U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43487999

Date: JUL. 01, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a senior security researcher, 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).

USCIS 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

The issue on appeal is whether the Petitioner has established the national importance of his proposed endeavor, as required under the first prong of *Dhanasar*. The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Dhanasar*, 26 I&N Dec. at 889. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* We agree with USCIS' conclusion that the proposed endeavor has substantial merit, but the Petitioner did not sufficiently establish it has national importance.

The Petitioner stated that he is employed as a senior security researcher at [redacted] where he identified security vulnerabilities in computer systems and software applications that could be exploited by cybercriminals. He explained that his duties include testing security products, researching emerging cyber threats, and working with engineering teams to improve the security of the company's products. The Petitioner also stated that he intends to continue this work at [redacted] by leading vulnerability disclosure efforts, improving secure software development practices, and advising engineering teams on strengthening enterprise software systems. He also plans to expand his contributions to government and public interest cybersecurity initiatives through responsible disclosure of critical threats, improved tooling for vulnerability detection, and publish research. According to the Petitioner, these activities will help improve cybersecurity practices, shape technical guidance for secure software development, and strengthen the cybersecurity of the United States.

The record contains letters of recommendation, industry reports and articles, among others.[2] USCIS concluded that the record did not establish the national importance of the endeavor as it did not show that the endeavor would have broader implications beyond the impact to the Petitioner's current employer and clients. On appeal, the Petitioner asserts USCIS misapplied the legal standard of review and disregarded probative evidence demonstrating eligibility under the *Dhanasar* framework. The Petitioner maintains that he established the broader implications of his proposed endeavor including the societal impacts from important security technologies.

In addition to his discussions relating to the proposed endeavor, the record includes articles on the importance of cybersecurity, cybersecurity talent shortage, cybersecurity government priorities, cybercrime, having a robust national cybersecurity strategy, and managing cybersecurity risks. The Petitioner claims that these articles 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.

[2] While we may not discuss every document submitted, we have reviewed and considered each one.

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" of 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 recognize the value of the claimed technological innovations and the importance of STEM related professions; however, merely working in an important field is insufficient to establish the national importance of the proposed endeavor. The Petitioner stated that he intends to identify and report security vulnerabilities and may work with multiple companies and government agencies. However, the record does not show how these activities would extend beyond benefiting the individual organizations that receive his services or implement his findings. While he may identify vulnerabilities affecting software, the record does not explain how his individual work would lead to broader changes in cybersecurity practices or otherwise have an impact on the cybersecurity field as a whole. The Petitioner also claims that his work will strengthen national security, protect critical infrastructure, and improve cybersecurity across the United States. However, these statements are general and are not supported by evidence showing how his specific work would produce those broader results. Although the Petitioner's work may provide important benefits to the companies or agencies for which he performs cybersecurity work, the record does not establish that the proposed endeavor has broader implications rising to the level of national importance.

The Petitioner submitted letters of recommendation describing his technical abilities and past accomplishments in cybersecurity. The authors explain that he identified significant software vulnerabilities, developed security solutions, and assisted his employers in strengthening the security of their products. These letters demonstrate that the Petitioner has made meaningful contributions to his employers and possesses technical expertise. However, they primarily describe the Petitioner's past work for private companies, including [redacted] and the benefits to those organizations and their products. Although several authors conclude that the Petitioner's work "contributes directly to the national interest" or "strengthens America's cybersecurity readiness," these statements are conclusory. The letters do not explain how the Petitioner's proposed endeavor itself has the potential to produce broad implications beyond the companies that employ him or use his services. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims.

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 enhance cybersecurity 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 company or clients to impact his field, the cybersecurity industry, national security, our country's public safety, the nation's economy, or U.S. technological interests more broadly at a level commensurate with national importance.

Finally, the Petitioner has not established that the endeavor would have a "a significant potential to employ U.S. workers" or otherwise reach the level of "substantial positive economic effects"

contemplated by *Dhanasar*. *Id.* at 890. The Petitioner did not submit sufficient evidence showing that his proposed endeavor would create jobs, generate significant economic activity, or otherwise result in measurable economic benefits in the United States. On appeal, the Petitioner argues that cyberattacks impose significant costs and that his work identifying and preventing security vulnerabilities would help reduce those losses. The evidence primarily established that cybersecurity is an important field but it does not sufficiently demonstrate that the Petitioner's proposed endeavor itself is likely to produce substantial positive economic effect. Without adequate evidence demonstrating any specific U.S. economic impact, job creation, or other significant economic activity directly attributable to his future work, the claims that the endeavor will provide substantial, direct positive economic effects is unpersuasive. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Because the documentation in the record does not establish the national importance of his proposed endeavor and that, on balance, waiving the job offer requirement would benefit the United States, as required by the first and third prongs of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. As these issues are dispositive of the Petitioner's appeal, we need not reach, and therefore reserve, determination of his eligibility under the second 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, we find that they have not established that the Beneficiary is eligible for or otherwise merits 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.