U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40304558

Date: AUG. 13, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) 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 EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

USCIS denied the petition, concluding that the record did not establish 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;
- 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

Service Center Operations (SCOPS) concluded that the Petitioner qualifies as a professional holding an advanced degree.[2] The record supports that conclusion. The remaining issue to be determined on appeal is whether the Petitioner established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

Although SCOPS determined that the Petitioner's proposed endeavor has substantial merit, SCOPS concluded that the record did not establish that the endeavor is of national importance, that the Petitioner is well positioned to advance the endeavor, or that it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner reiterates previous assertions concerning her eligibility, stating that SCOPS erred in concluding the endeavor lacks national importance and did not consider certain evidence. Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of her endeavor under the first prong of the *Dhanasar* analytical framework.

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.* The relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* In *Matter of Dhanasar*, we further 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.

The Petitioner, an enterprise account engineer working with [redacted] stated that her proposed endeavor is to provide consulting services to small and medium-sized enterprises (SMEs) "to enhance SME competitiveness, operational efficiency, and resilience." To help modernize SMEs, she will assist businesses "in migrating their IT infrastructure to flexible cloud platforms (such as [redacted], implementing best-in-class cybersecurity measures, and adopting digital tools that large enterprises use but at a scale and cost optimized for smaller firms." She asserted that helping

[2] The Petitioner has a master's degree in information systems from [redacted] University.

SMEs "adopt advanced digital technologies will drive innovation, create jobs, and strengthen U.S. economic security."

We agree with SCOPS that the Petitioner established her proposed endeavor has substantial merit. However, the record does not establish that the Petitioner's endeavor has national importance. While the Petitioner stressed the importance of strengthening "America's cyber posture...in the face of intensifying threats," highlighting that her endeavor "aligns with the national imperative to harden the private sector against cyber threats," she has not provided sufficient evidence to demonstrate that her individual work providing consultation services for SMEs would have an impact at a level of national importance.

To provide context concerning the national importance of her proposed endeavor, the Petitioner submitted documentation that includes information about the role of digital technology and cybersecurity in certain government initiatives, small businesses, the manufacturing industry, and the economy. The Petitioner asserted that her intention to provide cloud and digital solutions and to implement cutting-edge technology throughout the economy would serve to address such federal priorities as the fortification of cyber defense, the expansion of high-speed broadband to rural and underserved areas, and America's interest in remaining "at the forefront of innovation" in the arena o artificial intelligence. She also referenced the potential energy efficiency implications of cloud usage for businesses using servers that may have underutilized hardware drawing power, claiming that her services would "eliminate this wasteful redundancy." She did not, however, identify any specific solutions or explain how she would apply them on a nationally relevant level, surmising, "My involvement in professional networks and my plan to publish guidance will amplify the reach of my expertise." A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. She has not done so here.

The Petitioner also referenced the scalability of her endeavor to illustrate its national importance, and on appeal she again references "the endeavor's scalable and replicable impact." She has not, however, provided sufficient evidence to demonstrate that her specific work providing consulting services would have the prospective positive impacts that she has depicted. The Petitioner's assertions concerning the importance of her proposed endeavor focus on the significance of cybersecurity and the benefits of cloud storage for businesses, as opposed to the prospective impact of her role as an individual consultant among many others in her field offering cloud technology solutions to business clients. Again, it is not the overall importance of the industry or field in which the Petitioner intends to work, but the particular endeavor on which the Petitioner intends to embark that we consider in evaluating whether it is of national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889.

On appeal, she claims that the prospective impact of her endeavor "is supported by expert testimony from [redacted] engineers and product leads, peer-reviewed publications, and case studies of previous consulting success." The Petitioner initially provided letters of support from current and previous colleagues describing her skills and her roles in successful projects for her employers, but those letters do not discuss her proposed endeavor. In response to a request for evidence, she submitted two letters of recommendation from individuals who work in her field. A letter from F-O-A-, an engineer who states that he has reviewed the Petitioner's work, discusses the projects mentioned in the letters from her current and previous colleagues. The author repeats the Petitioner's claims concerning her endeavor, but he does not point to corroborating information demonstrating the endeavor's national

importance. A letter of recommendation from another engineer, A-O-, does not explain his knowledge of the Petitioner or her work, but reiterates her claims about the national importance of her endeavor. The letters do not provide information sufficient to demonstrate that her proposed endeavor would have an impact on a national scale.

The Petitioner also pointed to her intention to conduct workshops, publish best practice guides, and mentor staff for the businesses for which she would provide consultancy services to create "a culture of tech adoption in small firms" which would "sustain their growth" and spread "modernization across local economies." We note that, in *Matter of 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, the Petitioner has not explained how she would implement this modernization at a scale commensurate with national importance beyond a reliance on businesses to "share knowledge through industry associations and chambers of commerce . . . creating a ripple effect of best practices." Similarly, while the Petitioner referenced general economic impacts relating to cybersecurity to demonstrate the importance of her proposed endeavor, she has not elaborated on how her intention to provide cloud consultancy services would result in benefits to the regional or national economy that would reach the level of "substantial positive economic effects" contemplated by *Matter of Dhanasar*. *Id.* at 890.

The record does not establish the national importance of the proposed endeavor as required by the first prong of the *Dhanasar* precedent decision. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *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).

III. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, she has not established that she is eligible for or otherwise merits a national interest waiver as a matter of discretion. The petition will remain denied.

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.