U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39108786

Date: JULY 17, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a chief executive officer, 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, concluding that the record did not establish the Petitioner's eligibility for the requested national interest waiver. The matter is now before us on appeal. 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, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act. An advanced degree is any United States academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. A United States bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. 8 C.F.R. § 204.5(k)(2).

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

II. ANALYSIS

The Director determined that the Petitioner qualified for the underlying EB-2 classification as a member of the professions holding an advanced degree. Therefore, the remaining issue is whether the Petitioner established eligibility for a national interest waiver under the *Dhanasar* framework.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We agree with the Director's conclusion that the proposed endeavor has substantial merit as it falls within the range of areas of substantial merit, namely business, entrepreneurialism, science, technology, and health. *Id.* However, while the Petitioner has established that the proposed endeavor has substantial merit, the record does not establish its national importance.

The Petitioner stated her proposed endeavor was for her newly established U.S. company to create a mobile application that "focuses on connecting patients and their caregivers with the right home healthcare providers who are vetted for compliance and can provide customized care in the fields such as occupational and physical therapy." The Petitioner indicated that each patient would receive customized care through the platform, including telehealth appointments and home healthcare services. The Petitioner asserted that this would save patients and providers healthcare costs. The Petitioner pointed to a 2023 IBISWorld industry report discussing smartphone application developers in the United States and stated this supported her company's hiring projections reflecting it would hire 68 employees in five years.

The Petitioner also explained that her proposed endeavor would broadly enhance societal welfare by offering jobs and income to unemployed Americans, increase taxes collected by the government, and provide home care for patients thereby reducing relocation, loneliness, and readmissions among American seniors. The Petitioner asserted her company would provide a safe environment for seniors, help their mental health, and give them independence and empowerment. She further indicated that she could transfer her unique knowledge to the employees of her company creating a highly qualified workforce. In addition, the Petitioner emphasized that she holds a degree in medicine, a STEM (Science, Technology, Engineering, and Mathematics) field, and therefore her proposed endeavor was in line with the USCIS policy manual promoting "prior start-up entities or having a combination of

[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 to be discretionary in nature).

relevant degrees and experience to equip [them] to advance the proposed endeavor." Lastly, the Petitioner pointed to the claimed substantial economic effects of her proposed endeavor, including the 68 jobs in would generate, tax payments to the U.S. government and the state of Florida suffering from the effects of hurricane damage, and the medical assistance it would provide seniors.

SCOPS later issued a request for evidence (RFE) stating that the submitted evidence was insufficient to demonstrate that the Petitioner's proposed endeavor would have a regional or national impact or have broader implications in the field consistent with national importance. As such, SCOPS asked for additional evidence to establish the potential prospective national impact of the Petitioner's proposed endeavor, including its national or global implications within a particular field or its significant potential to employ U.S. workers or have other substantial positive economic effects, broadly enhance societal welfare, or impact a matter a government entity has described as having national importance.

In response, the Petitioner stated that she "developed a comprehensive plan for her company" and emphasized her expertise and lengthy professional career in the medical industry. The Petitioner again pointed to the IBISWorld industry report previously submitted and contended that this report was "a leading source of industry-specific knowledge, trends, and expectations, which are relied upon by business executives and investors." The Petitioner now stated that it projected that the company would generate 108 jobs by its fifth year of operation, have significant regional economic impact in Florida including incomes spent in the region and tax revenue generated. The Petitioner emphasized the projected increase in Americans over 65 years old by 2030 and the growing size of the home healthcare industry thereby demonstrating the growing demand for an application connecting patients, families and caregivers with vetted home healthcare providers.

The Petitioner again reiterated her assertions with respect to the claimed societal impacts of her proposed endeavor and further discussed the large elderly population in Florida where the business would operate, noting that the state was behind others in addressing the needs of its elderly population. The Petitioner stated that her company and its proposed application would help social welfare by making healthcare more affordable, address a critical need for healthcare services, improve health outcomes, reduce the financial burden on federal and state programs like Medicare and social security, and reduce the burden on hospitals, while responding directly to the growing demand for home healthcare services. The Petitioner also reemphasized the Petitioner's education and experience, including her advanced degree in a STEM field, noting that the promotion of her proposed endeavor in one of these fields would be consistent with USCIS policy. In addition, the Petitioner stated that the claimed substantial economic impacts that would result from her proposed endeavor would assist economically distressed communities in Florida, suffering from the lingering effects of recent hurricane damage.

Lastly, the Petitioner stated that her proposed endeavor aligned with several important federal initiatives including the prior administration's emphasis on promoting transformative changes in the STEM fields to expand access, opportunities, and innovation. The Petitioner also pointed to a Federal Drug Administration (FDA) "Home as a Health Care Hub" initiative aimed at "integrating the home environment into healthcare systems to advance health equity and accessibility" and a Health and Human Services (HHS) strategic plan focused on information technology to enhance healthcare delivery through digital platforms, among others. The Petitioner contended that her proposed endeavor directly addressed these general healthcare initiatives promulgated by the government.

In denying the petition and concluding the Petitioner did not demonstrate the national importance of his proposed endeavor, SCOPS determined she did not show that the proposed endeavor had the potential to impact the field more broadly, have the significant potential to employ U.S. workers, or have substantial positive economic effects. SCOPS reasoned that the Petitioner did not offer sufficient detail and explanation to support its staffing and revenue projections and did not establish that her techniques, methodologies, or methods were sufficiently innovative or distinct from similar businesses or that the proposed medical application would represent an improvement in the field with broad impact.

On appeal, the Petitioner contends that SCOPS insufficiently considered the submitted evidence and asserts she provided substantial documentation demonstrating the significance of her proposed endeavor including her business plan, articles, and other evidence detailing the specific contributions and the positive impact her endeavor would have on industry standards, innovation, and community welfare. The Petitioner largely reiterates the assertions submitted in response to the RFE.

In *Dhanasar* we said that, in determining national importance, the relevant question is not the importance of the field, industry, or profession in which a petitioner may work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Dhanasar* at 889. We therefore "look for broader implications" of the proposed endeavor, noting 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.

The Petitioner did not sufficiently establish that her proposed endeavor would significant potential to employ U.S. workers or have other substantial positive economic effects. The Petitioner submitted large hiring and revenue projections with little objective support. In fact, the Petitioner revised her projections from 68 employees and approximately $22 million in revenue annually by its fifth year of operation in support of the petition to 108 employees and $36.6 million in annual revenue in response to the RFE. The Petitioner provided no objective explanation for this material change. A petitioner may not make material changes to a petition that has already been filed in an effort to make a deficient petition conform to USCIS requirements. *Matter of Izummi*, 22 I&N Dec. 169, 175 (Assoc. Comm'r 1998).

Beyond its lofty hiring and revenue projections, the Petitioner provided little evidence or explanation to support how its proposed home healthcare application would have a potential prospective national economic impact. The Petitioner provided little detail as to the operation of this proposed application, how it would be different from others already in operation, how the technology would be used, or how it would be innovative, beyond a few proposed screen shots as to what it may look like on a smart phone. The Petitioner submitted memorandums of understanding executed with technology consultants, but there was little indication that the development of this proposed application had been worked on or formulated in any material respect. Likewise, the Petitioner stated that she had funds to invest in the company amounting to just over $4000 to "get it off the ground," an amount leaving substantial uncertainty as to its large hiring and revenue projections. Although the Petitioner submitted a letter of intent from her foreign employer discussing a potential commitment of $200,000 to the project, she provides little support for how this amount would lead to the hiring of 108 individuals in

five years, particularly since there is little in the way of detail as to the nature of the application on the record.

The Petitioner also emphasizes a submitted 2023 IBISWorld industry report discussing smartphone application developers in the United States and the fast-growing nature of the industry as support for its hiring and revenue projections. However, the report discussed by the Petitioner relates to the development of applications across all industries and provides little support for the potential impact of her proposed creation of an application in the home healthcare industry. The Petitioner submitted little information and evidence on the status of other potential homecare applications, if any, and did not sufficiently demonstrate that her proposed application would have a national level impact in her field, a field she many times emphasizes is large and growing, particularly in the state of Florida. In addition, the Petitioner did not sufficiently demonstrate that her proposed endeavor would have a substantial positive economic effect in an economically depressed area as claimed. The Petitioner provided little detail on how her proposed endeavor, namely her company, would have an economic effect on any specific economically depressed area, but only indicated that there were significant portions of the state of Florida fitting into this category. The Petitioner must resolve inconsistencies and ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Generalized conclusory statements that do not identify a specific impact to the field have little probative value. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications).

In sum, the Petitioner submitted little objective support that her proposed endeavor would likely have a substantial national level economic impact, beyond referring to the Beneficiary's experience and expertise working as a physician and businesswoman abroad. Although any basic economic activity resulting from the Petitioner's work has the potential to positively impact the economy, she has not provided sufficient explanation of the prospective national impact directly attributable to her proposed work or established how her endeavor would impact an economically depressed area. While we recognize that the Petitioner gained experience in the field with several companies abroad, a petitioner's expertise and record of success are considerations under *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890.

The Petitioner also did not establish that her proposed endeavor would have a potential prospective societal impact on a national level. The Petitioner only vaguely stated that her proposed endeavor would have various national level societal impacts without adequate objective support, such as making healthcare more affordable, improving health outcomes for patients, reducing the financial burden on federal and state programs like Medicare and social security, and reducing the burden on hospitals, among others. Even if the Petitioner were successful in launching her proposed home healthcare application it appears unlikely this largely unexplained application would have a national level societal impact on so many major problems within the medical field and society in general. The Petitioner provided little evidence to demonstrate such a likely potential prospective societal impact.

The Petitioner further asserts that her proposed endeavor would have a national level impact on STEM field, as supported by the USCIS policy manual. Although USCIS recognizes the importance of progress in the STEM fields, particularly in critical and emerging technologies, and in areas important to U.S. competitiveness or national security, the Petitioner did not sufficiently demonstrate that her

proposed endeavor related to either. Many proposed endeavors aim to advance STEM technologies and research, whether in academic or industry settings but also must have sufficiently broad potential implications to demonstrate national importance. *See* 6 USCIS Policy Manual F.5(D)(2). However, as discussed, although the Petitioner points to general government initiatives such as the Federal Drug Administration (FDA) "Home as a Health Care Hub" initiative and the a Health and Human Services (HHS) strategic plan focused on information technology to enhance healthcare delivery through digital platforms, she does not discuss in sufficient detail or document the technology that would be utilized to effectuate her proposed endeavor, nor how it is critical and emerging technologies and/or important to U.S. competitiveness or national security. Again, the Petitioner has listed numerous potential national impacts of her work but provided little objective support as to how her work would lead to all these impacts, such as making healthcare more affordable, addressing the critical need for healthcare services, improving health outcomes, reducing the financial burden on federal and state programs like Medicare and social security, and reducing the burden on hospitals. The Petitioner largely emphasizes her experience, expertise, and connections in general, but submitted few details on how her proposed endeavor would generate this many potential prospective national impacts, each which could be reasonably deemed large national issues.

In addition, the record does not establish that the Petitioner's endeavor "has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area." *Id.* at 890. The Petitioner provides no objective projections related to her projected jobs and revenue numbers, or the asserted tax impacts of her endeavor. She did not properly substantiate how her proposed endeavor would have a national level impact on the national home health care industry. The Petitioner did not submit specific and targeted business plans but provides generic assertions about impacting numerous aspects of the economy, each which could be reasonably deemed separate, large, industries or aspects of the economy. Although any basic economic activity resulting from the Petitioner's work has the potential to positively impact the economy, she has not provided sufficient explanation of the prospective national impact directly attributable to her proposed work or established how her endeavor would impact an economically depressed area. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

For all the reasons discussed, the evidence does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision.

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's eligibility and appellate arguments under *Dhanasar*'s second and third prongs. *See INS v Bagamasbad*, 429 U.S. 24, 25 ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reached"); *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).

ORDER: The appeal is dismissed.