U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40106984

Date: JUL. 29, 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. 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. The record supports that conclusion; the Petitioner has the U.S.-equivalent of a master's degree in cybersecurity from [redacted] in the United Kingdom. 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.

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.

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. On appeal, the Petitioner reiterates previous assertions concerning his eligibility, asserting that SCOPS did not engage with certain evidence provided and introduced concerns about the proposed endeavor's economic impact that were not raised in a request for evidence. The Petitioner maintains that the record establishes his eligibility for a national interest waiver.

The Petitioner's proposed endeavor is to build and disseminate field-ready cybersecurity tools for businesses and institutions to prepare for future cyberattacks enabled through quantum computing, including public-sector agencies, healthcare systems, financial networks, and energy providers at risk of disruption following the advent of large-scale quantum computing. The goal of his project "is to provide scalable, secure, and interoperable models for post-quantum cryptographic (PQC) adoption in real-world systems." He plans to achieve this through algorithm configuration research, PQC protocol integration, hybrid cryptographic model design, side-channel resistance evaluation, and open-source toolkit development. He submitted a description of a structured initiative to accelerate the deployment of PQC systems throughout U.S. digital infrastructure, which he intends to disseminate through open sources. He also submitted his master's thesis on PQC algorithms, a letter of recommendation from an academic supervisor, and a letter of recommendation from a professional associate describing the Petitioner's leadership on the deployment of a work project.

To evaluate whether an endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of the proposed work. *Id.* at 889. Here, the Petitioner has not demonstrated the impact of his endeavor. His thesis and two letters of recommendation provide an overview of his field of research, but they do not discuss how his development of PQC toolkits for small and medium-sized institutions and public-sector entities will have an impact of national importance. The Petitioner has provided detailed descriptions of numerous elements involved in pursuing his endeavor, but his plans do not address potentially relevant logistical considerations, such as funding necessary for the endeavor or an anticipated timeline in which the endeavor might be achieved. Importantly, the Petitioner has not provided an explanation for how he expects his toolkits, available through open sources amongst any number of available cybersecurity tools, will be utilized at a scale commensurate with national importance.

Further, the Petitioner indicated that his affiliations and participation in certain activities demonstrate his endeavor's national importance, showing his "sustained commitment to the PQC field and collaboration with institutions driving national standards," and reflecting his "ability to synthesize best practices, disseminate tools, and actively participate in the national and international ecosystem driving post-quantum transition." But the Petitioner has not provided sufficient evidence to substantiate those claims.

For instance, the Petitioner highlighted his participation in the Open Quantum Safe Project, which, he stated, involves contributing to an open-source library that enables integration and testing of post-quantum algorithms. While he provided information about the project, the record does not include evidence of the Petitioner's contributions to the project. He also cited his participation in the Post-Quantum Cryptography Working Group, which, he stated, involves monthly discussions on federal implementation schedules and evolving guidelines provided by NIST. Although he provided information about the working group, the record does not include evidence of his involvement with the group. Similarly, while the record includes information about the PKI Consortium PQC Conference of 2025, where the Petitioner states he participated in workshops on PQC implementation and public key infrastructures, the record does not include evidence of the Petitioner's participation. He also pointed to a collaborative engagement with researchers at the [redacted] with whom he states he is discussing the furtherance of U.S.-based PQC research focused "on toolkit deployment and sector-specific rollouts." However, as with his stated professional affiliations, evidence of the Petitioner's engagement with the researchers he referenced is not present in the record. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without evidence to corroborate his assertions, the Petitioner has not demonstrated the potential prospective impact of the work he intends to undertake. *Id.* at 889.

The Petitioner also submitted documentation detailing the government's interest in developing cybersecurity strategies and solutions for the post-quantum computing era, as well as articles and reports discussing encryption methods and decryption threats, the economic effects of data breaches, and the potential significance of U.S. advancements in this area of research and development. However, he has not provided corroborating evidence or a more comprehensive explanation of how his specific endeavor would have broader implications for the United States. The Petitioner's overall claim of his endeavor's alignment with national priorities does not constitute evidence of the

endeavor's potential prospective impact. Again, it is not the importance of the field in which the Petitioner intends to work, but the specific endeavor on which he will embark that we consider when evaluating his endeavor's national importance. *Id.* 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. 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

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.