U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43193091

Date: JUL. 28, 2026

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

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

The Petitioner, a nurse technician, 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 that the record 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 the underlying 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 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

Service Center Operations (SCOPS) concluded that the Petitioner does not qualify as an advanced degree professional or as an individual of exceptional ability. We will reserve consideration of the Petitioner's eligibility for the underlying EB-2 classification, as the Petitioner's ineligibility for a national interest waiver under the *Dhanasar* analytical framework is dispositive of this appeal. *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).

The Petitioner is a nurse technician who has experience in critical and emergency care, occupational health, and homecare nursing. His endeavor is to develop "a specialized healthcare company aimed at providing high-quality, humanized in-home care services." He stated that his venture is designed to meet the growing demand for personalized healthcare—particularly for elderly individuals and those with chronic conditions—by offering services such as nursing care, palliative care, and recovery support. By providing specialized in-home care, he stated that his company would contribute to a more efficient healthcare system. His company would help reduce hospital readmissions and ensure patients receive continuous care in a comfortable and familiar environment, improving patient outcomes and alleviating the pressure on hospital resources.

An endeavor's merit may be shown in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Matter of Dhanasar*, 26 I&N Dec. at 889. SCOPS determined that the Petitioner established the substantial merit of his proposed endeavor. We agree. SCOPS concluded, however, that he did not establish the endeavor's national importance, that he is well positioned to advance the endeavor, or that, on balance, it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner asserts that SCOPS "did not give due regard" to certain evidence and misapplied *Dhanasar's* first prong "by demanding proof that the endeavor would transform the nursing field 'more broadly,' while discounting direct evidence of job creation, wage distribution, multistate expansion, healthcare access, and patient-centered in-home care." The Petitioner maintains that the record establishes his eligibility for a national interest waiver.

In determining whether the proposed endeavor has 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 "the specific endeavor that the foreign national proposes to undertake." *Id.* In *Matter of Dhanasar*, we further 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.

The Petitioner stated his intention to operate his business in [redacted] and [redacted] and he submitted documentation from the Small Business Administration identifying areas in these cities as

underutilized business zones in disadvantaged communities. He did not, however, explain what specific positive economic effects his company would have in those areas, such as whether or how his company would utilize a significant population of workers in a given area or otherwise substantially impact job creation and economic growth. The Petitioner also stated that his endeavor "will greatly impact the U.S. home healthcare industry by advancing personalized in-home care, creating jobs, and boosting the economy." He submitted a business plan that anticipates creating 19 jobs and 3.33 million in wages over five years with projected revenues of $7.88 million. But he has not provided evidence to substantiate these forecasts, and his projections are not accompanied by an explanation of the origins of the figures used in his calculations. Further, he has not provided evidence to demonstrate how his anticipated staffing level and revenue would provide substantial economic benefits to the economy.

A petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to his work, the record does not show that benefits to the U.S. regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated in our precedent decision. *See Matter of Dhanasar*, 26 I&N Dec. at 890.

Moreover, to evaluate whether an endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of the proposed work. *Id.* at 889. Here, the Petitioner has not demonstrated the impact of his specific business, such as how it would "expand access to high-quality in-home nursing care, palliative care, recovery support, and personal care services" by offering "cost-effective care solutions that reduce the overall burden on the healthcare system." In describing his proposed business, both in statements in the record and in his business plan, the Petitioner uses generalized language to repeat his intentions for his company, such as stating that it would "integrate telehealth services to provide continuous monitoring and consultations and use advanced medical equipment to ensure high-quality patient care and safety, focusing on efficient in-home healthcare delivery." He stated that his company would signify its "strong commitment to public health through strategies like reducing hospital readmissions to lower the burden on the healthcare system, providing cost-effective care to minimize financial strain on families, and promoting patient well-being to improve overall community health." This phrasing might apply to any meritorious endeavor to operate a business providing high-quality healthcare services; here, the Petitioner has not provided details concerning what, specifically, his company would offer in a manner demonstrating that his work will have an impact on a national level.

To provide context and support for the national importance of his endeavor, the Petitioner submitted information about immigration and job creation, testimony from the U.S. Chamber of Commerce discussing limitations and opportunities for entrepreneurship in the United States, and industry reports and articles about improving and expanding access to affordable childcare and long-term care. He emphasized that his endeavor aligns with federal initiatives to support patient-centered care and enhance the quality of healthcare services, promoting longer and healthier lives by improving healthcare access and quality. However, he has not provided evidence or a more comprehensive explanation of how his business would have broader implications for the United States. We also note that although the record includes information about national childcare initiatives, the Petitioner's business plan does not discuss whether or how his company would address those initiatives. The Petitioner's overall claim of his endeavor's alignment with national priorities does not constitute

evidence of the endeavor's potential prospective impact. Again, it is not the importance of the field in which the Petitioner intends to work, but the specific endeavor on which he will embark that we consider when evaluating his endeavor's national importance. *Id.* at 889.

We note that the Petitioner submitted documentation relating to nursing shortages in the United States, stating that, "[g]iven its multifaceted mission and scalability," his endeavor would "address critical national needs, including the shortage of specialized in-home healthcare services, improving healthcare access in underserved areas, and enhancing patient outcomes through innovative care models." But the Petitioner has not provided evidence to demonstrate that his proposed endeavor will create jobs in numbers that would meaningfully reduce any national shortages. Moreover, shortages of qualified workers are directly addressed by the U.S. Department of Labor through the labor certification process.

Finally, we have reviewed letters of support from individuals who have worked with the Petitioner. These letters confirm his employment history and discuss his qualifications as a nurse technician, his collaborative character, and his commitment to providing personalized care. Several provide examples of his calm and decisive treatment of patients. An expert opinion letter from a physician and professor at the [redacted] discusses only the Petitioner's qualifications as an individual of exceptional ability—an issue which, as stated above, we will reserve in this matter. A letter from a partner at [redacted] mentions the proposed endeavor, but it does so only by repeating the Petitioner's general claims of the endeavor's national importance. The remaining letters of support do not discuss his proposed endeavor. Because these letters do not address the Petitioner's proposed endeavor to operate a business providing healthcare services, they do not serve as supporting evidence of the potential prospective impact of the work the Petitioner intends to undertake. *Id.*

The record does not establish the national importance of the proposed endeavor as required by the first prong of *Matter of Dhanasar*. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 25.

III. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The petition will remain denied.

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.