homecare, and eldercare, as well national initiatives, the matter here is not the importance of any of these issues. Rather, the Petitioner must demonstrate the national importance of her specific, proposed endeavor of owning and operating a homecare business. In *Dhanasar*, we noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n 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.

Moreover, to evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of the work. *Id.* at 889. Here, the Petitioner did not demonstrate how her business would largely influence the field and rise to the level of national importance. In *Dhanasar*, we determined 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. Similarly, the record does not show through supporting documentation, including her business plans, how the Petitioner's particular endeavor sufficiently extends beyond its prospective clients or the limited individuals who may elect to use its services, to impact the field or the U.S. economy more broadly at a level commensurate with national importance.

Further, the record includes an expert opinion letter from L-M-B- who opined that the Petitioner's proposed endeavor has national importance. However, while the letter claims that the Petitioner's proposed endeavor "advances the goals outlined in federal initiatives to modernize eldercare and strengthen long-term care infrastructure" and "aligns with national public health priorities," the letter does not explain how the Petitioner's business would have broader implications for our country rather than limited effects to the particular service area or her clients. Moreover, the letter addresses more

of the substantial merit aspect of the proposed endeavor rather than how it will have a broader impact in the field, more akin to the national importance part. *See Dhanasar*, 26 I&N Dec. at 893.

Finally, her most recent business plan claims that her business would generate 8 jobs in year one and increase to 18 jobs in year five, and the business plan projects a sales forecast from $470K in year one to $1.232M in year five. The Petitioner, however, did not support the record to corroborate any of her economic assertions in the business plan. Further, the Petitioner did not demonstrate how her business plan's revenue projections, even if credible or plausible, offer substantial positive economic effects for our nation. Although the business plan forecasts revenue, the Petitioner did not establish the significance of the data to show how the benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. Moreover, the Petitioner did not show that the company's projected staffing levels would provide substantial economic benefits to the [redacted], Massachusetts area or to the U.S. economy more broadly at a level commensurate with national importance. The Petitioner, for instance, did not demonstrate that such employment figures would utilize a significant population of workers in the area or would substantially impact job creation and economic growth, either regionally or nationally.

For all these reasons, the record does not show that, beyond the limited benefits provided to its clients or employees, the Petitioner's proposed endeavor has broader implications rising to the level of having national importance or that it would offer substantial positive economic effects.

Because the documentation in the record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of the Petitioner's qualification under the second and third prongs outlined in *Dhanasar* would serve no meaningful purpose. Accordingly, we reserve these specific issues.[2]

III. CONCLUSION

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

[2] *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).