U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39834268

Date: NOV. 20, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a hospitalist, 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 Petitioner qualified for classification as a member of the professions holding an advanced degree, but had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. We dismissed the Petitioner's appeal, and the matter is now before us on a service motion to reopen pursuant to 8 C.F.R. § 103.5(a)(5).[1]

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.

[1] The Petitioner filed this appeal indicating she was appealing the underlying Form I-140 petition. Initially, we summarily dismissed this appeal for not receiving the appeal brief. However, after further review, we re-opened our dismissal decision. USCIS records show that after denial of the underlying Form I-140 petition, the Petitioner filed the appeal and subsequently timely sent the supporting documentation.

Citizenship and Immigration Services (USCIS) may, as matter of discretion,[2] 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.

Id.

II. ANALYSIS

SCOPS found that the Beneficiary qualifies as a member of the professions holding an advanced degree. In addition, SCOPS determined that the proposed endeavor had substantial merit. For the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of the Beneficiary's proposed endeavor under the first prong of the *Dhanasar* analytical framework.

The Petitioner states that the Beneficiary's proposed endeavor is to provide medical services in underserved communities designated as health professional shortage areas (HPSA) and medically underserved areas (MUA). The Petitioner asserts that the Beneficiary's work will help alleviate physician shortages, provide advanced treatment techniques, and contribute to public health initiatives. The Petitioner also claims the Beneficiary will serve as a clinical preceptor for third- and fourth-year medical students, thereby training future physicians and indirectly addressing long-term healthcare workforce needs. Further, the Petitioner states that the Beneficiary's proposed endeavor will stimulate the economy by creating employment opportunities.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *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.* SCOPS determined the Beneficiary's proposed endeavor has substantial merit. We agree.

SCOPS concluded, however, that the Petitioner did not establish the national importance of the Beneficiary's proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. 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. SCOPS found that the Petitioner did not establish the potential prospective impact of the Beneficiary's proposed endeavor.

On appeal, the Petitioner contends that the Beneficiary's proposed endeavor in "family medicine, with a focus on inpatient services, emergency medicine, behavioral health, and pediatrics, is highly

[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).

important to the nation" because providing "quality care to these patients is a major benefit to American healthcare, but also to public safety." The Petitioner contends that the Beneficiary's proposed endeavor is of national importance as it addresses a national healthcare priority, a shortage of physicians, particularly in the underserved area of [redacted] California, and it provides employment opportunities. While we acknowledge the shortage of workers in this field, this does not establish her proposed endeavor has national importance. A shortage of qualified professionals does not render the work of an individual nationally important under the *Dhanasar* decision. Here, the Petitioner has not established that her proposed endeavor stands to impact or significantly reduce these claimed national shortages. Moreover, shortages of qualified workers are directly addressed by the U.S. Department of Labor through the labor certification process.

In addition, the Petitioner contends that the Beneficiary's proposed endeavor will have a national health impact since she will serve as a "clinical preceptor for third and fourth-year medical students from [redacted]" and she will provide "oversight and mentorship" to these students. However, 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. *Matter of Dhanasar*, 26 I&N Dec. at 893. The Petitioner has not shown how the Beneficiary's mentorship stands to sufficiently extend beyond her employer and patients to impact the field at a level commensurate with national importance.

The Beneficiary stated she will work on "numerous oncology patients" and will "collaborate" with oncologists at the [redacted] However, these generalized statements do not sufficiently describe the nature or scope of this work. The record does not clearly explain what specific duties the Beneficiary will perform in connection with oncology care, how her work will differ or advance beyond routine clinical responsibilities, or what "collaboration" with oncologists entails in practical terms. Mere assertions of collaboration or involvement with oncology patients, without accompanying evidence detailing the Beneficiary's responsibilities, contributions, or the anticipated impact of such work, is insufficient to demonstrate the significance of the proposed endeavor.

Here, we conclude the record does not show that the Petitioner's did not sufficiently establish how the Beneficiary's proposed endeavor as a hospitalist stands to sufficiently extend beyond her future patients to impact the field of medicine more broadly at a level commensurate with national importance.

In *Dhanasar*, we further noted 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." *Dhanasar*, 26 I&N Dec. at 890. The Petitioner further asserts that the Beneficiary's proposed endeavor will positively impact the U.S. economy by contributing to the local workforce, creating jobs in healthcare and related services, and stimulating economic activity through salaries and benefits that are reinvested into the community.

Further, on appeal, the Petitioner states that it "continues to contribute by providing jobs and income to the area, which includes the 'economically distressed' and 'at-risk' area of [redacted] California", and that the Beneficiary will provide physician services to this "severely underserved" area. The Petitioner submits a printout from www.HRSA.gov that indicates the address at [redacted] California [redacted] is located in a HPSA and MUA area. However, the printout also stated that the

"address you entered is geocoded" and "due to geoprocessing limitations, the designation cannot be guaranteed to be 100% accurate and does not constitute an official determination." Furthermore, while service in shortage-designated locations may have significant local value, the Petitioner has not demonstrated how the Beneficiary's specific proposed work will rise to the level of national importance contemplated in *Dhanasar*. The Petitioner's general assertions that working in an underserved area has potential prospective impact are insufficient to meet the national importance prong absent evidence connecting the Beneficiary's specific endeavor to broader or systematic impacts.

The Petitioner has not provided sufficient evidence to show that it would employ a significant population of workers in a particular region, nor shown that the Beneficiary's proposed endeavor would offer substantial economic benefits through employment levels, business activity, or tax revenue. As such, the record does not demonstrate that the prospective benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See Dhanasar* at 890.

Because the documentation in the record does not sufficiently establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve her appellate arguments regarding her eligibility under the second and third prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("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 record does not establish that the Petitioner has met the requisite first prong of the *Dhanasar* analytical framework, we find that the Beneficiary is not eligible for 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.