U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 44013231

Date: JUNE 17, 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 medical doctor, 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.[1] *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

USCIS denied the petition, concluding 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,[2] grant a national interest waiver if the petitioner demonstrates that: (1) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their

[1] The Petitioner's Form I-290B was initially assigned receipt [redacted] On June 10, 2026, we issued correspondence notifying the Petitioner that this had been changed to the current receipt number, [redacted] This is only an internal processing change.

[2] *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).

proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

II. ANALYSIS

The Petitioner states she has over 20 years of experience in the medical field and has previously worked as a CEO and pediatrician. The Petitioner states that her proposed endeavor is to establish [redacted] a consulting firm that will "revolutionize maternal and child health through innovative, evidence-based consulting, mentoring, management, educational services, and digital products." The company's mission focuses on "promoting health, preventing accidents and disease, and fostering healthier, more productive future generations."

USCIS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but that she did not establish her eligibility under the *Dhanasar* analytical framework. Specifically, USCIS found the Petitioner did not establish that her proposed endeavor has substantial merit or national importance, that she is well-positioned to advance the proposed endeavor, and that, on balance, waiving the job offer requirement would be beneficial to the United States.

In concluding the Petitioner did not meet the national importance requirement of *Dhanasar's* first prong, USCIS found that the evidence did not show her proposed endeavor's potential prospective impact would rise to the level of national importance. They determined the Petitioner relied predominantly on generalized conditions affecting the healthcare sector as a whole and did not show how her specific endeavor would address or meaningfully alleviate those nationwide challenges. They also found that the Petitioner did not demonstrate that her endeavor has a significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for the nation.

On appeal, the Petitioner reiterates her eligibility for a national interest waiver and asserts that USCIS misapplied the law. She also argues that USCIS did not properly consider the evidence or provide an individualized analysis of it. The Petitioner submits additional evidence with her appeal, including articles on topics such as obesity rates, infant mortality, and children's health needs.

Upon de novo review, and after carefully evaluating all the evidence submitted, we agree with USCIS' conclusion that the Petitioner has not demonstrated her proposed endeavor's national importance and, thus, has not established her eligibility for a national interest waiver.[3] Accordingly, we will dismiss the appeal.[4]

As an initial matter, the Petitioner generally contends that USCIS incorrectly applied the standards set forth in Section 203(b)(2)(B) of the Act, 8 C.F.R. § 204.5(k)(4)(ii), and *Matter of Dhanasar*. However, beyond this vague statement and her general disagreement with USCIS' conclusions, she does not specifically explain how USCIS misapplied the law. As discussed below, we agree with USCIS' conclusion that the Petitioner has not satisfied *Dhanasar's* first prong and so cannot establish her

[3] Because we agree that the Petitioner has not demonstrated the national importance element of *Dhanasar's* first prong, we will reserve the issue of whether she has established her proposed endeavor's substantial merit. *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).

[4] While we do not discuss every piece of evidence individually, we have reviewed and considered the record in its entirety.

eligibility for a national interest waiver. Without further elaboration of this specific argument on appeal, we cannot find otherwise based on the evidence before us.

The Petitioner also contends that USCIS' Request for Evidence (RFE) did not "demonstrate any specific questions regarding the merits of the case" and that "the entire case was denied without giving the [Petitioner] the opportunity to provide clarifications on specific points, as determined by the denial." However, 8 C.F.R. § 103.2(b)(8)(iii) gives USCIS the *discretion* to issue an RFE or NOID. Neither the Act nor the regulations require us to do so. As the Petitioner recounts on appeal, she has submitted "more than 1,000 pages" of evidence. She also has had the opportunity to, and has supplemented the record twice with additional evidence, both in response to the RFE and on appeal. It is the Petitioner's burden to prove that she is qualified for the benefit sought. *See Matter of Chawathe*, 25 I&N Dec. at 376. While she has been provided ample opportunity to do so, she has not met that burden.

Turning to the *Dhanasar* analytical framework, the first prong—substantial merit and national importance—focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id*. 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.

In this case, the Petitioner has not met her burden to demonstrate that her proposed endeavor's potential prospective impact rises to the level of national importance. In particular, the Petitioner has not shown, and the record does not illustrate, how the impact resulting from her company's individualized consulting services would sufficiently extend beyond her company, its clients, and individuals she trains, to impact the field more broadly at a level commensurate with national importance.

Much of the evidence in the record and the Petitioner's arguments focus on the general importance of the healthcare, obstetrics, and pediatrics fields generally. The Petitioner claims her endeavor is nationally important because it aligns with U.S. healthcare priorities such as reducing maternal and infant mortality, addressing workforce shortages, and strengthening healthcare delivery systems. Through her company, she claims she will support institutional efficiency, create jobs, and contribute to improved health equity, which make her work "highly relevant" to national health objectives and public policy goals. In support of her claims, the Petitioner submitted various articles and reports on topics such as issues with the U.S. health system, healthcare staffing problems, infections in newborns, maternal mortality, and healthcare consultants in the U.S.

While we recognize the overall value of the healthcare, obstetrics, and pediatrics fields, the Petitioner's work in an important industry or sector, even one that is the subject of national priorities, is not sufficient, in and of itself, to establish the national importance of the proposed endeavor. *See id.* at 889 (stating that the first prong's focus is on "the specific endeavor that the foreign national proposes to undertake"). Although the submitted articles and reports provide helpful background information

on the aforementioned areas, they do not establish how her work, in particular, would impact those areas more broadly at a level rising to national importance.

The Petitioner attempts to highlight the broader implications of her endeavor by linking it to the general societal, economic, or other benefits that may arise from working in her fields. But, she has not established how her specific endeavor would achieve these goals and have broader, nationally important impacts. The Petitioner submitted a business plan but it provides only high-level summaries and broad objectives of her intended services without specific details about the projects and how she plans to implement them. For example, while she states her company's portfolio will include consulting services, mentorship programs, workshops and lectures, health management services, and digital products development and sales, she provides little meaningful detail beyond these generalized descriptions to specifically explain what these activities involve, why these methods are different or an improvement from what is already available in the industry, or how her particular methods would result in the nationally important impacts claimed. Moreover, we note that much of the Petitioner's work appears to be customized to the needs of her clients, which would limit the extent to which she could show broader impacts beyond those clients.

The Petitioner states that her work "carries clear national importance in the United States, particularly through her commitment to knowledge dissemination and professional empowerment among physicians and pediatric specialists." She contends there is an "urgent need to focus on the development and training of healthcare professionals who work directly with the pediatric population." But, in the same way that *Dhanasar* finds that a classroom teacher's proposed endeavor is not nationally important because it will not impact the field more broadly, we also conclude that the Petitioner has not shown these activities would sufficiently extend beyond the individuals she trains to affect the nation more broadly at level commensurate with national importance.

Likewise, although the Petitioner claims that her work will "influenc[e] multiple structural layers-individuals, professionals, and institutions thereby producing scalable improvements in preventive healthcare and public health literacy across the United States," the evidence does not illustrate how her services would sufficiently extend beyond her immediate sphere of influence to produce the nationally important impacts claimed. For example, the Petitioner contends that her endeavor "directly impacts healthcare outcomes, professional standards, and the future direction of pediatric medicine in the country." But the evidence does not reveal how her services, or any ripple effects thereof, would have such far-reaching results. The Petitioner has not carried her burden to show that the benefits from her endeavor would extend beyond those working for her company and utilizing her services to have wider, nationally important implications.

The Petitioner also claims that her endeavor is nationally important because it will contribute to job creation, generate tax revenue, and have a "positive impact" on the economy. The Petitioner also claims her company will have an indirect impact on various businesses, leading to increased productivity, value creation, employment opportunities, and industry earnings. But she has not offered sufficient, specific evidence showing any substantial economic impact directly attributable to her future work. For example, according to her business plan, the Petitioner expects her company will employ five people with total sales of $767,380 in the first year. By the fifth year, she expects to employ 15 individuals with sales of $3,044,190. She also estimates that her company will generate

118 indirect jobs and pay total taxes of $4.2 million by year five. The Petitioner, however, has provided little evidence to support the business plan's claimed financial projections.

Even if we assumed these figures were accurate though, the Petitioner has not explained her job, sales, or tax numbers' significance or how that data shows that any potential benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. For example, the Petitioner has not presented evidence illustrating how employing 15 individuals by year five shows her future staffing levels would provide substantial economic benefits to [redacted] Florida, where her company will be headquartered, or the U.S. economy more broadly at a level commensurate with national importance. And despite her claims that the healthcare field is experiencing workforce shortages, there is little evidence that her future work stands to impact or significantly reduce any claimed national shortage. While any basic business activity has the potential to positively impact the economy, the Petitioner has not offered a sufficiently direct connection between her endeavor and any substantial positive economic effects in the region or nation. The Petitioner's references to tax revenue, job creation, and other indirect economic benefits rely more on generalizations about the results of typical business activity, rather than providing probative information about how her specific endeavor will generate such substantial economic impacts rising to the level of national importance. The record does not demonstrate that, beyond the limited benefits provided to her prospective clients and employees, the Petitioner's endeavor would have broader, nationally important implications.

We have also considered the Petitioner's support letters, but they likewise do not establish the endeavor's national importance. Insofar as these letters, the Petitioner, and other evidence in the record highlight the Petitioner's expertise, personal attributes, and record of success, these are considerations under *Dhanasar's* second prong. *Id.* When conducting an analysis under *Dhanasar's* first prong, we focus on the proposed endeavor itself. *Id.* at 889. Although the Petitioner submitted an expert opinion letter authored by [redacted] a medical scientist at [redacted] his opinion is largely conclusory and does not specifically explain how the Petitioner's work, in particular, would produce such nationally important impacts. He states the Petitioner's endeavor "positions the United States as a leader in maternal and child healthcare consulting by offering innovative models that can be extended internationally, giving the country a competitive advantage in exporting health-related expertise." He also claims that the Petitioner's work is "original and difficult to duplicate because it blends specialized clinical knowledge in obstetrics and pediatrics with entrepreneurial and organizational consulting skills." But beyond these generalizations, he provides little explanation as to why the Petitioner's models are "innovative" or how her "original" work will directly produce the claimed benefits, industry wide impact, or other substantial positive economic or societal effects.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the record does not establish her proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining issues and arguments concerning whether she has established her endeavor's substantial merit and whether she has shown her eligibility under the remaining two *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. at 25 (1976).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, she has not established that she is eligible for, or otherwise merits, a national interest waiver as a matter of discretion.

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.