U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37784788

Date: MAY 16, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a public health informatics fellow, 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 Petitioner qualified for classification as a member of the professions holding an advanced degree, but that he had not established 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). On appeal, the Petitioner submits a brief asserting that he is eligible for a national interest waiver. 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:

[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).

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance the proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree because he holds a master's degree in public health from [redacted] University.[2] We agree. The issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. For the reasons discussed below, we agree with SCOPS that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the Dhanasar analytical framework.

Regarding his claim of eligibility under Dhanasar's first prong, the Petitioner's personal statement says that his proposed endeavor is to utilize digital health tools, modernized health data systems, short messaging system (SMS) technology, data system automation, open-source frameworks, and other emerging technologies in order to improve the processes of collecting, analyzing, visualizing, and using public health data to inform timely decision-making for epidemiology and disease surveillance. The Petitioner argued that to advance this endeavor, he would utilize his "extensive" experience with research design and data management; design, development, and deployment of disease surveillance data systems; health information system design and deployment; digital health; and, proposal and report writing. The Petitioner stated that his work in epidemiological data science, public health informatics, and public health IT project management would continue to be circulated in the field through his peer-reviewed journal publications and conference proceedings.

SCOPS issued a request for evidence (RFE) asking the Petitioner to provide clarification as to his proposed endeavor in the United States and to submit a detailed description of the proposed endeavor and why it is of national importance. In response to the RFE, the Petitioner pointed out that, although not "especially relevant," he has been employed as a [redacted] and the [redacted] since 2022. His work involves efforts to use modern and emerging technologies to design, develop, and pilot the implementation of a national information system for disease surveillance and vaccination data management.

The record includes reference letters from a GS-13 level health scientist at the [redacted] who is a colleague of the Petitioner, an epidemiology professor at [redacted] the [redacted] in Liberia, and the Chief Implementation Officer of a company that provides digital data solutions for health and development. These letters discuss the Petitioner's development of SMS to enable healthcare providers to document and report data produced from point-of-service delivery of care. However, this evidence does not establish that the Petitioner's specific endeavor rises to the level of national importance. Rather, the Petitioner utilizes existing technologies: digital health tools, health data systems, SMS technology, data system automation, open-

[2] The Petitioner notes that SCOPS incorrectly cited to 8 C.F.R. section 204.5(k)(3)(i)(B) rather than 8 C.F.R. section 204.5(k)(3)(i)(A), acknowledging that this is a harmless error. We agree that this is a harmless error.

source frameworks as informatic tools in the public health realm in connection with decision-making for epidemiology and disease surveillance.

SCOPS noted that the benefit of public health research work done by Petitioner is generally collective. And further noted that, while the activities the Petitioner plans to engage in may be worthwhile and commendable, many professionals in many fields, such as health care, education, computer science, social work, etc., engage in similarly worthwhile or commendable activities. SCOPS found that it does not follow that any professional engaging in worthwhile or commendable activities is engaged in an endeavor of national importance. SCOPS concluded that although the Petitioner established the substantial merit of his proposed endeavor and that he is well-positioned to advance his proposed endeavor, he had not demonstrated its national importance or that, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus of the labor certification.

Upon de novo review, we agree with SCOPS' conclusion that the record does not establish the Petitioner's endeavor rises to the level of national importance contemplated under Dhanasar. 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." Id. at 889. We therefore "look for broader implications" resulting from 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.

On appeal, the Petitioner asserts that SCOPS did not properly consider the evidence on record and rendered a "conclusory" decision. The Petitioner cites Buletini v. INS, 850 F. Supp. 1222 (E.D. Mich. 1994) in support of his assertion that SCOPS erred in failing to consider all the evidence in its totality. But the court in Buletini did not reject the concept of examining the quality of the evidence presented to determine whether it establishes a petitioner's eligibility, nor does the Buletini decision suggest that USCIS abuses its discretion if it does not provide individualized analysis for each piece of evidence. Here, SCOPS' decision did discuss the evidence directly relating to the Petitioner's specific endeavor (his personal statement) and provided an explanation as to why it did not meet the first Dhanasar prong. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor it is necessary for it to address every piece of evidence the Petitioner presents. See, e.g., Ren v. USCIS, 60 F.4th 89, 97 (4th Cir. 2023) (So long as USCIS has given reasoned consideration to the petition, and made adequate findings, the Court will not require that USCIS address specifically each claim the petitioner made or each piece of evidence the petitioner presented.); Osuchukwu v. INS, 744 F.2d 1136, 1142-43 (5th Cir. 1984) ("[The Board of Immigration Appeals] has no duty to write an exegesis on every contention.").

Specifically, the Petitioner's appeal brief states that national importance of his proposed endeavor is supported by his personal statement, an article on the general importance of statistics in public health sector analysis, one excerpted page from the [redacted] website about health systems governance and financing which states that there is a substantial loss in resources due to ineffective health care systems. This and the [redacted] excerpted page do not specifically address the

Petitioner's proposed endeavor nor the national importance of that specific proposed endeavor. Moreover, although we agree with the Petitioner that SCOPS did not directly discuss every piece of evidence he considers as salient to establishing the national importance of his endeavor, the Petitioner has not established that those omitted documents establish that his specific endeavor is of national importance. As such, SCOPS' alleged error is, at most, harmless. See generally Matter of O-R-E-, 28 I&N Dec. at 350 n.5 (citing Japarkulova v. Holder, 615 F.3d 696, 701 (6th Cir. 2010) (stating that error is harmless where there is no "reason to believe that . . . remand might lead to a different result" (citation omitted))). The Petitioner's brief similarly states in conclusory fashion that the four reference letters in the record provide "insights into the merits of this endeavor." The Petitioner stresses that though the proposed endeavor is not limited to his employment with the [redacted] the gravitas of the [redacted] mission to protect public health imbues the Petitioner's position as a public health informatics fellow with national importance.

Similarly, the Petitioner has not established how the evidence SCOPS did not specifically discuss establishes the Petitioner's eligibility for a national interest waiver. For example, the Petitioner continues to rely on the importance of the public health and informatics fields without establishing that his specific endeavor rises to the level of national importance. The Petitioner asserts that the articles submitted support the conclusion that the Petitioner's proposed activities hold national importance because they have broader implications within the field of health by bolstering the capacity to mitigate current and emerging health threats; however, this misapplies *Dhanasar*'s first prong. The articles do not discuss the Petitioner's specific endeavor or explain how his endeavor will be of national importance or otherwise lead to broader implications within the field. As mentioned above, when determining whether a proposed endeavor has national importance, we focus on the Petitioner's "specific endeavor," not the importance of the field, industry, or profession. Id. at 889. We note that the record shows that the Petitioner has been a collaborator on projects at the [redacted], but he has not shown that his particular input and analysis on those projects rises to the level of national importance. His contribution to the projects is only described in his own personal statement. One colleague at the [redacted] provided a letter or reference, a GS-13 health scientist, described work that the Petitioner did in Nigeria in 2015, but did not specifically address contributions of the level of national importance that the Petitioner does as a fellow at the [redacted] other than vaguely stating that "[the Petitioner] is strengthening health systems for the early detection of public health threats…"

The Petitioner's assertions generally relate to the importance of promoting the development of technologies and their application to collecting, analyzing, and using public health data in order to inform decision-making for epidemiology and disease surveillance, rather than the Petitioner's specific endeavor. Moreover, the evidence on record does not support the conclusions that any protocols used by the Petitioner will directly result in broader implications to the field. Generalized conclusory statements that do not identify a specific impact in the field have little probative value. *See 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 his personal statement, the Petitioner asserts that his work in epidemiological data science, public health informatics, and public health information technology (IT) is circulated through peer-reviewed journal publications and conferences. The record shows that he is listed as a co-author on 16 articles. He was the lead author once, a 2020 article regarding data management needs assessment for the scale-

up of a district health information system and introduction of routine (essential) immunization in the [redacted] of Nigeria. Moreover, the Petitioner's record of publication is probative of whether he is well-positioned for his proposed endeavor, but does not establish national importance.

Likewise, the Petitioner's assertion that his endeavor is of national importance because it relates to national initiatives is not persuasive. The record does not support a conclusion that his specific endeavor will offer "broader implications" to the field of public health informatics or the national initiatives surrounding public health informatics, and he has not provided a sufficiently direct connection between his specific work and these national initiatives. While the Petitioner is a public health informatics fellow at the [redacted] the record does not establish that the Petitioner's work at the [redacted] would rise to the level of national importance. For example, the Petitioner has not shown that his specific work at the [redacted] has broader implications to the field, or that he will be using or introducing improved processes or informatics advances which would lead to broader implications within the field. See id. at 889. Likewise, while we do not disagree that the federal government issued a directive to promote the development of technologies and their application to collecting, analyzing, and using public health data in order to inform decision-making for epidemiology and disease, this relates to the substantial merit and importance of the field of public health informatics, rather than the broader implications of the Petitioner's specific endeavor.

The Petitioner has also asserted that his endeavor will contribute to the economy, arguing that a decline in public health generally has detrimental effects on the economy, whereas his endeavor will assist public health, and therefore will have a positive impact on the economy. Yet, the Petitioner cannot rely on the generalized economic impacts of disease surveillance and vaccination data management as sufficient to establish the national importance of his endeavor. Without sufficient information or evidence regarding any projected economic impact or job creation directly attributable to his future work (as opposed to the general economic impact of the industry), the record does not show that benefits to a regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by Dhanasar. Id. at 890.

Furthermore, the Petitioner has not demonstrated that the specific endeavor he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to his future work, the record does not show that benefits to the U.S. regional or national economy resulting from the Petitioner's public health projects would reach the level of "substantial positive economic effects" contemplated by Dhanasar. Id.

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.

Because the identified reason for dismissal is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning his eligibility under the third prong of the Dhanasar framework. 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).

III. CONCLUSION

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

ORDER: The appeal is dismissed.