U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42212117

Date: MAY 20, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a healthcare specialist, 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* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2).

SCOPS denied the Form I-140, Immigrant Petition for Alien Workers (national interest waiver), concluding that the Petitioner 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). 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 visa 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
- On balance, waiving the job offer requirement would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner is a national of Brazil. According to her Form I-140, Immigrant Petition for Alien Workers, her intended occupation is that of a healthcare specialist, with the Standard Occupational Code (SOC Code) 31-9099. According to her August 2025 statement, her proposed endeavor is to develop and implement comprehensive audit systems and strategic management frameworks to enhance operational efficiency, financial sustainability, and the overall quality of care within healthcare facilities across the United States.

A. EB-2

The Petitioner asserts she is eligible for the underlying EB-2 visa classification as an advanced degree professional and SCOPS agreed. However, the record does not establish the Petitioner's eligibility for the underlying classification.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*. The Petitioner has demonstrated that she holds the foreign equivalent of a U.S. bachelor's degree in nursing, conferred in 1991. She included employment letters evidencing over five years of work as a nurse. The Petitioner has therefore established she has an advanced degree.

Profession is defined as one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a U.S. baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation.[2] 8 C.F.R. § 204.5(k)(2). The Petitioner has not established her intended occupation meets the definition of a profession.

A professional occupation is determined by the general requirements to enter the intended occupation, and not by the credentials of any one person seeking to work in that field. *See generally* 6 *USCIS Policy Manual, supra,* at F.5(D)(1). Consequently, holding an advanced degree does not necessarily qualify a petitioner for classification as a *member of the professions* holding an advanced degree; the occupation underlying the endeavor must also require a bachelor's degree for entry into the

[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); *see generally* 6 *USCIS Policy Manual* F.5(D)(2), https: //www.uscis.gov/policy-manual.

[2] Profession shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

occupation. *See* 8 C.F.R. § 204.5(k)(1) and (2); *see generally* 6 *USCIS Policy Manual, supra,* at F.5(D)(1) (providing, as guidance, the petitioner's burden is to establish by a preponderance of the evidence that the intended occupation requires at least a bachelor's degree or its foreign equivalent degree for entry). Here, the Petitioner identified the SOC code 31-9099 on the Form I-140, Immigrant Petition for Alien Workers. According to the Department of Labor's *Occupational Outlook Handbook (Handbook),* this SOC code is for "healthcare support workers, all other" for which the typical entry-level education for the occupation is a high school diploma or equivalent.[3]

The Petitioner also submitted U.S. Department of Labor's Employment and Training Administration Application for Alien Employment Certification, ETA 750 Part B, but she does not identify an occupation on the application, rather she refers us to her supporting documents. Section 15 of the application asks for a list of jobs related to the occupation for which the alien is seeking certification. The Petitioner only indicated her work as a nurse from February 2013 to February 2019. To the extent the Petitioner's intended occupation could be considered as a nurse, this occupation also generally does not require a bachelor's degree or its foreign equivalent as minimum for entry. *See* Bureau of Labor Statistics, U.S. Dep't of Labor, *Occupational Outlook Handbook*, Registered Nurses, https://www.bls.gov/ooh/healthcare/registered-nurses.htm) (stating requirement for entry into the occupation is a bachelor's degree in nursing, an associate's degree in nursing, or a diploma from an approved nursing program).

We also reviewed her "plan" for advancing her proposed endeavor, dated September 2025, which states she intends to pursue her endeavor through her business. However, the Petitioner has not established that being a business owner requires a U.S. bachelor's degree as minimum for entry.

She therefore has not demonstrated that any of the above intended occupations, through which she plans to advance the proposed endeavor, meets the definition of a profession. Consequently, the Petitioner has not established she is an advanced degree professional. And, because the Petitioner did not assert that she is an individual of exceptional ability in the record below or on appeal, we deem this alternative means of establishing the underlying EB-2 visa classification waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)) (Any ground of ineligibility that is not raised on appeal is waived.) As a result, the Petitioner has not established her eligibility for the EB-2 visa classification and we withdraw SCOPS determination to the contrary.

B. National Interest Waiver

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. In support of this prong, the Petitioner discussed the importance of healthcare efficiencies and how her endeavor aligns with many U.S. government priorities and provided documents including: a personal statement, impact study, professional plan, model plan, expert and support letters, and reports and articles, including those discussing the benefits to improving hospital planning and management, the challenges facing America's hospitals, waste in the U.S. healthcare system, and government initiatives with respect to healthcare.

[3] *See* Bureau of Labor Statistics, U.S. Dep't of Labor, *Occupational Outlook Handbook*, Healthcare Support Workers, All Other, https://www.bls.gov/ooh/about/data-for-occupations-not-covered-in-detail.htm#Healthcare.

SCOPS determined the Petitioner established the substantial merit of her proposed endeavor and we agree.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "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* at 890. 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.*

SCOPS determined the Petitioner did not demonstrate the potential prospective impact of her proposed endeavor. On appeal, the Petitioner relies on *Buletini v. INS*, 850 F. Supp. 1222 (E.D. Mich. 1994) to assert SCOPS abused its discretion by insufficiently analyzing all the evidence. However, the *Buletini* decision does not suggest that it would be an abuse of discretion if USCIS does not provide individualized analysis for each piece of evidence. When USCIS provides a reasoned consideration of the petition and has made adequate findings, as it has done here, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the Petitioner presents. *See Ren v. USCIS*, 60 F.4th 89, 97 (4th Cir. 2023); *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009). For the reasons discussed below, SCOPS addressed the relevant evidence and properly determined the Petitioner had not established the national importance of her proposed endeavor.

On appeal, the Petitioner argues SCOPS did not properly consider her documents demonstrating her endeavor aligns with government initiatives, which demonstrates its national importance. However, SCOPS' decision explained that in determining national importance, the relevant question is not the importance of the field, industry, or profession in which the individual will work, but the specific endeavor the Petitioner proposes to undertake, citing *Matter of Dhanasar*, 26 I&N Dec. at 889. SCOPS determined that the Petitioner's evidence highlighted the challenges that the field faces and its importance, but this does not in and of itself establish the Petitioner's specific proposed endeavor stands to impact the broader field or otherwise have implications rising to the level of national importance. We agree and add that the Petitioner must demonstrate the national importance of her specific proposed endeavor of developing and implementing comprehensive audit systems and strategic management frameworks within healthcare facilities, which she has not done.

The Petitioner argues on appeal that she also provided specific explanations of how her plan is nationally important and claims that her proposed endeavor will, for example, improve care delivery capacity, lower healthcare costs, and increase transparency in pricing by redesigning clinical workflows, and implementing evidence based operational models and billing integrity protocols. However, as SCOPS explained, the Petitioner did not demonstrate how her services would have broad implications for the field, rather than the clients who she would serve, to rise to the level of national importance. We acknowledge that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *Id.* at 889. However, the Petitioner did not explain in the record below, or now on appeal, how her methods would improve

upon those already available and in use in the United States such that her proposed endeavor would have national or global implications within her field or for the United States.

Further, SCOPS addressed the Petitioner's briefs, reports, and articles and determined they do not discuss her proposed endeavor and, without more, do not support her endeavor's national importance. The Petitioner asserts that SCOPS' expectation of "direct mention in evidence" is unreasonable and legally unsupported. However, in *Dhanasar*, we concluded the record supported the national importance of *Dhanasar's* proposed endeavor because it contained probative expert letters from individuals holding senior positions in academia, government, and industry that described the importance of the petitioner's proposed endeavor as it related to U.S. strategic interests, and that his media articles and other evidence documented U.S. government interest in the research, development and advancement of the proposed endeavor. *Id.* at 893. SCOPS also acknowledged the Petitioner's letters and found that they provided broad uncorroborated assertions of the importance of the Petitioner's field and endeavor. We agree. For example, one letter dated October 2023 by a licensed nurse and former colleague stated that the Petitioner's auditing services became a reference for other large hospitals but the author does not provide the basis of this knowledge and did not include evidence of how the Petitioner's services were used by other hospitals. In a separate letter dated February 2023, a professor and scientist with degrees in nursing and medicine discusses, for example, the importance of auditing medical records in promoting safe and effective care for patients, but does not explain how the Petitioner's specific proposed endeavor would impact the field. Further, we do not interpret SCOPS statements as creating unreasonable or legally unsupported expectations, but rather properly determining that the Petitioner's evidence did not sufficiently demonstrate the broader impact on the field and the national importance of her specific, proposed endeavor.

The Petitioner also asserts SCOPS did not properly weigh her evidence submitted in support of the economic impact of her proposed endeavor. The Petitioner submitted in the record below an economic impact study, authored by an individual claiming to be a certified accountant who earned his degree in 2022.[4] The study describes her owning her own business, which would perform hospital account auditing and consulting in the [redacted] MA region and provided projections on the profitability and job creation based on every million-dollar invested in the business. She also submitted a self-employment plan and a model plan where she provided financial data and projections for her first year of business in the Massachusetts area, employing three individuals with an annual gross revenue between $150,000-180,000. SCOPS properly found the Petitioner did not explain the methods used for her estimates and calculations and did not establish through independent and objective evidence that her endeavor would offer the region a substantial economic benefit.

On appeal, the Petitioner repeats the data presented in the model plan and argues it is probative. However, the Petitioner does not explain how the model plan addresses the issues raised by SCOPS. Where a petitioner asserts her proposed endeavor will have substantial economic impact, it is her burden to establish her assertions by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-76. We consider not only the quantity, but also the quality, including relevance, probative value, and credibility, of the evidence in determining whether a petitioner has met the burden under the preponderance standard. *Id.* Here, the record contains assertions of an alleged accountant and of the Petitioner, neither of whom provide corroboration for the projected revenues and employment

[4] We note that the Petitioner did not provide evidence corroborating the credentials of the author.

numbers. Even if substantiated, the Petitioner does not explain or show how her projections would have significant potential to employ U.S. workers or benefit the U.S. regional, such as an economically depressed area, or national economy to reach the level of "substantial positive economic effects" as contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 890.

Based on our de novo review, SCOPS properly considered the petition and relevant evidence under the applicable preponderance of the evidence standard and provided sufficient reasoning in concluding that the Petitioner had not met her burden in establishing the broader implications of her proposed endeavor, that it would have global implications within her field or would have substantial positive economic effects, particularly in an economically depressed area, to be understood to have national importance.

III. CONCLUSION

The Petitioner has not established her eligibility for the underlying classification. She also has not established the national importance of her proposed endeavor and, consequently, that she is eligible for or otherwise merits a national interest waiver as a matter of discretion. We therefore reserve our analysis of *Dhanasar's* second and third prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *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).

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.