U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42219892

Date: JUL. 08, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, who specializes in digital transformation and cybersecurity, 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 record did not establish that he is eligible for a national interest waiver. 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. EB-2 CLASSIFICATION

The Petitioner indicated that he qualifies for the underlying EB-2 classification as both an advanced degree professional and an individual of exceptional ability. SCOPS concluded, without analysis, that the Petitioner qualifies as a professional holding an advanced degree because he has a master's degree. However, the record only includes a foreign degree titled "Bachelor of Science, with First Class Honours" in computing and information systems awarded by [redacted] and taught by [redacted] in Malta; a transcript reflecting his completion of 2 years of study or 120 ECTS credits; a diploma supplement; and an evaluation of qualifications from Malta. The record does not indicate that the Petitioner has a master's degree; therefore, we withdraw this finding. However, because SCOPS has not yet properly evaluated whether he has a degree equivalent to a U.S. bachelor's degree and 5 years of progressive experience to qualify as an advanced degree professional, or whether he qualifies as an individual of exceptional ability, we will reserve the issue of EB-2 classification for consideration in future proceedings. *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). The remaining issue to be determined on appeal is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

III. 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. 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. If the evidence of record demonstrates that an individual's proposed endeavor has the significant potential to, for example, contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance.[2]

[2] *See generally* 6 *USCIS Policy Manual* at F.5(D)(3), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.

The Petitioner's proposed endeavor is to serve as a chief executive officer and senior technology executive "leading digital transformation, Zero Trust cybersecurity implementation, Industry 4.0 adoption, and critical infrastructure resiliency programs across United States manufacturing, energy, and critical infrastructure sectors." The Petitioner is the vice president of Disruptive Technology at [redacted] LLC, a technology and consulting firm, and also serves as the managing director of [redacted], a subsidiary of the firm. To provide context for his proposed endeavor, the Petitioner submitted documentation concerning cybersecurity and the manufacturing sector in the form of industry reports, federal standards, and federal investment data from various U.S. government agencies and organizations. The Petitioner states that his proposed endeavor has national importance because it aligns with issues described in this documentation, explaining that his endeavor will address national cybersecurity priorities, will have significant potential to employ U.S. workers and generate substantial positive economic effects, and will have broader implications for U.S. manufacturing competitiveness.

Although SCOPS determined that the Petitioner established the substantial merit of his proposed endeavor and that he is well positioned to advance it, SCOPS concluded that he did not establish the endeavor's national importance or that, on balance, it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner asserts that SCOPS' decision was erroneous and maintains that he has established his eligibility for a national interest waiver. He asserts that SCOPS "improperly narrowed its focus to the specific company rather than evaluating the broader national implications of the endeavor," and that his endeavor "has implications that rise well beyond the interests of any single employer and have even global significance." Upon review of the record, we do not find that SCOPS improperly narrowed its focus to a specific company. However, SCOPS offered conclusory statements about the endeavor's national importance and did not provide sufficient analysis. Nevertheless, we agree that the record does not establish the endeavor's national importance; therefore, we will provide a more thorough analysis of the proposed endeavor in this decision.

While we conclude that SCOPS did not improperly narrow its focus to a specific company, the Petitioner's proposed endeavor appears to be directly related to his current employment. However, the record does not demonstrate the national importance of his endeavor beyond his employer.

For instance, the Petitioner submitted a paper from his employer titled "U.S. Manufacturing Market Research & Strategic Contribution." The paper discusses how federal legislation, technological acceleration, and shifting global dynamics are creating an unprecedented period of transformation and investment in the U.S. manufacturing sector, revealing gaps in talent, cybersecurity, supply chain resilience, and digital modernization. The paper states that, his employer, "through its advanced capabilities and executive leadership, is positioned to deliver high-value solutions." The paper discusses the strategic value areas that the company can offer, including designing programs to deploy smart factory solutions, implementing Zero Trust frameworks tailored for information technology (IT) and operational technology (OT) environments, digitization and resiliency measures, process electrification, and developing partnerships with educational institutions and field training to bolster workforce modernization and talent innovation. The paper also depicts a plan to expand the operation of the company by launching pilot projects in digital factory enablement, cybersecurity hardening, and augmented reality-based workforce training; targeting clients in sectors such as clean-tech, smart logistics, and robotic component manufacturing; and securing public funding where eligible. The plan anticipates that, within three years, the company will become a preferred transformation partner for

U.S. industrial clients and reach national recognition through contributions to government-backed digital and clean manufacturing initiatives.

This plan, however, does not clarify how the Petitioner, through his employer, will have an impact of national importance. Although the record includes documentation describing the types of services he intends to provide to manufacturing companies, he has not provided projections for [redacted] or forecasts based on objective evidence to demonstrate the company's potential economic impacts or job creation. It is not clear how the cybersecurity services offered by his individual company would impact the resiliency or efficiency of the manufacturing industry.

On appeal, the Petitioner resubmits technical documentation of his work through his employer for [redacted], a manufacturer of building products, to design a program to improve their manufacturing availability, reduce waste, automate processes, and have real-time data available for strategic decision-making. This documentation consists of programs and strategies to improve the company's cybersecurity and operations, and he cites it as evidence of millions of dollars in savings resulting from his "documented initiatives." According to a letter from the chief technology officer at [redacted], one such initiative—an "Accelerated Resiliency Program"—"addressed critical communication downtime vulnerabilities at remote U.S. manufacturing sites." However, while the letter from [redacted] acknowledges the Petitioner's role in implementing a cybersecurity program for the company, and the technical documentation depicts the methodologies he utilized, this material does not demonstrate how his work will have a broader impact on cybersecurity in the manufacturing industry. The program and strategy documents that the Petitioner cites on appeal—including the aforementioned resiliency program, the "Overall Equipment Effectiveness (OEE) Program," and the "M&A [Mergers and Acquisitions] Playbook"—all specifically state that they were designed for [redacted] and none include cost savings figures or information about how his work for [redacted] will impact the industry or otherwise have broader implications. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Here, the record does not contain evidence sufficient to demonstrate that his work for the manufacturing sector through his employer will have a wider impact beyond its benefits for its clients.

He also intends to create "mentorship pipelines that uplift and train U.S. engineers and managers to address documented shortages" by establishing relationships with technical colleges and universities. However, occupational shortages do not render a proposed endeavor nationally important under the *Dhanasar* framework.[3] In fact, such shortages are directly addressed by the U.S. Department of Labor through the labor certification process. And while his intention to create mentorship pipelines is notable, the Petitioner has not provided evidence of how any training programs developed through his company would have a significant impact on levels of employment in the field of engineering.

He stated, for instance, that he has "[f]ounded 3 Centers of Excellence and hosted 6 Disruptive Parties creating a formal future-leader pipeline." He submitted what appears to be a framework for a "Disruptive Party," which he described as "a cross-functional innovation accelerator that mitigated $5.6M in infrastructure risk, advanced modular cybersecurity design, and embedded mentorship to foster next-generation leadership." We note that this document is depicted as a framework designed for [redacted], and it is not accompanied by documentation or an explanation

[3] *See generally* 6 *USCIS Policy Manual, supra,* at F.5(D)(3).

clarifying its applicability to the field of manufacturing or cybersecurity more broadly. It is also not clear what the "Centers of Excellence" entail or how they relate to the mentorship pipelines. In addition, in *Dhanasar* we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not extend beyond his students to impact the field more broadly. *Matter of Dhanasar*, 26 I&N Dec. at 893. Here, although the Petitioner emphasized that his initiatives and mentorship of more than twenty-five individuals "create a multiplier effect that uplifts domestic talent, addresses the documented skills gap in cybersecurity . . . and strengthens American manufacturing competitiveness," he has not offered evidence of how his initiatives and mentorship demonstrate the potential prospective impact of his endeavor in the industry.

The Petitioner also submitted an overview of his company's offerings in a document titled, '[redacted]' (quoted as written). The whitepaper discusses the application of Zero Trust principles, discusses cybersecurity risks in manufacturing and industry challenges specific to OT, and it offers technology recommendations and integration strategies. It also provides a strategic roadmap for Zero Trust implementation in manufacturing, referencing the company's work for certain clients to provide examples of Zero Trust integration. The Petitioner states that the whitepaper has been cited in industry forums and adopted as an architectural baseline within Fortune 500 companies.

That statement, however, is not corroborated by evidence in the record, such as documentation showing citations or evidence of which Fortune 500 companies have utilized the Petitioner's work product. Instead, evidence of the adoption of the Petitioner's work is presented in letters from companies he partnered with to develop cybersecurity solutions for clients, including [redacted], which benefited from his services.

For example, a letter from [redacted] Inc., a company that provides IT management and communications services, states that "[d]uring a joint engagement, his guidance helped us design a hybrid manufacturing-resiliency architecture that combined secure satellite failover, wired connectivity, and Zero Trust access controls aligned with [national] security frameworks." A letter from [redacted], a cybersecurity company, states that they co-developed models and architectures with the Petitioner, asserting that his "contributions have directly advanced the [company's] ability to serve the U.S. industrial market and have shaped how data is delivered within critical manufacturing environments." And the letter from [redacted] states that he was "instrumental in implementing our Zero Trust Security Program, enhancing the cybersecurity posture across over 200 facilities." Although these letters express appreciation for the Petitioner's work improving their cybersecurity posture, it is not clear how his provision of services to clients such as these demonstrates greater implications for his services across the manufacturing industry.

We have also considered the Petitioner's claim that his proposed endeavor would impact areas that are the subject of national government initiatives. He affiliates his endeavor with federal initiatives to improve cybersecurity in the manufacturing sector and emphasizes that his methods align with federal frameworks, but the fact that an individual will work in a field related to the subject of national initiatives is not sufficient to demonstrate the national importance of the endeavor. The Petitioner must demonstrate the potential prospective impact of his proposed endeavor and how it affects those initiatives. Here, the Petitioner mainly relies on the importance of the field to demonstrate the potential significance of his endeavor, rather than any prospective positive impact resulting from the endeavor

itself. Again, it is not the overall importance of the industry, field, or profession in which an individual intends to work, but the particular endeavor on which an individual intends to embark that we consider in evaluating whether it is of national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889.

The record does not establish the national importance of the proposed endeavor as required by the first prong of *Matter of Dhanasar*. 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. at 25.

IV. 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, he has not established that he 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.