U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37735902

Date: MAY. 13, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a registered nurse, 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).

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that a waiver of the required job offer, and thus of a 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 is a registered nurse who endeavors to "create and carry out a nationwide program for preventative healthcare evaluation, coordination, and alliances with a spectrum of enablers, including health centers, government agencies, and community organizations." To meet these goals, the Petitioner proposes to: 1) increase healthcare access to rural and underserved communities by implementing mobile clinics and telehealth services, 2) address a national shortage of nurses by creating nursing education and training programs, 3) manage chronic disease by introducing "integrated care models that focus on prevention and management, 4) increase healthcare knowledge by developing community health education programs, and 5) reduce the financial burdens of healthcare "through innovative care models."

SCOPS determined that though the Petitioner demonstrated she is well-positioned to advance her proposed endeavor and her endeavor has substantial merit, she has not demonstrated the national importance of the endeavor that, on balance, waiving the job offer requirement would be of benefit to the United States.

A. Substantial Merit and National Importance

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* In determining whether the 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.

On appeal, the Petitioner asserts that SCOPS misrepresented her endeavor by characterizing her as an entrepreneur rather than a registered nurse. The Petitioner contends that classifying her effort as entrepreneurial "compromises the primary goal of [her] plan, which is to apply a nursing-driven strategy to enhance public health infrastructure and preventative healthcare systems." While SCOPS' denial decision characterizes the Petitioner as an entrepreneur, it does not contain any indication its national importance analysis relied upon this characterization. Rather, SCOPS acknowledged the Petitioner "submitted a proposed plan for future activities" and based on this plan, found the Petitioner did not establish her proposed endeavor "stands to affect or advance the broader industry, or that it otherwise has wider implications in the field," that it "has significant potential to employ U.S. workers or otherwise offer[] substantial positive economic effects," or that its prospective impact "has implications beyond the company's clients and future employees, rising to the level of national importance."

The Petitioner contends her "preventive healthcare initiative is strategically designed to address critical healthcare gaps in the U.S. at a broad, scalable, and national level." By creating a hybrid and scalable plan, the Petitioner argues her endeavor "goes beyond localized impacts" and involves "collaboration across diverse sectors and regions" to address "systemic healthcare deficiencies." Before SCOPS, the Petitioner asserts her hybrid plan's objectives are improving "public health emergency preparedness nationwide by implementing a variety of measures," making "use of cutting-edge health technologies," promoting "cooperation between various healthcare sectors," and reforming policies. Specifically, the Petitioner intends to create a national public health preparedness portal, an interagency task force on public health emergencies, public health preparedness fellowship programs, nationwide simulation drills and tabletop exercises, and community-based public health initiatives. The Petitioner asserts her emphasis on preventive, integrated care is scalable as it is "universally applicable and can be adapted to various healthcare settings and patient populations." The Petitioner contends her endeavor aligns with national priorities by improving health outcomes, providing economic and social benefits, and promoting a shift to a resilient and equitable healthcare system. While we acknowledge the importance of providing preventive healthcare, the accessibility of healthcare, and of healthcare preparedness, the assessment of national importance is not focused on the importance of a field in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, the Petitioner claims the United States's public health systems preparedness is currently compromised by "fragmentation and heterogeneity in public health preparation across different regions." On appeal, the Petitioner submitted articles highlighting some of the challenges of the U.S. healthcare system such as rising costs, inequity, shortages, privacy, non-compliance with recommendations, the need for further preventive care, and the environment; and articles praising the monetary investment the Brazilian government has made in their country's healthcare. The submitted articles also indicate that in 2002, Congress appropriated funds to the Centers for Disease Control and Prevention (CDC) to create the National Environmental Public Health Tracking Program, to provide "timely access to environmental and health data." Similarly, the record contains a 2001 public health report examining the lessons learned from the implementation of interactive public health systems. The Petitioner relies upon the scalability of her proposed endeavor in asserting its national importance. It is noted the submitted articles discussing interactive public health systems in the United States were published over two decades ago. The Petitioner also refers to U.S. government websites for the Department of Health and Human Services, the National Institute of Environmental Health Sciences, and National Institute of Health, amongst other agencies, in asserting initiatives exist that "are already running and align directly" with her endeavor. But the Petitioner has not identified or addressed the current U.S. efforts to achieve similar goals in detail nor sufficiently distinguished her proposed endeavor from any such efforts. Overall, the Petitioner has not established her proposed endeavor would have broader implications to the field sufficient to demonstrate its national importance.

The Petitioner also asserts her endeavor to close healthcare gaps through a preventive care program would allow for cost savings and programs that reduce "the need for costly treatment of advanced diseases," resulting in six billion dollars in gains to the economy. Additionally, the Petitioner contends the creation of multidisciplinary health teams would create "thousands of direct jobs across diverse sectors" and expand "indirect job creation in sectors such as health education, infrastructure, IT, and medical equipment supply." Despite these claims, the Petitioner acknowledges the crux of her argument is "the national impact of [her] proposal, a direct association with broad societal welfare and benefits under health," as discussed above. The record does not contain sufficient supporting evidence to demonstrate the relevant figures for employment figures or direct economic benefits tied to this specific endeavor, nor establish the significance of such data to show substantial economic benefit to an economically depressed area, the region, or national economy more broadly. Although any basic economic activity resulting from the Petitioner's endeavor has the potential to positively impact a local economy, the Petitioner has not sufficiently demonstrated the proposed endeavor has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects to the level of national importance.

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.

B. Additional *Dhanasar* Prongs and Ineligibility

As our finding on this issue is dispositive of the Petitioner's appeal, we decline to reach and reserve whether the Petitioner has met the additional 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

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.

ORDER: The appeal is dismissed.