U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42217587

Date: APR. 28, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner 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 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). 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;

[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 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 concluded that the Petitioner qualified as a member of the professions holding an advanced degree, but that he had not satisfied any of the three prongs set forth in the *Dhanasar* precedent decision.[2] The sole issue to be determined therefore is whether the Petitioner has met these requirements to establish that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

At the time of filing, the Petitioner was working for [redacted] as a "Senior Application Security Engineer."[3] He submitted a letter of support from B-C-, Global Head of Security, Compliance and CorpIT for [redacted] who stated:

> [A]s Senior Application Security Engineer at [redacted] [the Petitioner] is responsible for ensuring that the software products developed by [redacted] are secure and compliant with the highest standards of quality and reliability demanded by the industry and [redacted] customers.
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> . . . .
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> [The Petitioner's] primary responsibilities include performing manual and automated application security scanning and working closely with [redacted] development teams and external vendors to identify and mitigate security issues. This role involves conducting application security code reviews, vulnerability assessments, penetration testing ("pentests"), and threat modeling to identify and mitigate potential risks or weaknesses. [The Petitioner] develops and implements security policies, procedures, and best practices to promote a culture of security awareness and excellence within the organization. Additionally, [the Petitioner] works closely with developers and DevOps to ensure infrastructure design choices implement best-practices from inception.
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> These tasks include performing application and product security architecture-related activities. Participation in security training for development teams includes providing resources and delivering presentations on exploits, using examples from both real-world cases and previously resolved internal vulnerabilities. [The Petitioner] participates in high-level Architectural Board Meetings attended by key department heads. His involvement ensures alignment across various departments, such as Generative AI, SaaS, and Cloud security, concerning major initiatives. This role allows

[2] The Petitioner received a Master of Science degree in Cybersecurity and Information Assurance from [redacted] in 2023.

[3] As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for him to have a job offer from a specific U.S. employer. However, we will consider information about his position to illustrate the capacity in which he intends to work in order to determine whether the proposed endeavor meets the requirements of the *Dhanasar* framework.

> him to address cybersecurity concerns across different areas, such as DevOps, compliance, and security practices. By contributing to these discussions, [the Petitioner] ensures that large-scale changes are implemented cohesively and with consideration of cross-functional impacts.

The Petitioner's March 2025 personal statement indicated that he planned "to continue to work in the AppSec and cybersecurity fields." Regarding his proposed endeavor, the Petitioner stated

> I plan to continue developing my theoretical approach to comprehensive cybersecurity, emphasizing a holistic view that integrates both digital and physical security measures. This includes not only network and application security but also the often overlooked physical security aspects, such as facility access controls, surveillance vulnerabilities, and human factors in security breaches.
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> A key focus of my work will be physical penetration testing, assessing real world security risks by simulating attacks on physical infrastructure to identify weaknesses that bad actors could exploit. By refining this approach, I aim to bridge the gap between cyber and physical security, ensuring that security strategies are truly comprehensive and resilient against both digital and physical threats.
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> I also plan to continue working in the Open Source Software (OSS) area, contributing to projects strengthening security across the open source ecosystem. This includes identifying and mitigating vulnerabilities in widely used OSS libraries, improving secure coding practices, and advocating for better security governance in open source and public development. Additionally, I aim to collaborate with OSS communities, researchers, and industry leaders to develop tools, frameworks, and policies that enhance the security posture of open source software, with the goal that organizations and developers can rely on safer, more resilient OSS solutions.
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> . . . .
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> I hope to collaborate with government agencies, such as the Cybersecurity and Infrastructure Security Agency (CISA), to contribute to national cybersecurity initiatives. This includes working on critical infrastructure protection, enhancing public private partnerships, and developing proactive defense strategies against cyber threats targeting government systems, businesses, and essential services.
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> . . . .
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> By leveraging my expertise, I plan to support government efforts in securing digital and physical assets, promoting best security practices, and advancing cybersecurity education and awareness at a national level.

The Petitioner further asserted that he planned "to publish my case studies on authentication mechanisms, focusing on their effectiveness and real-world implementation challenges across different security frameworks. Through these publications, I hope to contribute to both academic

research and industry best practices . . . ." The record, however, does not include evidence to corroborate his claim. For example, the Petitioner does identify the specific research papers he intends to publish or the scientific journals in which he has recently published or plans to publish his work. Nor has the Petitioner presented evidence from any U.S. institutions identifying the specific collaborative research projects they intend to undertake with him. Unsupported assertions and speculation have no evidentiary value and are insufficient to establish a filing party has satisfied their burden of proof. *See Matter of Mariscal-Hernandez*, 28 I&N Dec. 666, 673 (BIA 2022).

In response to SCOPS' request for evidence (RFE), the Petitioner provided an October 2025 "Professional Plan" reiterating that his proposed endeavor involves advancing "the cybersecurity and application security architecture field in the United States by developing and deploying strong security methodologies, technologies, and educational frameworks that strengthen the country's digital ecosystem." His professional plan further stated:

> [The Petitioner's] work is rooted in a holistic approach that integrates both digital and physical security measures into system architecture from the foundational level. This includes addressing vulnerabilities in application design, network security, and physical access systems to improve the resilience of critical digital infrastructure.
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> He intends to continue leading security initiatives through his current position as Application Security Architect at [redacted] while expanding his contributions through independent initiatives that include a nonprofit organization, a consulting and technology company, publications, open-source security enhancements, patented technology, and thought leadership activities.
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> . . . .
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> In 2025, [the Petitioner] established [redacted] a technology and consulting company dedicated to developing secure communication technologies and delivering advanced cybersecurity consulting services to organizations with complex security needs.
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> On September 23, 2025, he founded the [redacted] a 501(c)(4) nonprofit organization incorporated in Utah to promote public understanding of cybersecurity and privacy regulation while advocating for equitable access to essential digital infrastructure. The organization is headquartered in [redacted] Utah, and is authorized to engage in issue advocacy and lobbying in line with its social welfare objectives.
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> . . . .
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> Through this nonprofit, [the Petitioner] is laying the groundwork to influence cybersecurity culture and regulatory understanding nationwide, ensuring that digital Infrastructure remains both secure and accessible.

The Petitioner's establishment of [redacted] on June 22, 2025 and his founding of the [redacted] on [redacted] 2025 both post-date the filing of the petition. As these organizations both materialized after the filing of the petition and therefore would not establish his eligibility at the time of filing, they do not assist him in establishing that he meets the requirements set forth in the *Dhanasar* framework. The petition in this matter was filed on June 2, 2025, and the Petitioner has the burden of proof to establish eligibility for the requested benefit at the time of filing. *See* 8 C.F.R. § 103.2(b)(1), (12); *see also Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm'r 1971) (providing that "Congress did not intend that a petition that was properly denied because the beneficiary was not at that time qualified be subsequently approved at a future date when the beneficiary may become qualified under a new set of facts"). Further, a petitioner may not make material changes to a petition in an effort to make a deficient petition conform to USCIS requirements. *See Matter of Izummi*, 22 I&N Dec. 169, 176 (Assoc. Comm'r 1998).

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. *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.* We agree with SCOPS' determination that the Petitioner's proposed endeavor has substantial merit.

SCOPS concluded, however, that the Petitioner did not establish the national importance of his 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 determined the Petitioner did not establish the potential prospective impact of his proposed work.[4]

On appeal, the Petitioner argues that SCOPS' decision did not provide "a meaningful analysis of the specific factual circumstances of this case." He points to two instances where the decision incorrectly refers to his occupation and field, but we conclude that these instances represent harmless error. While we acknowledge that SCOPS' decision contains some problematic language, these minor errors are not so significant as to undermine the remaining reasons for denial.

The Petitioner also contends that SCOPS' decision "minimizes affirmative evidence in favor of new substantive requirements, such as job creation and 'large scale' economic impact." *Dhanasar* provides, however, that "significant potential to employ U.S. workers" or "other substantial positive economic effects" are factors for consideration under prong one. *Id.* at 890. The Petitioner further asserts that "the record contains extensive, detailed evidence of [his] work . . . where he secured enterprise platforms underpinning billions of dollars in transactions and used by organizations across critical sectors," but the record does not include corroborating evidence showing the claimed "billions

[4] SCOPS' decision indicated that while the Petitioner's services may benefit his employer, he did not show that his "proposed employment activities stand to have a broader impact on his field."

of dollars in transactions" or the extent to which other organizations throughout the field stand to use his specific cybersecurity services.

In addition to the Petitioner's personal statement and professional plan, the record includes articles on the importance of Cybersecurity & Infrastructure Security Agency initiatives, cyber defense, and effective approaches for security-by-design and security-by-default. The Petitioner claims that these articles show that his undertaking is "advancing matters of strategic interest" and therefore they support the national importance of his proposed endeavor. The determination of national importance does not focus on the importance of one's field or industry in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the Petitioner or his planned projects, or otherwise speak to the potential prospective impact of his specific proposed endeavor.

The Petitioner also argues that SCOPS' decision did not properly review letters of support from his colleagues. He provided letters of support from R-Z-, B-C-, N-W-, C-R-, J-P-G-, C-M-J-, and Dr. A-H- who mainly discuss the Petitioner's software development capabilities and experience in cybersecurity. The Petitioner's skills, knowledge, and prior work in his field relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id*. at 890. The issue here is whether the specific endeavor that he proposes to undertake has national importance under *Dhanasar's* first prong.

Regarding the Petitioner's proposed endeavor's prospective impact, B-C- asserts that the Petitioner's work "has played a pivotal role in advancing secure development practices at [redacted] particularly in the context of AI-powered applications. His expertise in application security has been instrumental in safeguarding our products, which are trusted by leading law firms and enterprises worldwide." B-C- further states that the Petitioner's "holistic approach to AppSec/Secure Development aligns with national priorities, as outlined by [redacted] He has consistently demonstrated unique skills in identifying and mitigating vulnerabilities, both within our proprietary AI systems and in third-party integrations." In addition, B-C- contends that the Petitioner's "proactive work has strengthened the security posture of our organization and contributed to industry-wide standards."

While the Petitioner's proposed endeavor offers services aimed at digital and physical cybersecurity measures, he has not provided evidence demonstrating that his proposed work would affect his industry or field at a level indicative of national importance. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. The letters from R-Z-, B-C-, N-W-, C-R-, J-P-G-, C-M-J-, and Dr. A-H- do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed work offers broader implications in his field or industry or substantial positive economic effects for our nation that rise to the level of national importance.

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of his work. The Petitioner's statements reflect his intention to provide cybersecurity services, but he has not offered sufficient information and evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. 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, we conclude the Petitioner has not shown that his specific proposed endeavor stands to sufficiently extend beyond his employer and his future projects to impact the cybersecurity field, the information technology industry, or U.S. technological interests more broadly at a level commensurate with national importance.

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 regional or national economy resulting from the Petitioner's projects would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id*. at 890.

The Petitioner has not established that his 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.

B. The Remaining *Dhanasar* Prongs

Because the documentation in the record does not establish the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. As this issue is dispositive of the Petitioner's appeal, we need not reach, and therefore 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) (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, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

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.