U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37485256

Date: MARCH 14, 2025

Appeal of Nebraska Service Center Decision

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

The Petitioner, an information technology (IT) professional, seeks employment-based second preference (EB-2) immigrant classification as an advanced degree professional, 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).

The Director of the Nebraska Service Center 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

The Petitioner submitted evidence that the Beneficiary earned the foreign equivalent of a United States master's degree in computer information systems, which establishes that he qualifies for EB-2 classification as an advanced degree professional. The only issue on appeal is whether the Beneficiary qualifies for a waiver of the job offer requirement in the national interest.

The Petitioner initially submitted a letter stating its intent to hire the Beneficiary as a "Senior API Architect-Database Platform" and listing his job duties. The Director found this statement insufficient to establish a proposed endeavor. In response to the Director's request for evidence (RFE), the Petitioner clarified that the Beneficiary's proposed endeavor is "to improve data architectural design solutions for healthcare systems and proprietary data platforms" and "provide access to integrated data."

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* The Director determined the Beneficiary's proposed endeavor did not have substantial merit. We disagree. The record demonstrates the Beneficiary's proposed endeavor has substantial merit in business and health.

The Director also determined the Beneficiary's employment for the Petitioner did not have national importance. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. The Director determined the Petitioner did not establish that his work would extend beyond his employer, the Petitioner, to impact his field more broadly at a level commensurate with national importance.

On appeal, the Petitioner asserts the Director misinterpreted the evidence. The Petitioner claims the Beneficiary's proposed endeavor has national importance because it will impact "societal needs to improve healthcare access and healthcare outcomes." Specifically, the Petitioner asserts it provides personalized care and coordination of care, preventive services, health education and outreach, and telehealth services. The Petitioner explains the Beneficiary plays a mission-critical role in the company through his expertise in data architecture, security, and artificial intelligence (AI)-driven analytics. The Petitioner claims the Beneficiary's contributions extend beyond the Petitioner by "benefiting the broader industry and addressing the urgent national need for healthcare data security and AI-driven solutions." The record does not support this claim.

While the evidence attests to the Beneficiary's past success and contributions to the Petitioner, the record does not establish that the Beneficiary's proposed endeavor would extend beyond the Petitioner and its customers to impact his field more broadly on a level indicative of national importance. *See id.* at 889 (explaining "we look for broader implications"). The Petitioner submits e-mail messages praising the Beneficiary's work and printouts of the Beneficiary's posts on LinkedIn which received between one and five likes. This evidence indicates that his work has been recognized within the Petitioner and by other individuals, but does not demonstrate that his proposed endeavor will impact his field more broadly at a level indicative of national importance.

The Petitioner submitted support letters from past employers which attest to his skills and achievements, but do not establish the national importance of his proposed endeavor. R-S-[2] and P-K- praise the Petitioner's work at [redacted] and state "his contributions are in the national interest of ensuring that his current employer, [redacted] Inc. not only provides the best technical IT solutions for their proprietary platforms but also because it will ensure that senior citizens in the U.S. will also being provided technical connections which improve their health outcomes." R-S- and P-K- do not, however, explain how the Beneficiary's work would extend beyond the Petitioner's customers to impact his field more broadly at a level commensurate with national importance. S-U- praises the Beneficiary's skills and past work and states "his ability to secure and manage database platforms effectively is crucial for safeguarding sensitive health data while facilitating timely and accurate medical services for vulnerable community members." S-U- does not discuss the Beneficiary's proposed endeavor or indicate that his work would extend beyond the Petitioner's customers to impact his field more broadly.

On appeal, the Petitioner submits a letter from H-K-, its Chief Technology and Experience Officer. H-K- asserts the Beneficiary's work extends beyond the Petitioner and benefits the entire U.S. healthcare sector through his development of data architectures that strengthen cybersecurity for electronic health records, his advice on AI data security best practices, and his mentorship and training of AI professionals. The Petitioner does not submit evidence of the Beneficiary's data architectures or advice on AI data security best practices and their impact on the U.S. healthcare sector. The Petitioner also does not submit evidence of how many AI professionals the Beneficiary has or will mentor and train. Moreover, in *Dhanasar,* we determined that 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. Here, the Petitioner has not established that his proposed endeavor would sufficiently extend beyond his mentees and trainees to impact his field more broadly in a manner commensurate with national importance.

The Petitioner praises the Beneficiary's contributions to the Petitioner including enhancing its AI-driven platform AVA, developing risk-based API security frameworks, delivering unspecified mission-critical innovations, and leading unspecified transformative initiatives that increased data processing efficiency. G-S-, the Petitioner's Senior Vice President of Data Engineering and BI also commends the Beneficiary's work on improving health outcomes of seniors, identifying room for revenue improvement, enabling physicians to document the severity of seniors' conditions with high specificity, and identifying multiple clinically targeted cohorts of members for different care programs. The Petitioner does not submit evidence of these contributions, explain how they relate to

[2] We use initials to protect the privacy of the referenced individuals.

the Beneficiary's specific proposed endeavor, or establish that any of his contributions were unique, innovative or otherwise have national or even global implications in his field. *See id.* at 889 (discussing improved manufacturing processes or medical advances as examples of national or even global implications within a particular field). The Petitioner also claims that its employment of the Beneficiary will address the national shortage of AI-driven data security experts. However, the employment of one individual is insufficient to address a national labor shortage and the Department of Labor address labor shortages through the labor certification process, which the Petitioner seeks to waive in these proceedings.

The Petitioner further asserts the Beneficiary's work is "intrinsically tied to national interest because it directly impacts public health and patient safety ... national security ... AI and technology leadership ... [and] economic growth and healthcare cost reduction." The Petitioner submitted a copy of an Executive Order on Continuing to Strengthen American's Access to Affordable Quality Health Coverage, and articles on Big Data, Medicare, the Baby Boomer effect and controlling health care costs, the role of medical data in efficient patient care delivery, the importance of data collection in public health, health care and the data explosion, and recognition of the Petitioner as a premier healthcare provider. The Executive Order and articles do not discuss the Petitioner's proposed endeavor and our assessment of national importance does not focus on the importance of national issues in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

In sum, the relevant evidence does not establish that the Beneficiary's proposed endeavor has national or even global implications within his field or has other broad implications indicating national importance. Consequently, the Petitioner does not meet the first *Dhanasar* prong.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of his specific proposed endeavor and he does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of his eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "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 alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established the national importance of his proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, he has not demonstrated that he is eligible for or merits a waiver of the job offer requirement in the national interest as a matter of discretion.

ORDER: The appeal is dismissed.